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Bill A missing

Hon. Sir John S. D. Thon ı, K.C.M.G.

M. P.,

Desk No. 18.

No. 2.] **BILL.** [1889.

An Act to permit foreign vessels to aid vessels wrecked or disabled in Canadian waters.

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

Foreign vessels may aid vessels in distress in Canadian waters.

1. Foreign vessels of all descriptions, with or without wrecking pumps, tools and apparatus, may enter Canadian waters contiguous to the United States, and render aid or assistance to foreign or other vessels wrecked or disabled in such waters, without reporting or making entry to or with any officer of Her Majesty's Customs ; and such pumps, tools and apparatus may be disembarked and landed in Canada for the purpose aforesaid without payment of any duty, fee or fine : Provided always, that such pumps, tools and apparatus, within ten days after rendering such aid or assistance, are re-embarked and taken out of Canada.

Commencement and duration of Act.

2. This Act shall take effect and remain in force when and so long as the like privilege of aiding Canadian or other vessels wrecked or disabled in American waters contiguous to Canada, is extended to Canadian vessels by the Government of the United States.

No. 2.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL.

An Act to permit foreign vessels to aid vessels wrecked or disabled in Canadian waters.

Received and read a first time, Monday, 4th February, 1889.
Second reading, Tuesday, 5th February, 1889.

Mr. KIRKPATRICK.

OTTAWA:
For the Queen's Printer, &c.
—
A. SENÉCAL, Superintendent of Printing.
—
1889.

No. 2.] **BILL.** [1889.

An Act to permit foreign vessels to aid vessels wrecked or disabled in Canadian waters.

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

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

U. S. vessels may render aid in Canadian waters.

1. United States vessels and wrecking appurtenances may render aid and assistance to United States or other vessels and property wrecked, disabled or in distress in Canadian waters contiguous to the United States.

Application of Act.

2. This Act shall be construed to apply to the Welland Canal, the canal and improvement of the waters between Lake Erie and Lake Huron, and to the waters of the St. Mary's River and Canal.

Coming into force of Act.

3. This Act shall come into force from and after a date to be named in a proclamation by the Governor General, which proclamation may be issued when the Governor in Council is assured that the privileges of aiding Canadian or other vessels and property wrecked, disabled or in distress in United States waters contiguous to the Dominion of Canada will be extended to Canadian vessels and wrecking appliances of all descriptions :

And its ceasing to be in force.

2. And this Act shall cease to be in force from and after a date to be named in a proclamation to be issued by the Governor General to the effect that the said reciprocal privilege has been withdrawn, revoked or rendered inoperative by the Government of the United States.

No. 2.

3rd Session, 6th Parliament, 52 Victoria, 1889.

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An Act to permit foreign vessels to aid vessels wrecked or disabled in Canadian waters.

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

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1889.

No. 2.] **BILL.** [1889.

An Act to permit foreign vessels to aid vessels wrecked or disabled in Canadian waters.

(*Reprinted as amended in Committee of the whole.*)

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

U. S. vessels may render aid in Canadian waters.

1. United States vessels of all descriptions may render aid or assistance to United States or other vessels wrecked or disabled in Canadian waters contiguous to the United States.

Coming into force of Act.

2. This Act shall come into force from and after a date to be named in a proclamation by the Governor General, which proclamation may be issued when the Governor in Council is assured that the privileges of aiding Canadian or other vessels wrecked or disabled in United States waters contiguous to the Dominion of Canada will be extended to Canadian vessels of all descriptions :

And its ceasing to be in force.

2. And this Act shall cease to be in force from and after a date to be named in a proclamation to be issued by the Governor General to the effect that the said reciprocal privilege has been withdrawn, revoked or rendered inoperative by the Government of the United States.

No. 2.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL.

An Act to permit foreign vessels to aid vessels wrecked or disabled in Canadian waters.

(*Reprinted as amended in Committee of the whole.*)

Mr. KIRKPATRICK

OTTAWA:
For the Queen's Printer, &c.

A. SENÉCAL, Superintendent of Printing.

1889.

No. 3.] **BILL.** [1889.

An Act to make further provision as to the prevention of cruelty to animals, and to amend chapter one hundred and seventy-two of the Revised Statutes of Canada.

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

R.S.C., c. 172, section 1 amended.

1. Section one of chapter one hundred and seventy-two of the Revised Statutes of Canada, intituled: "*An Act respecting Cruelty to Animals*," is hereby amended by adding thereto the following words: "and the expression 'animal' includes any horse, mare, gelding, bull, ox, cow, heifer, steer, calf, mule, ass, sheep, lamb, goat, pig, hog, sow, dog or cat, and every other domestic animal, fowl or bird, or wild animal, fowl or bird, tamed or domesticated."

Interpretation. "Animal."

Section 2 repealed; new section.

2. Section two of the said Act is hereby repealed and the following section substituted in lieu thereof:—

Cruelty to animals.

"**2.** Everyone who—

Ill-treating.

"(*a.*) Wantonly, cruelly or unnecessarily beats, binds, ill-treats, abuses, overdrives or tortures any cattle, poultry, dog, domestic animal or bird; or—

Damage while driving.

"(*b.*) While driving any cattle or other animal is, by negligence or ill-usage in the driving thereof, the means whereby any mischief, damage or injury is done by any such cattle or other animal; or—

Baiting.

"(*c.*) In any manner encourages, aids or assists at the fighting or baiting of any bull, bear, badger, dog, cock or other kind of animal, whether of domestic or wild nature; or—

Starving.

"(*d.*) Having the charge or custody of any animal, unnecessarily fails to provide the same with proper food, drink, shelter and protection from the weather; or—

Abandoning.

"(*e.*) Being the owner, driver or person having the charge or custody of any animal, wantonly and unnecessarily leaves disabled or abandons such animal; or—

Cruelly carrying.

"(*f.*) Wantonly and unnecessarily carries or causes to be carried, in or upon any vehicle, or otherwise, any animal in a cruel or inhuman manner; or—

Targets.

"(*g.*) Keeps or uses any live animal or bird for the purpose of being used as a target, or to be shot at, either for amusement or as a test of skill in marksmanship, or for any like purpose,—or shoots at such animal or bird,—or is present as a party, umpire or judge at any such shooting at any animal or bird,—or keeps, or knowingly rents any building, shed, room, yard, field or premises, or knowingly permits the use of any building, shed, room, yard, field or premises, for the purpose of shooting at any animal or bird as aforesaid;

Penalty.

"Shall, on summary conviction before two justices of the peace, be liable to a penalty not exceeding fifty dollars, or to imprisonment for any term not exceeding three months, with or without hard labor, or to both."

Section 4 amended.

3. Section four of the said Act is hereby amended by adding thereto the following sub-sections:—

Any person may interfere.

"2. Any person may interfere to prevent the perpetration of any act of cruelty done in his presence to any animal, and any person who interferes with or obstructs or resists any person so engaged shall, on summary conviction, be liable to a penalty not exceeding fifty dollars, or to imprisonment for any term not exceeding three months, with or without hard labor, or to both:"

Penalty for resisting.

Destruction of disabled animal.

"3. Any person may lawfully destroy or cause to be destroyed any animal found to be abandoned, or not properly cared for, when, in the judgment of two justices of the peace, called by him to view the same in his presence, it appears to be injured, disabled or diseased past recovery."

No. 3.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL.

An Act to make further provision as to the prevention of cruelty to animals, and to amend chapter one hundred and seventy-two of the Revised Statutes of Canada.

Received and read first time Monday, 4th February, 1889.
Second reading, Tuesday, 5th February, 1889.

Mr. BROWN.

OTTAWA:
For the Queen's Printer, &c.
A. SENÉCAL, Superintendent of Printing.
1889.

No. 4.] [1889.

BILL.

An Act further to amend the Revised Statutes, Chapter five, respecting the Electoral Franchise.

Preamble. R.S.C., s. 5.

IN further amendment of "*The Electoral Franchise Act*," Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

Section 9 amended.

1. Section nine of "*The Electoral Franchise Act*" is hereby amended by adding the following sub-section thereto :—

No person convicted of corrupt practices to be registered.

"2. No person, convicted on indictment of any corrupt practice, shall, during a period of seven years from the date of his conviction, be entitled to be registered on any list of voters or to vote."

Sections 15, 16 and 17 repealed ; new sections.

2. Sections fifteen, sixteen and seventeen of the said Act are hereby repealed and the following substituted therefor :—

Revision of lists and proceedings therefor.

"**15.** On or as soon as possible after the first day of June in each year, the revising officer being duly sworn as hereinbefore provided, shall cause the list of voters of the preceding year to be compared with the last assessment rolls, and shall, with all the information that he can obtain from that or any other source, proceed to revise each list of voters then in force under this Act for the electoral district or portion of an electoral district for which he is appointed, and shall prepare two supplementary lists in like form as the original list, one entitled 'Names to be added and corrections to be made,' and the other 'Names to be removed':

Supplementary lists.

Entries on first of such lists.

"2. He shall enter on the former of such supplementary lists the names of all persons not already on the original list, who, according to the provisions of this Act, are entitled to have their names so entered, indicating in the proper colnmn whether they are qualified in respect of real property, as owners, tenants, occupants or otherwise, and stating the numbers of the lots, portions of lots and concessions, streets or other available description of real property in respect of which they are qualified and their post office addresses as nearly as can be ascertained by the said officer, or whether they are qualified in respect of income, and as to the sons of farmers, or other owners' sons as aforesaid, and voters on income, stating also in such list in the proper columns thereof the residence and post office addresses of such persons as nearly as can be ascertained by him ; and he shall also note on a separate part of such supple-

mentary list any verbal or clerical corrections of the original list which seem necessary :

And on the second.

" 3. He shall enter on the latter of such lists the names of any persons whose names appear on the original list, and who are dead or who are not, according to the provisions of this Act, entitled to be registered as voters, stating the reason of such note :

How printed.

" 4. He shall sign such two supplementary lists as revising officer and shall transmit them to the Queen's Printer and Controller of Stationery who shall at once cause the same to be printed, with the description of the polling districts to which they respectively relate, and shall transmit a sufficient number of copies thereof to the revising officer:

Assessment rolls evidence.

" 5. Such assessment rolls as aforesaid shall be *primâ facie* evidence of value."

Erroneous entry to be corrected.

"**16.** The revising officer shall not enter on such second supplementary list as to be removed from the original list the name of any person entered on the original list of voters on the ground that the qualification of such person is incorrectly entered thereon, if it appears that such person is entitled to be registered on the list of voters as possessed of any of the qualifications set forth in this Act ; but the revising officer shall enter the name of such person on the first supplementary list, with the necessary corrections."

Publication of lists.

"**17.** Immediately after the revising officer has received the printed copies of such supplementary lists from the Queen's Printer, he shall, for the purpose of making the final revision of the original list, certify the said supplementary lists as such officer, and on or before the first day of October in the year in which such supplementary lists are prepared, he shall publish the original list and such two supplementary lists by causing three copies of each to be posted up, or exposed for inspection, one in each of three conspicuous public places in the polling district to which they relate, and to each of such copies shall be appended a notice in the form C in the schedule to this Act, appointing a time and place for the final revision of each such list as hereinafter provided ; and he shall deliver copies thereof to any persons applying for the same, upon payment therefor of a price proportionately sufficient to cover the cost of printing the same, but such price shall not exceed twenty-five cents for copies of the lists for each polling district :

Notice to be attached.

Copies on application.

Copies to be sent to certain officials.

" 2. The revising officer shall also deliver to the persons following, or transmit to them by registered letters, copies of such lists for polling districts, to their last known addresses, that is to say : to the mayor and to the clerk or the secretary-treasurer of the council of every city, town, township, parish or village in the electoral district, or portion of an electoral district, one copy of every list relating to such municipality or polling district ; to the sheriff, warden, clerk of the peace and judge of the county or district court of the county, union of counties or district, and, in the Province of

Quebec, of the Superior Court for Lower Canada of the district in which such electoral district or portion of an electoral district is situate for judicial purposes, one copy of each of such lists relating to such electoral district which is situate within such county, union of counties or judicial district; and ten copies of each of such lists to the member or each of the members of the House of Commons for the said electoral district or portion of an electoral district, and to the unsuccessful candidate or each of the unsuccessful candidates at the polls at the then last election for the same." And others.

3. Sub-section two of section nineteen of the said Act is hereby repealed and the following substituted therefor:— Section 19 amended.

"2. Any person desiring to object or to add to, or in any way to amend or correct the original list, or either of the supplementary lists, on the final revision, shall have the right so to object or to apply for the said addition, amendment or correction to the revising officer, if he has, at least two weeks before the day fixed for such final revision, deposited with or mailed to the revising officer, by registered letter, at his office or place of address, a notice in the form D in the schedule to this Act; and in the event of any person desiring to object to any name on the original list or on the supplementary list containing the names proposed to be added, the person so objecting shall also give notice in writing at least two weeks before the day fixed for such final revision to the person whose name is objected to, and in the like form as to the revising officer, by delivering such notice to such person, or by mailing the same by registered letter to his last known post office address." Notice of objections and amendments. Notice to person objected to.

4. The expression "list," wherever it occurs in section twenty of the said Act, includes the original list of voters and the supplementary lists of voters in this Act before mentioned. Section 20 interpreted.

5. Section twenty-one of the said Act is hereby repealed and the following substituted therefor:— Section 21 repealed; new section.

"**21.** After the lists for the several polling districts have been so finally revised, the revising officer shall proceed to correct the original list, by inserting in their proper places the names of the persons contained in the supplementary list first mentioned in section fifteen as finally revised by him, and shall likewise make the corrections on the original list, as set forth in such supplementary list; he shall also strike out from the original list all the names contained in the supplementary list secondly mentioned in section fifteen, as finally revised by him, and shall certify the original list as so corrected in the form E in the schedule to this Act: Correction o lists. To be certified.

"2. Copies in triplicate of such revised and amended lists shall be prepared by the revising officer who shall retain one copy and shall forward the two others by registered letter to the Clerk of the Crown in Chancery at Ottawa: Disposal of copies.

Publication by Clerk of the Crown in Chancery.

"3. The Clerk of the Crown in Chancery, on receipt of all the said lists for any electoral district, shall, in the then next isssue of the *Canada Gazette*, insert a notice in the form F in the schedule to this Act,—on and after the publication of which notice the persons whose names are entered on the said lists as voters shall, subject to any correction or amendment made by any judgment on appeal, as hereinafter provided for, be held to be duly registered voters in and for such electoral district:

Effect of notice in *Gazette*, and as to appeals.

"4. In the event of any such appeal, such lists, after the publication of the last mentioned notice in the *Canada Gazette*, shall apply to every election for such electoral district or portion of an electoral district, taking place before such appeal has been disposed of and the result thereof communicated to the revising officer, subject to the provisions of "*The Dominion Elections Act*" with respect to the counting of the ballot of any voter whose right to have his name registered as a voter upon any such list and to vote, or the exclusion of whose name from any such list as a voter is the subject of an undecided appeal:

When lists to be shall be finally certified, &c.

"5. Every such list shall be so finally revised and certified, and the duplicate copies thereof forwarded to the Clerk of the Crown in Chancery at Ottawa, on or before the thirty-first day of December in each year:

As to printing of lists.

"6. The Clerk of the Crown in Chancery shall, immediately on the receipt of each of such lists, transmit one of the duplicates received by him to the Queen's Printer, who, as such lists are received by him, shall cause them to be printed, after verification by the revising officers, and shall transmit a sufficient number of each to the revising officer and to the Clerk of the Crown in Chancery at Ottawa."

Section 23 repealed; new section.

6. Section twenty-three of the said Act is hereby repealed and the following substituted therefor:—

Alteration of polling districts in case of change of population.

"**23.** Whenever the number of voters in any polling district appears by the original list to have increased so as to exceed two hundred and fifty, or whenever the revising officer considers that the convenience of the voters would be promoted by a new and different subdivision, he shall, before proceeding to the preparation of the supplementary lists as hereinbefore provided, by an order under his hand, in the form G in the schedule to this Act, divide every city, town, ward, parish, township or other municipal or corresponding division, or if there is no such municipal or corresponding division, any tract of land in which such polling district is situate, having, according to the lists of voters relating to it, more than two hundred and fifty voters therein, by well-defined boundaries, such as streets, highways, side lines, concession lines or the like, into new polling districts, in such a manner that the number of voters in the several polling districts in such electoral district or portion of an electoral district shall be as nearly equal as may be, and shall not in any one case exceed two hundred, and so again,

from time to time as like occasion requires, using for that purpose on all occasions the then last revised and corrected lists of voters in force under this Act:

Publication of order.

"2. The revising officer, after making such division, shall forthwith publish such order by posting up or exposing for inspection in some public place in each polling district a copy thereof, certified by him; and the revising officer in his then next revision of such lists shall make such revision upon the basis of such new division into polling districts:

Polling districts in P. E. Island.

"3. Polling districts in the Province of Prince Edward Island may comprise parts of several townships:

Designation of polling districts.

"4. Each of such polling districts shall be numbered, with a local designation attached to such number, in and by the said order of the revising officer by which they are established, and such order shall forthwith, after the making thereof, be filed and thereafter kept by the revising officer for the purposes of this Act:

Separate list for each polling district.

"5. Immediately after such new division into polling districts, the revising officer shall prepare from the original list of voters a separate list of voters for each such polling district, containing in alphabetical order the names of all voters qualified to be registered as voters and to vote in such polling district, and in the form B in the schedule to this Act, and he shall sign the same as such officer; and, as respects each such new polling district, he shall prepare separate supplementary lists as provided by section fifteen and shall transmit each such new list and such supplementary lists to the Queen's Printer to be printed; and on the receipt by him of the printed copies, he shall proceed, for the purpose of making the final revision, as if the new lists prepared by him under the foregoing provisions of this section was the original list mentioned in section fifteen."

And supplementary lists.

Section 25 amended.

7. Section twenty-five of the said Act is hereby amended by adding the following sub-section thereto:—

Copies of summons.

"5. The revising officer shall, at the request of any person applying for the same, furnish a certified copy of any summons issued by him under the provisions of this section on payment to him of a fee of five cents for each such copy."

Section 32 repealed; new section.

8. Section thirty-two of the said Act is hereby repealed and the following substituted therefor:—

Copies of lists to be furnished on payment.

"**32.** The revising officer, the Clerk of the Crown in Chancery and the Queen's Printer shall supply certified copies of the said lists to any person or persons applying for the same and paying therefor at the rate payable for copies of lists furnished under section seventeen of this Act; and every revising officer and the Clerk of the Crown in Chancery shall account to the Queen's Printer as respects all sales of lists made by them under this section:

To be deemed authentic copies.

"2. Every copy of a list of voters supplied by the revising officer, the Clerk of the Crown in Chancery or the Queen's Printer, and certified by any one of such officers as correct, in the form E in the schedule to this Act, shall be deemed to be an authentic copy of such list."

Form B repealed; new form.

9. Form B in the schedule to the said Act is hereby repealed and the following substituted therefor:—

"B

LIST OF VOTERS—188 —

For the Polling District No. of the (*Municipality of, or the City or Town, or as the case may be*) of in the Electoral District of

LIST OF POST OFFICES, WITH THEIR REFERENCE NUMBERS.

1. Campbelltown.
2. Cowal.
3. Absent.
4. Iona.
5. Iona Station.
6. Largie.
7. Port Talbot.
8. Tyrconnel.
9. Wallacetown.

POLLING DISTRICT No. .

Comprising (*as the case may be*)

Explanation of abbreviations in the column "Qualification":—O., owner; T., tenant; F. S., farmer's son; S O., son of owner; I., income; Oc., occupant; F. & O., fisherman and owner.

No.	Name in Full. (*Surname First.*)	Post Office Address.	Occupation.	Qualification.	Description of Property or Residence.
1	Atkinson, Alfred.....	9	Carpenter.....	S.O.	Lot 21, con. 3.
2	Adams, Wm. Henry..	8	Farmer.....	O.	N.W. pt. lot 28, con. 6.
3	Asseltine, Pierre.....	1	Stonemason.....	T.	Pt. 20, broken front, Rideau
4	Benjamin, Ernest.....	7	Bricklayer.....	I.	667 Wellington street, W.
5	Bissonnette, Paul.....	4	Fisherman.....	F. & O.	Pt. 34, range No. 10.
6	Brennan, Edward.....	2	Plasterer.....	I.	8 Broad street.
7	Campion, Francis.....	3	Farmer.....	F.S.	Lot 21, con. 4.
8	Cooper, Charles.....	5	Printer.....	T.	Pt. 10, east George street.
9	Clegge, William.....	6	Painter.....	Oc.	Lot 14, Elgin street.

Dated , 188 .

A. B.,
Revising Officer for the Electoral District (or part of the Electoral District) of .

Form C repealed; new form.

10. Form C in the schedule to the said Act is hereby repealed and the following substituted therefor:—

C.

Notice by Revising Officer of Final Revision of Lists of Voters for each Polling District.

The revising officer for the electoral district (*or* portion of the electoral district) of in the Province of , under "*The Electoral Franchise Act*," hereby gives notice that he will hold a court (*or* sitting) on the day of , 18 , at o'clock in the noon at in the of , in the said electoral district for the final revision of the list of voters for polling district No. , of the said electoral district.

All notices of objections and claims for additions to or amendment or correction of the said list or of the supplementary lists relating thereto, with the grounds therefor, and the name, addition and post office address of the person objecting to any name on any such list, or claiming to add to, amend or correct any such list in any other respect, must be delivered to the said revising officer at , or sent to him by registered letter addressed to him at , before the day of 18 , in the same form, as nearly as may be, as of notice of complaint, in the form D in the schedule to "*The Electoral Franchise Act.*"

If the objection be to the name of any person already on the list, or on the supplementary list containing the names proposed to be added, the person so objecting must, at the same time, deliver or mail by registered letter to the person whose name is so objected to, at his last known address, a copy of the notice of objection.

Dated 18

A. B.,
Revising Officer for the electoral district (or portion of the electoral district) of

11. Form E in the schedule to the said Act is hereby repealed and the following substituted therefor :— Form E repealed; new form.

E.

Certificate of List of Voters.

I, , the undersigned revising officer, for the electoral district (*or* portion of the electoral district) of in the Province of , *or* Clerk of the Crown in Chancery, *or* Queen's Printer for Canada, *as the case may be*) do hereby certify that the foregoing list, consisting of pages, is a true copy of the list of voters for polling district number in the electoral district of as finally revised (*or* as finally revised and corrected on appeal, *as the case may be*) for the year under "*The Electoral Franchise Act.*"

Dated 18

A.B.,
Revising Officer for the electoral district (or *portion of the electoral district*) *of* ,
or C.D.,
Clerk of the Crown in Chancery,
or B.C.,
Queen's Printer for Canada.

12. Sections seven and eighteen of the said Act are hereby repealed. Sections repealed.

Lists need not be revised in 1889.

13. It shall not be necessary that any revision of the lists of voters prepared in accordance with the provisions of "*The Electoral Franchise Act*" shall be proceeded with during the present year, one thousand eight hundred and eighty-nine, but the lists of voters in force at the time of the passing of this Act shall continue in force until the same are finally revised, in accordance with the provisions of the said Act, in the year one thousand eight hundred and ninety.

No. 4.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL.

An Act further to amend the Revised Statutes, Chapter five, respecting the Electoral Franchise.

Received and read a first time, Monday, 4th February, 1889.
Second reading, Tuesday, 5th February, 1889.

Sir JOHN THOMPSON.

OTTAWA:
For the Queen's Printer, &c.
—
A. SENÉCAL, Superintendent of Printing.
—
1889.

No. 4.] **BILL.** [1889.

An Act further to amend the Revised Statutes, Chapter five, respecting the Electoral Franchise.

(Reprinted as amended in Committee of the Whole.)

Preamble. R.S.C., s. 5.

IN further amendment of "*The Electoral Franchise Act*," Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

Section 9 amended.

1. Section nine of "*The Electoral Franchise Act*" is hereby amended by inserting in the sixth line after the word "of" the words "and does not hold a location ticket for," and also by adding the following sub-section thereto :—

No person convicted of corrupt practices to be registered.

"2. No person found guilty of any corrupt practice under the provisions of "*The Dominion Elections Act*," shall, during the seven years next after the time at which he is so found guilty, be entitled to be registered on any list of voters, subject however to the removal of such disqualification under the provisions of section ninety-nine of the said Act."

2. Section thirteen of "*The Electoral Franchise Act*." is hereby repealed.

Sections 15, 16 and 17 repealed; new sections.

3. Sections fifteen, sixteen and seventeen of the said Act are hereby repealed and the following substituted therefor :—

Revision of lists and proceedings therefor.

"**15.** On or as soon as possible after the first of June in each year, the revising officer shall cause the list of voters to be compared with the last assessment rolls, and with all the information that he can obtain from that source, and from provincial, municipal, and other official lists, records, and proceedings, and by means of solemn declarations made as hereafter provided according to the statute relating to extra judicial oaths, shall proceed to revise each list of voters then in force under this Act for the electoral district or portion of an electoral district for which he is appointed, and shall prepare two separate lists in like form as the original list, one entitled 'Names to be added and corrections to be made,' and the other 'Names to be removed':

Supplementary lists.

Declaration, by whom to be made.

"2. The solemn declaration in this section referred to may be made by any person claiming the right to be registered in the electoral district or claiming that some other person therein named should be registered as a voter, and shall be to the effect that to his personal knowledge, or according to his information and belief (the grounds of which shall be

stated), the person or persons in respect of whom such declaration is made, is or are entitled to registration; the qualification of the person claimed to be entitled to be added to the list shall be stated in the declaration, and such declaration, unless made by a person claiming that he, the declarant, is entitled to be added to the list, shall be made by an elector of the electoral district; the revising officer shall receive all such declarations up to the time when he transmits the supplementary lists to the Queen's Printer and Controller of Stationery as hereinafter mentioned, and he shall exhibit to any person requiring to examine the same all such declarations deposited with him, and shall permit copies thereof to be taken:

To be received by revising officer.

Entries on first of such lists.

"3. He shall enter on the former of such supplementary lists the names of all persons not already on the original list, who, according to the provisions of this Act, are entitled to have their names so entered, indicating in the proper column whether they are qualified in respect of real property, as owners, tenants, occupants or otherwise, and stating the numbers of the lots, portions of lots and concessions, streets or other available description of real property in respect of which they are qualified and their post office addresses as nearly as can be ascertained by the said officer, or whether they are qualified in respect of income, and as to the sons of farmers, or other owners' sons as aforesaid, and voters on income, stating also in such list in the proper columns thereof the residence and post office addresses of such persons as nearly as can be ascertained by him; and he shall also note on a separate part of such supplementary list any verbal or clerical corrections of the original list which seem necessary:

And on the second.

"4. He shall enter on the latter of such lists the names of any persons whose names appear on the original list, and who are dead or who are not, according to the provisions of this Act, entitled to be registered as voters, stating the reason of such note:

How printed.

"5. He shall sign such two supplementary lists as revising officer and shall transmit them, not sooner than the first day of August to the Queen's Printer and Controller of Stationery who shall at once cause the same to be printed, with the description of the polling districts to which they respectively relate, and shall transmit a sufficient number of copies thereof to the revising officer:

Assessment rolls evidence.

"6. Such assessment rolls as aforesaid shall be *primâ facie* evidence of value and qualification."

Erroneous entry to be corrected.

"**16.** The revising officer shall not enter on such second supplementary list as to be removed from the original list the name of any person entered on the original list of voters on the ground that the qualification of such person is incorrectly entered thereon, if it appears that such person is entitled to be registered on the list of voters as possessed of any of the qualifications set forth in this Act; but the revising officer shall enter the name of such person on the first supplementary list, with the necessary corrections.

"**17.** Immediately after the revising officer has received the printed copies of such supplementary lists from the Queen's Printer, he shall, for the purpose of making the final revision of the list, and after comparing and correcting the printed copies of the supplementary lists with the supplementary lists signed by him, certify the said supplementary lists as such officer, and on or before the first day of October in the year in which such supplementary lists are prepared, he shall publish the original list and such two supplementary lists by causing three copies of each to be posted up or exposed for inspection, one in each of three conspicuous public places in the polling district to which they relate, and to each of such copies shall be appended a notice in the form C in the schedule to this Act, appointing a time and place for the final revision of each such list as hereinafter provided; and he shall deliver copies thereof to any persons applying for the same, upon payment therefor of a price proportionately sufficient to cover the cost of printing the same, but such price shall not exceed ten cents for each copy of the list for a polling district.

Publication of lists.

Notice to be attached.

Copies on application.

"2. The revising officer shall also deliver or transmit by prepaid letter to the mayor, reeve, deputy reeve, clerk or secretary-treasurer of every city, town, township, parish and village (and in Prince Edward Island to the secretary of every school district), one copy of the list for every polling district comprised within the city, town, township, parish, village or school district for which such mayor, reeve, deputy reeve, clerk or secretary-treasurer or secretary of a school district is appointed, and also to each postmaster a copy to be posted in his office of the list of the polling district, in which such postmaster's post office is situated. He shall also deliver or transmit as aforesaid one copy of every list relating to the electoral district or portion of electoral district which he is appointed to revise, to the sheriff, clerk of the peace or county clerk, warden, judge of the county court or district court of the county, union of counties or district, and, in the province of Quebec, of the Superior Court of Lower Canada of the district in which the electoral district or portion of an electoral district is situate for judicial purposes; and ten copies of every such list to the member or each of the members of the House of Commons for the said electoral district or portion of an electoral district and to the unsuccessful candidate or each of the unsuccessful candidates at the last election for the electoral district."

Copies to be sent to certain officials.

And others.

4. Sub-section two of section nineteen of the said Act is hereby repealed and the following substituted therefor:—

Section 19 amended.

"2. Any person desiring to object or to add to, or in any way to amend or correct the original list, or either of the supplementary lists, on the final revision, shall have the right so to object or to apply for the said addition, amendment or correction to the revising officer, if he has, at least two weeks before the day fixed for such final revision, deposited with or mailed to the revising officer, by registered letter, at his office or place of address, a notice in the form

Notice of objections and amendments.

Notice to person objected to.

D in the schedule to this Act; and in the event of any person desiring to object to any name on the original list or on the supplementary list containing the names proposed to be added, the person so objecting shall also give notice in writing at least two weeks before the day fixed for such final revision to the person whose name is objected to, and in the like form as to the revising officer, by delivering such notice to such person, or by mailing the same by registered letter to the post office address given in the list or to his last known post office address."

Section 20 interpreted.

5. The expression "list," wherever it occurs in section twenty of the said Act, includes the original list of voters and the supplementary lists of voters in this Act before mentioned :

2. The following subsection is hereby added to the said section twenty :—

When application shall not be dismissed.

"3. No application to add or to remove a name shall be dismissed on account of erro· in the name, surname or designation mentioned therein, provided such error is corrected on or before the final revision, and provided that the revising officer is satisfied that the application was reasonably certain and that no person concerned was misled by such error."

Section 21 repealed; new section.

6. Section twenty-one of the said Act is hereby repealed and the following substituted therefor :—

Correction of lists.

"**21.** After the lists for the several polling districts have been so finally revised, the revising officer shall proceed to correct the original list, by inserting in their proper places the names of the persons contained in the supplementary list first mentioned in section fifteen, as finally revised by him, and shall likewise make the corrections on the original list, as set forth in such supplementary list; he shall also strike out from the original list all the names contained in the supplementary list secondly mentioned in section fifteen, as finally revised by him, and shall, after giving reasonable notice and delay so as to enable errors to be corrected, certify the original list as so corrected in the form E in the schedule to this Act:

To be certified.

Disposal of copies.

"2. Copies in triplicate of such revised and amended lists shall be prepared by the revising officer who shall retain one copy and shall forward the two others by registered letter to the Clerk of the Crown in Chancery at Ottawa:

Publication by Clerk of the Crown in Chancery.

"3. The Clerk of the Crown in Chancery, on receipt of all the said lists for any electoral district, shall, in the then next isssue of the *Canada Gazette*, insert a notice in the form F in the schedule to this Act,—on and after the publication of which notice the persons whose names are entered on the said lists as voters shall, subject to any correction or amendment made by any judgment on appeal, as hereinafter provided for, be held to be duly registered voters in and for such electoral district:

"4. In the event of any such appeal, such lists, after the publication of the last mentioned notice in the *Canada Gazette*, shall apply to every election for such electoral district or portion of an electoral district, taking place before such appeal has been disposed of and the result thereof communicated to the revising officer, subject to the provisions of "*The Dominion Elections Act*" with respect to the counting of the ballot of any voter whose right to have his name registered as a voter upon any such list and to vote, or the exclusion of whose name from any such list as a voter is the subject of an undecided appeal: Effect of notice in *Gazette*, and as to appeals.

"5. Every such list shall be so finally revised and certified, and the duplicate copies thereof forwarded to the Clerk of the Crown in Chancery at Ottawa, on or before the thirty-first day of December in each year: When lists shall be finally certified, &c.

"6. The Clerk of the Crown in Chancery shall. immediately on the receipt of each of such lists, transmit one of the duplicates received by him to the Queen's Printer, who, as such lists are received by him, shall cause them to be printed and, after verification by the revising officer, he shall transmit a sufficient number of each to the revising officer and to the Clerk of the Crown in Chancery at Ottawa: As to printing of lists.

"7. A copy of the list so printed shall be sent to each member of the House of Commons for the electoral district, and one copy to each of the defeated candidates for such electoral district at the then next preceding election for such electoral district."

7. Section twenty-five of "*The Electoral Franchise Act*," is hereby amended by adding the following subsection thereto:— Section 25 amended.

"5. The revising officer shall, at the request of any person applying for the same, furnish a certified copy of any summons issued by him under the provisions of this section on payment to him of a fee of five cents for each such copy." Copies of summons.

8. Section thirty-two of the said Act is hereby repealed and the following substituted therefor:— Section 32 repealed; new section.

"**32.** The revising officer, the Clerk of the Crown in Chancery and the Queen's Printer shall supply certified copies of the said lists to any person or persons applying for the same and paying therefor at the rate payable for copies of lists furnished under section seventeen of this Act; and every revising officer and the Clerk of the Crown in Chancery shall account to the Queen's Printer as respects all sales of lists made by them under this section: Copies of lists to be furnished on payment.

"2. Every copy of a list of voters supplied by the revising officer, the Clerk of the Crown in Chancery or the Queen's Printer, and certified by any one of such officers as correct, in the form E in the schedule to this Act, shall be deemed to be an authentic copy of such list." To be deemed authentic copies.

9. Declarations made for any of the purposes of the said Act as amended by this Act or any other amending Acts

may be made before any reeve, deputy reeve or municipal councillor, or before any other person thereunto authorized, and all such persons shall for such purposes be justices of the peace.

Form B repealed; new form.

10. Form B in the schedule to the said Act is hereby repealed and the following substituted therefor:—

"B

LIST OF VOTERS—188 —

For the Polling District No. of the (*Municipality of, or the City or Town, or as the case may be*) of in the Electoral District of

LIST OF POST OFFICES, WITH THEIR REFERENCE NUMBERS.

1. Campbelltown.
2. Cowal.
3. Absent.
4. Iona.
5. Iona Station.
6. Largie.
7. Port Talbot.
8. Tyrconnel.
9. Wallacetown.

POLLING DISTRICT No. .

Comprising (*as the case may be*)

Explanation of abbreviations in the column "Qualification":—O., owner; T., tenant; F. S., farmer's son; S. O., son of owner; I., income; Oc., occupant; F. & O., fisherman and owner.

No.	Name in Full. (*Surname First.*)	Post Office Address.	Occupation.	Qualification.	Description of Property or Residence.
1	Atkinson, Alfred.....	9	Carpenter.....	S.O.	Lot 21, con. 3.
2	Adams, Wm. Henry..	8	Farmer.....	O.	N.W. pt. lot 28, con. 6.
3	Asseltine, Pierre.....	1	Stonemason.....	T.	Pt. 20, broken front, Rideau
4	Benjamin, Ernest.....	7	Bricklayer.....	I.	667 Wellington street, W.
5	Bissonnette, Paul.....	4	Fisherman.....	F. & O.	Pt. 34, range No. 10.
6	Brennan, Edward.....	2	Plasterer.....	I.	8 Broad street.
7	Campion, Francis.....	3	Farmer.....	F.S.	Lot 21, con. 4.
8	Cooper, Charles.....	5	Printer.....	T.	Pt. 10, east George street.
9	Clegge, William.....	6	Painter.....	Oc.	Lot 14, Elgin street.

Dated , 188 .

A. B.,
Revising Officer for the Electoral District (or part of the Electoral District) of ."

Form C repealed; new form.

11. Form C in the schedule to the said Act is hereby repealed and the following substituted therefor:—

"C.

Notice by Revising Officer of Final Revision of Lists of Voters for each Polling District.

The revising officer for the electoral district (*or* portion of the electoral district) of in the Province of , under "*The Electoral Franchise Act*," hereby gives notice that he will hold a court (*or* sitting) on the day of , 18 , at o'clock in the noon at in the of , in the said electoral district for the final revision of the list of voters for polling district No. , of the said electoral district.

All notices of objections and claims for additions to or amendment or correction of the said list or of the supplementary lists relating thereto, with the grounds therefor, and the name, addition and post office address of the person objecting to any name on any such list, or claiming to add to, amend or correct any such list in any other respect, must be delivered to the said revising officer at , or sent to him by registered letter addressed to him at , before the day of 18 , in the same form, as nearly as may be, as of notice of complaint, in the form D in the schedule to "*The Electoral Franchise Act.*"

If the objection be to the name of any person already on the list, or on the supplementary list containing the names proposed to be added, the person so objecting must, at the same time, deliver or mail by registered letter to the person whose name is so objected to, at his last known address, a copy of the notice of objection.

Dated 18

A. B.,
Revising Officer for the electoral district (or portion of the electoral district) of ."

12. Form E in the schedule to the said Act is hereby repealed and the following substituted therefor :— Form E repealed; new section.

" E.

Certificate of List of Voters.

I, , the undersigned revising officer for the electoral district (*or* portion of the electoral district) of in the Province of , (*or* Clerk of the Crown in Chancery, *or* Queen's Printer for Canada, *as the case may be*) do hereby certify that the foregoing list, consisting of pages, is a true copy of the list of voters for polling district number in the electoral district of as finally revised (*or* as finally revised and corrected on appeal, *as the case may be*) for the year under "*The Electoral Franchise Act.*"
Dated 18

A.B.,
Revising Officer for the electoral district (or *portion of the electoral district*) *of* ,
or C.D.,
Clerk of the Crown in Chancery,
or B.C.,
Queen's Printer for Canada."

13. Sections seven and eighteen of the said Act are hereby repealed. Sections repealed.

No. 4.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL.

An Act further to amend the Revised Statutes, Chapter five, respecting the Electoral Franchise.

(*Reprinted as amended in Committee of the Whole.*)

Sir JOHN THOMPSON.

OTTAWA:
For the Queen's Printer, &c.

A. SENÉCAL, Superintendent of Printing.

1889.

No. 5.] **BILL.** [1889

An Act relating to Bills of Exchange, Cheques, and Promissory Notes.

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

PART I.

PRELIMINARY.

1. This Act may be cited as "*The Bills of Exchange Act*, 1889." Short title.

2. In this Act, unless the context otherwise requires,— Interpretation.

(*a.*) The expression "Acceptance" means an acceptance completed by delivey or notification ; "Acceptance."

(*b.*) The expression "Action" includes counter claim and set off; "Action."

(*c.*) The expression "Banker" includes a body of persons, whether incorporated or not, who carry on the business of banking ; "Banker."

(*d.*) The expression "Bankrupt" includes any person whose estate is vested in a trustee or assignee under the law for the time beingin force relating to bankruptcy or insolvency ; "Bankrupt."

(*e.*) The expression "Bearer" means the person in possession of a bill ornote which is payable to bearer ; "Bearer."

(*f.*) The expression "Bill" means bill of exchange, and "note" means promissory note ; "Bill;" "Note."

(*g.*) The expression "Delivery" means transfer of possession, actual or constructive, from one person to another ; "Delivery."

(*h.*) The expression "Holder" means the payee or indorsee of a bill or note who is in possession of it, or the bearer thereof; "Holder."

(*i.*) The expression "Indorsement" means an indorsement completed by delivery ; "Indorsement."

(*j.*) The expression "Issue" means the first delivery of a bill or note, complete in form, to a person who takes it as a holder ; "Issue."

(*k.*) The expression "Value" means valuable consideration ; "Value."

PART II.

BILLS OF EXCHANGE.

Form and Interpretation.

Bill of exchange defined.

3. A bill of exchange is an unconditional order in writing, addressed by one person to another, signed by the person giving it, requiring the person to whom it is addressed to pay on demand or at a fixed or determinable future time a sum certain in money to or to the order of a specified person, or to bearer :

When instrument is not such bill.

2. An instrument which does not comply with these conditions, or which orders any act to be done in addition to the payment of money, is not a bill of exchange :

Unconditional order defined.

3. An order to pay out of a particular fund is not unconditional within the meaning of this section ; but an unqualified order to pay, coupled with (*a*) an indication of a particular fund out of which the drawee is to re-imburse himself or a particular account to be debited with the amount, or (*b*) a statement of the transaction which gives rise to the bill, is unconditional :

Bill not invalid for reasons specified.

4. A bill is not invalid by reason—

(*a.*) That it is not dated ;

(*b.*) That it does not specify the value given, or that any value has been given therefor ;

(*c.*) That it does not specify the place where it is drawn or the place where it is payable.

Inland and foreign bills.

4. An inland bill is a bill which is or on the face or it purports to be (*a*) both drawn and payable within Canada, or (*b*) drawn within Canada upon some person resident therein. Any other bill is a foreign bill :

If not noted as foreign.

2. Unless the contrary appear on the face of the bill the holder may treat it as an inland bill.

If different parties to bill are the same person.

5. A bill may be drawn payable to, or to the order of, the drawer ; or it may be drawn payable to, or to the order of, the drawee :

Option of holder in case specified.

2. Where in a bill drawer and drawee are the same person, or where the drawee is a fictitious person or a person not having capacity to contract, the holder may treat the instrument at his option, either as a bill of exchange or as a promissory note.

Drawee to be named.

6. The drawee must be named or otherwise indicated in a bill with reasonable certainty :

If there are more than one.

2. A bill may be addressed to two or more drawees whether they are partners or not, but an order addressed to two drawees in the alternative or to two or more drawees in succession is not a bill of exchange.

7. Where a bill is not payable to bearer, the payee must be named or otherwise indicated therein with reasonable certainty : Certainty required as to payee.

2. A bill may be made payable to two or more payees jointly, or it may be made payable in the alternative to one of two, or one or some of several payees. A bill may also be made payable to the holder of an office for the time being : If payable to two or more payees, or to holder of office.

3. Where the payee is a fictitious or non-existing person the bill may be treated as payable to bearer. If payee is non-existing.

8. When a bill contains words prohibiting transfer, or indicating an intention that it should not be transferable, it is valid as between the parties thereto, but is not negotiable : Certain bills valid but not negotiable.

2. A negotiable bill may be payable either to order or to bearer : Payable to order or bearer.

3. A bill is payable to bearer which is expressed to be so payable, or on which the only or last indorsement is an indorsement in blank : To bearer.

4. A bill is payable to order which is expressed to be so payable, or which is expressed to be payable to a particular person, and does not contain words prohibiting transfer or indicating an intention that it should not be transferable : To order.

5. Where a bill, either originally or by indorsement, is expressed to be payable to the order of a specified person, and not to him or his order, it is nevertheless payable to him or his order at his option. Option of payee.

9. The sum payable by a bill is a sum certain within the meaning of this Act, although it is required to be paid— Sum payable.

(*a.*) With interest ;

(*b.*) By stated instalments ;

(*c.*) By stated instalments, with a provision that upon default in payment of any instalment the whole shall become due ;

(*d.*) According to an indicated rate of exchange or according to a rate of exchange to be ascertained as directed by the bill :

2. Where the sum payable is expressed in words and also in figures, and there is a discrepancy between the two, the sum denoted by the words is the amount payable : Discrepancy between figures and words.

3. Where a bill is expressed to be payable with interest, unless the instrument otherwise provides, interest runs from the date of the bill, and if the bill is undated from the issue thereof. Interest.

Bill payable on demand.

10. A bill is payable on demand,—

(*a.*) Which is expressed to be payable on demand, or at sight, or on presentation ; or

(*b.*) In which no time for payment is expressed :

Acceptance, etc., when overdue.

2. Where a bill is accepted or indorsed when it is overdue, it shall, as regards the acceptor who so accepts, or any indorser who so indorses it, be deemed a bill payable on demand.

Bill payable at a future time.

11. A bill is payable at a determinable future time within the meaning of this Act which is expressed to be payable—

(*a.*) At a fixed period after date or sight :

(*b.*) On or at a fixed period after the occurrence of a specified event which is certain to happen, though the time of happening may be uncertain :

As to contingencies.

2. An instrument expressed to be payable on a contingency is not a bill, and the happening of the event does not cure the defect.

Omission of date in bill payable after date.

12. Where a bill expressed to be payable at a fixed period after date is issued undated, or where the acceptance of a bill payable at a fixed period after sight is undated, any holder may insert therein the true date of issue or acceptance, and the bill shall be payable accordingly :

As to wrong date.

Provided that (*a*) where the holder in good faith and by mistake inserts a wrong date, and (*b*) in every case where a wrong date is inserted, if the bill subsequently comes into the hands of a holder in due course the bill shall not be avoided thereby, but shall operate and be payable as if the date so inserted had been the true date.

Date *primâ facie* evidence.

13. Where a bill or an acceptance or any indorsement on a bill is dated, the date shall, unless the contrary be proved, be deemed to be the true date of the drawing, acceptance, or indorsement, as the case may be :

Certain datings not to invalidate.

2. A bill is not invalid by reason only that it is antedated or post-dated, or that it bears date on a Sunday.

Computation of time of payment.

14. Where a bill is not payable on demand the day on which it falls due is determined as follows :

Days of grace.

(*a.*) Three days, called days of grace, are, in every case where the bill itself does not otherwise provide, added to the time of payment as fixed by the bill, and the bill is due and payable on the last day of grace : Provided that—

Non juridical days.

(1.) Whenever the last day of grace falls on a legal holiday or non-juridical day in the Province where any such bill is payable, then the day next following not being a legal holiday or non-juridical day in such Province shall be the last day of grace ;

2. In all matters relating to bills of exchange the following and no other shall be observed as legal holidays or non-juridical days, that is to say :— What shall be such.

In all the Provinces of Canada, except the Province of Quebec— In all Provinces except Quebec.

Sundays ;

New Year's Day ;

Good Friday ;

Easter Monday ;

Christmas Day ;

The birthday (or the day fixed by proclamation for the celebration of the birthday) of the reigning Sovereign ;

The first day of July (Dominion Day), and if that day is a Sunday, then the second day of July as the same holiday ;

Any day appointed by proclamation for a public holiday, or for a general fast, or a general thanksgiving throughout Canada : and the day next following New Year's Day and Christmas Day, when those days respectively fall on Sunday ;

And in the Province of Quebec the said days, and also— In Quebec.

The Epiphany ;

The Annunciation ;

The Ascension ;

Corpus Christi ;

St. Peter and St. Paul's Day ;

All Saints' Day ;

Conception Day ;

3. And also, in any one of the Provinces of Canada, any day appointed by proclamation of the Lieutenant Governor of such Province, for a public holiday, or for a fast or thanksgiving within the same : In every Province.

(*b.*) Where a bill is payable at a fixed period after date, after sight, or after the happening of a specified event, the time of payment is determined by excluding the day from which the time is to begin to run and by including the day of payment : Days to be computed when time begins to run.

(*c.*) Where a bill is payable at a fixed period after sight, the time begins to run from the date of the acceptance if the bill be accepted, and from the date of noting or protest if the bill be noted or protested for non-acceptance, or for non-delivery : When time begins to run.

Case of need.

15. The drawer of a bill and any indorser may insert therein the name of a person to whom the holder may resort in case of need, that is to say, in case the bill is dishonored by non-acceptance or non-payment. Such person is called the referee in case of need. It is in the option of the holder to resort to the referee in case of need or not as he thinks fit.

Optional stipulations by drawer or indorser.

16. The drawer of a bill, and any indorser, may insert therein an express stipulation —

(*a.*) Negativing or limiting his own liability to the holder:

(*b.*) Waiving as regards himself some or all of the holder's duties.

Definition of acceptance.

17. The acceptance of a bill is the signification by the drawee of his assent to the order of the drawer:

Requisites of acceptance.

2. An acceptance is invalid unless it complies with the following conditions, namely:—

(*a.*) It must be written on the bill and be signed by the drawee. The mere signature of the drawee without additional words is sufficient;

(*b.*) It must not express that the drawee will perform his promise by any other means than the payment of money.

Time for acceptance.

18. A bill may be accepted,—

(*a.*) Before it has been signed by the drawer, or while otherwise incomplete;

(*b.*) When it is overdue, or after it has been dishonored by a previous refusal to accept, or by non-payment:

Date, in case of acceptance after dishonor.

2. When a bill payable after sight is dishonoured by non-acceptance, and the drawee subsequently accepts it, the holder, in the absence of any different agreement, is entitled to have the bill accepted as of the date of first presentment to the drawee for acceptance.

General and qualified acceptances.

19. An acceptance is either (*a*) general, or (*b*) qualified: a general acceptance assents without qualification to the order of the drawer; a qualified acceptance in express terms varies the effect of the bill as drawn:

Qualified acceptance.

2. In particular an acceptance is qualified which is—

(*a.*) Conditional, that is to say, which makes payment by the acceptor dependent on the fulfilment of a condition therein stated;

(*b.*) Partial, that is to say, an acceptance to pay part only of the amount for which the bill is drawn;

(*c.*) Local, that is to say, an acceptance to pay only at a particular specified place:

An acceptance to pay at a particular place is a general acceptance, unless it expressly states that the bill is to be paid there only and not elsewhere:

(*d.*) Qualified as to time;

(*e.*) The acceptance of some one or more of the drawees, but not of all.

Inchoate instruments.

20. Where a simple signature on a blank paper is delivered by the signer in order that it may be converted into a bill, it operates as a *primâ facie* authority to fill it up as a complete bill for any amount, using the signature for that of the drawer, or the acceptor, or an indorser; and, in like manner, when a bill is wanting in any material particular, the person in possession of it has a *primâ facie* authority to fill up the omission in any way he thinks fit:

When to be filled up.

2. In order that any such instrument when completed may be enforceable against any person who became a party thereto prior to its completion, it must be filled up within a reasonable time, and strictly in accordance with the authority given; reason able time for this purpose is a question of fact:

As to subsequent holder.

Provided that if any such instrument, after completion, is negotiated to a holder in due course, it shall be valid and effectual for all purposes in his hands, and he may enforce it as if it had been filled up within a reasonable time and strictly in accordance with the authority given.

Contract not complete until delivery.

21. Every contract on a bill, whether it be the drawer's, the acceptor's or an indorser's, is incomplete and revocable, until delivery of the instrument in order to give effect thereto:

Exception.

Provided that where an acceptance is written on a bill, and the drawee gives notice to or according to the directions of the person entitled to the bill that he has accepted it, the acceptance then becomes complete and irrevocable:

Requsites as to delivery.

2. As between immediate parties, and as regards a remote party, other than a holder in due course, the delivery—

(*a.*) In order to be effectual must be made either by or under the authority of the party drawing, accepting or indorsing, as the case may be;

(*b.*) May be shown to have been conditional or for a special purpose only, and not for the purpose of transferring the property in the bill:

When valid delivery presumed.

But if the bill be in the hands of a holder in due course a valid delivery of the bill by all parties prior to him, so as to make them liable to him, is conclusively presumed.

Primâ facie evidence.

3. Where a bill is no longer in the possession of a party who has signed it as drawer, acceptor or indorser, a valid

and unconditional delivery by him is presumed until the contrary is proved.

Capacity and Authority of Parties.

Capacity of parties.

22. Capacity to incur liability as a party to a bill is co-extensive with capacity to contract:

As to corporations.

Provided that nothing in this section shall enable a corporation to make itself liable as drawer, acceptor or indorser of a bill unless it is competent to it so to do under the law for the time being in force relating to corporations:

Drawing or indorsing by person not competent.

2. Where a bill is drawn or indorsed by an infant, minor, or corporation having no capacity or power to incur liability on a bill, the drawing or indorsement entitles the holder to receive payment of the bill, and to enforce it against any other party thereto.

Signature essential to liability.

23. No person is liable as drawer, indorser, or acceptor of a bill who has not signed it as such: Provided that

Exceptions.

(*a.*) Where a person signs a bill in a trade or assumed name, he is liable thereon as if he had signed it in his own name:

(*b.*) The signature of the name of a firm is equivalent to the signature by the person so signing of the names of all persons liable as partners in that firm.

Forged or unauthorized signature.

24. Subject to the provisions of this Act, where a signature on a bill is forged or placed thereon without the authority of the person whose signature it purports to be, the forged or unauthorized signature is wholly inoperative, and no right to retain the bill or to give a discharge therefor or to enforce payment thereof against any party thereto can be acquired through or under that signature, unless the party against whom it is sought to retain or enforce payment of the bill is precluded from setting up the forgery or want of authority:

Proviso.

Provided that nothing in this section shall affect the ratification of an unauthorized signature not amounting to a forgery.

Procuration signatures.

25. A signature by procuration operates as notice that the agent has but a limited authority to sign, and the principal is only bound by such signature if the agent in so signing was acting within the actual limits of his authority.

Person signing as agent or in representative capacity.

26. Where a person signs a bill as drawer, indorser, or acceptor, and adds words to his signature, indicating that he signs for or on behalf of a principal, or in a representative character, he is not personally liable thereon; but the mere addition to his signature of words describing him as an agent, or as filling a representative character, does not exempt him from personal liability:

2. In determining whether a signature on a bill is that of the principal or that of the agent by whose hand it is written, the construction most favorable to the validity of the instrument shall be adopted. Rule for determination of signature.

The Consideration for a Bill.

27. Valuable consideration for a bill may be constituted by,— Valuable consideration, how constituted.

(*a.*) Any consideration sufficient to support a simple contract;

(*b.*) An antecedent debt or liability: such a debt or liability is deemed valuable consideration whether the bill is payable on demand or at a future time:

2. Where value has at any time been given for a bill, the holder is deemed to be a holder for value as regards the acceptor and all parties to the bill who became parties prior to such time. When holder is holder for value.

3. Where the holder of a bill has a lien on it, arising either from contract or by implication of law, he is deemed to be a holder for value to the extent of the sum for which he has a lien. As to lien.

28. An accommodation party to a bill is a person who has signed a bill as drawer, acceptor, or indorser, without receiving value therefor, and for the purpose of ending his name to some other person: Accommodation party to a bill.

2. An accommodation party is liable on the bill to a holder for value; and it is immaterial whether, when such holder took the bill, he knew such party to be an accommodation party or not. His liability.

29. A holder in due course is a holder who has taken a bill, complete and regular on the face of it, under the following conditions, namely:— Holder in due course.

(*a.*) That he became the holder of it before it was overdue and without notice that it had been previously dishonored, if such was the fact;

(*b.*) That he took the bill in good faith and for value, and that at the time the bill was negotiated to him he had no notice of any defect in the title of the person who negotiated it:

2. In particular the title of a person who negotiates a bill is defective within the meaning of this Act when he obtained the bill, or the acceptance thereof, by fraud, duress, or force and fear, or other unlawful means, or for an illegal consideration, or when he negotiates it in breach of faith, or under such circumstances as amount to a fraud: Title defective in cases specified.

3. A holder (whether for value or not), who derives his title to a bill through a holder in due course, and who is not himself a party to any fraud or illegality affecting it, Right of subsequent holder.

has all the rights of that holder in due course as regards the acceptor and all parties to the bill prior to that holder.

Presumption of value and good faith.

30. Every party whose signature appears on a bill is *primâ facie* deemed to have become a party thereto for value :

On whom burden of proof lies.

2. Every holder of a bill is *primâ facie* deemed to be a holder in due course ; but if in an action on a bill it is admitted or proved that the acceptance, issue or subsequent negotiation of the bill is affected with fraud, duress, or force and fear, or illegality, the burden of proof is shifted, unless and until the holder proves that, subsequent to the alleged fraud or illegality, value has in good faith been given for the bill.

Negotiation of Bills.

Negotiation of bills.

31. A bill is negotiated when it is transferred from one person to another in such a manner as to constitute the transferee the holder of the bill :

To bearer.

2. A bill payable to bearer is negotiated by delivery :

To order.

3. A bill payable to order is negotiated by the indorsement of the holder completed by delivery :

Without indorsement.

4. Where the holder of a bill payable to his order transfers it for value without indorsing it, the transfer gives the transferee such title as the transferrer had in the bill, and the transferee in addition acquires the right to have the indorsement of the transferrer :

Personal liability may be avoided.

5. Where any person is under obligation to indorse a bill in a representative capacity, he may indorse the bill in such terms as to negative personal liability.

Requisites of a valid indorsement

32. An indorsement in order to operate as a negotiation must comply with the following conditions, namely :—

(*a.*) It must be written on the bill itself and be signed by the indorser. The simple signature of the indorser on the bill, without additional words, is sufficient ;

An indorsement written on an allonge, or on a "copy" of a bill issued or negotiated in a country where "copies" are recognised, is deemed to be written on the bill itself;

(*b.*) It must be an indorsement of the entire bill. A partial indorsement, that is to say, an indorsement which purports to transfer to the indorsee a part only of the amount payable, or which purports to transfer the bill to two or more indorsees severally, does not operate as a negotiation of the bill ;

(*c.*) Where a bill is payable to the order of two or more payees or indorsees who are not partners, all must indorse, unless the one indorsing has authority to indorse for the others ;

2. Where, in a bill payable to order, the payee or indorsee is wrongly designated, or his name is mis-spelt, he may indorse the bill as therein described, adding if he think fit, his proper signature : Mis-spelling.

3. Where there are two or more indorsements on a bill, each indorsement is deemed to have been made in the order in which it appears on the bill, until the contrary is proved. Order of indorsement.

4. An indorsement may be made in blank or special. It may also contain terms making it restrictive. Special indorsement.

33. Where a bill purports to be indorsed conditionally the condition may be disregarded by the payer, and payment to the endorsee is valid whether the condition has been fulfilled or not. Conditional indorsement.

34. An indorsement in blank specifies no indorsee, and a bill so endorsed becomes payable to bearer : Indorsement in blank.

2. A special endorsement specifies the person to whom, or to whose order, the bill is to be payable : Special indorsement.

3. The provisions of this Act relating to a payee apply with the necessary modifications to an indorsee under a special indorsement : Application of Act to indorsee.

4. When a bill has been endorsed in blank, any holder may convert the blank endorsement into a special indorsement by writing above the indorser's signature a direction to pay the bill to or to the order of himself or some other person. Conversion of blank indorsement.

35. An indorsement is restrictive which prohibits the further negotiation of the bill or which expresses that it is a mere authority to deal with the bill as thereby directed and not a transfer of the ownership thereof, as, for example, if a bill be indorsed " Pay D. only," or " Pay D. for the account of X.," or " Pay D. or order for collection :" Restrictive indorsement.

2. A restrictive indorsement gives the indorsee the right to receive payment of the bill and to sue any party thereto that his indorser could have sued, but gives him no power to transfer his rights as indorsee unless it expressly authorise him to do so : Right of indorsee thereunder.

3. Where a restrictive indorsement authorises further transfer, all subsequent indorsees take the bill with the same rights and subject to the same liabilities as the first indorsee under the restrictive indorsement. If further transfer is authorized.

36. Where a bill is negotiable in its origin, it continues to be negotiable until it has been (*a*) restrictively indorsed, or (*b*) discharged by payment or otherwise ;

2. Where an overdue bill is negotiated, it can only be negotiated subject to any defect of title affecting it at its maturity, and thenceforward no person who takes it can Negotiation of overdue bill.

acquire or give a better title than that which the person from whom he took it had:

When bill deemed overdue.

3. A bill payable on demand is deemed to be overdue within the meaning and for the purposes of this section, when it appears on the face of it to have been in circulation for an unreasonable length of time: what is an unreasonable length of time for this purpose is a question of fact.

Presumption as to negotiation.

4. Except where an endorsement bears date after the maturity of the bill, every negotiation is *primâ facie* deemed to have been effected before the bill was overdue:

Taking bill subsequent to dishonor.

5. Where a bill which is not overdue has been dishonored any person who takes it with notice of the dishonor takes it subject to any defect of title attaching thereto at the time of dishonor, but nothing in this sub-section shall affect the rights of a holder in due course.

Negotiation of bill to party already liable thereon.

37. Where a bill is negotiated back to the drawer, or to a prior indorser or to the acceptor, such party may, subject to the provisions of this Act, re-issue and further negotiate the bill, but he is not entitled to enforce the payment of the bill against any intervening party to whom he was previously liable.

Rights of the holder.

38. The rights and powers of the holder of a bill are as follows:

(*a.*) He may sue on the bill in his own name;

(*b.*) Where he is a holder in due course, he holds the bill free from any defect of title of prior parties, as well as from mere personal defences available to prior parties among themselves, and may enforce payment against all parties liable on the bill;

(*c.*) Where his title is defective (1) if he negotiates the bill to a holder in due course, that holder obtains a good and complete title to the bill, and (2) if he obtains payment of the bill the person who pays him in due course gets a valid discharge for the bill.

General duties of the Holder.

When presentment for acceptance is necessary.

39. Where a bill is payable after sight, presentment for acceptance is necessary in order to fix the maturity of the instrument:

Express stipulation as to presentment.

2. Where a bill expressly stipulates that it shall be presented for acceptance, or where a bill is drawn payable elsewhere than at the residence or place of business of the drawee it must be presented for acceptance before it can be presented for payment:

No presentment in any other case.

3. In no other case is presentment for acceptance necessary in order to render liable any party to the bill:

Necessary delay for presentation.

4. Where the holder of a bill, drawn payable elsewhere than at the place of business or residence of the drawee,

has not time, with the exercise of reasonable diligence to present the bill for acceptance before presenting it for payment on the day that it falls due, the delay caused by presenting the bill for acceptance before presenting it for payment is excused, and does not discharge the drawer and endorsers.

Time for presenting bill payable after sight.

40. Subject to the provisions of this Act, when a bill payable after sight is negotiated, the holder must either present it for acceptance or negotiate it within a reasonable time:

If not presented.

2. If he do not do so, the drawer and all indorsers prior to that holder are discharged:

As to reasonable time.

3. In determining what is a reasonable time within the meaning of this section, regard shall be had to the nature of the bill, the usage of trade with respect to similar bills, and the facts of the particular case.

Rules as to presentment for acceptance.

41. A bill is duly presented for acceptance which is presented in accordance with the following rules:

(*a.*) The presentment must be made by or on behalf of the holder to the drawee or to some person authorized to accept or refuse acceptance on his behalf at a reasonable hour on a business day and before the bill is overdue;

(*b.*) Where a bill is addressed to two or more drawees, who are not partners, presentment must be made to them all, unless one has authority to accept for all, when presentment may be made to him only;

(*c.*) Where the drawee is dead presentment may be made to his personal representative;

(*d.*) Where the drawee is bankrupt, or insolvent, presentment may be made to him or to his trustee;

(*e.*) Where authorized by agreement or usage, a presentment through the post office is sufficient:

Excuses for non-presentment.

2. Presentment in accordance with these rules is excused, and a bill may be treated as dishonored by non-acceptance,—

(*a.*) Where the drawee is dead or bankrupt, or insolvent, or is a fictitious person or a person not having capacity to contract by bill;

(*b.*) Where, after the exercise of reasonable diligence, such presentment cannot be effected;

(*c.*) Where although the presentment has been irregular, acceptance has been refused on some other ground:

When there is no excuse.

3. The fact that the holder has reason to believe that the bill, on presentment, will be dishonored does not excuse presentment.

Non-acceptance.

42. When a bill is duly presented for acceptance and is not accepted within the customary time, the person presenting it must treat it as dishonored by non-acceptance. If he do not, the holder shall lose his right of recourse against the drawer and indorsers.

Dishonor by non-acceptance and its consequences.

43. A bill is dishonored by non-acceptance,—

(*a.*) When it is duly presented for acceptance, and such an acceptance as is prescribed by this Act is refused or cannot be obtained ; or

(*b.*) When presentment for acceptance is excused and the bill is not accepted :

Recourse in such case.

2. Subject to the provisions of this Act when a bill is dishonored by non-acceptance, an immediate right of recourse against the drawer and indorsers accrues to the holder, and no presentment for payment is necessary :

As to qualified acceptances.

44. The holder of a bill may refuse to take a qualified acceptance, and if he does not obtain an unqualified acceptance may treat the bill as dishonored by non-acceptance :

If taken without authority.

2. Where a qualified acceptance is taken, and the drawer or an indorser has not expressly or impliedly authorized the holder to take a qualified acceptance, or does not subsequently assent thereto, such drawer or indorser is discharged from his liability on the bill :

Partial acceptance.

The provisions of this sub-section do not apply to a partial acceptance, whereof due notice has been given. Where a foreign bill has been accepted as to part, it must be protested as to the balance :

What shall be deemed assent.

3. When the drawer or indorser of a bill receives notice of a qualified acceptance, and does not within a reasonable time express his dissent to the holder he shall be deemed to have assented thereto.

Presentment for payment.

45. Subject to the provisions of this Act a bill must be duly presented for payment. If it be not so presented the drawer and indorsers shall be discharged :

Rules as to presentment.

2. A bill is duly presented for payment which is presented in accordance with the following rules :—

(*a.*) Where the bill is not payable on demand, presentment must be made on the day it falls due :

(*b.*) Where the bill is payable on demand, then, subject to the provisions of this Act, presentment must be made within a reasonable time after its issue, in order to render the drawer liable, and within a reasonable time after its indorsement, in order to render the indorser liable :

In determining what is a reasonable time, regard shall be had to the nature of the bill, the usage of trade with regard to similar bills, and the facts of the particular case :

(*c.*) Presentment must be made by the holder or by some person authorized to receive payment on his behalf at a reasonable hour on a business day, at the proper place as hereinafter defined, either to the person designated by the bill as payer, or to some person authorized to pay or refuse payment on his behalf if with the exercise of reasonable diligence such person can there be found :

(*d.*) A bill is presented at the proper place :—

(1.) Where a place of payment is specified in the bill and the bill is there presented ;

(2.) Where no place of payment is specified, but the address of the drawee or acceptor is given in the bill, and the bill is there presented ;

(3.) Where no place of payment is specified and no address given, and the bill is presented at the drawee's or acceptor's place of business if known, and if not, at his ordinary residence if known ;

(4) In any other case if presented to the drawee or acceptor wherever he can be found, or if presented at his last known place of business or residence :

(*e.*) Where a bill is presented at the proper place, and after the exercise of reasonable diligence no person authorized to pay or refuse payment can be found there, no further presentment to the drawee or acceptor is required :

(*f.*) Where a bill is drawn upon, or accepted by two or more persons who are not partners, and no place of payment is specified, presentment must be made to them all :

(*g.*) Where the drawee or acceptor of a bill is dead, and no place of payment is specified, presentment must be made to a personal representative, if such there be, and with the exercise of reasonable diligence he can be found :

(*h.*) Where authorized by agreement or usage, a presentment through the post office is sufficient.

Excuses for delay in presentment for payment.

46. Delay in making presentment for payment is excused when the delay is caused by circumstances beyond the control of the holder, and not imputable to his default, misconduct or negligence. When the cause of delay ceases to operate, presentment must be made with reasonable diligence :

When such presentment is dispensed with.

(2.) Presentment for payment is dispensed with,—

(*a.*) Where, after the exercise of reasonable diligence, presentment, as required by this Act, cannot be effected :

The fact that the holder has reason to believe that the bill will, on presentment, be dishonored, does not dispense with the necessity for presentment ;

(*b.*) Where the drawee is a fictitious person ;

(*c.*) As regards the drawer, where the drawee or acceptor is not bound, as between himself and the drawer, to accept or pay the bill, and the drawer has no reason to believe that the bill would be paid if presented ;

(*d.*) As regards an indorser, where the bill was accepted or made for the accommodation of that indorser, and he has no reason to expect that the bill would be paid if presented ;

(*e.*) By waiver of presentment, express or implied.

Dishonor by non-payment.

47. A bill is dishonored by non-payment (*a*) when it is duly presented for payment and payment is refused or cannot be obtained, or (*b*) when presentment is excused and the bill is overdue and unpaid :

Recourse in such case.

2. Subject to the provisions of this Act, when a bill is dishonored by non-payment, an immediate right of recourse against the drawer and indorsers accrues to the holder.

Notice of dishonor and effect of non-notice.

48. Subject to the provisions of this Act, when a bill has been dishonored by non-acceptance or by non-payment, notice of dishonor must be given to the drawer and each indorser, and any drawer or indorser to whom such notice is not given is discharged ; Provided that—

(*a.*) Where a bill is dishonored by non-acceptance, and notice of dishonor is not given, the rights of a holder in due course subsequent to the omission, shall not be prejudiced by the omission :

(*b.*) Where a bill is dishonored by non-acceptance and due notice of dishonor is given, it shall not be necessary to give notice of a subsequent dishonor by non-payment unless the bill shall in the meantime have been accepted.

Rules as to notice of dishonor.

49. Notice of dishonor in order to be valid and effectual must be given in accordance with the following rules :—

(*a.*) The notice must be given by or on behalf of the holder, or by or on behalf of an indorser who, at the time of giving it, is himself liable on the bill :

(*b.*) Notice of dishonor may be given by an agent either in his own name, or in the name of any party entitled to give notice whether that party be his principal or not ;

(*c.*) Where the notice is given by or on behalf of the holder, it enures for the benefit of all subsequent holders and all prior indorsers who have a right of recourse against the party to whom it is given :

(*d.*) Where notice is given by or on behalf of an indorser entitled to give notice as hereinbefore provided, it enures for the benefit of the holder and all indorsers subsequent to the party to whom notice is given :

(*e.*) The notice may be given in writing or by personal communication, and may be given in any terms which

sufficiently identify the bill, and intimate that the bill has been dishonored by non-acceptance or non-payment:

(*f.*) The return of a dishonored bill to the drawer or an indorser is, in point of form, deemed a sufficient notice of dishonor:

(*g.*) A written notice need not be signed, and an insufficient written notice may be supplemented and validated by verbal communication. A misdescription of the bill shall not vitiate the notice unless the party to whom the notice is given is in fact misled thereby:

(*h.*) Where notice of dishonor is required to be given to any person, it may be given either to the party himself, or to his agent in that behalf:

(*i.*) Where the drawer or indorser is dead, and the party giving notice knows it, the notice must be given to a personal representative if such there be, and with the exercise of reasonable diligence he can be found:

(*j.*) Where the drawer or indorser is bankrupt or insolvent, notice may be given either to the party himself or to the trustee:

(*k.*) Where there are two or more drawers or indorsers who are not partners, notice must be given to each of them, unless one of them has authority to receive such notice for the others:

(*l.*) The notice may be given as soon as the bill is dishonored and must be given within a reasonable time thereafter:

(*m.*) In the absence of special circumstances notice is not deemed to have been given within a reasonable time, unless—

(1.) Where the person giving and the person to receive notice reside in the same place, the notice is given or sent off in time to reach the latter on the day after the dishonor of the bill;

(2.) Where the person giving and the person to receive notice reside in different places, the notice is sent off on the day after the dishonor of the bill, if there be a post at a convenient hour on that day, and if there be no such post on that day then by the next post thereafter:

If dishonored bill is in hands of an agent.

2. Where a bill when dishonored is in the hands of an agent, he may either himself give notice to the parties liable on the bill, or he may give notice to his principal. If he gives notice to his principal he must do so within the same time as if he were the holder, and the principal upon receipt of such notice has himself the same time for giving notice as if the agent had been an independent holder:

Notice to antecedent parties.

3. Where a party to a bill receives due notice of dishonor, he has after the receipt of such notice the same

period of time for giving notice to antecedent parties that the holder has after the dishonor :

When notice shall be given.

4. Notice of the dishonor of any bill shall be sufficiently given, if it is addressed, in due time, to any parties to such bill entitled to such notice, at the place at which such bill is dated, unless any such party has, under his signature, on such bill, designated another place,—and in such latter case such notice shall be sufficiently given if addressed to him, in due time, at such other place ; and such notice so addressed shall be sufficient, although the place of residence of such party is other than either of such before mentioned places :

Miscarriage in post service.

5. Where a notice of dishonor is duly addressed and posted, the sender is deemed to have given due notice of dishonor, notwithstanding any miscarriage by the post office.

Excuses for non-notice and delay.

50. Delay in giving notice of dishonor is excused where the delay is caused by circumstances beyond the control of the party giving notice, and not imputable to his default, misconduct, or negligence : when the cause of delay ceases to operate the notice must be given with reasonable diligence :

When notice is dispensed with.

2. Notice of dishonor is dispensed with—

(*a.*) When, after the exercise of reasonable diligence, notice as required by this Act cannot be given to or does not reach the drawer or indorser sought to be charged ;

(*b.*) By waiver express or implied : notice of dishonor may be waived before the time of giving notice has arrived, or after the omission to give due notice ;

(*c.*) As regards the drawer in the following cases, namely (1) where drawer and drawee are the same person, (2) where the drawee is a fictitious person or a person not having capacity to contract, (3) where the drawer is the person to whom the bill is presented for payment, (4) where the drawee or acceptor is, as between himself and the drawer, under no obligation to accept or pay the bill, (5) where the drawer has countermanded payment ;

(*d.*) As regards the indorser in the following cases, namely, (1) where the drawee is a fictitious person or a person not having capacity to contract and the indorser was aware of the fact at the time he indorsed the bill, (2) where the indorser is the person to whom the bill is presented for payment, (3) where the bill was accepted or made for his accommodation.

Noting or protest of bill.

51. Where an inland bill has been dishonored it may, if the holder think fit, be noted for non-acceptance or non-payment, as the case may be ; but it shall not be necessary to note or protest any such bill in order to preserve the recourse against the drawer or indorser :

Protest of foreign bill.

2. Where a foreign bill, appearing on the face of it to be such, has been dishonored by non-acceptance, it must be duly protested for non-acceptance, and where such a bill, which has not been previously dishonored by non-acceptance, is dishonored by non-payment, it must be duly protested for non-payment. If it be not so protested the drawer and indorsers are discharged. Where a bill does not appear on the face of it to be a foreign bill, protest thereof in case of dishonor is unnecessary :

Subsequent protest.

3. A bill which has been protested for non-acceptance may be subsequently protested for non-payment :

Time for noting.

4. Subject to the provisions of this Act, when a bill is noted or protested, it must be noted on the day of its dishonor. When a bill has been duly noted, the protest may be subsequently extended as of the date of the noting :

If acceptor is insolvent.

5. Where the acceptor of a bill becomes bankrupt or insolvent or suspends payment before it matures, the holder may cause the bill to be protested for better security against the drawer and indorsers :

Where bill must be protested.

6. A bill must be protested at the place where it is dishonored : Provided that —

(*a.*) When a bill is presented through the post office, and returned by post dishonored, it may be protested at the place to which it is returned and on the day of its return if received during business hours, and if not received during business hours, then not later than the next business day ;

(*b.*) When a bill drawn payable at the place of business or residence of some person other than the drawee, has been dishonored by non-acceptance, it must be protested for non-payment at the place where it is expressed to be payable, and no further presentment for payment to, or demand on, the drawee is necessary :

What protest shall set forth.

7. A protest must contain a copy of the bill, and must be signed by the notary making it, and must specify—

(*a.*) The person at whose request the bill is protested ;

(*b.*) The place and date of protest, the cause or reason for protesting the bill, the demand made, and the answer given, if any, or the fact that the drawee or acceptor could not be found :

If bill is lost, &c.

8. Where a bill is lost or destroyed, or is wrongly detained from the person entitled to hold it, protest may be made on a copy or written particulars thereof :

Excuses for non-protest and delay.

9. Protest is dispensed with by any circumstances which would dispense with notice of dishonor. Delay in noting or protesting is excused when the delay is caused by circumstances beyond the control of the holder, and not imputable to his default, misconduct, or negligence. When

the cause of delay ceases to operate the bill must be noted or protested with reasonable diligence.

What address shall suffice.

10. Notice of the protest or dishonor of any bill payable in Canada shall be sufficiently given if it is addressed in due time to any party to such bill entitled to such notice, at the place at which such bill is dated, unless any such party has, under his signature, designated another place; and in such latter case such notice shall be sufficiently given if addressed to him in due time at such other place; and such notice so addressed shall be sufficient although the place of residence of such party is other than either of such above-mentioned places; and such notice shall be deemed to have been duly served and given for all purposes if it is deposited in the post office nearest to the place of making the presentment, at any time during the day on which such protest has been made or on the next juridical day next following.

Evidence of presentment and dishonor.

11. The production of the protest of the presentment and dishonor of a bill shall be received in all courts as evidence of the fact of presentment and dishonor stated in such protest, and also as evidence of the due service of any notice of dishonor referred to therein.

Liability of acceptor as to presentment.

52. When a bill is accepted generally presentment for payment is not necessary in order to render the acceptor liable:

As to presentment.

2. When by the terms of a qualified acceptance presentment for payment is required, the acceptor, in the absence of an express stipulation to that effect, is not discharged by the omission to present the bill for payment on the day that it matures:

No protest or notice necessary.

3. In order to render the acceptor of a bill liable it is not necessary to protest it, or that notice of dishonor should be given to him:

Presentment for payment.

4. Where the holder of a bill presents it for payment, he shall exhibit the bill to the person from whom he demands payment, and when a bill is paid the holder shall forthwith deliver it up to the party paying it.

Liabilities of Parties.

Funds in hands of drawer.

53. A bill, of itself, does not operate as an assignment of funds in the hands of the drawee available for the payment thereof, and the drawee of a bill who does not accept as required by this Act is not liable on the instrument.

Liability of acceptor.

54. The acceptor of a bill, by accepting it—

(*a.*) Engages that he will pay it according to the tenor of his acceptance:

(*b.*) Is precluded from denying to a holder in due course,

(1.) The existence of the drawer, the genuineness of his signature, and his capacity and authority to draw the bill;

(1.) In the case of a bill payable to drawer's order, the then capacity of the drawer to indorse, but not the genuineness or validity of his indorsement;

(3.) In the case of a bill payable to the order of a third person, the existence of the payee and his then capacity to indorse, but not the genuineness or validity of his indorsement.

Liability of drawer.

55. The drawer of a bill by drawing it—

(*a.*) Engages that on due presentment it shall be accepted and paid according to its tenor, and that if it be dishonored he will compensate the holder or any indorser who is compelled to pay it, provided that the requisite proceedings on dishonor be duly taken;

(*b.*) Is precluded from denying to a holder in due course the existence of the payee and his then capacity to indorse.

Liability of indorser.

2. The indorser of a bill by indorsing it—

(*a.*) Engages that on due presentment it shall be accepted and paid according to its tenor, and that if it be dishonored he will compensate the holder or a subsequent indorser who is compelled to pay it, provided that the requisite proceedings on dishonor be duly taken;

(*b.*) Is precluded from denying to a holder in due course the genuineness and regularity in all respects of the drawer's signature and all previous indorsements;

(*c.*) Is precluded from denying to his immediate or a subsequent indorsee that the bill was at the time of his indorsement a valid and subsisting bill, and that he had then a good title thereto.

Stranger signing bill liable as indorser.

56. Where a person signs a bill otherwise than as drawer or acceptor, he thereby incurs the liabilities of an indorser to a holder in due course.

Measure of damages against parties to dishonored bill.

57. Where a bill is dishonored, the measure of damages, which shall be deemed to be liquidated damages, shall be as follows:

(*a.*) The holder may recover from any party liable on the bill, and the drawer who has been compelled to pay the bill may recover from the acceptor, and an indorser who has been compelled to pay the bill may recover from the acceptor or from the drawer, or from a prior indorser—

(1.) The amount of the bill;

(2.) Interest thereon from the time of presentment for payment, if the bill is payable on demand, and from the maturity of the bill in any other case;

(3.) The expenses of noting, or when protest is necessary, and the protest has been extended, the expenses of protest:

(*b.*) In the case of a bill which has been dishonored abroad, in lieu of the above damages, the holder may recover from the drawer or an indorser, and the drawer or an indorser who has been compelled to pay the bill may recover from any party liable to him, the amount of the re-exchange with interest thereon until the time of payment:

(*c.*) Where by this Act interest may be recovered as damages, such interest may, if justice require it, be withheld wholly or in part, and where a bill is expressed to be payable with interest at a given rate, interest as damages may or may not be given at the same rate as interest proper.

Discharge of Bill.

Transferrer by delivery.

58. Where the holder of a bill payable to bearer negotiates it by delivery without indorsing it, he is called a "transferrer by delivery:"

Liability.

2. A transferrer by delivery is not liable on the instrument:

Warranty.

3. A transferrer by delivery who negotiates a bill thereby warrants to his immediate transferee being a holder for value that the bill is what it purports to be, that he has a right to transfer it, and that at the time of transfer he is not aware of any fact which renders it valueless.

Discharge by payment.

59. A bill is discharged by payment in due course by or on behalf of the drawee or acceptor:

Payment in due course.

"Payment in due course" means payment made at or after the maturity of the bill to the holder thereof in good faith and without notice that his title to the bill is defective:

Payment by drawer or indorser; its effect.

2. Subject to the provisions hereinafter contained, when a bill is paid by the drawer or an indorser it is not discharged,; but

(*a.*) Where a bill payable to, or to the order of, a third party is paid by the drawer, the drawer may enforce payment thereof against the acceptor, but may not re-issue the bill:

(*b.*) Where a bill is paid by an indorser, or where a bill payable to drawer's order is paid by the drawer, the party paying it is remitted to his former rights as regards the acceptor or antecedent parties, and he may, if he thinks fit, strike out his own and subsequent indorsements, and again negotiate the bill:

Accommodation bill.

3. Where an accommodation bill is paid in due course by the party accommodated the bill is discharged.

Banker paying demand draft whereon indorsement is forged.

60. When a bill payable to order on demand is drawn on a banker, and the banker on whom it is drawn pays the bill in good faith and in the ordinary course of business, it

is not incumbent on the banker to show that the indorsement of the payee or any subsequent indorsement was made by or under the authority of the person whose indorsement it purports to be, and the banker is deemed to have paid the bill in due course, although such indorsement has been forged or made without authority.

Acceptor the holder at maturity.

61. When the acceptor of a bill is or becomes the holder of it at or after its maturity, in his own right, the bill is discharged.

Express waiver.

62. When the holder of a bill at or after its maturity absolutely and unconditionally renounces his rights against the acceptor the bill is discharged : the renunciation must be in writing, unless the bill is delivered up to the acceptor :

The same.

(2.) The liabilities of any party to a bill may in like manner be renounced by the holder before, at, or after its maturity ; but nothing in this section shall affect the rights of a holder in due course without notice of renunciation.

Cancellation of bill.

63. Where a bill is intentionally cancelled by the holder or his agent, and the cancellation is apparent thereon, the bill is discharged :

Of any signature.

2. In like manner any party liable on a bill may be discharged by the intentional cancellation of his signature by the holder or his agent. In such case any indorser who would have had a right of recourse against the party whose signature is cancelled, is also discharged :

Erroneous cancellation.

3. A cancellation made unintentionally, or under a mistake, or without the authority of the holder is inoperative; but where a bill or any signature thereon appears to have been cancelled the burden of proof lies on the party who alleges that the cancellation was made unintentionally, or under a mistake, or without authority.

Alteration of bill.

64. Where a bill or acceptance is materially altered without the assent of all parties liable on the bill, the bill is avoided except as against a party who has himself made, authorized, or assented to the alteration, and subsequent indorsers :

Proviso.

Provided, that where a bill has been materially altered, but the alteration is not apparent, and the bill is in the hands of a holder in due course, such holder may avail himself of the bill as if it had not been altered, and may enforce payment of it according to its original tenor :

What are material alterations.

2. In particular the following alterations are material, namely, any alteration of the date, the sum payable, the time of payment, the place of payment where a bill has been accepted generally, the addition of a place of payment without the acceptor's assent.

Acceptance and Payment for Honor.

Acceptance for honor *suprâ* protest.

65. Where a bill of exchange has been protested for dishonor by non-acceptance, or protested for better security, and is not overdue, any person, not being a party already liable thereon, may, with the consent of the holder, intervene and accept the bill *suprâ* protest, for the honor of any party liable thereon, or for the honor of the person for whose account the bill is drawn :

In part.

2. A bill may be accepted for honor for part only of the sum for which it is drawn :

Requirements for validity.

3. An acceptance for honor *suprâ* protest in order to be valid must—

(*a.*) Be written on the bill, and indicate that it is an acceptance for honor ;

(*b.*) Be signed by the acceptor for honor :

For whose honor.

4. Where an acceptance for honor does not expressly state for whose honor it is made, it is deemed to be an acceptance for the honor of the drawer :

Computation of time.

5. Where a bill payable after sight is accepted for honor its maturity is calculated from the date of the noting for non-acceptance, and not from the date of the acceptance for honor.

Liability of acceptor for honor.

66. The acceptor for honor of a bill by accepting it engages that he will, on due presentment, pay the bill according to the tenor of his acceptance, if it is not paid by the drawee, provided it has been duly presented for payment, and protested for non-payment, and that he receives notice of these facts :

To what parties.

2. The acceptor for honor is liable to the holder and to all parties to the bill subsequent to the party for whose honor he has accepted.

Presentment to acceptor for honor.

67. Where a dishonored bill has been accepted for honor *suprâ* protest, or contains a reference in case of need, it must be protested for non-payment before it is presented for payment to the acceptor for honor, or referee in case of need :

Time for presentment.

2. Where the address of the acceptor for honor is in the same place where the bill is protested for non-payment, the bill must be presented to him not later than the day following its maturity ; and where the address of the acceptor for honor is in some place other than the place where it was protested for non-payment, the bill must be forwarded not later than the day following its maturity for presentment to him :

Excuses for non-presentment or delay.

3. Delay in presentment or non-presentment is excused by any circumstance which would excuse delay in presentment for payment or non-presentment for payment :

4. When a bill of exchange is dishonored by the acceptor for honor it must be protested for non-payment by him. Protest for non-payment.

68. Where a bill has been protested for non-payment, any person may intervene and pay it *suprâ* protest for the honor of any party liable thereon, or for the honor of the person for whose account the bill is drawn : Payment for honor *suprâ* protest.

2. Where two or more persons offer to pay a bill for the honor of different parties, the person whose payment will discharge most parties to the bill shall have the preference : If more than one offer to pay.

3. Payment for honor *suprâ* protest, in order to operate as such and not as a mere voluntary payment, must be attested by a notarial act of honor which may be appended to the protest or form an extension of it : Attestation.

4. The notarial act of honor must be founded on a declaration made by the payer for honor, or his agent in that behalf, declaring his intention to pay the bill for honor, and for whose honor he pays : Basis thereof.

5. Where a bill has been paid for honor, all parties subsequent to the party for whose honor it is paid are discharged, but the payer for honor is subrogated for, and succeeds to both the rights and duties of, the holder as regards the party for whose honor he pays, and all parties liable to that party : Liabilities and rights in such case.

6. The payer for honor on paying to the holder the amount of the bill and the material expenses incidental to its dishonor is entitled to receive both the bill itself and the protest. If the holder do not on demand deliver them up he shall be liable to the payer for honor in damages : Delivery to payer for honor.

7. Where the holder of a bill refuses to receive payment *suprâ* protest he shall lose his right of recourse against any party who would have been discharged by such payment : Effect of refusal to receive payment.

Lost Instruments.

69. Where a bill has been lost before it is overdue, the person who was the holder of it may apply to the drawer to give him another bill of the same tenor, giving security to the drawer if required to indemnify him against all persons whatever in case the bill alleged to have been lost shall be found again : Holder's right to duplicate of lost bill.

2. If the drawer on request as aforesaid refuses to give such duplicate bill, he may be compelled to do so If refused.

70. In any action or proceeding upon a bill, the court or a judge may order that the loss of the instrument shall not be set up, provided an indemnity be given to the satisfaction of the court or judge against the claims of any other person upon the instrument in question. Action on lost bill.

Bill in a Set.

As to bills in sets.

71. Where a bill is drawn in a set, each part of the set being numbered, and containing a reference to the other parts, the whole of the parts constitute one bill:

If indorsed to different persons.

2. Where the holder of a set indorses two or more parts to different persons, he is liable on every such part, and every indorser subsequent to him is liable on the part he has himself indorsed as if the said parts were separate bills:

If negotiated to different holders.

3. Where two or more parts of a set are negotiated to different holders in due course, the holder whose title first accrues is as between such holders deemed the true owner of the bill; but nothing in this sub-section shall affect the rights of a person who in due course accepts or pays the part first presented to him:

Acceptance.

4. The acceptance may be written on any part, and it must be written on one part only:

If more than one part is accepted.

5. If the drawee accepts more than one part, and such accepted parts get into the hands of different holders in due course, he is liable on every such part as if it were a separate bill:

Payment without delivery of proper part.

6. When the acceptor of a bill drawn in a set pays it without requiring the part bearing his acceptance to be delivered up to him, and that part at maturity is outstanding in the hands of a holder in due course, he is liable to the holder thereof:

Discharge.

7. Subject to the preceding rules, where any one part of a bill drawn in a set is discharged by payment or otherwise the whole bill is discharged.

Conflict of Laws.

Rules where laws conflict.

72. Where a bill drawn in one country is negotiated, accepted or payable in another, the rights, duties, and liabilities of the parties thereto are determined as follows:

Validity, how determined.

(*a.*) The validity of a bill as regards requisites in form is determined by the law of the place of issue, and the validity as regards requisites in form of the supervening contracts, such as acceptance, or indorsement, or acceptance *suprâ* protest, is determined by the law of the place where such contract was made:

Proviso.

Provided that—

(1.) Where a bill is issued out of Canada it is not invalid by reason only that it is not stamped in accordance with the law of the place of issue;

(2.) Where a bill, issued out of Canada conforms, as regards requisites in form, to the law of Canada, it may, for the purpose of enforcing payment thereof, be treated as valid as between all persons who negotiate, hold or become parties to it in Canada:

(*b.*) Subject to the provisions of this Act, the interpretation of the drawing, indorsement, acceptance or acceptance *supra* protest of a bill, is determined by the law of the place where such contract is made: Drawing indorsement, &c.

Provided that where an inland bill is indorsed in a foreign country the indorsement shall, as regards the payer, be interpreted according to the law of Canada: Proviso.

(*c*) The duties of the holder with respect to presentment for acceptance or payment and the necessity for or sufficiency of a protest or notice of dishonor, or otherwise, are determined by the law of the place where the act is done or the bill is dishonored: Duties of holder.

(*d.*) Where a bill is drawn out of but payable in Canada, and the sum payable is not expressed in the currency of Canada, the amount shall, in the absence of some express stipulation, be calculated according to the rate of exchange for sight drafts at the place of payment on the day the bill is payable: Currency.

(*e.*) Where a bill is drawn in one country and is payable in another, the due date thereof is determined according to the law of the place where it is payable. Due date.

PART III.

CHEQUES ON A BANKER.

73. A cheque is a bill of exchange drawn on a banker payable on demand: Cheque defined.

2. Except as otherwise provided in this part, the provisions of this Act applicable to a bill of exchange payable on demand apply to a cheque. Certain provisions to apply.

74. Subject to the provisions of this Act— Presentment of cheque for payment.

(*a.*) Where a cheque is not presented for payment within a reasonable time of its issue, and the drawer or the person on whose account it is drawn had the right at the time of such presentment as between him and the banker to have the cheque paid and suffers actual damage through the delay, he is discharged to the extent of such damage, that is to say, to the extent to which such drawer or person is a creditor of such banker to a larger amount than he would have been had such cheque been paid:

(*b.*) In determining what is a reasonable time regard shall be had to the nature of the instrument, the usage of trade and of bankers, and the facts of the particular case:

(*c.*) The holder of such cheque as to which such drawer or person is discharged shall be a creditor, in lieu of such drawer or person, of such banker to the extent of such discharge, and entitled to recover the amount from him.

Revocation of banker's authority.

75. The duty and authority of a banker to pay a cheque drawn on him by his customer are determined by—

(*a.*) Countermand of payment:

(*b.*) Notice of the customer's death.

Crossed Cheques.

General crossing defined.

76. Where a cheque bears across its face an addition of—

(*a.*) The words "and company" or any abbreviation thereof between two parallel transverse lines, either with or without the words "not negotiable;" or

(*b.*) Two parallel transverse lines simply, either with or without the words "not negotiable;"

That addition constitutes a crossing, and the cheque is crossed generally:

Special crossing.

2. Where a cheque bears across its face an addition of the name of a banker, either with or without the words "not negotiable," that addition constitutes a crossing, and the cheque is crossed specially and to that banker.

Crossing by drawer or after issue.

77. A cheque may be crossed generally or specially by the drawer:

General or special.

2. Where a cheque is uncrossed, the holder may cross it generally or specially:

May be varied.

3. Where a cheque is crossed generally the holder may cross it specially:

Words may be added.

4. Where a cheque is crossed generally or specially, the holder may add the words "not negotiable:"

Re-crossing for collection.

5. Where a cheque is crossed specially, the banker to whom it is crossed may again cross it specially to another banker for collection:

Crossing by banker.

6. Where an uncrossed cheque, or a cheque crossed generally, is sent to a banker for collection, he may cross it specially to himself.

Crossing is a material part of cheque.

78. A crossing authorized by this Act is a material part of the cheque; it shall not be lawful for any person to obliterate or, except as authorized by this Act, to add to or alter the crossing.

Duties of banker as to crossed cheques.

79. Where a cheque is crossed specially to more than one banker except when crossed to an agent for collection being a banker, the banker on whom it is drawn shall refuse payment thereof:

Liability for improper payment.

2. Where the banker on whom a cheque is drawn which is so crossed nevertheless pays the same, or pays a cheque crossed generally otherwise than to a banker, or if crossed specially otherwise than to the banker to whom it is crossed,

or his agent for collection being a banker, he is liable to the true owner of the cheque for any loss he may sustain owing to the cheque having been so paid:

When liability does not accrue.

Provided that where a cheque is presented for payment which does not at the time of presentment appear to be crossed, or to have had a crossing which has been obliterated, or to have been added to or altered otherwise than as authorized by this Act, the banker paying the cheque in good faith and without negligence shall not be responsible or incur any liability, nor shall the payment be questioned by reason of the cheque having been crossed, or of the crossing having been obliterated or having been added to or altered otherwise than as authorized by this Act, and of payment having been made otherwise than to a banker or to the banker to whom the cheque is or was crossed, or to his agent for collection being a banker, as the case may be.

Protection to banker and drawer where cheque is crossed.

80. Where the banker, on whom a crossed cheque is drawn, in good faith and without negligence pays it, if crossed generally, to a banker, and if crossed specially, to the banker to whom it is crossed, or his agent for collection being a banker, the banker paying the cheque, and if the cheque has come into the hands of the payee, the drawer, shall respectively be entitled to the same rights and be placed in the same position as if payment of the cheque had been made to the true owner thereof.

Effect of crossing on holder.

81. Where a person takes a crossed cheque which bears on it the words "not negotiable," he shall not have and shall not be capable of giving a better title to the cheque than that which the person from whom he took it had.

Protection to collecting banker.

82. Where a banker in good faith and without negligence receives payment for a customer of a cheque crossed generally or specially to himself, and the customer has no title or a defective title thereto, the banker shall not incur any liability to the true owner of the cheque by reason only of having received such payment.

PART IV.

PROMISSORY NOTES.

Promissory note defined.

83. A promissory note is an unconditional promise in writing made by one person to another signed by the maker, engaging to pay, on demand or at a fixed or determinable future time, a sum certain in money, to, or to the order of, a specified person or to bearer:

Indorsement by maker.

2. An instrument in the form of a note payable to maker's order is not a note within the meaning of this section unless and until it is indorsed by the maker:

Collateral pledge does not invalidate.

3. A note is not invalid by reason only that it contains also a pledge of collateral security with authority to sell or dispose thereof;

Inland and foreign.

4. A note which is, or on the face of it purports to be, both made and payable within Canada, is an inland note: any other note is a foreign note:

Delivery necessary.

84. A promissory note is inchoate and incomplete until delivery thereof to the payee or bearer.

Joint and several notes.

85. (1.) A promissory note may be made by two or more makers, and they may be liable thereon jointly, or jointly and severally according to its tenor:

As to number.

2. Where a note runs "I promise to pay" and is signed by two or more persons it is deemed to be their joint and several note.

Note payable on demand.

86. Where a note payable on demand has been indorsed, it must be presented for payment within a reasonable time of the indorsement: if it be not so presented the indorser is discharged.

Reasonable time.

2. In determining what is a reasonable time, regard shall be had to the nature of the instrument, the usage of trade, and the facts of the particular case:

Defects without notice.

3. Where a note payable on demand is negotiated, it is not deemed to be overdue, for the purpose of affecting the holder with defects of title of which he had no notice, by reason that it appears that a reasonable time for presenting it for payment has elapsed since its issue.

Presentment of note for payment.

87. Where a promissory note is in the body of it made payable at a particular place, it must be presented for payment at that place in order to render the maker liable: in any other case, presentment for payment is not necessary in order to render the maker liable:

Liability.

2. Presentment for payment is necessary in order to render the indorser of a note liable:

Place for presentment.

3. Where a note is in the body of it made payable at a particular place, presentment at that place is necessary in order to render an indorser liable; but when a place of payment is indicated by way of memorandum only, presentment at that place is sufficient to render the indorser liable, but a presentment to the maker elsewhere, if sufficient in other respects, shall also suffice.

Liability of maker.

88. The maker of a promissory note by making it—

(*a.*) Engages that he will pay it according to its tenor;

(*b.*) Is precluded from denying to a holder in due course the existence of the payee and his then capacity to indorse.

Application of part II to notes.

89. Subject to the provisions in this part and, except as by this section provided, the provisions of this Act relating to bills of exchange apply, with the necessary modifications, to promissory notes:

2. In applying those provisions the maker of a note shall be deemed to correspond with the acceptor of a bill, and the first indorser of a note shall be deemed to correspond with the drawer of an accepted bill payable to drawer's order: Corresponding terms.

3. The following provisions as to bills do not apply to notes, namely, provisions relating to— What provisions do not apply.

(*a.*) Presentment for acceptance;

(*b.*) Acceptance;

(*c.*) Acceptance *suprâ* protest;

(*d.*) Bills in a set:

4. Where a foreign note is dishonored, protest thereof is unnecessary. As to foreign note.

PART V.

SUPPLEMENTARY.

90. A thing is deemed to be done in good faith, within the meaning of this Act, where it is in fact done honestly, whether it is done negligently or not. Good faith.

91. Where, by this Act, any instrument or writing is required to be signed by any person, it is not necessary that he should sign it with his own hand, but it is sufficient if his signature is written thereon by some other person by or under his authority: Signature.

2. In the case of a corporation, where, by this Act, any instrument or writing is required to be signed, it is sufficient if the instrument or writing be sealed with the corporate seal: but nothing in this section shall be construed as requiring the bill or note of a corporation to be under seal. As to corporations.

92. Where by this Act, the time limited for doing any act or thing is less than three days, in reckoning time, n on-business days are excluded: non-business days" for the purposes of this Act mean the days mentioned in the *fourteenth* section of this Act: any other day is a business day. Computation of time.

93. For the purposes of this Act, where a bill or note is required to be protested within a specified time or before some further proceeding is taken, it is sufficient that the bill has been noted for protest before the expiration of the specified time or the taking of the proceeding; and the formal protest may be extended at any time thereafter as of the date of the noting. When noting is equivalent to protest.

Protest when notary is not accessible.

94. Where a dishonored bill or note is authorized or required to be protested, and the services of a notary cannot be obtained at the place where the bill is dishonored, any justice of the peace resident of the place may present and protest such bill or note and give all necessary notices, having all the necessary powers of a notary in respect thereto :

Expenses.

2. The expense of noting and protesting any bill or note and the postages thereby incurred shall be allowed and paid to the holder in addition to any interest thereon :

Fees chargeable.

3. The several fees and charges mentioned in schedule 1 to this Act together with necessary postage may be claimed from the holder of a bill or note by the notary or other person performing such duties :

Forms.

4. The forms in schedule 2 to this Act may be used in noting or protesting any bill or note and in giving notice thereof :

Evidence of presentation, dishonor and notice.

5. A protest of any bill or note and any copy thereof as copied by the notary shall in any action on such bill or note be *prima facie* evidence of presentation and dishonor and also of service of notice of such presentation and dishonor as stated in such protest.

Dividend warrants may be crossed.

95. The provisions of this Act as to crossed cheques shall apply to a warrant for payment of dividend.

Repeal.

96. The enactments mentioned in the third schedule to this Act are hereby repealed as from the commencement of this Act to the extent in that schedule mentioned :

Proviso.

Provided that such repeal shall not affect anything done or suffered, or any right, title, or interest acquired or accrued before the commencement of this Act, or any legal proceeding or remedy in respect of any such thing, right, title, or interest.

Rules in bankruptcy.

97. The rules in bankruptcy relating to bills of exchange, promissory notes, and cheques, shall continue to apply thereto notwithstanding anything in this Act contained :

And in law merchant.

2. The rules of common law including the law merchant, save in so far as they are inconsistent with the express provisions of this Act, shall continue to apply to bills of exchange, promissory notes, and cheques.

Construction with other Acts, &c.

98. Where any Act or document refers to any enactment repealed by this Act, the Act or document shall be construed, and shall operate, as if it referred to the corresponding provisions of this Act.

Commencement of Act.

99. This Act shall go into operation on the first day of July next.

SCHEDULE 1.

Tariff of fees and charges for Notaries, &c.

For presenting and noting for non-acceptance any bill of exchange, and keeping the same on record	$1 00
Copy of the same when required by the holder	0 50
For noting and protesting for non-payment any bill of exchange or promissory note, draft or order, and putting the same on record	1 00
For making and furnishing the holder of any bill or note with duplicate copy of any protest for non acceptance or non payment, with certificate of service and copy of notice served upon the drawer and indorsers	0 50
For every notice, including the service and recording copy of the same, to an indorser or drawer, in addition to the postages actually paid	0 50
Cost of travel necessary to present any bill or note per mile both ways	0 10

SCHEDULE 2.

FORM A.

NOTING FOR NON-ACCEPTANCE.

(*Copy of Bill and Indorsements.*)

On the 18 , the above bill was, by me, at the request of , presented for acceptance to E. F., the drawee, personally (*or*, at his residence, office or usual place of business in the city (town *or* village) of , and I received for answer, " "; The said bill is therefore noted for non-acceptance.

A. B.,
Notary Public.

, 18 .

Due notice of the above was by me served upon { A. B., / C. D., } the { drawer, / indorser, } personally, on the day of (*or*, at his residence, office or usual place of business in), on the day of (*or*, by depositing such notice, directed to him, at , in Her Majesty's post office in this city (town *or* village), on the day of , and prepaying the postage thereon.)

A. B.,
Notary Public.

, 18 .

Form B.

PROTEST FOR NON-ACCEPTANCE OR FOR NON-PAYMENT OF A BILL PAYABLE GENERALLY.

(*Copy of Bill and Indorsements.*)

On this day of , in the year 18 , I, A. B., notary public for the Province of , dwelling at , in the Province of , at the request of , did exhibit the original bill of exchange, whereof a true copy is above written, unto E. F., the { drawee / acceptor } thereof personally (*or*, at his residence, office or usual place of business in), and, speaking to himself (*or* his wife, his clerk, *or* his servant, &c.,) did demand { acceptance / payment } thereof; unto which demand { he / she } answered, " ."

Wherefore I, the said notary, at the request aforesaid, have protested, and by these presents do protest against the acceptor, drawer and indorsers (*or* drawer and indorsers) of the said bill, and other parties thereto or therein concerned, for all exchange, re-exchange, and all costs, damages and interest, present and to come, for want of { acceptance / payment } of the said bill.

All of which I attest by my signature.

(Protested in duplicate.)

A.B.,
Notary Public.

Form C.

PROTEST FOR NON-ACCEPTANCE OR FOR NON-PAYMENT OF A BILL PAYABLE AT A STATED PLACE.

(*Copy of Bill and Indorsements.*)

On this day of , in the year 18 , I, A.B., notary public for the Province of , dwelling at , in the Province of , at the request of , did exhibit the original bill of exchange, whereof a true copy is above written, unto E. F. the { drawee / acceptor } thereof, at , being the stated place where the said bill is payable, and there, speaking to , did demand { acceptance / payment } of the said bill; unto which demand he answered, " ,"

Wherefore I, the said notary, at the request aforesaid, have protested, and by these presents do protest against the acceptor, drawer and indorsers (*or* drawer and indorsers) of

the said bill, and all other parties thereto or therein concerned, for all exchange, costs, damages and interest, present and to come, for want of { acceptance / payment } of the said bill.

All which I attest by my signature.

(Protested in duplicate.)

A. B.,
Notary Public.

FORM D.

PROTEST FOR NON-PAYMENT OF A BILL NOTED, BUT NOT PROTESTED FOR NON-ACCEPTANCE.

If the protest is made by the same notary who noted the bill, it should immediately follow the act of noting and memorandum of service thereof, and begin with the words " and afterwards, on, &c.," *continuing as in the last preceding form, but introducing between the words* " did " " exhibit," *the word* " again ; " *and, in a parenthesis, between the words* " written " *and* " unto," *the words* (" and which bill was by me duly noted for non-acceptance on the day of last.")

But if the protest is not made by the same notary, then it should follow a copy of the original bill and indorsements and noting marked on the bill—and then in the protest introduce, in a parenthesis, between the words " written " *and* " unto " *the words* (" and which bill was on the day of last, by , public notary for the Province of noted for non-acceptance, as appears by his note thereof marked on the said bill.")

FORM E.

PROTEST FOR NON-PAYMENT OF A NOTE PAYABLE GENERALLY.

(*Copy of Note and Indorsements.*)

On this day of , in the year 18 , I A. B., notary public for the Province of , dwelling at , in the Province of , at the request of , did exhibit the original promissory note, whereof a true copy is above written, unto , the promisor, personally (*or*, at his residence, office *or* usual place of business, in), and speaking to himself (*or* his wife, his clerk, *or* his servant, &c.), did demand payment thereof; unto which demand { he / she } answered, " ."

Wherefore I, the said notary, at the request aforesaid, have protested, and by these presents do protest against the promisor and indorsers of the said note, and all other parties thereto or therein concerned, for all costs, damages and interest, present and to come, for want of payment of the said note.

All which I attest by my signature.

(Protested in duplicate.)

A. B.,
Notary Public.

Form F.

PROTEST FOR NON-PAYMENT OF A NOTE PAYABLE AT A STATED PLACE.

(*Copy of Note and Indorsements*)

On this day of , in the year 18 , I, A. B., notary public for the Province of , dwelling at , in the Province of , at the request of , did exhibit the original promissory note, whereof a true copy is above written, unto the promisor, at , being the stated place where the said note is payable, and there, speaking to did demand payment of the said note, unto which demand, he answered, " ."

Wherefore I, the said notary, at the request aforesaid, have protested, and by these presents do protest against the promisor and indorsers of the said note, and all other parties thereto or therein concerned, for all costs, damages and interest, present and to come, for want of payment of the said note.

All which I attest by my signature.

(Protested in duplicate.)

A. B.,
Notary Public.

Form G.

NOTARIAL NOTICE OF A NOTING, OR OF A PROTEST FOR NON-ACCEPTANCE, OR OF A PROTEST FOR NON-PAYMENT OF A BILL.

(*Place and date of Noting or of Protest.*)

1st.

To P. Q. (*the drawer.*)
at .

Sir,

Your bill of exchange for $, dated at the , upon E. F., in favor of C. D., payable days after { sight, / date, } was this day, at the request of duly { noted / protested } by me for { non-acceptance. / non-payment. }

A. B.,
Notary Public.

(*Place and date of Noting or of Protest.*)

2nd.

To C. D. (*indorser*),

or F. G.)
at .

Sir,

Mr. P. Q.'s bill of exchange for $, dated at the , upon E. F., in your favor (*or* in favor of C. D.),

payable days after { sight, / date, } and by you indorsed, was this day, at the request of , duly { noted / protested } by me for { non-acceptance. / non-payment. }

A. B.,
Notary Public.

FORM H.

NOTARIAL NOTICE OF PROTEST FOR NON-PAYMENT OF A NOTE.
(*Place and date of Protest.*)

To ,
at
Sir,
Mr. P. Q.'s promissory note for $, dated at , the , payable { days / months / on—— } after date to { you / E. F. } or order, and indorsed by you, was this day, at the request of , duly protested by me for non-payment.

A. B.
Notary Public.

FORM I.

NOTARIAL SERVICE OF NOTICE OF A PROTEST FOR NON-ACCEPTANCE OR NON-PAYMENT OF A BILL, OR OF NON-PAYMENT OF A NOTE (*to be subjoined to the Protest.*)

And afterwards, I, the aforesaid protesting notary public, did serve due notice in the form prescribed by law, of the foregoing protest for { non-acceptance / non-payment } of the { bill / note } thereby protested upon { P.Q., / C.D., } the { drawer / indorsers } personally, on the day of (*or*, at his residence, office, *or* usual place of business in ,) on the day of ; *or*, by depositing such notice, directed to the said { P.Q., / C.D., } at , in Her Majesty's post office in this city (town *or* village) on the day of , and prepaying the postage thereon.

In testimony whereof, I have, on the last mentioned day and year, at aforesaid, signed these presents.

A. B.,
Notary Public.

FORM J.

PROTEST BY A JUSTICE OF THE PEACE (WHERE THERE IS NO NOTARY) FOR NON-ACCEPTANCE OF A BILL, OR NON-PAYMENT OF A BILL OR NOTE.

(*Copy of a Bill or Note and Indorsements.*)

On this day of , in the year 18 , I, N. O., one of Her Majesty's justices of the peace for the district (*or* county, &c.) of , in the Province of , dwelling at (*or* near the village of), in the said district, (there being no practising notary public resident at or near the said village, *or any other legal cause*), did, at the request of and in presence of , a householder in the said district, well known unto me, exhibit the original { bill / note } whereof a true copy is above written unto P. Q., the { drawer / acceptor / promisor } thereof, personally (*or*, at his residence, office or usual place of business in) and speaking to himself (his wife, his clerk *or* his servant, &c.), did demand { acceptance / payment } thereof, unto which demand { he / she } answered, " ."

Wherefore I, the said justice of the peace, at the request aforesaid, have protested, and by these presents do protest against the { drawer and indorsers / promisor and indorsers / acceptor, drawer and indorsers } of the said { bill / note } and all other parties thereto and therein concerned, for all exchange, re-exchange, and all costs, damages and interest, present and to come, for want of { acceptance / payment } of the said { bill. / note. }

All which is by these presents attested by the signature of the said (*the witness*) and by my hand and seal.

(Protested in duplicate.)

(*Signature of the witness.*)
(*Signature and seal of the J. P.*) L.S.

SCHEDULE 3,

ENACTMENTS REPEALED.

Province, Section and Chapter.	Title of Act and Extent of Repeal.
Dominion of Canada:	
Cap. 123 Revised Statutes	An Act respecting Bills of Exchange and Promissory Notes.—The whole Act.
Province of Quebec:	
Civil Code of Lower Canada	Articles 2,279 to 2,354, both inclusive.
Nova Scotia:	
Revised Statutes, third series, cap. 82, sec. 2.....	"Of interest." The other sections of this chapter having been heretofore repealed.
New Brunswick:	
Revised Statutes, chap. 116, sec. 2.....	"Of bills, notes and choses in action." The other sections of this chapter having been heretofore repealed.
30 Vic., 1867, cap. 34.....	An Act to amend chap. 116 of the Revised Statutes.—"Of Bills, Notes and Choses in Action," also Act 12th Victoria, chapter 39, relating thereto,—section 1.

No. 5.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL.

An Act relating to Bills of Exchange, Cheques, and Promissory Notes.

Received and read first time, Monday, 4th February, 1889.
Second reading, Tuesday, 5th February, 1889.

Sir JOHN THOMPSON.

OTTAWA:
For the Queen's Printer, &c.

A. SENÉCAL, Superintendent of Printing.

1889.

No. 6.] **BILL.** [1889.

An Act to prevent the practice of fraud by tree pedlers and commission men in the sale of nursery stock.

Preamble.

WHEREAS it is expedient and necessary to prevent the practice of fraud by tree pedlers and commission men in the sale of nursery stock: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Affidavit and bond required of person selling foreign-grown nursery stock.

1. No person, and no agent of any corporation or association, shall sell or offer for sale any tree, plant, shrub or vine or other nursery stock not grown in Canada without first filing with the Secretary of State of Canada an affidavit setting forth his name, age, occupation and residence, and if an agent, the name, occupation and residence of his principal, and a statement as to where the nursery stock aforesaid to be sold is grown, together with a bond to Her Majesty in the penal sum of dollars, conditioned to save harmless any citizen of Canada who is defrauded by any false or fraudulent representations as to the place where such stock sold by such person, corporation or association was grown, or as to its quality, variety or hardiness for climate: Provided, that the bond aforesaid shall, when the principal is a resident of Canada, be given by such principal and not by the agent.

Certificate of compliance with foregoing provisions.

2. The Secretary of State of Canada shall, on full compliance with the foregoing provisions, give to the applicant aforesaid a certificate under his official seal setting forth in detail the facts and stating that there has been full compliance by the said applicant with the provisions of this Act, and such applicant shall exhibit the same or a certified copy thereof to any person to whom stock is offered by him for sale.

Seller to furnish duplicate order, &c.

3. Every person, whether in the capacity of principal or agent, who sells or offers for sale in Canada, either as principal or agent, any foreign-grown nursery stock, shall furnish to the purchaser of such stock a duplicate order, with a contract specifying that such stock is true to name and as represented.

Non-compliance with this Act a misdemeanor.

4. Every person, who sells or offers for sale in Canada, either as principal or agent, any foreign-grown nursery stock without first complying with the requirements of this Act, or refuses to exhibit the certificate mentioned in section two of this Act, whenever demanded, or by means

of any advertisement, circular, notice or statement, printed or written, published or posted, or circulated by the agency of any officer, agent or other person, or by any other means, falsely represents to any person or to the public that such nursery stock is grown in Canada, and is hardy, and is adapted to the climate thereof, is guilty of a misdemeanor, and upon conviction thereof shall be liable to a fine not exceeding one hundred dollars and not less than twenty-five dollars, or to imprisonment for a term not exceeding sixty days and not less than ten days.

Penalty

No. 6.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL.

An Act to prevent the practice of fraud by tree pedlers and commission men in the sale of nursery stock.

Received and read first time, Monday, 4th February, 1889.
Second reading, Tuesday, 5th February, 1889.

Mr. BOYLE.

OTTAWA:
For the Queen's Printer, &c.
A. SENÉCAL, Superintendent of Printing.
1889.

No. 7.] **BILL.** [1889.

An Act to admit vessels registered in the United States to wrecking, towing and coasting privileges in Canadian waters.

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

Aid to vessels.

1. United States' vessels of all descriptions may render aid and assistance to any and all vessels, of whatsoever nationality, wrecked and disabled in Canadian waters.

Towing privileges

2. United States' steam vessels may tow any ship, vessel, or raft, of whatsoever nationality, from one port or place in Canada to another, subject only to such dues or regulations as Canadian ships are subject to.

Coasting privileges.

3. United States' vessels or ships are hereby admitted to the coasting trade of Canada, and are authorized to carry goods and passengers from one port or place in Canada to another, subject only to such dues or regulations as Canadian ships are subject to.

Commencement and duration of Act.

4. This Act shall take effect as soon as and remain in force so long as the like privileges of wrecking, towing and coasting in United States waters are extended to Canadian vessels by the Government of the United States.

No. 7.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL.

An Act to admit vessels registered in the United States to wrecking, towing and coasting privileges in Canadian waters.

Received and read first time, Monday, 4th February, 1889.
Second reading, Tuesday, 5th February, 1889.

Mr. PATTERSON,
(Essex).

OTTAWA:
For the Queen's Printer, &c.

A. SENÉCAL, Superintendent of Printing.

1889.

No. 8.] **BILL.** [1889.

An Act to provide for the examination and licensing of persons having charge of stationary steam engines or other devices worked under pressure.

Preamble.

WHEREAS, for the greater security of life and property, it is expedient to provide for the examination and licensing of all persons having charge of stationary steam engines or other devices worked under pressure: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Interpretation.

1. In this Act the expression "inspector" means any competent person appointed by the Governor General in Council; and the expression "engineer" means only any person having charge of any stationary steam engine, or the care and management of any stationary steam boiler or other device worked under pressure.

Qualification of inspector.

2. Every inspector shall be a person who has a thorough technical knowledge of the principles of mechanics, the strength of material as used in engine and boiler construction, the size and capacity of feed pumps and condensers for any given boiler or engine, the chemical constituents of coal and its heating and mechanical equivalents and the principles of combustion and conversion of heat into work; he shall have had at least five years' experience as a practical engineer in charge of a stationary engine, understand steam-heating and the use of the steam engine indicator, and shall give bonds to Her Majesty for the faithful performance of his duties in the sum of one thousand dollars.

Security.

Grades of certificates.

3. The inspectors shall examine all persons applying for certificates under this Act and shall have power to issue four grades of certificates, that is to say: first-class engineer, second-class engineer, third-class engineer or fireman, and special class, and each such special class certificate shall designate in plain terms the particular steam plant for which it is issued.

Certificate to be on view.

4. All certificates shall be exposed to view in a conspicuous place in the engine or boiler room.

Penalty for serving without certificate.

5. Every engineer or fireman or holder of a special certificate who undertakes to operate or take charge of any steam plant requiring a higher grade of certificate than he possesses, shall be liable to a penalty not exceeding fifty dollars

and not less than ten dollars upon conviction of the offence, and the inspector may revoke his certificate.

Permits and certificates to persons acting.

6. Every person who has charge of any engine or boiler to which this Act applies at the time of the passing hereof shall, upon the payment of a fee of two dollars to the inspector, be entitled to receive a permit to operate such steam plant for the term of one year ; and every such engineer or fireman who applies for a renewal or higher grade of certificate, may procure the same by passing the necessary examination before the inspector, and shall pay for the certificate the sum of five dollars.

Fees.

Fees in other cases.

7. Every person to whom the provisions of the next preceding section do not apply who presents himself for examination shall pay the sum of five dollars for such examination. Each certificate shall have force and effect for the term of one year, unless sooner revoked for cause, and for each renewal the sum of one dollar shall be paid. The inspector shall not issue, in any case, a certificate to a person of intemperate habits however skilful he may be.

Duration of certificate.

Intemperate persons.

Revocation of certificates.

8. Every inspector appointed under this Act shall have power to revoke any certificate issued under this Act, at any time, if the person holding the same shall have committed any act or acts that show him to be unworthy, incompetent or intemperate ; but such person may appeal from the decision of the inspector to the Minister of Marine and Fisheries, whose decision shall be final.

Appeal.

Qualifications ; first class engineers.

9. A first-class engineer shall have a thorough knowledge of steam as used for any purpose, of the use of the steam engine indicator, the principles of combustion and the conversion of heat into work, the details of construction of boilers and engines, the strength of materials used in such construction, the construction and working of condensers and feed pumps, and the principles of steam heating ; and a certificate to a first-class engineer shall entitle the holder to operate any steam plant over which any of the inspectors appointed under this Act has jurisdiction :

Second class engineers.

2. A second-class engineer shall have a thorough knowledge of steam and its uses, the construction of engines and boilers and the strength of material used therefor, the construction and working of feed pumps and condensers and the principles of steam heating ; and a certificate to a second-class engineer shall entitle the holder to operate any steam plant of two hundred horse power or less over which any of the inspectors appointed under this Act has jurisdiction :

Third class engineers.

3. A third-class engineer or fireman shall have a fair knowledge of steam and its uses, the principles of steam heating, and the working of feed pumps and condensers, and a certificate to a third-class engineer shall entitle the holder to operate any steam plant of fifty horse power or less, over which any of the inspectors appointed under this Act has jurisdiction :

4. A fourth or special class engineer shall have a fair knowledge of the working of feed pumps and inspirators or injectors and be thoroughly capable of taking care of any boiler under his charge, and a certificate to a special class engineer shall entitle the holder to operate any steam plant or portable engine of twenty horse power or less over which any of the inspectors appointed under this Act has jurisdiction. Special class engineers.

10. No person shall employ another as engineer, and no person shall serve as engineer, unless the person serving or employed as engineer is then licensed by an inspector as aforesaid, and any one who violates any provision of this section shall be liable to a penalty not exceeding two hundred dollars, and not less than fifty dollars. Penalty for contravention.

11. All moneys collected for certificates or renewals under this Act shall be paid to the inspector who issues the certificate for his own use and benefit, as remuneration for his services. Application of fees.

12. All prosecutions under this Act may be brought before any of Her Majesty's justices of the peace in and for the county in which the offence was committed, and in cities, towns and incorporated villages where there is a police magistrate, before such magistrate. Prosecutions, where instituted.

13. The foregoing provisions of this Act shall come into force on the first day of July, one thousand eight hundred and eighty-nine. Commencement of Act.

No. 8.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL.

An Act to provide for the examination and licensing of persons having charge of stationary steam engines or other devices worked under pressure.

Received and read first time, Tuesday, 5th February, 1889.
Second reading, Wednesday, 6th February, 1889.

Mr. Cook.

OTTAWA:
For the Queen's Printer, &c.

A. Senécal, Superintendent of Printing.

1889.

No. 9.] **BILL.** [1889.

An Act to amend "The Railway Act."

Preamble. WHEREAS it is expedient to make further provision as to the conveyance of passengers and their baggage by railway trains and to amend "*The Railway Act*" accordingly: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Facilities for alighting. **1.** All railway trains for the conveyance of passengers shall be drawn up at the stations or other stopping places so as to enable passengers to alight from the car on to a platform which shall be constructed at each station or stopping place.

Treatment of baggage. **2.** Passengers' baggage shall not be thrown or cast from the baggage car to the platform, but proper appliances shall be provided on which baggage, not removed by hand, shall be removed undamaged from the baggage car to the platform.

Penalty for contravention. **3.** For each neglect to comply with the provisions of the two sections next preceding, the railway company shall, in addition to any other liabilities, incur a penalty of —— dollars which shall be recoverable by any person who sues for the same.

No 9.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL.

An Act to amend "The Railway Act."

Received and read first time, Tuesday, 5th February, 1889.
Second reading, Wednesday, 6th February, 1889.

MR. COOK.

OTTAWA:
For the Queen's Printer, &c.
—
A. SENÉCAL, Superintendent of Printing.
—
1889.

No. 10.] **BILL.** [1889.

An Act to amend chapter one hundred and twenty-seven of the Revised Statutes of Canada, intituled, "An Act respecting Interest."

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

Section 1 of R.S.C., c. 127 repealed; new provision.

1. Section one of chapter one hundred and twenty-seven of the Revised Statutes of Canada is hereby repealed, and the following provisions enacted instead thereof.

Rate of interest limited.

2. No person, corporation, company or association of persons shall, directly or indirectly, receive as interest or discount on any contract for the loan of any money or goods, more than eight dollars for the forbearance of one hundred dollars for one year, and after that rate for a greater or less sum, and a longer or shorter time: Provided always, that where the parties to any such contract or agreement stipulate and agree that a rate of interest or discount higher or greater than six per centum per annum shall be paid, exacted or received, such higher or greater rate shall be expressed in the bond, bill, note or other written agreement, or in some contemporaneous memorandum, in writing, which shall be signed by the parties thereto.

When rate shall be specified in the instrument.

Instruments in contravention void.

3. All bonds, bills, promissory notes, contracts and assurances whatsoever, made or executed in violation of or contrary to the provisions of the section next preceding, whereupon or whereby a greater interest or discount is reserved and taken than that authorized by this Act, shall be void.

Exception.

4. This Act shall not apply to any contracts, deeds or agreements made before the passing hereof.

Repeal.

5. All Acts or parts of Acts inconsistent with the foregoing provisions are hereby repealed.

No. 10.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL.

An Act to amend chapter one hundred and twenty-seven of the Revised Statutes of Canada, intituled: "An Act respecting Interest."

Received and read first time, Wednesday, February 6th, 1889.
Second reading, Thursday, February 7th, 1889.

MR. LANDRY.

OTTAWA:
For the Queen's Printer, &c.
—
A. SENÉCAL, Superintendent of Printing.
—
1889.

No. 11] **BILL.** [1889.

An Act for the Prevention and Suppression of Combinations formed in restraint of Trade.

Preamble.

WHEREAS it is expedient to make provision for the prevention and suppression of certain combinations formed in restraint of trade : Therefore Her Majesty, by and with the advice and consent of the Senate and the House of Commons of Canada, enacts as follows :—

Combining for the purpose of—

1. Every person who combines, agrees or arranges with any other person, or with any railway, steamship or steamboat or transportation company,

Granting special trade facility.

(*a.*) For granting to any person who is a party to such combination, agreement or arrangement any facility for the purchase, sale, transportation or supply of any article or commodity which is an object of trade, which facility is, by such combination, agreement or arrangement, not to be granted to any person who is not a party thereto ;

Denying special trade facility.

(*b.*) For denying to any person who is not a party to such combination, agreement or arrangement any facility for any such purchase, sale, transportation or supply which, by the provisions thereof, is to be granted to any person who is a party thereto ;

Enhancing market prices.

(*c.*) For unreasonably enhancing the market price of an article or commodity which is an object of trade ;

Restraining traffic.

(*d.*) For unduly restraining the traffic in any such article or commodity ;

Limiting production, &c.

(*e.*) For limiting, lessening or preventing the production, manufacture, sale or transportation of any such article or commodity ;

Hindering competition.

(*f.*) For preventing or restricting competition in the production, manufacture, sale or transportation of any such article or commodity ;

Punishment.

Is guilty of a misdemeanor and liable, on conviction, to a penalty not exceeding *one thousand* dollars and not less than *two hundred* dollars, or to imprisonment for any term not exceeding twelve months and not less than three months, or to both.

In case of incorporated company, charter forfeited.

2. Every incorporated company which enters into any such combination, agreement or arrangement as in the next preceding section mentioned, and has been convicted of a

misdemeanor under the provisions thereof, shall thereby forfeit its corporate rights and franchises, so far as the same have been conferred by or exist in virtue of any law of Canada.

R.S.C., c. 131 not affected.

3. Nothing in this Act contained shall be construed to modify or affect in any manner chapter one hundred and thirty-one of the Revised Statutes, respecting Trades Unions.

No. 11.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL.

An Act for the Prevention and Suppression of Combinations formed in restraint of Trade.

Received and read a first time, Wednesday, 6th February, 1889.
Second reading, Thursday, 7th February, 1889.

Mr. WALLACE.

OTTAWA:
For the Queen's Printer, &c
—
A. SENECAL, Superintendent of Printing.
—
1889.

No. 11.] **BILL.** [1889

An Act for the Prevention and Suppression of Combinations formed in restraint of Trade.

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

WHEREAS it is expedient to declare the law relating to conspiracies and combinations formed in restraint of trade and to provide penalties for the violation of the same: Therefore Her Majesty, by and with the advice and consent of the Senate and the House of Commons of Canada, declares and enacts as follows:— Preamble.

1. Every person who conspires, combines, agrees or arranges with any other person, or with any railway, steamship, steamboat or transportation company, unlawfully, Combining for the purpose of—

(*a.*) To limit the facilities for transporting, producing, manufacturing, supplying, storing or dealing in any article or commodity which may be a subject of trade and commerce; or— Limiting facilities for transport;

(*b.*) To restrain or injure trade or commerce in relation to any such article or commodity; or— Restraining trade;

(*c.*) To prevent, limit, or lessen the manufacture or production of any such article or commodity, or to enhance the price thereof; or— Limiting production;

(*d.*) To prevent or lessen competition in the production, manufacture, purchase, barter, sale, transportation or supply of any such article or commodity, or in the price of insurance upon person or property; And competition.

Is guilty of a misdemeanor and liable, on conviction, to a penalty not exceeding *four thousand* dollars and not less than *two hundred* dollars, or to imprisonment for any term not exceeding two years; and if a corporation, is liable on conviction to a penalty not exceeding *ten thousand* dollars and not less than *one thousand* dollars. Punishment.

No. 11.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL.

An Act for the Prevention and Suppression of Combinations formed in restraint of Trade.

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

Mr. WALLACE.

OTTAWA:
For the Queen's Printer, &c.
—
A. SENÉCAL, Superintendent of Printing.
—
1889.

No. 11.] **BILL.** [1889.

An Act for the Prevention and Suppression of Combinations formed in restraint of Trade.

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

WHEREAS it is expedient to declare the law relating to conspiracies and combinations formed in restraint of trade and to provide penalties for the violation of the same : Therefore Her Majesty, by and with the advice and consent of the Senate and the House of Commons of Canada, declares and enacts as follows :—

1. Every person who conspires, combines, agrees or arranges with any other person, or with any railway, steamship, steamboat or transportation company, unlawfully,

(*a.*) To limit the facilities for transporting, producing, manufacturing, supplying, storing or dealing in any article or commodity which may be a subject of trade and commerce; or—

(*b.*) To restrain or injure trade or commerce in relation to any such article or commodity ; or—

(*c.*) To prevent, limit, or lessen the manufacture or production of any such article or commodity, or to enhance the price thereof ; or—

(*d.*) To prevent or lessen competition in the production, manufacture, purchase, barter, sale, transportation or supply of any such article or commodity, or in the price of insurance upon person or property ;

Is guilty of a misdemeanor and liable, on conviction, to a penalty not exceeding *four thousand* dollars and not less than *two hundred* dollars, or to imprisonment for any term not exceeding two years ; and if a corporation, is liable on conviction to a penalty not exceeding *ten thousand* dollars and not less than *one thousand* dollars

2. In any prosecution under this Act the person accused shall be a competent witness on his own behalf.

3. Section one hundred and forty of "*The Criminal Procedure Act*," is hereby amended by adding to the list of offences therein mentioned the offences provided against in this Act.

4. Where an indictment is found against any person for offences provided against in this Act, the defendant or person accused shall have the option to be tried before the judge presiding at the court at which such indictment is found, or the judge presiding at any subsequent sitting of such court, or at any court where the indictment comes on for trial, without the intervention of a jury; and in the event of such option being exercised the proceedings subsequent thereto shall be regulated in so far as may be applicable by "*The Speedy Trials Act.*"

No. 11.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL.

An Act for the Prevention and Suppression of Combinations formed in restraint of Trade.

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

OTTAWA:

For the Queen's Printer, &c.

A. SENÉCAL, Superintendent of Printing.

1889.

No. 12.] **BILL.** [1889.

An Act to insure regular crossing facilities between the city of Quebec and the town of Lévis.

Preamble.

WHEREAS serious disadvantage is caused to the public in consequence of the monopoly now held by the "Quebec and Lévis Ferry Company," and whereas the service performed by that company is very irregular and entirely insufficient, resulting in considerable inconvenience and loss to the public: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Any person may maintain a ferry between Quebec and Lévis.

1. Notwithstanding any law to the contrary or any contract, bargain or agreement concluded between the city of Quebec or the town of Lévis and the said "Quebec and Lévis Ferry Company" any person or company may maintain a line of steamboats for the transport of persons, horses, carriages, cattle, goods and chattels between the city of Quebec and the town of Lévis.

Tariff of fees to be adopted.

2. Every person or company so undertaking the transport of persons, horses, carriages, cattle, goods and chattels shall previously adopt a tariff of fees for such service, which shall be submitted to the Governor in Council, and which shall have force and effect when approved by him.

Charges subject to tariff.

3. No prices other than those set forth in such tariff of fees shall be exigible for such ferriage between the city of Quebec and the town of Lévis.

Existing company to have no right of action.

4. The existing "Quebec and Lévis Ferry Company" shall have no right of action, either for damages or for any other matter, against the city of Quebec, the town of Lévis or any person whomsoever in consequence of the carrying into effect of the provisions of this Act.

No. 12.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL.

An Act to insure regular crossing facilities between the city of Quebec and the town of Lévis.

Received and read a first time, Thursday, 7th February, 1889.
Second reading, Friday, 8th February, 1889.

Mr. CHOQUETTE

OTTAWA:
For the Queen's Printer, &c.

A. SENÉCAL, Superintendent of Printing.

1889.

No. 13.] **BILL.** [1889.

An Act to require the owners of elevators and hoists to guard against accidents.

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

Elevators to have automatic guards.

1. Every person who owns any building in which there is erected or constructed an elevator or hoist, shall cause to be placed on such elevator or hoist, on each flat, an automatic guard or gate to prevent injury to or accident arising to any person in consequence of an automatic guard or gate not being placed thereon.

Penalty for contravention.

2. Every person who owns any building in which there is erected or constructed an elevator or hoist who neglects or refuses to comply with the provisions of this Act shall, on summary conviction before one or more justices of the peace under "*The Summary Convictions Act*," be liable to a fine not exceeding one hundred dollars and not less than ten dollars over and above the costs of prosecution, and in default of payment of such fine and costs to imprisonment for a term not exceeding sixty days and not less than ten days.

Application of penalty.

3. All fines imposed and collected under this Act shall be paid one-half to the complainant or prosecutor and the other half to the treasurer of the municipality in which the offence was committed for the use of such municipality.

Certain rights saved.

4. Nothing hereinbefore contained shall prejudicially affect any right of action for damages in case of death or injuries sustained by reason of negligence or carelessness on the part of the owner of any such elevator or hoist.

No. 13.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL.

An Act to require the owners of elevators and hoists to guard against accidents.

Received and read a first time, Thursday, 7th February, 1889.
Second reading, Friday, 8th February, 1889.

Mr. MADILL.

OTTAWA:
For the Queen's Printer, &c.

A. SENÉCAL, Superintendent of Printing.

1889.

No. 14.] **BILL.** [1889.

An Act to incorporate the Alberta Railway and Coal Company.

Preamble.

WHEREAS (the construction and operation of a railway from a point on the railway of the North-Western Coal and Navigation Company, Limited, between Dunmore and Lethbridge, in the District of Alberta, in the North-West Territories of Canada, southerly to the boundary line between Canada and the United States of America, to connect with any line or lines of railway in the territory of Montana, has become necessary for the development of the resources of the country to be served by the said railway, and would be for the general advantage of Canada); and whereas a petition has been presented praying for the incorporation of a company 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:—

Incorporation.

1. The Honorable Sir Alexander Tilloch Galt, G.C.M.G., of Montreal, Sir Roderick Cameron, K.C.M.G. of New York, William Miller Ramsay of Montreal, William G. Conrad of Fort Benton, Montana, Samuel T. Hauser of Helena, Montana, Walter Shanly, M.P., of Montreal, Elliott T. Galt, Lethbridge, and Donald Watson Davis, M.P., of Fort Macleod, together with such persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of "The Alberta Railway and Coal Com-pany", hereinafter called the Company.

Corporate name.

Officers of the company.

2. The head office of the Company shall be in the city of Montreal (or such other place as the directors from time to time determine by by-law.)

Line of railway described.

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 on the railway of the North-Western Coal and Navigation Company, Limited, between Dunmore and Lethbridge, in the District of Alberta, in the North-West Territories, southerly to the boundary line between Canada and the United States of America, to connect with the railway system in the Territory of Montana, and the undertaking hereby authorized is declared to be a work for the general advantage of Canada.

Declaratory.

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 and calls thereon.

5. 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 centum on the shares subscribed.

Notice of first meeting of shareholders.

6. (Notwithstanding the provision contained in section thirty-six of "*The Railway Act*," the provisional directors may call the meeting provided for by that section, by giving one week's notice thereof in a daily newspaper published in the city of Montreal, and by mailing postpaid to the last known address of each shareholder a notice of such meeting.)

Annual general meeting.

7. The annual general meeting of the shareholders shall be held on the first Tuesday in August 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:

Increase of number.

2. (In the event of the Company availing itself of the powers granted under section eleven of this Act, the number of elected directors may be increased to not more than nine, by by-law passed by the shareholders at any annual general or special meeting, duly called for that purpose).

Votes of directors.

9. (Notwithstanding the provision contained in section fifty-five of "*The Railway Act*," the directors may vote and act by proxy, such proxy to be held by a director only; but 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, the remaining number of directors required to form a quorum being represented by proxies.)

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 only be issued in proportion to the length of railway constructed or under contract to be constructed.

Property of N.-W. Coal & Nav. Co. may be acquired.

11. (The Company may acquire by purchase or lease, in whole or in part. the railway and works, capital stock, assets, rights, privileges, property and franchises of the North-Western Coal and Navigation Company, Limited, upon such terms and conditions as may be agreed upon by the directors of the said companies; and for such purpose may,

Increase of capital therefor.

in addition to the powers conferred by sections five and ten of this Act, increase its capital stock to such an amount as is necessary, by the issue of ordinary shares or by the creation and issue of preferential shares bearing interest not exceeding eight per centum per annum; and the present

share capital of the North-Western Coal and Navigation Company, Limited, shall thereupon be called in and cancelled; and further, the Company may for the purpose of changing the gauge and otherwise improving the railway of the said North-Western Coal and Navigation Company, Limited, issue bonds, debentures or other securities to an amount not exceeding fifteen thousand dollars per mile of the said railway now in operation from Lethbridge to Dunmore; and the Company shall out of the proceeds from the sale of the said bonds, debentures or other securities set aside a sufficient sum to pay off and cancel all and any bonds that may heretofore have been issued by the said North-Western Coal and Navigation Company, Limited:)

Issue of bonds to improve railway of N.-W. Coal & Nav. Co.

Redemption of bonds issued by N.-W. Coal & Nav. Co.

2. (The bonds, debentures or other securities issued under the provisions of this section shall, if so agreed, constitute a first and preferential charge upon the railway and property of the said North-Western Coal and Navigation Company, Limited, when so acquired, anything in this Act to the contrary notwithstanding; and the holders of the said bonds, debentures or other securities shall have the same rights and privileges as are conferred upon the holders of the bonds, debentures or other securities issued under the tenth section of this Act:)

Rank of bonds issued to improve railway of said Co.

3. (The agreement for such purchase or lease shall provide that all Acts relating to the North-Western Coal and Navigation Company, Limited, shall be respected, and that all obligations entered into by that Company shall be carried out by the Alberta Railway and Coal Company; and all the rights and privileges and claims of any bondholder or of any person, in respect of either Company shall in no way be impaired by such sale and purchase:)

What the agreement shall provide.

4. (Such agreement shall not be valid until it has first been ratified by two-thirds of the votes at special general meetings, to be held in London, England, of the shareholders of each Company, duly called for the purpose of considering the same, at which meetings shareholders representing at least two-thirds in value of the stock are present in person or represented by proxy.)

Ratification by shareholders.

12. (Upon the ratification of the said agreement in the manner above mentioned, the railway and works, capital stock, assets, rights, privileges, property and franchises of the North-Western Coal and Navigation Company, Limited, shall be vested in the Alberta Railway and Coal Company; and any suit, action or proceeding, pending at the time when such agreement takes effect, by or against either Company, may be continued and completed by or against the Alberta Railway and Coal Company.)

Effect thereof.

13. (The failure of the Company to commence and complete the railway within the time limited by section eighty-nine of "*The Railway Act*" shall not in any respect affect or alter any agreement, lease or obligation which the Company may have entered into with the North-Western Coal and

Said agreement not to be affected by failure to build railway hereby authorized.

Navigation Company, Limited, or the powers conferred by this Act in relation thereto.)

Company may acquire bonds, &c., of Fort Benton & Northern R'y Co.

14. (The Company may purchase, or acquire and hold in trust, as security for the shares, bonds or other securities to be issued by them as hereinafter provided, the shares, bonds and other securities that may lawfully be issued by any company formed under the provisions of Article 111, Chapter X2, of the Revised Statutes of 1879 of the Territory of Montana, for the purpose of constructing, equipping and operating a line of railway from the city of Helena, or such suitable point as may be agreed upon, in the Territory of Montana, in a northerly direction to a point on the International Boundary line between the United States of America and Canada, at or near the Sweet Grass Hills, in the Territory of Montana, upon such terms and conditions as may be agreed upon by the directors of the said companies; and may, for the purpose of acquiring the shares, bonds and other securities hereinbefore mentioned, in addition to the powers conferred by sections five, ten and eleven of this Act, increase their capital stock to an amount not exceeding six hundred thousand dollars, by the issue of additional ordinary shares; and also issue bonds, debentures or other securities to an amount not exceeding fifteen thousand dollars per mile of such railway in Montana, and its branches; 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:)

Increase of capital and issue of bonds for that purpose

Ranking of such bonds.

2. (The bonds, debentures or other securities issued under the provisions of this section, shall, if so agreed, constitute a first and preferential charge upon the railway in Montana, anything in this Act to the contrary notwitstanding; and the holders of the said bonds, debentures or other securities shall have the same rights and privileges as are conferred upon the holders of bonds, debentures or other securities issued under the said tenth and eleventh sections of this Act; and the proceeds realized from the sale of the said shares, bonds, debentures or other securities shall be applied to the construction and equipment of the railway in Montana, and the remainder thereof to the general purposes of the Company:)

Rights of holders.

Application of proceeds.

Ratification by shareholders.

3. (The agreement for such purchase or acquisition shall not be valid until it first has been ratified by two-thirds of the votes at special general meetings of the shareholders of each company duly called for the purpose of considering the same,—at which meetings shareholders representing at least two-thirds in value of the stock are present in person or represented by proxy.)

Deposit of agreement.

15. (A duplicate of the agreements referred to in sections eleven and fourteen of this Act shall be filed in the office of the Secretary of State at Ottawa, and notice thereof shall be given in the *Canada Gazette*, and the production of the

Gazette containing such notice shall be *primâ facie* evidence that the requirements of this Act have been complied with.)

16. (The holders of the bonds, debentures or other securities issued under the provisions of sections eleven and fourteen of this Act shall rank *pari passu* with the holders of the bonds, debentures or other securities issued under the provisions of section ten of this Act.) Equal rank of bondholders.

No. 14.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL.

An Act to incorporate the Alberta Railway and Coal Company.

Received and read a first time, Friday, 8th February, 1889.
Second reading, Monday, 11th February, 1889.

(PRIVATE BILL.)

Mr. SHANLY.

OTTAWA:
For the Queen's Printer, &c.
—
A. SENÉCAL, Superintendent of Printing.
—
1889.

No. 15.] **BILL.** [1889.

An Act respecting the Kootenay and Athabasca Railway Company.

Preamble.

WHEREAS the Kootenay and Athabasca Railway Company has, by its petition, prayed that an Act may be passed to re-enact, as hereinafter set forth, the Act incorporating the said Company, passed in the forty-ninth year of Her Majesty's reign and chaptered eighty-three, 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:—

Repeal of 49 V., c. 83.

1. [The Act incorporating the Kootenay and Athabasca Railway Company, passed in the forty-ninth year of Her Majesty's reign and chaptered eighty-three, is hereby repealed.]

Incorporation.

2. McLeod Stewart, James Isbester, Clarence W. Moberly, Alexander MacLean and Walter Moberly, together with such persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of "The Kootenay and Athabasca Railway Company," hereinafter called the Company.

Corporate name.

Head office.

3. The head office of the Company shall be in the city of Victoria, in the Province of British Columbia, [or at such other place as a majority of the shareholders at any annual or special meeting determine.]

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 Revelstoke, in the Province of British Columbia, on the main line of the Canadian Pacific Railway, to a point at or near the head of Kootenay Lake, following the valleys of the Columbia and Ill-com-opolux Rivers, Trout Lake and Lardeaux Creek, thence to the International boundary line at or between the Kootenay and Columbia Rivers, with a branch line to Slocum Lake:

Steam and other vessels.

2. [The Company may also own or hire and run and operate steam or other vessels for carrying freight and passengers in connection with its line of railway, and may sell or dispose of the same.]

Provisional directors.

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

Capital stock and calls thereon.

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

Annual general meeting.

7. The annual general meeting of the shareholders shall be held on the first Wednesday in February 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.

Amount of bonds, &c., limited.

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

No. 15.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL.

An Act respecting the Kootenay and Athabasca Railway Company.

Received and read a first time, Friday, 8th February, 1889.
Second reading, Monday, 11th February, 1889.

(PRIVATE BILL.)

Mr. MARA.

OTTAWA:
For the Queen's Printer, &c.
A. SENÉCAL, Superintendent of Printing.
1889.

No. 16.] **BILL.** [1889.

An Act to provide against frauds in the supplying of Milk to Cheese and Butter Manufactories.

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

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

Milk supplied to factories to be unadulterated.

1. No person shall sell, supply or send to any cheese or butter manufactory, or to the owner, manager or maker thereof, to be manufactured, milk diluted with water, or in any way adulterated, or milk from which any cream has been taken, or milk commonly known as skimmed milk, without first having notified in writing the owner or manager of such cheese or butter manufactory, or the maker of such butter or cheese, that the milk so sold, sent, supplied or brought to be manufactured has been so diluted with water or adulterated, or has had the cream so taken from it, or become milk commonly known as skimmed milk, as the case may be; and the proof of such notice having been given shall rest on the person accused.

A certain part of the milk not to be kept back.

2. No person who supplies, sends, sells or brings to any cheese or butter manufactory, or to the owner or manager thereof, or to the maker of cheese or butter, any milk to be manufactured into butter or cheese shall keep back any part of the milk known as strippings, without first notifying in writing the owner or manager of such cheese or butter manufactory, or the maker of such cheese or butter, of his having so kept back such strippings; and the proof of such notice having been given shall rest on the person accused.

As to tainted or sour milk.

3. No person shall knowingly sell, supply, bring or send to a cheese or butter manufactory, or to the owner or manager thereof, any milk that is tainted or partly sour, without first notifying in writing the owner or manager of such cheese or butter manufactory, or the maker of such butter or cheese, of such milk being tainted or partly sour.

As to diseased animal.

4. No person shall sell, send or bring to a cheese or butter manufactory, or to the owner or manager thereof, or to the maker of such butter or cheese, any milk taken or drawn from a cow that he knows to be diseased at the time the milk is so taken or drawn from her.

Penalty for contravention.

5. Every person who, by himself, or by any other person to his knowledge violates any of the provisions of the preceding sections of this Act, shall, upon conviction thereof before any justice or justices of the peace, forfeit and pay a fine not exceeding fifty dollars and not less than five dollars, together with the costs of prosecution, and in default of payment of such penalty and costs shall be liable to imprisonment with or without hard labor for a term not exceeding six months, unless the said penalty and the costs of enforcing the same be sooner paid.

Who shall be liable.

6. The person on whose behalf any milk is sold, sent, supplied or brought to a cheese or butter manufactory for any of the purposes aforesaid, shall be *primâ facie* liable for the violation of any of the provisions of this Act.

What shall be evidence.

7. For the purpose of establishing the guilt of any person charged with the violation of any of the provisions of sections one two or three of this Act, it shall be sufficient *primâ facie* evidence on which to found a conviction to show that such milk so sent, sold, supplied or brought to a factory as aforesaid to be manufactured into butter or cheese is substantially inferior in quality to pure milk, provided the test is made by means of a lactometer or cream gauge or some other proper and adequate test and made by a competent person: Provided always, that a conviction may be made or had on any other sufficient legal evidence.

Proviso.

Venue.

8. Any information or complaint laid or made under this Act may be laid or taken and tried before any justice or justices of the peace for the county in which the butter or cheese factory to which such milk is sent, supplied, brought or sold to be manufactured is situate.

What it shall suffice to allege.

9. It shall be sufficient to allege or charge in any complaint, information or conviction made under the first three sections of this Act that the person accused did sell, supply, bring or send to be manufactured into butter or cheese, milk diluted by water, or skimmed milk, or milk from which strippings had been kept back; and such information, or complaint, or conviction shall not be objectionable or held bad for being in the alternative, or for containing more than one charge or offence, provided that in the opinion of the convicting justice or justices any one of such offences has been committed by the person charged.

Want of form not to invalidate.

10. No information, complaint, charge or conviction shall be quashed, held bad or defective in appeal or be removed on *certiorari*, for want of form or substance, provided there is sufficient evidence to support the same under the provisions of this Act.

Appeal.

11. No appeal shall lie from any conviction under this Act except to a judge of a Superior, County, Circuit or District Court, or to the chairman or judge of the Court of the Sessions of the Peace, having jurisdiction where the

conviction was had; and such appeal shall be brought, notice of appeal in writing given, recognizance entered into or deposit made within ten days after the date of conviction, and shall be heard, tried, adjudicated upon and decided, without the intervention of a jury, at such time and place as the court or judge hearing the same appoints, within thirty days from the date of conviction, unless the said court or judge extends the time for hearing and decision beyond such thirty days; and in all other respects not provided for in this Act the proceedings under "*The Summary Convictions Act*," so far as applicable, shall apply. R.S.C., c. 178.

Who to give evidence.

12. Any person accused of an offence under this Act and the husband or wife of such person shall be competent and compellable to testify.

Application of fines.

13. Any pecuniary penalty imposed under this Act shall, when recovered, be payable one-half to the informant or complainant, and the other half to the treasurer or president of the factory to which milk was sent, sold or supplied for any of the purposes aforesaid, in violation of any of the provisions of this Act.

No. 16.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL.

An Act to provide against frauds in the supplying of Milk to Cheese and Butter Manufactories.

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

Mr. BURDETT.

OTTAWA:
For the Queen's Printer, &c.
A. SENÉCAL, Superintendent of Printing.
1889.

No. 16.] **BILL.** [1889.

An Act to provide against frauds in the supplying of Milk to Cheese and Butter Manufactories.

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

Milk supplied to factories to be unadulterated.

1. No person shall sell, supply or send to any cheese or butter manufactory, or to the owner, manager or maker thereof, to be manufactured, milk diluted with water, or in any way adulterated, or milk from which any cream has been taken, or milk commonly known as skimmed milk, without first having distinctly notified in writing the owner or manager of such cheese or butter manufactory, or the maker of such butter or cheese, that the milk so sold, sent, supplied or brought to be manufactured has been so diluted with water or adulterated, or has had the cream so taken from it, or become milk commonly known as skimmed milk, as the case may be; and the proof of such notice having been given shall rest on the accused.

A certain part of the milk not to be kept back.

2. No person who supplies, sends, sells or brings to any cheese or butter manufactory, or to the owner or manager thereof, or to the maker of cheese or butter, any milk to be manufactured into butter or cheese shall keep back any part of the milk known as strippings, without first distinctly notifying in writing the owner or manager of such cheese or butter manufactory, or the maker of such cheese or butter, of his having so kept back such strippings; and the proof of such notice having been given shall rest on the accused.

As to tainted or sour milk.

3. No person shall knowingly sell, supply, bring or send to a cheese or butter manufactory, or to the owner or manager thereof, to be manufactured, any milk that is tainted or partly sour, without first distinctly notifying in writing the owner or manager of such cheese or butter manufactory, or the maker of such butter or cheese, of such milk being tainted or partly sour.

As to diseased animal.

4. No person shall sell, send or bring to a cheese or butter manufactory, or to the owner or manager thereof, or to the maker of such butter or cheese, any milk taken or drawn from a cow that he knows to be diseased at the time the milk is so taken or drawn from her.

Penalty for contravention.

5. Every person who, by himself, or his wife, son, daughter, servant or agent, violates any of the provisions of the

preceding sections of this Act, shall, upon conviction thereof before any justice or justices of the peace, forfeit and pay a fine not exceeding fifty dollars and not less than five dollars, together with the costs of prosecution, and in default of payment of such penalty and costs shall be liable to imprisonment with or without hard labor for a term not exceeding six months, unless the said penalty and the costs of enforcing the same be sooner paid.

In cases specified testing of milk may be required.

6. Every owner or manager of a cheese or butter manufactory, or the maker of butter or cheese thereat, or any officer or inspector of a dairymen's association, may require the owner or custodian of any cow whose milk is being sold, sent, supplied or brought to any cheese or butter manufactory to be manufactured into butter or cheese, to submit such cow, at his farm or other premises where such cow is usually kept, to such milk test by any of the persons aforesaid or by any person named for that purpose, as is necessary for the purpose of enabling such person making such test to ascertain the quantity or quality of the milk of such cow at such time or times on any day as is appointed by any of the persons aforesaid requiring such test; and in case the owner or custodian of any such cow refuses to submit the cow to such test, or obstructs in the execution thereof the person engaged in making such test, or interrupts the test or interferes in any way with the test or the application of the results thereof, or refuses to allow the person making such test to come on the premises for the purposes aforesaid or for the purpose of ascertaining if any of the said cows are diseased, he shall, on conviction before any justice or justices of the peace, be liable to a penalty, for every such offence, not exceeding one hundred dollars and not less than ten dollars, together with the costs of prosecution, and in default of payment of such penalty and costs to imprisonment, with or without hard labor, for a term not exceeding six months, unless the said penalty and costs of enforcing the same be sooner paid.

Refusal to submit, or interference with test.

Penalty.

Premises may be entered and cows and milk examined.

7. The owner or manager of any cheese or butter manufactory, or the maker of cheese or butter at such manufactory, or any officer or inspector of cheese or butter of any dairymen's association, who suspects any person or persons of selling, supplying, sending or bringing milk to a manufactory of butter or cheese of any offence under this Act, may enter upon, or appoint some person to enter upon, the premises of the suspected person with or without notice and milk the cow or cows, or take samples of milk from the cow or cows from which the supposed offender was or had been before then procuring the milk or part of the milk so sold, supplied, sent or brought for the purpose aforesaid; and every person who obstructs or refuses to permit the milking or taking of any such sample shall, on conviction before any justice or justices of the peace, be liable to a penalty not exceeding fifty and not less than ten dollars, with costs of prosecution, and in default of payment thereof to imprisonment for any term not ex-

Obstruction or refusal.

Penalty.

ceeding three months, with or without hard labor, unless such penalty and costs of enforcing same be sooner paid.

Who shall be liable.

8. The person on whose behalf any milk is sold, sent, supplied or brought to a cheese or butter manufactory for any of the purposes aforesaid, shall be *primâ facie* liable for the violation of any of the provisions of this Act.

What shall be evidence.

9. For the purpose of establishing the guilt of any person charged with the violation of any of the provisions of the first three sections of this Act, it shall be sufficient *primâ facie* evidence on which to found a conviction to show that such milk so sent, sold, supplied or brought to a manufactory as aforesaid to be manufactured into butter or cheese was substantially below the standard of the milk actually drawn or taken, or sent or represented as having been drawn from the same cow or cows within the then subsequent or following week after such tests, provided the comparison is made by means of a lactometer or cream gauge or by some other proper or adequate means of making the comparisons or tests: Provided always, that a conviction may be had on any other sufficient legal evidence.

Proviso.

Venue.

10. Any information or complaint laid or made under this Act may be laid or taken before any justice or justices of the peace for the county in which the butter or cheese factory to which such milk is sent, supplied, brought or sold to be manufactured is situate, and any conviction thereon by such justice or justices shall be valid and binding.

What it shall suffice to allege.

11. It shall be sufficient to allege or charge in any complaint, information or conviction made under the first three sections of this Act that the person accused did sell, supply, bring or send to be manufactured into butter or cheese, milk diluted by water, or skimmed milk, or milk from which strippings had been kept back; and such information, or complaint, or conviction shall not be objectionable or held bad for being in the alternative, or for containing more than one charge or offence, provided that in the opinion of the convicting justice or justices any one of such offences has been committed by the person charged.

Want of form not to invalidate.

12. No information, complaint, charge or conviction shall be quashed, held bad or defective in appeal or be removed on *certiorari*, for want of form or substance, provided there is sufficient evidence to support the same under the provisions of this Act.

Appeal.

13. No appeal shall lie from any conviction under this Act except to a judge of a Superior, County, Circuit or District Court, or to the chairman or judge of the Court of the Sessions of the Peace, having jurisdiction where the conviction was had; and such appeal shall be brought, notice of appeal in writing given, recognizance entered into or deposit made within ten days after the date of conviction, and shall be heard, tried, adjudicated upon and decided, without the intervention of a jury, at such time and

place as the court or judge hearing the same appoints, within thirty days from the date of conviction, unless the said court or judge extends the time for hearing and decision beyond such thirty days; and in all other respects not provided for in this Act the proceedings under "*The Summary Convictions Act*," so far as applicable, shall apply.

R.S.C., c. 178.

Convictions, &c., confirmed. 51 V., (Ont.) c. 32.

14. All convictions had and made, and all moneys paid under the provisions of the Act passed by the Legislature of the Province of Ontario, in fifty-first year of Her Majesty's reign and chaptered thirty-two, shall be valid and binding and not be quashed or annulled or such money so paid recovered back or reclaimed by any means or process, unless the person so convicted or having so paid such moneys has within three months after such conviction or payment taken legal steps or proceedings to vary, annul or quash such conviction or to recover back the money so paid.

Application of fines.

15. Any pecuniary penalty imposed under this Act shall, when recovered, be payable one-half to the informant or complainant, and the other half to the treasurer of the local municipality in which the offence was committed or money paid.

No. 16.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL.

An Act to provide against frauds in the supplying of Milk to Cheese and Butter Manufactories.

Received and read first time, Friday, 8th February, 1889.
Second reading, Monday, 11th February, 1889.

Mr. BURDETT.

OTTAWA:
For the Queen's Printer, &c.
A. SENÉCAL, Superintendent of Printing.
1889.

No. 17.] **BILL.** [1889

An Act to make further provision respecting the Speedy Trial of certain indictable offences.

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 Speedy Trials Act.*" Short title.

2. In this Act, unless the context otherwise requires:— Interpretation.

(*a.*) The expression "judge" means and includes,— "Judge,"

(1.) In the Province of Ontario, any judge of a county court, junior judge or deputy judge authorized to act as chairman of the General Sessions of the Peace, and also the judges of the provisional districts of Algoma and Thunder Bay, and the judge of the district court of Muskoka and Parry Sound, authorized respectively to act as chairman of the General Sessions of the Peace; In Ontario.

(2.) In the Province of Quebec, in any district wherein there is a judge of the sessions, such judge of sessions, and in any district wherein there is no judge of sessions but wherein there is a district magistrate, such district magistrate, and in any district wherein there is neither a judge of sessions nor a district magistrate, the sheriff of such district; In Quebec.

(3.) In each of the Provinces of Nova Scotia, New Brunswick and Prince Edward Island, any judge of a county court; In N.S., N.B. and P.E.I.

(4.) In the Province of Manitoba, the chief justice, or a puisné judge of the Court of Queen's Bench, or any judge of a county court; In Manitoba.

(5.) In the Province of British Columbia, the chief justice or a puisné judge of the Supreme Court, or any judge of a county court; In British Columbia.

(*b.*) Subject to the provisions of sections four, five and six of "*The Criminal Procedure Act*" the expression "Court of General Sessions of the Peace" means and includes,— "Court of general sessions of the Peace."

(1.) In the Province of Quebec, any court for the time being discharging the functions of a Court of General Sessions of the Peace; In Quebec.

(2.) In the Provinces of Nova Scotia and Prince Edward Island, the Supreme Court of the Province; In N.S. and P.E.I.

In New Brunswick.

(3.) In the Province of New Brunswick, any county court of the Province;

In Manitoba.

(4.) In the Province of Manitoba, the Court of Queen's Bench and the county court judges' criminal courts;

In British Columbia.

(5.) In the Province of British Columbia, the Supreme Court and the county court judges' criminal courts;

"County Attorney."
"Clerk of the Peace."

(*c.*) The expression "county attorney" or "clerk of the peace" includes in the Provinces of Nova Scotia, New Brunswick and Prince Edward Island, any clerk of a county court, and in the Province of Manitoba, any crown attorney, the Prothonotary of the Court of Queen's Bench, and any deputy prothonotary thereof, any deputy clerk of the peace, and the deputy clerk of the Crown and Pleas for any district in the said Province.

Application of Act.

3. This Act shall not apply to the North-West Territories or the District of Keewatin.

Court to be a Court of record.

4. The judge sitting on any trial under this Act, for all the purposes thereof and proceedings connected therewith or relating thereto, shall be a court of record, and in every Province of Canada, except the Province of Quebec, such court shall be called "The County Court Judges' Criminal Court" of the county or union of counties or judicial district in which the same is held:

How styled.

Records, where filed.

2. The record in any such case shall be filed among the records of the Court of General Sessions of the Peace, as indictments are filed, and as part of such records.

Speedy trial of certain offenders with their own consent.

5. Every person committed to a gaol for trial on a charge of being guilty of any offence for which he may be tried at a Court of General Sessions of the Peace, may, with his own consent (of which consent an entry shall then be made of record), and subject to the provisions herein, be tried out of sessions, whether the court before which, but for such consent, the said person would be triable for the offence charged, or the grand jury thereof is or is not then in session, and if such person is convicted, he may be sentenced by the judge.

Duty of sheriff having a prisoner so triable.

6. Every sheriff shall within twenty-four hours after any prisoner charged as aforesaid is committed to gaol for trial, notify the judge in writing that such prisoner is so confined, stating his name and the nature of the charge preferred against him,—whereupon with as little delay as possible, such judge shall cause the prisoner to be brought before him.

Statement to be made to the prisoner by the judge.

7. The judge, upon having obtained the depositions on which the prisoner was so committed, shall state to him,—

(*a.*) That he is charged with the offence, describing it;

(*b.*) That he has the option to be forthwith tried before such judge without the intervention of a jury, or to remain

untried until the next sittings of the Court of the General Sessions of the Peace or of a court of oyer and terminer, or, in Quebec, of any court having criminal jurisdiction :

If the prisoner objects—or consents.

2. If the prisoner demands a trial by jury the judge shall remand him to gaol ; but if he consents to be tried by the judge without a jury, the county attorney or clerk of the peace shall draw up a record of the proceedings as nearly as may be in one of the forms A or B in the schedule to this Act ; and if, upon being arraigned upon the charge, the prisoner pleads guilty, such plea shall be entered on the record, and the judge shall pass the sentence of the law on such prisoner, which shall have the same force and effect as if passed at any Court of General Sessions of the Peace.

If he pleads guilty.

As to several prisoners charged with the same offence.

8. If one of two or more prisoners charged with the same offence demands a trial by jury, and the other or others consent to be tried by the judge without a jury, the judge, in his discretion, may remand the said prisoners to gaol to await trial, in all respects as if this Act had not been passed.

Effect of election, under certain Acts, of trial by a jury.

9. If under "*The Summary Trials Act*," or "*The Juvenile Offenders' Act*," any person has been asked to elect whether he would be tried by the magistrate or justices of the peace, as the case may be, or before a jury, and he has elected to be tried before a jury, and if such election is stated in the warrant of committal for trial, the sheriff and judge shall not be required to take the proceedings directed by this Act.

If the magistrate decides not to proceed under the said Acts.

10. If, on the trial under "*The Summary Trials Act*" or "*The Juvenile Offenders' Act*," of any person charged with any offence triable under this Act, the magistrate or justices of the peace decide not to try the same summarily, but commit such person for trial, such person may afterwards, with his own consent, be tried under this Act.

If the prisoner pleads not guilty.

11. If the prisoner upon being so arraigned and consenting as aforesaid pleads not guilty, the judge shall appoint an early day, or the same day, for his trial, and the county attorney or clerk of the peace shall subpœna the witnesses named in the depositions, or such of them and such other witnesses as he thinks requisite to prove the charge, to attend at the time appointed for such trial, and the prisoner being ready, the judge shall proceed to try him, and if he is found guilty, sentence shall be passed as hereinbefore mentioned ; but if he is found not guilty the judge shall immediately discharge him from custody, so far as respects the charge in question.

Trial and conviction or discharge.

Offender may be charged with other offences than that for which he was committed.

12. The county attorney or clerk of the peace may, with the consent of the judge, prefer against the prisoner a charge or charges for any offence or offences for which he may be tried at a court of General Sessions of the Peace, other than the charge or charges for which he has been committed to gaol for trial, although such charge or charges do not appear or are not mentioned in the depositions upon which the prisoner was so committed.

Powers of the judge in any case tried before him.

13. The judge shall, in any case tried before him, have the same power as to acquitting or convicting, or convicting of any other offence than that charged, as a jury would have in case the prisoner was tried at a sitting of the court of General Sessions of the Peace, and may render any verdict which may be rendered by a jury, upon a trial at a sitting of a court of General Sessions of the Peace.

Judge may admit to bail prisoner electing to be tried without a jury.

14. If a prisoner elects to be tried by the judge without the intervention of a jury, the judge may, in his discretion, admit him to bail to appear for his trial, and extend the bail, from time to time, in case the court is adjourned or there is any other reason therefor; and such bail may be entered into and perfected before the clerk of the peace in open court.

Or if he elects to be tried by a jury.

15. If a prisoner elects to be tried by a jury, the judge may, instead of remanding him to gaol, admit him to bail, to appear for trial at such time and place and before such court as is determined upon, and such bail may be entered into and perfected before the clerk of the peace in open court.

Adjourning trial.

16. The judge may adjourn any trial from time to time until finally terminated.

Powers of amendment.

17. The judge shall have all powers of amendment which the court of General Sessions of the Peace would have if the trial was before such court.

Attendance of witnesses.

18. Every witness, whether on behalf of the prisoner or against him, duly summoned or subpœnaed to attend and give evidence before such judge, sitting on any such trial, on the day appointed for the same, shall be bound to attend and remain in attendance throughout the trial; and if he fails so to attend, he shall be held guilty of contempt of court, and may be proceeded against therefor accordingly.

Proceedings against witnesses failing to attend when summoned.

19. Upon proof to the satisfaction of the judge of the service of subpœna upon any witness who fails to attend before him, as required by such subpœna, and such judge being satisfied that the presence of such witness before him is indispensable to the ends of justice, he may, by his warrant, cause the said witness to be apprehended and forthwith brought before him to give evidence as required by such subpœna, and to answer for his disregard of the same; and such witness may be detained on such warrant before the said judge or in the common gaol, with a view to secure his presence as a witness; or in the discretion of the judge, such witness may be released on recognizance with or without sureties, conditioned for his appearance to give evidence as therein mentioned, and to answer for his default, in not attending upon the said subpœna, as for a contempt; and the judge may, in a summary manner, examine into and dispose of the charge of contempt against the said witness who, if found guilty thereof, may be fined or imprisoned, or both,—such fine not to exceed one hundred

Witness may be admitted to bail.

Punishment for contempt.

dollars, and such imprisonment to be in the common gaol, with or without hard labor, and not to exceed the term of ninety days :

2. Such warrant may be in the form C and the conviction for contempt in the form D in the schedule to this Act, and the same shall be authority to the persons and officers therein required to act, to do as therein they are respectively directed. Form of warrant and conviction.

20. This Act shall be substituted for the Revised Statutes, chapter one hundred and seventy-five, which with the Act passed in the session held in the fiftieth and fifty-first years of Her Majesty's reign, chapter fifty-one, and the Act passed in the fifty-first year of Her Majesty's reign, chapter forty-six, amending the said chapter, is hereby repealed. R.S.-C., c. 175, 50-51 V., c. 51 and 51 V., c. 46, repealed, and this Act substituted.

SCHEDULE.

FORM A.

Form of Record when the Prisoner pleads Not Guilty.

Province of , County (*or* district) of , to wit : } Be it remembered that A.B being a prisoner in the gaol of the said county (*or* district), committed for trial on a charge of having, on day of , 18 , feloniously stolen, &c. (*one cow, the property of C.D , or as the case may be, stating briefly the offence*) and brought before me, (*describe the judge*) on the day of , 18 , and asked by me if he consented to be tried before me without the intervention of a jury, consented to be so tried ; and that upon the day of , 18 , the said A.B., being again brought before me for trial, and declaring himself ready, was arraigned upon the said charge and pleaded not guilty ; and after hearing the evidence adduced, as well as in support of the said charge as for the prisoner's defence (*or as the case may be*), I find him to be guilty of the offence with which he is charged as aforesaid, and I accordingly sentence him to (*here insert such sentence as the law allows and the judge thinks right*). (*Or* I find him not guilty of the offence with which he is charged, and discharge him accordingly).

Witness my hand at , in the county (*or* district) of , this day of , 18

O. K.,
Signature of Judge.

FORM B.

Form of Record when the Prisoner pleads Guilty.

Province of , County (*or* district) of , to wit : } Be it remembered that A B., being a prisoner in the gaol of the said county (*or* district), on a charge of having on the day of , 18 , feloniously stolen, &c., (*one cow, the property of, or as the case may be, stating briefly*

the offence), and being brought before me (*describe the judge*) on the day of , 18 , and asked by me if he consented to be tried before me without the intervention of a jury, consented to be so tried; and that the said A.B., being then arraigned upon the said charge, he pleaded guilty thereof, whereupon I sentenced the said A.B. to (*here insert such sentence as the law allows and the judge thinks right*).

Witness my hand this day of , 18 .

O.K.,
Signature of Judge.

FORM C

Form of Warrant to apprehend Witness.

(L.S.) Canada, Province of County (*or* district, *as the case may be*) of , to wit: } To all or any of the constables or other peace officers in the said county (*or* district, *or as the case may be*) of

Whereas it having been made to appear before me, that E.F., in the said county (*or* district, *or as the case may be*), was likely to give material evidence on behalf of the prosecution or defence (*as the case may be*) on the trial of a certain charge of (*as larceny, or, as the case may be*), against A.B., and that the said E.F. was duly subpœnaed (*or* bound under recognizances) to appear on the day of 18 , at , in the said county (*or* district, *or as the case may be*), at o'clock (forenoon *or* afternoon, *as the case may be*), before me, to testify what he knows concerning the said charge against the said A.B.

And whereas proof has this day been made before me, upon oath, of such subpœna having been duly served upon the said E.F., (*or* of the said E.F. having been duly bound in recognizances to appear before me, *as the case may be*); and whereas the said E.F. has neglected to appear at the trial and place appointed, and no just excuse has been offered for such neglect: These are therefore to command you to take the said E.F. and to bring him and have him forthwith before me, to testify what he knows concerning the said charges against the said A.B., and also to answer his contempt for such neglect.

Given under my hand this day of , in the year 18 .

O.K.,
Judge.

FORM D.

Form of Conviction for Contempt.

(L.S.) Canada, Province of County (*or* district) of , to wit: } Be it remembered, that on the day of , in the year 18 , in the county (*or* district, *or as the case may be*) of , E. F. is convicted before me, for that he the said E. F. did not attend before me to give evidence on the trial of a certain charge against one A. B. of (*larceny, as the case may be*), although duly subpœnaed (*or* bound by recognizance to appear and give evidence in that behalf, *as the case may be*) but made default therein, and has not shown before me any sufficient excuse for such default, and I adjudge the said E. F., for his said offence, to be imprisoned in the common gaol of the county (*or* district) of at for the space of , there to be kept at hard labor (*and in case a fine is also intended to be imposed, then proceed*); and I also adjudge that the said E. F. do forthwith pay to and for the use of Her Majesty a fine of dollars, and in default of payment, that the said fine, with the cost of collection, be levied by distress and sale of the goods and chattels of the said E. F. (*or in case a fine alone is imposed, then the clause for imprisonment is to be omitted*).

Given under my hand at in the said county (*or* district) of , the day and year first above mentioned.

O. K.
Judge.

No. 17.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL.

An Act to make further provision respecting the Speedy Trial of certain indictable offences.

Received and read first time, Monday, 11th February, 1889.
Second reading, Tuesday, 12th February, 1889.

Sir JOHN THOMPSON.

OTTAWA:
For the Queen's Printer, &c.

A. SENÉCAL, Superintendent of Printing.

1889.

No. 17] **BILL.** [1889

An Act to make further provision respecting the Speedy Trial of certain indictable offences.

(Reprinted as amended in Committee of the Whole)

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

Short title.

1. This Act may be cited as "*The Speedy Trials Act.*"

Interpretation.

2. In this Act, unless the context otherwise requires:—

"Judge."

(*a.*) The expression "judge" means and includes,—

In Ontario.

(1.) In the Province of Ontario, any judge of a county court, junior judge or deputy judge authorized to act as chairman of the General Sessions of the Peace, and also the judges of the provisional districts of Algoma and Thunder Bay, and the judge of the district court of Muskoka and Parry Sound, authorized respectively to act as chairman of the General Sessions of the Peace;

In Quebec.

(2.) In the Province of Quebec, in any district wherein there is a judge of the sessions, such judge of sessions, and in any district wherein there is no judge of sessions but wherein there is a district magistrate, such district magistrate, and in any district wherein there is neither a judge of sessions nor a district magistrate, the sheriff of such district;

In N.S., N.B. and P.E.I.

(3.) In each of the Provinces of Nova Scotia, New Brunswick and Prince Edward Island, any judge of a county court;

In Manitoba.

(4.) In the Province of Manitoba, the chief justice, or a puisné judge of the Court of Queen's Bench, or any judge of a county court;

In British Columbia.

(5.) In the Province of British Columbia, the chief justice or a puisné judge of the Supreme Court, or any judge of a county court;

"County Attorney."

"Clerk of the Peace."

(*b.*) The expression "county attorney" or "clerk of the peace" includes in the Provinces of Nova Scotia, New Brunswick and Prince Edward Island, any clerk of a county court, and in the Province of Manitoba, any crown attorney, the Prothonotary of the Court of Queen's Bench, and any deputy prothonotary thereof, any deputy clerk of the peace, and the deputy clerk of the Crown and Pleas for any district in the said Province.

Application of Act.

3. This Act shall not apply to the North-West Territories or the District of Keewatin.

Court to be a Court of record.

4. The judge sitting on any trial under this Act, for all the purposes thereof and proceedings connected therewith or relating thereto, shall be a court of record, and in every Province of Canada, except the Province of Quebec, such court shall be called "The County Court Judges' Criminal Court" of the county or union of counties or judicial district in which the same is held :

How styled.

Records, where filed.

2. The record in any such case shall be filed among the records of the Court over which the judge presides, and as part of such records.

Speedy trial of certain offenders with their own consent.

5. Every person committed to a gaol for trial on a charge of being guilty of any offence for which he may be tried,—

(*a.*) In the Province of Ontario by a Court of General Sessions of the Peace ;

(*b.*) In the Province of Quebec by any court discharging for the time being the functions of a Court of General Sessions of the Peace ;

(*c.*) In the Provinces of Nova Scotia and Prince Edward Island by the Supreme Court of the Province ;

(*d.*) In the Province of New Brunswick by a County Court of the Province ;

(*e.*) In the Province of Manitoba by the Court of Queen's Bench or the County Court Judge's Criminal Court ;

(*f.*) In the Province of British Columbia by the Supreme Court or the County Court Judge's Criminal Court ;

May, with his own consent (of which consent an entry shall then be made of record), and subject to the provisions herein, be tried under the provisions of this Act out of sessions and out of the regular term or sittings of the court, whether the court before which, but for such consent, the said person would be triable for the offence charged, or the grand jury thereof is or is not then in session, and if such person is convicted, he may be sentenced by the judge : Provided always, that no person accused of an offence the power to try which is by sections four, five and six of "*The Criminal Procedure Act*," conferred solely upon a Superior Court having criminal jurisdiction, shall be tried under this Act.

Duty of sheriff having a prisoner so triable.

6. Every sheriff shall within twenty-four hours after any prisoner charged as aforesaid is committed to gaol for trial, notify the judge in writing that such prisoner is so confined, stating his name and the nature of the charge preferred against him,—whereupon with as little delay as possible, such judge shall cause the prisoner to be brought before him.

7. The judge, upon having obtained the depositions on which the prisoner was so committed, shall state to him,— Statement to be made to the prisoner by the judge.

(*a.*) That he is charged with the offence, describing it;

(*b.*) That he has the option to be forthwith tried before such judge without the intervention of a jury, or to remain in custody or under bail, as the court decides, to be tried in the ordinary way by the court having criminal jurisdiction:

2. If the prisoner demands a trial by jury the judge shall remand him to gaol; but if he consents to be tried by the judge without a jury, the county attorney or clerk of the peace shall draw up a record of the proceedings as nearly as may be in one of the forms A or B in the schedule to this Act; and if, upon being arraigned upon the charge, the prisoner pleads guilty, such plea shall be entered on the record, and the judge shall pass the sentence of the law on such prisoner, which shall have the same force and effect as if passed by any court having jurisdiction to try the offence in the ordinary way. If the prisoner objects—or consents. If he pleads guilty.

8. If one of two or more prisoners charged with the same offence demands a trial by jury, and the other or others consent to be tried by the judge without a jury, the judge, in his discretion, may remand the said prisoners to gaol to await trial, in all respects as if this Act had not been passed. As to several prisoners charged with the same offence.

9. If under "*The Summary Trials Act*," or "*The Juvenile Offenders' Act*," any person has been asked to elect whether he would be tried by the magistrate or justices of the peace, as the case may be, or before a jury, and he has elected to be tried before a jury, and if such election is stated in the warrant of committal for trial, the sheriff and judge shall not be required to take the proceedings directed by this Act. Effect of election, under certain Acts, of trial by a jury.

10. If, on the trial under "*The Summary Trials Act*" or "*The Juvenile Offenders' Act*," of any person charged with any offence triable under this Act, the magistrate or justices of the peace decide not to try the same summarily, but commit such person for trial, such person may afterwards, with his own consent, be tried under this Act. If the magistrate decides not to proceed under the said Acts.

11. If the prisoner upon being so arraigned and consenting as aforesaid pleads not guilty, the judge shall appoint an early day, or the same day, for his trial, and the county attorney or clerk of the peace shall subpœna the witnesses named in the depositions, or such of them and such other witnesses as he thinks requisite to prove the charge, to attend at the time appointed for such trial, and the judge may proceed to try him, and if he be found guilty, sentence shall be passed as hereinbefore mentioned; but if he be found not guilty the judge shall immediately discharge him from custody, so far as respects the charge in question. If the prisoner pleads not guilty. Trial and conviction or discharge.

12. The county attorney or clerk of the peace or other prosecuting officer may, with the consent of the judge, pre- Offender may be charged with other

offences than that for which he was committed.

fer against the prisoner a charge or charges for any offence or offences for which he may be tried under the provisions of this Act, other than the charge or charges for which he has been committed to gaol for trial, although such charge or charges do not appear or are not mentioned in the depositions upon which the prisoner was so committed.

Powers of the judge in any case tried before him.

13. The judge shall, in any case tried before him, have the same power as to acquitting or convicting, or convicting of any other offence than that charged, as a jury would have in case the prisoner were tried at a sitting of any court mentioned in this Act, and may render any verdict which may be rendered by a jury, upon a trial at a sitting of any such court.

Judge may admit to bail prisoner electing to be tried without a jury.

14. If a prisoner elects to be tried by the judge without the intervention of a jury, the judge may, in his discretion, admit him to bail to appear for his trial, and extend the bail, from time to time, in case the court be adjourned or there is any other reason therefor; and such bail may be entered into and perfected before the clerk.

Or if he elects to be tried by a jury.

15. If a prisoner elects to be tried by a jury, the judge may, instead of remanding him to gaol, admit him to bail, to appear for trial at such time and place and before such court as is determined upon, and such bail may be entered into and perfected before the clerk.

Adjourning trial.

16. The judge may adjourn any trial from time to time until finally terminated.

Powers of amendment.

17. The judge shall have all powers of amendment which any court mentioned in this Act would have if the trial was before such court.

Attendance of witnesses.

18. Every witness, whether on behalf of the prisoner or against him, duly summoned or subpœnaed to attend and give evidence before such judge, sitting on any such trial, on the day appointed for the same, shall be bound to attend and remain in attendance throughout the trial; and if he fails so to attend, he shall be held guilty of contempt of court, and may be proceeded against therefor accordingly.

Proceedings against witnesses failing to attend when summoned.

19. Upon proof to the satisfaction of the judge of the service of subpœna upon any witness who fails to attend before him, as required by such subpœna, and such judge being satisfied that the presence of such witness before him is indispensable to the ends of justice, he may, by his warrant, cause the said witness to be apprehended and forthwith brought before him to give evidence as required by such subpœna, and to answer for his disregard of the same; and such witness may be detained on such warrant before the said judge or in the common gaol, with a view to secure his presence as a witness; or in the discretion of the judge, such witness may be released on recognizance with or without sureties, conditioned for his appearance to give evidence as therein mentioned, and to answer for his de-

Witness may be admitted to bail.

fault, in not attending upon the said subpœna, as for a contempt; and the judge may, in a summary manner, examine into and dispose of the charge of contempt against the said witness who, if found guilty thereof, may be fined or imprisoned, or both,—such fine not to exceed one hundred dollars, and such imprisonment to be in the common gaol, with or without hard labor, and not to exceed the term of ninety days: Punishment for contempt.

2. Such warrant may be in the form C and the conviction for contempt in the form D in the schedule to this Act, and the same shall be authority to the persons and officers therein required to act, to do as therein they are respectively directed. Form of warrant and conviction.

20. This Act shall be substituted for the Revised Statutes, chapter one hundred and seventy-five, which with the Act passed in the session held in the fiftieth and fifty-first years of Her Majesty's reign, chapter fifty-one, and the Act passed in the fifty-first year of Her Majesty's reign, chapter forty-six, amending the said chapter, is hereby repealed. R.S.C., c. 165, 50-51 V., c. 51 and 51 V., c. 46, repealed, and this Act substituted.

21. The foregoing provisions of this Act shall not, as respects the provinces of New Brunswick, Nova Scotia and Prince Edward Island have force or effect until a day to be named by the Governor General by his proclamation: Provided always, that the Governor General may, by proclamation, declare this Act to be in force from a day therein mentioned as respects any one or more of the said provinces only, and may from time to time, by a subsequent proclamation, declare it to be in force from another day as respects any other or others of such provinces; and the said provisions shall have force and effect according to the terms of such proclamation or proclamations.

SCHEDULE.

FORM A.

Form of Record when the Prisoner pleads Not Guilty.

Province of , County (*or* district) of , to wit: } Be it remembered that A.B being a prisoner in the gaol of the said county (*or* district), committed for trial on a charge of having, on day of , 18 , feloniously stolen, &c. (*one cow, the property of C.D., or as the case may be, stating briefly the offence*) and brought before me, (*describe the judge*) on the day of , 18 , and asked by me if he consented to be tried before me without the intervention of a jury, consented to be so tried; and that upon the day of , 18 , the said A.B., being again brought before me for trial, and declaring himself ready, was arraigned upon the said charge and pleaded not guilty; and after hearing the evidence adduced, as well as in support of the said charge as for the prisoner's defence

(*or as the case may be*), I find him to be guilty of the offence with which he is charged as aforesaid, and I accordingly sentence him to (*here insert such sentence as the law allows and the judge thinks right*). (*Or* I find him not guilty of the offence with which he is charged, and discharge him accordingly).

Witness my hand at , in the county (*or* district) of , this day of , 18 .

O. K.,
Signature of Judge.

FORM B.

Form of Record when the Prisoner pleads Guilty.

Province of , County (*or* district) of , to wit: } Be it remembered that A B., being a prisoner in the gaol of the said county (*or* district), on a charge of having on the day of , 18 , feloniously stolen, &c., (*one cow, the property of, or as the case may be, stating briefly the offence*), and being brought before me (*describe the judge*) on the day of , 18 , and asked by me if he consented to be tried before me without the intervention of a jury, consented to be so tried; and that the said A.B, being then arraigned upon the said charge, he pleaded guilty thereof, whereupon I sentenced the said A.B. to (*here insert such sentence as the law allows and the judge thinks right*).

Witness my hand this day of , 18 .

O.K.,
Signature of Judge.

FORM C.

Form of Warrant to apprehend Witness.

(L.S.) Canada, Province of County (*or* district, *as the case may be*) of , to wit: } To all or any of the constables or other peace officers in the said county (*or* district, *or as the case may be*) of

Whereas it having been made to appear before me, that E.F., in the said county (*or* district, *or as the case may be*), was likely to give material evidence on behalf of the prosecution or defence (*as the case may be*) on the trial of a certain charge of , (*as larceny, or, as the case may be*), against A.B., and that the said E.F. was duly subpœnaed (*or* bound under recognizances) to appear on the day of 18 , at , in the said county (*or* district, *or as the case may be*), at o'clock (forenoon *or* afternoon, *as the case may be*), before me, to testify what he knows concerning the said charge against the said A.B.

And whereas proof has this day been made before me, upon oath, of such subpœna having been duly served upon the said E.F., (*or* of the said E.F. having been duly bound in recognizances to appear before me, *as the case may be*); and whereas the said E.F. has neglected to appear at the trial and place appointed, and no just excuse has been offered for such neglect: These are therefore to command you to take the said E.F. and to bring him and have him forthwith before me, to testify what he knows concerning the said charges against the said A.B., and also to answer his contempt for such neglect.

Given under my hand this day of , in the year 18 .

O.K.,
Judge.

FORM D

Form of Conviction for Contempt.

(L.S.) Canada, Province of County (*or* district) of , to wit: } Be it remembered, that on the day of , in the year 18 , in the county (*or* district, *or as the case may be*) of , E. F. is convicted before me, for that he the said E. F. did not attend before me to give evidence on the trial of a certain charge against one A. B. of (*larceny, as the case may be*), although duly subpœnaed (*or* bound by recognizance to appear and give evidence in that behalf, *as the case may be*) but made default therein, and has not shown before me any sufficient excuse for such default, and I adjudge the said E. F., for his said offence, to be imprisoned in the common gaol of the county (*or* district) of at for the space of , there to be kept at hard labor (*and in case a fine is also intended to be imposed, then proceed*); and I also adjudge that the said E. F. do forthwith pay to and for the use of Her Majesty a fine of dollars, and in default of payment, that the said fine, with the cost of collection, be levied by distress and sale of the goods and chattels of the said E. F. (*or in case a fine alone is imposed, then the clause for imprisonment is to be omitted*).

Given under my hand at in the said county (*or* district) of , the day and year first above mentioned.

O. K.
Judge.

No. 17.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL.

An Act to make further provision respecting the Speedy Trial of certain indictable offences.

(*Reprinted as amended in Committee of the Whole.*)

Sir JOHN THOMPSON.

OTTAWA:
For the Queen's Printer, &c.

A. SENÉCAL, Superintendent of Printing.

1889.

No. 18.] **BILL.** [1889.

An Act to authorize the assessment of the salaries or incomes of persons in the service of Canada.

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

Certain salaries liable to assessment.

1. From and after the passing of this Act, the salaries or incomes, or both, of officials and employees in the service of Canada, derived from their employment in such service, shall be liable for assessment for civic, municipal and school purposes in the places or localities in which such officials and employees reside, in the same manner and to the same extent as the salaries or incomes, or both, of other residents of these places or localities, derived from other sources.

Liability for payment of taxes and application of local laws.

2. An official or employee in the service of Canada so assessed shall be liable for the payment of the amount assessed; and the laws and regulations for the assessing, levying and collecting of taxes on salaries or incomes, or on both, in force in the place or locality in which any such official or employee is a resident, shall apply to such official or employee in the same manner as to any other person taxed in such place or locality upon salary or income, or on both.

No. 18.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL.

An Act to authorize the assessment of the salaries or incomes of persons in the service of Canada.

Received and read a first time, Monday, 11th February, 1889.
Second reading, Tuesday, 12th February, 1889.

Mr. ELLIS.

OTTAWA:
For the Queen's Printer, &c.
A. SENÉCAL, Superintendent of Printing.
1889.

No. 19.] **BILL.** [1889.

An Act to incorporate the Assiniboia, Edmonton and Unjiga Railway Company.

Preamble.

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 :—

Incorporation.

1. The Hon. Herbert E. Wilson, Appleton Jones Pattison, Thomas Bell Lee, Henry Joseph Dennis, Robert McCleary and James R. Roaf, together with such persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of "The Assiniboia, Edmonton and Unjiga Railway Company," hereinafter called the Company.

Corporate name.

Head office.

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

Line of railway described.

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 Swift Current on the line of the Canadian Pacific Railway, thence north-westerly crossing the South Saskatchewan River near the junction of the Red Deer River, thence generally northerly to the north-east corner of Beaver Lake, thence northerly and westerly to the Saskatchewan, thence south-westerly to Edmonton, thence north-westerly to the Peace River at or near to the junction of the Smoky River.

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 and calls.

5. The capital stock of the Company shall be four million six hundred and eighty 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 centum on the shares subscribed.

Annual meeting.

6. The annual general meeting of the shareholders shall be held on the first Monday in March 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 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.

No. 19.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL.

An Act to incorporate the Assiniboia, Edmonton and Unjiga Railway Company.

Received and read first time, Tuesday, 12th February, 1889.
Second reading, Wednesday, 13th February, 1889.

(PRIVATE BILL.)

Mr. DAWSON.

OTTAWA:
For the Queen's Printer, &c.
A. SENÉCAL, Superintendent of Printing.
1889.

No. 20.] **BILL.** [1889.

An Act to incorporate the Hawkesbury Lumber Company.

WHEREAS Robert Blackburn, lumber merchant, Henry Kelly Egan, lumber merchant, Hiram Robinson, lumber merchant, William Ryan Thistle, lumber merchant, and Arthur Blackburn, gentleman, all of the City of Ottawa, have, by their petition, represented that they are desirous of becoming incorporated under the name of "The Hawkesbury Lumber Company," 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:— Preamble.

1. Robert Blackburn, Henry Kelly Egan, Hiram Robinson, William Ryan Thistle and Arthur Blackburn, and such other persons as hereafter become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of "The Hawkesbury Lumber Company," hereinafter called the Company. Incorporation. Corporate name.

2. The Company may carry on throughout the Dominion of Canada and elsewhere the business of lumberers, timber merchants and manufacturers of timber and lumber in all its branches, and also of pulp, wood pulp and other products from wood or wood materials, and also of woollen and cotton goods and fabrics, and also the business of wharfingers, shippers and vessel owners, general merchants and dealers; 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, ware or merchandise and other property, real and personal, movable and immovable, and improve, extend, manage, develop, lease, mortgage, exchange, sell, dispose of, turn to account or otherwise deal in and with the same: 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. Business of the company. Powers as to real and other property. Proviso: for certain purposes only.

3. The Company may also purchase, take over or otherwise acquire all or any of the business or businesses now being carried on by the said Robert Blackburn, Henry Kelly Egan, Hiram Robinson and William Ryan Thistle at Certain business and property may be acquired.

the city of Ottawa and elsewhere, and the whole or any of the good will, stock in trade, assets and property, real and personal, movable and immovable, of the said Robert Blackburn, Henry Kelly Egan, Hiram Robinson and William Ryan Thistle, 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 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 business or businesses so carried on by the said Robert Blackburn, Henry Kelly Egan, Hiram Robinson and William Ryan Thistle, and also the obligations affecting the assets and property so purchased from them.

Further provisions.

Shares in certain companies.

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.

Company may be party to certain instruments.

5. The Company may 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.

Proviso: no notes to be payable to bearer.

Borrowing money and security therefor.

6. The directors of the Company may from time to time, at their discretion, borrow moneys for the purposes of the Company, and secure the re-payment of any of the moneys so borrowed, or any other moneys owing by the Company, in such manner and upon such terms and conditions as they see fit, and in particular by the mortgage, pledge, hypothecation or charge of or on all or any of the assets and property of the Company.

Issue of debentures.

7. The directors of the Company, under the authority of the shareholders given at any general meeting called for the purpose,—at which meeting shareholders representing at least one-half 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 three 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

Amount limited.

How secured.

of the Company as are described in the mortgage deed, and such mortgage deed may give to the holders of the said debentures, or the trustee or trustees for such holders named in such mortgage deed, such powers, powers of sale, rights and remedies as are specified in such mortgage deed.

Capital stock and shares.

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

Provisional directors.

9. Robert Blackburn, Henry Kelly Egan, Hiram Robinson, William Ryan Thistle and Arthur Blackburn 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. A majority of the provisional directors shall form a quorum.

Meetings.

Quorum.

First meeting of shareholders and proceedings thereat.

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 thereof.

Vacancies in the board of 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 on stock.

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.

Head office and domicile.

13. The head office of the Company shall be at the village of Hawkesbury ; 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 Company, so that if any cause of action or suit arises against the Company within the province or territory in which such domicile is

Service of process.

situate, service of any writ or process in such action or suit may be validly made upon the Company at such domicile by delivering the same to the person then having charge of such office or place of business: Provided, that the domicile of the Company in Ontario shall be at the city of Ottawa aforesaid.

Domicile in Ontario.

R.S.C., c. 118 to apply, except section 13.

14. "*The Companies Clauses Act*," except section thirteen thereof, and except so far as inconsistent with the express provisions of this Act, shall be deemed to be incorporated herewith.

No. 20.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL.

An Act to incorporate the Hawkesbury Lumber Company.

Received and read first time, Tuesday, 12th February, 1889.
Second reading, Wednesday, 13th February, 1889.

(PRIVATE BILL.)

Mr. LABROSSE.

OTTAWA:
For the Queen's Printer, &c.
A. SENÉCAL, Superintendent of Printing.
1889.

No. 21.] **BILL.** [1889.

An Act respecting the New Brunswick and Prince Edward Railway Company and to change the name of the Company to "The New Brunswick and Prince Edward Island Railway Company."

Preamble.

WHEREAS a petition has been presented by the New Brunswick and Prince Edward Railway Company (a Company incorporated by an Act of the Legislature of the Province of New Brunswick, passed in the thirty-seventh year of Her Majesty's reign, chapter sixty-five, which Act was amended by subsequent Acts of the same Legislature, being chapters thirty-six and thirty-seven of the Acts passed in the thirty-ninth year and chapter thirty-seven of the Acts passed in the forty-fifth year of Her Majesty's regin) praying that its railway may be declared to be a work for the general advantage of Canada and that certain additional powers, as hereinafter set forth, may be confered 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 Comnons of Canada, enacts as fallows :—

N.B., 37 V., c. 65; 39 V., c. 36; 39 V., c. 37. 45 V., c. 37.

Declaratory.

1. The New Brunswick and Prince Edward Railway Company is hereby declared to be a work for the general advantage of Canada, and the name of the said Company is hereby changed to "The New Brunswick and Prince Edward Island Railway Company," hereinafter called the Company ; but the powers, rights and liberties of the Company shall not be affected in any manner by such change of name, and all contracts made, powers exercised, and rights and property acquired, and liabilities incurred by the said Company under its prior corporate name shall remain valid and binding and become and be the contracts, powers, rights, property and liabilities of the New Brunswick and Prince Edward Island Railway Company.

Change of name.

Rights saved.

Capital stock reduced.

2. The capital stock of the Company is hereby reduced from the sum of nine hundred and fifty thousand dollars to the sum of five hundred thousand dollars, divided into shares of fifty dollars each, and the issue of stock heretofore made by the directors is hereby declared valid and confirmed.

Record of bonds to be kept.

3. Notwithstanding anything contained in the third section of the Act passed by the Legislature of the Province of New Brunswick in the forty-fifth year of Her Majesty's reign, chaptered thirty-seven, the directors of the Company shall cause a book to be kept in which shall be entered

consecutively each and every issue of the bonds, debentures or other securities to be issued under this Act, showing the number, date, amount, rate of interest, and time of payment of each such bond, debenture or other security, which book shall at all reasonable times be open to the inspection of any shareholder of the Company; and it shall not be necessary to file any list of bonds or debentures in the office of the Registrar of Deeds in the County of Westmoreland.

Line may be extended.

4. The Company may extend and continue its line of railway from its intersection with the Intercolonial Railway to Wood Point in the County of Westmoreland, and to a deep water terminus on the shore of the Bay of Fundy, near the said village of Wood Point, and many exercise all the rights, powers and privileges with regard to such extension as are exercised and enjoyed by the said Company with respect to their present line: Provided, however, that with respect to the extension authorized by this Act, "*The Railway Act*" of Canada shall apply to the expropriation of lands and all matters to which "*The Railway Act*" of Canada would apply if the said Company had been originally incorporated by the Parliament of Canada.

The Railway Act to apply.

Issue of debentures ratified.

5. The issue of debentures to the extent of one hundred thousand dollars by the New Brunswick and Prince Edward Railway Company and the deed of trust to Thomas E. Kenny, M.P., John A. Humphrey, M.P.P., and Edward Cogswell to secure the same as set forth in the schedule to this Act are hereby severally ratified, confirmed and declared valid.

Mortgage to apply to extension.

6. The said mortgage or deed of trust is hereby declared to extend to and include the extension of the said railway authorized by this Act and the works and undertakings thereof, in the same manner and to the like extent as if they were expressly mentioned and described in the said mortgage or deed of trust.

Further issue of bonds.

7. The Company may, subject to the provisions of "*The Railway Act*," in addition to the debentures hereinbefore mentioned, make a further issue of bonds, debentures or other securities to an amount not exceeding three hundred thousand dollars, and the mortgage deed to secure the same, as well as any other deed of the Company, shall be valid and binding if signed by the president or vice-president and secretary and have the seal of the Company attached thereto; but the amount of bonds issued or to be issued by the Company shall not exceed in all the sum of four hundred thousand dollars.

Amount limited.

SCHEDULE.

THIS INDENTURE made the first day of June in the year of our Lord one thousand eight hundred and eighty-seven, between the New Brunswick and Prince Edward Railway Company, a corporation organized and existing under the laws of the Dominion of Canada and the Province of New

Brunswick, of the first part, hereinafter called "The Company," and Thomas E. Kenny, of Halifax, in the Province of Nova Scotia, Esquire ; a member of the Parliament of Canada ; John A. Humphrey, of Moncton, in the Province of New Brunswick, mill owner, a member of the Legislature of the Province of New Brunswick, and Edward Cogswell, of Sackville, in the County of Westmoreland, Province of New Brunswick, hereinafter called "The Trustees," of the second part ;

Whereas the Company is authorized and empowered to borrow money, under the provisions of an Act of the Legislature of New Brunswick, not exceeding ten thousand dollars per mile, and at a meeting of stockholders the directors thereof were directed to borrow the sum of one hundred thousand dollars upon such terms and conditions as they should deem advisable ;

And whereas at a meeting of the directors held on the twenty-sixth day of April last, the following resolution was passed :—

"Resolved that the sum of $100,000 be borrowed by the Company under the provisions of 45 Victoria, chapter 37, and that debentures be issued for the sum of $500 each, payable ten years after the first day of June, A.D. 1887, the interest to be payable at six per cent. half yearly, on the first days of December and June in each year, at the Merchants Bank of Halifax, or at their branches in St. John, N.B., or Sackville, N.B., the debenture to be in such form as settled by counsel, and to be executed with coupons attached as required by the said Act and further that the said debentures be secured to the holders thereof by a mortgage to Thomas E. Kenny, Esquire, of Halifax ; John A. Humphrey, Esquire, of Moncton, N.B., and Edward Cogswell, Esquire, of Sackville, as trustees of the railway, undertakings and other assets, rights, and profits of the Company, and that counsel be directed to prepare a mortgage in accordance with this resolution ;"

And whereas in pursuance of the said resolution the said Company has had prepared a form of debenture, which is as follows :—

DOMINION OF CANADA.

$500. $500.

No. .

PROVINCE OF NEW BRUNSWICK.

First Mortgage Bond.

Issued by the New Brunswick and Prince Edward Railway Company, a corporation duly organized and existing under the laws of the Province of New Brunswick and Dominion of Canada.

The New Brunswick and Prince Edward Railway Company, for value received, hereby promises to pay to the bearer or registered holder thereof, on the first day of June, A.D. 1897, the sum of five hundred dollars, Canadian currency, at

the office of the Company, in Sackville, New Brunswick, with interest thereon at the rate of six per cent. per annum, payable semi-annually on the first days of December and June in each year, at the Merchants Bank, Halifax, N.S., or its agencies in St. John, N.B., or Sackville, N.B., at the option of the holder, on presentation and surrender of the interest warrants and coupons hereto annexed, as they severally become due.

This bond is a series of two hundred bonds of like amount, tenor and date, numbered from one to two hundred inclusive and amounting in the aggregate to one hundred thousand dollars, all equally secured by a first mortgage or deed of trust executed by the said Company to Thomas E. Kenny, John A. Humphrey and Edward Cogswell, Esquires, as trustees, covering the entire railway of the said Company, and all its lands and territories, rolling stock, equipments, rights, franchises, easements, privileges and appurtenances.

This bond shall pass by delivery, unless registered in the name of the owner on the books of the Company at its office in Sackville, N.B. After a registration of ownership, certified hereon by the transfer agent or officer of the Company, no transfer, except on the books of the Company, shall be valid unless the last preceding transfer shall have been to bearer, which shall restore transferability by delivery, but this bond shall continue subject to successive registrations and transfers to bearer as aforesaid at the option of each holder. This bond shall not become valid or obligatory until authorized by a certificate endorsed thereon signed by two of the said trustees.

In witness whereof the said New Brunswick and Prince Edward Railway Company has caused its corporate seal to be hereto affixed, and these presents to be signed by its president and countersigned by its treasurer the first day of June, A.D. 1887.

President.
Treasurer.

Coupon No. .

The New Brunswick and Prince Edward Railway Company will pay the bearer fifteen dollars at the Merchants' Bank, Halifax, N.S., or its agencies in St. John, N.B., or Sackville, N. B., on the first day of A.D. 18 , being six months' interest on its first mortgage bond No. .

President.
Treasurer.

TRUSTEE'S CERTIFICATE.

We hereby certifiy that the above bond is one of the series of two hundred bonds all of the same amount, tenor, and date, the payment of which is secured by the mortgage or deed of trust within mentioned duly executed and delivered to us and duly recorded in the records of the County of Westmoreland, in the Province of New Brunswick.

Trustees.

Now this INDENTURE WITNESSETH that the said New Brunswick and Prince Edward Railway Company in consideration of the premises and the sum of one dollar lawful money of Canada to it in hand well and truly paid before the ensealing and delivery of these presents, the receipt whereof is hereby acknowledged, and in order to secure the payment of the said two hundred mortgage bonds and interest thereon as aforesaid has granted, bargained, sold, conveyed and transferred and by these presents does grant, bargain, sell, convey and transfer unto the said Thomas E. Kenny, John A. Humphrey and Edward Cogswell, trustees as aforesaid, their heirs, executors, administrators and assigns as joint tenants and not as tenants in common, all the railway of the Company, being from Sackville Station, on the Intercolonial Railway, to Cape Tormentine, in the County of Westmoreland aforesaid, and the right of way over which the same is built and constructed and located as above set forth, and also all the lands, tenements and hereditaments of the Company now owned or hereafter acquired by it, and also all the railways, ways, rights of way, main lines, branch lines, sidings, tracks, superstructures, depots, depot grounds, station houses, engine houses, car houses, freight houses, wood houses, sheds, watering places, workshops, machine shops, buildings, bridges, viaducts, culverts, fences, wharves and fixtures held or acquired or hereafter to be acquired in connection with the said railway or the business thereof, and all the locomotives, engines, cars, tenders, machines, tools, implements, telegraph poles, lines and instruments, equipments and appurtenances, fuel and materials of the said Company now held or hereafter to be held, together with its corporate rights, privileges, immunities and franchises now held or hereafter to be acquired (including the franchise to be a corporation) and all the tolls, fares, freights, rents, incomes, issues and profits thereof and all reversion and reversions, remainder and remainders thereof, and also all the estate, right, title, interest, use, possession, property, claim or demand either at law or in equity of the Company of, in, to, or out of the same and every part and parcel thereof with the appurtenances.

To have and to hold all and singular the said lands, tenements, hereditaments, railway property, premises, things, rights, privileges, immunities, easements, franchises, and equipments hereby conveyed or intended so to be, to the parties hereto of the second part, their heirs, executors, administrators and assigns forever, as joint tenants and not as tenants in common, in trust however for the uses and purposes following, namely :—

Article First.—Until default shall be made in the payment of the principal and interest of the bonds hereby secured or some one or more of them, or until default shall be made in the due observance of the covenants and agreements hereinafter contained on the part of the Company, the said Company shall be suffered and permitted in every respect to have and retain full and undisturbed possession, control and management of the said railway's property,

lands, premises and appurtenances and to exercise the franchises and rights relating thereto, and to collect, receive and use the tolls, income and revenues, moneys and profits thereof in any manner which will not impair the lien created by this indenture.

Article Second. In case default shall be made in the due payment of interest on any of the said bonds after demand thereof and such default shall continue for a period of six months or in case default shall be made in the payment of the principal of any such bonds or in the observance or performance of any other matter or thing in the said bonds, or in these presents mentioned and agreed or required to be observed and performed by the Company, its successors or assigns, and such default shall continue for a period of six months, the trustees may and upon the written request of the holders of at least one-fourth of the amount of said bonds then outstanding, accompanied by a tender on behalf of such bondholders or any of them of security satisfactory to the trustees against personal loss or liability, must personally or by attorney and with or without judicial proceedings enter upon and in the possession of the said railway, and all the said property, lands, premises, rights, privileges, franchises, easements, appurtenances and equipments, hereinbefore conveyed or intended to be conveyed and each and every part thereof, and thereupon personally or by attorney manage, operate, exercise and control the same and receive all the tolls, rents, revenues, moneys, income and profits thereof until such time as the said interest shall be fully paid or satisfied, and the trustees shall apply the money so received by them, first to the expenses of the trust hereby created, the management of the said railway and its appurtenances and such repairs thereof as may be needed to keep the said railway in good working order, next to the payment of interest overdue upon the said bonds with interest upon delayed interest and afterwards to the payment of the principal of the said bonds.

Article Third. After such entry as aforesaid or without entry the trustees may and upon the written request of the holders of one-fourth of the amount of the said bonds then outstanding, and upon tender of adequate indemnity as hereinbefore provided must personally or by allowing and with or without judicial proceedings proceed to sell all and singular the said premises, property, rights and franchises so mortgaged either as an entirety or in different lots or parcels as they shall deem necessary and proper, having due regard to the interests of all parties, at public sale at Sackville, in the County of Westmoreland, aforesaid, to the highest bidder, at such times as they may appoint, giving at least two months' notice of the times, place, and terms of such sale and of the specific property to be sold and whether the same will be sold in an entirety or in parcels, by publication to be made at least once a week for two calendar months in two or more newspapers published in the Province of New Brunswick, one of which shall be published in the said County of Westmoreland, and one in the

City of Saint John, New Brunswick, and the trustees may adjourn the sale from time to time and make the same without further notice at the time and place to which the same shall be adjourned, and upon receiving the purchase money therefor, the trustees shall make, execute, and acknowledge and deliver to the purchaser or purchasers at such sale or his or their assigns a good and sufficient deed or deeds of conveyance, which sale and conveyance shall forever be a bar against the Company, party of the first part, its successors and assigns and all persons claiming under them, to all right, estate, interest or claim in or to the premises, property, things, franchises, privileges and immunities so sold or any part thereof, whether the trustees are in possession or not, and the receipt of the trustees shall be a full and sufficient discharge to such purchasers and no purchaser holding such receipt shall be liable for the proper application of the purchase money or in any way bound to see that the same is applied to the uses of this trust or be in any manner answerable for its loss or misapplication or inquire into the authority for making such sale, and such sale to a purchaser in good faith shall be valid whether such notice is published or not, and whether default in payment has been made or not.

Article Fourth.—After deducting from the proceeds of any such sale the costs and expenses thereof, and after execution of this trust, and all payments for taxes, assessments and counsel fees and the reasonable compensation for the trustees, the trustees shall apply so much of the proceeds as may be necessary to the payment of the principal and interest remaining unpaid upon the said bonds, together with interest upon overdue interest down to the time of sale, without giving preference to either principal or interest, it being the intention of this indenture that so long as the said railway and its appurtenances shall be managed by the trustees or a receiver as a going concern, the income shall be applied to the payment of interest in preference to the prinpal, but that after a sale of the railway and its appurtenances no such preference shall be made in the distribution of the proceeds, and if any surplus shall remain after the payment of the principal and interest of such bonds in full as aforesaid it shall be paid to the Company, party hereto of the first part.

Article Fifth.—Upon any sale of the said premises, whether by the trustees or under judicial process, the holders of the bonds hereby secured, or any of them, or the trustees, upon behalf of all the bondholders, shall have the right to purchase upon equal terms with other persons, and it shall be the duty of the trustees, if so required in writing at a reasonable time before such sale by the holders of one-half of the amount of the bonds hereby secured then outstanding, and upon being offered at the same time adequate indemnity against all liability to be incurred thereby, to make such purchase in behalf of all the bondholders at a reasonable price if but a portion of said property shall be sold, then at a price not exceeding the whole amount of

principal and interest due or accruing upon the said bonds then outstanding and the expenses of such sale.

Article Sixth —In case of the purchase of the said property or any part thereof by the trustees, the same shall be held for the benefit of all bondholders in proportion to their respective interests in the bonds, coupons and accumulated interest, and the property then purchased shall be conveyed to such persons or corporation as may be designated by a meeting of such bondholders to be held in the City of Saint John, New Brunswick, regularly called by the trustees upon reasonable public notice published in two newspapers of that city : Provided that such conveyance shall be made upon such terms as will, in the judgment of the trustees, secure to each and every bondholder his just proportion of interest in the property purchased as aforesaid.

Article Seventh. The trustees may exercise the powers herein conferred upon them in the manner hereinbefore provided by a suit or suits in equity or at law in aid of the execution of such powers or otherwise as being advised by counsel learned in the law they shall decide to be most effectual for the purpose, it being understood and expressly declared that the right of entry and sale hereinbefore granted are intended as cumulative remedies, additional to all other remedies at law, and that the same shall not be deemed in any manner whatever to deprive the trustees or the beneficiaries under this trust of any right to legal or equitable remedies by judicial proceedings consistent with the provisions of these presents, and, notwithstanding any demand of bondholders for the exercise of the said strict rights of entry and sale, the trustees may, at their option, proceed by foreclosure in the usual manner in courts of justice. No holder of any bonds secured hereby shall have the right to institute any suit or proceeding at law or in equity for the foreclosure of this indenture or the execution of the trusts hereof without first giving notice in writing to the trustees of default having occurred and requesting them and affording them a reasonable time to institute such suit or proceedings in their own name, and offering to them adequate indemnity against the costs and expenses of such suit or proceeding ; and such notification, request and offer of indemnity are hereby declared to be a condition precedent to any cause of action for the foreclosure hereof by any bondholder.

Article Eighth. In case default shall be made in the payment of any half-yearly instalment of interest on any of the bonds, when such interest shall become payable according to the tenor of the said bonds, or if any warrant or coupon thereto annexed and such instalment of interest shall remain unpaid and in arrear for a period of six months after the same shall have become payable as aforesaid, and been demanded, then and from thenceforth the principal sum of each of the bonds aforesaid, shall, at the option of the trustees, become and be immediately due and payable notwithstanding the time limited in the said bonds for the payment

thereof may not then have elapsed, but the holder of a majority in interest of all the bonds aforesaid, which shall be then outstanding and upon which default in the payment of interest shall have been made and be continuing may, by an instrument under their hands and seals, or by a vote at a meeting duly convened and held as hereinafter provided, at any time before the actual payment and acceptance of the interest in arrear, instruct the trustees to declare the said principal due or to waive the right so to declare in such terms and conditions as such majority in interest may think fit, and they may by such instrument, in writing or vote, annul or reverse the declaration of the trustees in respect of said bonds becoming immediately payable: provided always, that no act or omission of the trustees or bondholders in the premises shall extend to or be taken in any manner whatsoever, to effect any subsequent default or the rights resulting therefrom.

Article Ninth.—All bonds secured by this indenture shall be payable to bearer and be negotiable and pass by delivery unless registered for the time being in the name of the owner thereof in the manner hereinafter provided. The Company shall keep at its office a bond register in which every holder of a bond shall be entitled to have his name and address and the number of the bond held by him entered, upon presenting a written statement of the said particulars signed by him, and if required duly verifying his title to such bond by the production thereof or by the written order of the person last registered as holder, and every registration of the ownership of any bond shall be properly certified on such bond, and if the last transfer shall be to bearer, it shall thereafter be transferable by delivery, but every such bond shall be subject to successive registrations and transfers to bearer as aforesaid at the option of each holder. The trustees shall have full access at all reasonable hours and times to the bond register, and shall, from time to time, on request in writing, be furnished with a copy thereof by the Company. The trustees may and whenever it shall be required by the request in writing of bondholders to the aggregate amount of fifty per centum of the bonds, then outstanding, must call a meeting of the bondholders, to be held in the City of St. John, by publishing notice thereof, at least twice a week, for two weeks in one or more newspapers published in the said city, the City of Halifax and the County of Westmoreland, and in case the trustees shall neglect to call such meeting for thirty days, after service upon them of such request it shall be competent for any holder or holders of said bonds to that amount to call such meeting in the manner aforesaid, and at such meeting so convened, the bondholders shall be competent to exercise in person or by proxy all the powers and authorities conferred upon them by these presents and each bond shall entitle the holder thereof to one vote. The quorum may be deferred and reasonable regulations or by-laws in respect to such meetings may, from time, to time be established, altered or repealed by a majority of the bondholders in interest at such a meeting. Until such action

shall be taken by the bondholders a majority in interest of the outstanding bonds for the time being shall be required to constitute a quorum at any such meeting. The trustees may require that any act or resolution of the bondholders affecting their duties shall be authenticated by the signature of all the persons assenting thereto as well as by a minute of the proceedings of the meeting.

Article Tenth.—The trustees may take such legal advice and employ such assistance as may be necessary to their judgment to the proper discharge of their duties, and they shall be entitled to receive just and reasonable compensation for all duties performed by them and the discharge of this trust, and for all their reasonable expenses and disbursements, which compensation shall be paid by the Company, its successors or assigns, and shall also with interest, be a lien and charge upon the premises hereby conveyed and shall be payable out of any funds coming into the possession of the trustees or their successors in the trust.

Article Eleventh.—No trustee hereunder shall be in any manner responsible for the default or misconduct of a co-trustee or co-trustees or for the default or misconduct of any agent or attorney appointed pursuant to these presents if such agent or attorney be selected with reasonable care or for anything whatever in respect to the premises or the trust hereby created except his own fraud or wilful misconduct.

Article Twelfth.—Any trustee hereunder may resign the trust hereby created and be discharged from all further duty thereunder or liability thereafter arising, upon giving three months' notice in writing to the Company and to any associate trustee or trustees or upon such shorter notice as the Company and a majority in interest of the bondholders may accept as sufficient. Any trustee may be removed from office by a vote in majority in interest of the bondholders taken at a meeting of the said bondholders duly held and attested by an instrument in writing under the hands and seals of the person so voting.

Article Thirteenth.—In case any trustee shall die, resign, be lawfully removed or become incapable of acting, a successor to such trustee may be appointed by the surviving or continuing trustee, if any, with the consent of the board of directors of the Company, or if no such appointment is made within thirty days after such vacancy occurs, then by the holders for the time being of a majority in interest of the said bonds then outstanding, at a meeting of the said bondholders duly convened and held in conformity with the provisions of these presents; such appointment, however, to have no force or effect before any default in the payment of coupons or interest until approved by the board of directors of the Company. If such vacancy is not filled for ninety days after it occurs, any judge of the Supreme Court of the Province of New Brunswick may appoint a trustee to fill such vacancy on the petition of the holders of the bonds hereby secured to the aggregate

amount of twenty per centum of the bonds then outstanding upon reasonable notice to the Company, its successors or assigns, and to the surviving trustee or trustees, if any, and the corporation, person or persons so appointed shall be the trustee or trustees under this instrument, and from then afterwards each trustee so appointed shall be vested with the same powers, rights and interests, and charged with the same duties and responsibilities as if he had been named trustee and made a party to this instrument in place of the trustee whom he succeeds without any act or deed, but the surviving or remaining trustee, if any, shall immediately execute all such conveyances or other instruments as may be necessary or suitable for the purpose of securing to the new trustee so appointed a full joint estate in the premises.

Article Fourteenth.—The words "the Company" whenever used in this indenture shall be construed to mean the party of the first part, its successors and assigns. The word "trustees" whenever used in this indenture shall be construed to mean the corporation, person or persons who for the time being shall be charged with the execution of this trust, whether originally appointed or afterwards substituted, and whenever a vacancy exists to mean the surviving or remaining trustees or trustee, who shall, during such vacancy, possess all the rights and privileges and be competent to exercise all the powers hereby granted to or conferred upon the party of the second part, at any time when there are any more than two trustees a majority of the trustees may exercise any power or authority which could in virtue hereof be exercised by all the trustees.

Article Fifteenth.—The Company, its successors and assigns, shall and will, make, execute and deliver all such future deeds and assurances as may, from time to time, be necessary as the parties of the second part or their successors in the trust may be advised by counsel learned in the law, to be necessary for the better securing to the parties of the second part and their successors in the trust the premises hereby conveyed and for the carrying out of the objects and purposes of this indenture.

Article Sixteenth. The parties of the second part hereby accept the trust herein contained and undertake and agree to fulfil all the duties and obligations hereby imposed on them in accordance with the true intent and meaning of these presents.

Article Seventeenth.—Upon the payment of the principal and interest of all the bonds hereby secured, the estate hereby granted to the parties of the second part shall be void and the right to all the real and personal estate hereby granted and conveyed shall revert to and revest in the party of the first part, its successors or assigns in law and in equity without any acknowledgment of satisfaction, reconveyance, surrender, re-entry or other act.

In witness whereof the said New Brunswick and Prince Edward Railway Company, in pursuance of the authority

conferred on it by law and of the resolution of its stock holders and directors, have caused this indenture to be subscribed in its name by its president and secretary and the corporate seal of the said Company to be affixed thereto, and the parties of the second part for the purpose of testifying to their acceptance of the trust hereby created have hereunto set their hands and seals the day and year first in this indenture written.

[L.S.] (Signed) JOSIAH WOOD,
President.
(Signed) WILLIAM C. MILNER,
Secretary.

(Signed) T. E. KENNY. [L.S.]
(Signed) JOHN A. HUMPHREY. [L.S.]
(Signed) EDWARD COGSWELL. [L.S.]

Signed, sealed, executed and delivered in presence of

J. F. ALLISON,
Witness to execution by T. E. Kenny, John A. Humphrey and Edward Cogswell.

PROVINCE OF NEW BRUNSWICK,
COUNTY OF WESTMORELAND.

Be it remembered, that on the fourth day of July, in the year of our Lord one thousand eight hundred and eighty-seven, before me, Henry A. Powell, a Notary Public of the said Province of New Brunswick, duly appointed and sworn, and residing at the Parish of Sackville, in the said County of Westmoreland, personally came and appeared at the said Parish of Sackville, William C. Milner, Secretary of the New Brunswick and Prince Edward Railway Company, who, being by me duly sworn, made oath and said that he is the Secretary of the said The New Brunswick and Prince Edward Railway Company ; that the seal affixed to the aforegoing indenture purporting to be the corporate seal of the said The New Brunswick and Prince Edward Railway Company is the corporate seal of said Company, and was so affixed by him, the said William C. Milner, as Secretary of the said Company by their order for the uses and purposes therein mentioned and contained.

In testimony whereof, I, the said Notary, have hereunto set my hand and affixed my notarial seal this fourth day of July, A.D. 1887.

(Signed) HENRY A. POWELL (L.S.)
Notary Public.

PROVINCE OF NEW BRUNSWICK,
COUNTY OF WESTMORELAND, S.S.

Be it remembered, that on the eighth day of July, A.D. 1887, before me, Albert W. Bennett, a Notary Public of the said Province of New Brunswick, duly appointed and sworn, and residing and practising at the Parish of Sackville, in the said County of Westmoreland, personally came and appeared at the said Parish of Sackville, J. F. Allison, who being duly sworn by me the said Notary made oath and said that he was present and did see the said Thomas E. Kenny, John A. Humphrey and Edward Cogswell, the parties of the second part to the aforegoing indenture, each sign, seal, execute and deliver the said indenture as and for the act and deed of each of them respectively, and to and for the uses and purposes therein expressed and contained, and that he the said J. F. Allison was the subscribing witness to such execution by them as aforesaid.

In testimony whereof, I the said Notary, have hereunto set my hand and affixed my official notarial seal this eighth day of July, A.D. 1887.

(Signed) ALBERT W. BENNETT (L.S.)
Notary Public.

Westmoreland, S.S.

I, the Registrar of Deeds, &c., in and for the County of Westmoreland, hereby certify that the aforegoing is a true copy of an instrument in writing registered in the office of the Registrar of Deeds for said County in Libro G5, Folio 426 to Folio 437, both inclusive, by the No. 51732, on the 11th day of July, A.D. 1887, the same having been carefully compared by me with the registry of said instrument.

W. BACKHOUSE,
Registrar.

21—4

No. 21.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL.

An Act respecting the New Brunswick and Prince Edward Railway Company, and to change the name of the Company to "The New Brunswick and Prince Edward Island Railway Company."

Received and read first time, Tuesday, 12th February, 1889.
Second reading, Wednesday, 13th February, 1889.

(PRIVATE BILL.)

Mr. Wood,
(Westmoreland.)

OTTAWA:
For the Queen's Printer, &c.
—
A. Senécal, Superintendent of Printing.
—
1889.

No. 22] **BILL.** [1889.

An Act to incorporate the Assets and Debenture Company of Canada.

Preamble.

WHEREAS John Hoskin, John Woodburn Langmuir, James J. Foy, T. Sutherland Stayner, William Elliot, Arthur B. Lee and Robert Jaffray, all of the city of Toronto, in the Province of Ontario, have, by their petition, prayed for an Act to incorporate them and others under the name of "The Assets and Debenture Company of Canada," to enable them to carry on the business of a company of that descripion; 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:—

Incorporation.

1. John Hoskin, John Woodburn Langmuir, James J. Foy, T. Sutherland Stayner, William Elliot, Arthur B. Lee and Robert Jaffray, together with such persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of "The Assets and Debenture Company of Canada," hereinafter called the Company.

Corporate name.

Capital stock.

2. The capital stock of the Company shall be one million dollars, and shall be divided into twenty thousand shares of fifty dollars each:

Founders' shares.

2. The first twenty shares, numbers one to twenty inclusive, shall be founders' shares, and the subscribers thereof shall pay the nominal amount of such shares in full at the time of subscription:

Calls on ordinary shares.

3. The remaining shares of the stock, numbers twenty-one to twenty thousand, shall be paid by the subscribers as follows:—Five per cent. at the time of subscription, a further sum of five per cent. thereon within thirty days after subscription, and the balance as directed by a by-law of the Company, to be approved by a general meeting of the shareholders:

Liabilities of holders of founders' shares.

4. The subscribers of the founders' shares shall, in addition to paying up the nominal amount of such shares, bear and pay all preliminary expenses of the Company whatsoever up to the date of its commencement, *pro rata* according to the number of founders' shares subscribed for by them respectively, and shall also subscribe for such additional number of the ordinary shares as the provisional

directors decide as a condition of the allotment of the founders' shares:

Dividend on ordinary shares.

5. The shares of the Company, numbers twenty-one to twenty thousand, shall entitle the holders thereof to receive a dividend of per cent. per annum on the amount paid up thereon before the holders of the founders' shares receive any dividend on such founders' shares:

Dividend on founders' shares.

6. The founders' shares shall entitle the holders thereof to one-half of the net profits of the Company over and above the aforesaid dividend of per cent. per annum; and all net profits divisible among the holders of shares numbers twenty-one to twenty thousand shall be divided among the holders of such shares *pro rata* according to the amount paid up thereon for the time being.

Company may lend money,

3. The Company may lend money to any company, partnership, person or corporate body upon security of their or his undertaking, property, estates, assets and effects or any part thereof, upon such terms as are deemed expedient, and may take such security either in the shape of mortgages, mortgage debentures, or debentures, or in any other form;

Be guarantee,

May guarantee, or become liable or responsible for money, and undertake obligations of every kind and description, upon such terms as are, from time to time, considered desirable in the interests of the Company, and for any of the purposes of the Company may draw or accept bills of exchange;

Dispose of its assets,

May sell and convey, lease, convert into money, barter, or otherwise dispose of any portion of the assets, estate and effects of the Company, and for such purposes may carry on, work or develop any property or business of any kind in which the Company becomes interested in the ordinary course of its business, or may concur with others in so doing, or employ others so to do, as found expedient;

Borrow money,

May raise or borrow money for the purposes of the Company, on mortgage of the property, estate, assets, and effects of the Company, or any part thereof, or otherwise, and either including any part of the capital of the company called or uncalled, or not, or on any bond or debenture, payable to bearer or otherwise, or all or any of them, and at such rate of interest, and repayable in such manner as the board determines, and may reborrow any sum or sums of money on all or any of such securities, issue bonds, &c., and may

Issue bonds, &c.,

issue mortgages, mortgage debentures, bonds, notes or debentures on such terms and conditions, and with or without power of sale, and other powers, as the board determines, provided that no bond or debenture shall be for a less sum than one hundred dollars, and may raise money by the creation of debenture or mortgage debenture stock, perpetual or otherwise, as deemed expedient;

Hold shares in other companies,

May found, establish, promote or assist in any manner in the founding, establishing or promoting of any company, the formation, establishment, or promotion of which is con-

sidered necessary or desirable in the interest of the Company, and may subscribe for, buy and sell ordinary preference or deferred shares, debentures, mortgage debentures, or other securities of any other company, and otherwise may employ the money or credit of the Company in any manner deemed expedient for any such purpose, either by actually employing any portion of the moneys of the Company for any such purpose or by issuing or guaranteeing the issue of or the payment of interest on the shares, debentures, mortgage debentures, obligations or securities of any such company; may buy and sell real and personal property, equitable interests, debts, demands and claims; may act as agent in collecting and converting into money, debts, securities and property mortgaged or pledged; may close and wind up the business of estates, persons, partnerships, associations and corporate bodies; and may do such incidental acts and things as are necessary for such purposes, and may accept the office and perform the duties of a liquidator under "*The Winding Up Act.*"

Buy and sell property,

Act as collectors, assignees and liquidators.

4. The head office of the Company shall be in the city of Toronto; but it may establish agencies or branches elsewhere.

Offices.

5. The persons whose names are set forth in the first section hereof shall be provisional directors of the Company, with power to add to their number, of whom the majority shall be a quorum, and they may open stock books and procure subscriptions of stock and allot the same, and may receive payments thereon, and deposit the same in a chartered bank, and withdraw the same for the purposes of the Company only.

Provisional directors.

6. The affairs of the Company shall be managed by a board of not less than nor more than , of whom shall be a quorum, and who shall be the holders of not less than shares of stock upon which all calls due are paid.

Board of directors.

7. So soon as dollars of the capital stock of the Company have been subscribed and dollars paid thereon, the provisional directors shall call a meeting of the shareholders of the Company at some place to be named in the city of Toronto, giving at least six days' continuous notice thereof in at least one daily newspaper published in Toronto, at which meeting the shareholders present in person or represented by proxy shall elect the directors.

Election of directors.

8. "*The Companies Clauses Act*," except sections eighteen, thirty-eight and thirty-nine thereof, shall extend and apply to the Company hereby incorporated, and shall form part of this Act, in so far as the same is not inconsistent with any of the provisions hereinbefore contained.

R.S.C., c. 118 to apply, except sections 18, 38 and 39.

No. 22.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL.

An Act to incorporate the Assets and Debenture Company of Canada.

Received and read a first time, Tuesday, 12th February, 1889.
Second reading, Wednesday, 13th February, 1889.

(PRIVATE BILL.)

Mr. EDGAR.

OTTAWA:
For the Queen's Printer, &c.

A. SENÉCAL, Superintendent of Printing.

1889.

No. 22.] **BILL.** [1889.

An Act to incorporate the Assets and Debenture Company of Canada.

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

WHEREAS John Hoskin, John Woodburn Langmuir, James J. Foy, T. Sutherland Stayner, William Elliot, Arthur B. Lee and Robert Jaffray, all of the city of Toronto, in the Province of Ontario, have, by their petition, prayed for an Act to incorporate them and others under the name of "The Assets and Debenture Company of Canada," to enable them to carry on the business of a company of that descripion; 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. John Hoskin, John Woodburn Langmuir, James J. Foy, T. Sutherland Stayner, William Elliot, Arthur B. Lee and Robert Jaffray, together with such persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of "The Assets and Debenture Company of Canada," hereinafter called the Company.

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

2. The stock shall be paid by the subscribers as follows:— five per cent. at the time of subscription, a further sum of five per cent. thereon within thirty days after subscription, and the balance as directed by a by-law of the Company, to be approved by a general meeting of the shareholders.

3. The Company may lend money to any company, partnership, person or corporate body upon security of their or his undertaking, property, estates, assets and effects, or any part thereof, upon such terms as are deemed expedient, and may take such security either in the shape of mortgages, mortgage debentures, or debentures, or in any other form;

May guarantee, or become liable or responsible for money, and for obligations of every kind and description, upon such terms as are, from time to time, considered desirable in the interests of the Company, and for any of the purposes of the Company may draw or accept bills of exchange;

May sell and convey, lease, convert into money, barter, or otherwise dispose of any portion of the assets, estate and effects of the Company, and for such purposes may carry on, work or develop any property or business of any kind in which the Company becomes interested in the ordinary course of its business, or may concur with others in so doing, or employ others so to do, as found expedient; but the Company shall not hold any real estate other than the premises required for its offices, for a period longer than seven years;

May raise or borrow money for the purposes of the Company, on mortgage of the property, estate, assets, and effects of the Company, or any part thereof, or otherwise, and either including any part of the capital of the company called or uncalled, or not, or on any bond or debenture, payable to bearer or otherwise, or all or any of them, and at such rate of interest, and repayable in such manner as the board determines, and may reborrow any sum or sums of money on all or any of such securities, and may issue mortgages, mortgage debentures, bonds, notes or debentures on such terms and conditions, and with or without power of sale, and other powers, as the board determines,—provided that no bond or debenture shall be for a less sum than one hundred dollars,—and may raise money by the creation of debentures or debenture stock, perpetual or otherwise, as deemed expedient: Provided that the total amount of the bonds, debentures and debenture stock, shall not exceed at any time the subscribed capital stock of the Company;

May promote or assist in any manner the founding, establishing or promoting of any company, and for the purposes aforesaid, may subscribe for, buy and sell debentures, mortgage debentures, or other securities of any other company, and otherwise may employ the money or credit of the Company in any manner deemed expedient for any such purpose, either by actually employing any portion of the moneys of the Company for any such purpose or by placing on the market or guaranteeing the issue of or the payment of interest on the shares, debentures, mortgage debentures, obligations or securities of any such company; may for the purposes of this Act, buy and sell real and personal property, equitable interests, debts, demands and claims; may act as agent in collecting and converting into money, debts, securities and property mortgaged or pledged; may close and wind up the business of estates, persons, partnerships, associations and corporate bodies; and may do such incidental acts and things as are necessary for such purposes, and may accept the office and perform the duties of a liquidator under "*The Winding Up Act.*"

4. The head office of the Company shall be in the city of Toronto; but it may establish agencies or branches elsewhere.

5. The persons whose names are set forth in the first section hereof shall be provisional directors of the Company,

with power to add to their number, of whom the majority shall be a quorum, and they may open stock books and procure subscriptions of stock and allot the same, and may receive payments thereon, and deposit the same in a chartered bank, and withdraw the same for the purposes of the Company only.

6. So soon as two hundred thousand dollars of the capital stock of the Company have been subscribed and twenty thousand dollars paid thereon, the provisional directors shall call a meeting of the shareholders of the Company at some place to be named in the city of Toronto, at which meeting the shareholders who have paid not less than ten per centum on the amount of shares subscribed for by them, shall elect the directors.

7. 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 proportions thereof paid up, the assets and liabilities of the Company, and the trust property held by them, and such other details as the said Minister requires; and the said statement shall be made up to the thirty-first day of December in each year.

8. "*The Companies Clauses Act*," except sections eighteen, thirty-eight and thirty-nine thereof, shall extend and apply to the Company hereby incorporated, and shall form part of this Act, in so far as the same is not inconsistent with any of the provisions hereinbefore contained.

No. 22.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL.

An Act to incorporate the Assets and Debenture Company of Canada.

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

(PRIVATE BILL.)

Mr. EDGAR.

OTTAWA:
For the Queen's Printer, &c.
—
A. SENÉCAL, Superintendent of Printing.
—
1889.

No. 23.] **BILL.** [1889.

An Act to incorporate the Ottawa and Montreal Boom Company.

Preamble.

WHEREAS Claude McLachlin, of Arnprior, lumber merchant, Frederick W. Powell, of the city of Ottawa, lumber merchant, Gordon B. Pattee, of the city of Ottawa, lumber merchant, John R. Booth, of the same place, lumber merchant, and Hiram Robinson, of the same place, lumber merchant, have, by their petition, represented that they are desirous of becoming incorporated under the name of "The Ottawa and Montreal Boom Company," 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:—

Incorporation.

1. Claude McLachlin, Frederick W. Powell, Gordon B. Pattee, John R. Booth and Hiram Robinson, and such other persons as hereafter become shareholders in the Company hereby incorporated, are hereby constituted a body corporate and politic under the name of "The Ottawa and Montreal Boom Company," hereinafter called the Company.

Corporate name.

Certain works authorized.

2. Subject to the provision in the following section contained, the Company shall, over any part of the River Ottawa, from the Chaudière Falls at Ottawa to the north-westerly end of the Island of Montreal and either on one or both of the channels to the north-west of the said island and on the shores adjoining the said extent of the said river and the islands therein, have power to purchase or acquire any wharves, piers, slides, dams, booms or other improvements in the said part of the said river, and to construct and maintain any dam, slide, wharf, pier, boom or other work necessary to facilitate the transmission and towing of rafts, timber, railway ties, cedars and sawlogs down the Ottawa River, and to blast rocks, dredge or remove shoals or other impediments or otherwise improve the navigation of the said river upon payment of compensation to any individual injured thereby.

Subject to sanction of Governor in Council.

3. The Company shall, at whatever point on the shores of the Ottawa River or islands in the said river they determine it necessary to attach the said booms or construct the said dams, wharves, piers or slides, first obtain the formal approval of the Governor in Council of their selection of such point or points and of the locations of the said

Acquisition of lands.

booms, dams, wharves, piers or slides, and may then acquire by purchase, at each of such points, a parcel of land suitable for their purpose.

Plans to be submitted for approval.

4. Before the Company proceed with the construction of their booms, wharves, piers and works, and of any future alterations or enlargement thereof, plans of the same, and of any such proposed amendments thereof, shall be made and submitted to and approved of by the Minister of Public Works.

Capital stock.

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

Disposal of stock.

6. After one month's notice in the *Canada Gazette* and in one or more newspapers published in the cities of Ottawa and Montreal a book shall be opened at the chief place of business of the Company, at the city of Ottawa, in which any person may subscribe for shares of the capital stock; and in case a larger number than the shares to be allotted are subscribed for, then there shall be an allotment of shares among the subscribers *pro rata* so that no subscriber is excluded. Ten per cent. shall be paid up upon the allotment therefor, and in default of payment of any call duly made, the unpaid stock, in respect of which a shareholder is in default, shall be recoverable by the Company in an action of debt against such defaulting shareholder.

Allotment thereof.

Company may own steam vessels for towing timber.

7. The Company may construct, acquire, charter, navigate and maintain steamboats and tugs for the towing of logs and timber upon the Ottawa River, and may tow logs and timber upon the said river at such rates and charges as are reasonable and approved of by the Governor in Council.

Company may collect logs, &c.

8. The Company may, having first received the written consent of the respective owners thereof, collect, save, sort and tow all timber, lumber and saw logs found loose upon the Ottawa River or stranded upon the shallows and banks thereof, and shall be entitled to be paid reasonable dues and charges therefor.

Tariff of charges; approval and publication thereof.

9. A tariff for all dues and charges, which by this Act the Company are entitled to exact, shall, before being imposed, be first approved of by the Governor in Council and published in the *Canada Gazette* and in at least one newspaper in each of the cities of Ottawa and Montreal, and the Governor in Council may, from time to time, alter and amend such tariff of dues and charges; and no discrimination or preference in the passage of any of the said booms, or in tariff rates, shall be made in favor of or against the logs of any persons passing through any of the said booms; and in fixing any rate or toll the Company shall not make any unjust or partial discrimination between different localities or persons.

No discrimination in rates.

10. The Company may, for their own use only, construct, acquire and operate telegraph and telephone lines in connection with their business and works upon the Ottawa River and the banks thereof. Telegraph and telephone lines.

11. At any annual meeting of the shareholders, or at any special general meeting, it shall be lawful to enact by-laws or pass resolutions for the remuneration of the directors. Payment of directors.

12. The Company shall, annually, in the month of January, report to the Minister of Public Works; such report shall be under the oath of the treasurer of the Company, and shall specify:— Statement for Minister of Public Works and what it shall contain.

1. The actual cost of the work in cash;

2. The amount of all money expended;

3. The amount of the capital stock, and how much paid in;

4. The whole amount of tolls expended on such work;

5. The amount received during the year from tolls and all other sources, stating each separately and distinguishing the tolls on different kinds of timber;

6. The amount of dividends paid;

7. The amount expended for repairs, and

8. The amounts of debts due by the Company, specifying the objects for which the debts respectively were incurred.

13. Wherever a boom is permitted to be placed in such a position as to in any way interfere with the channel, the Company shall provide, at their own cost and expense, a sufficient number of men and there station them for the purpose of opening and closing the trip of the boom, which said trip shall not be less than four hundred and fifty feet in width, and the same shall be opened promptly and so as to cause no delay, and the necessary steps shall be taken for keeping the channel clear for the passage of vessels and rafts. Navigation not to be impeded.

14. Whenever it is found expedient for the public service, or to be for the general advantage of Canada, the Governor in Council may declare the Company dissolved, and may declare all the works of the Company to vest in the Crown, upon payment to the Company of the actual value of the works, to be decided by arbitrators, one of whom shall be appointed by the Minister of Public Works and one by the Company; and if they do not agree, the Judge of the Exchequer Court of Canada shall be the third arbitrator: Provided always, that in no case shall the actual value exceed the actual cost of the works. Works may be assumed by the Crown. Compensation. Proviso.

15. Whenever it is found expedient, in the public interest, that any portions of the Company's works should be re- Portions of works may be

ordered to be removed.

moved from the Ottawa River, the Governor in Council may, by order, direct that such portion of the works be removed from the river; and the Company shall forthwith remove such works, indicated in the said order, without any compensation whatever.

Shares in other companies.

16. The Company may purchase shares in any corporation incorporated for the like or similar purposes.

No. 23.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL.

An Act to incorporate the Ottawa and Montreal Boom Company.

Received and read first time, Tuesday, 12th February, 1889.
Second reading, Wednesday, 13th February, 1889.

(PRIVATE BILL.)

Mr. PERLEY.

OTTAWA:
For the Queen's Printer, &c.
A. SENÉCAL, Superintendent of Printing.
1889.

No. 24.] **BILL.** [1869.

An Act to incorporate the Dominion Life Assurance Company.

Preamble.

WHEREAS the persons whose names are hereinafter mentioned have, by their petition, prayed to be incorporated for the purpose of establishing a company to carry on the business of life insurance in all its branches, and have represented that such a company would be of public benefit, 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:—

Incorporation.

1. James Trow, M. P., of the City of Stratford, in the County of Perth, the Hon. Samuel Merner, of the Village of New Hamburg, in the County of Waterloo, Thomas Hilliard, John Shuh, Walter Wells, dentist, Simon Snyder, druggist, Christian Kumpf, postmaster, Peter H. Sims, William Snider, miller, Absalom Merner, manufacturer, and Jeremiah B Hughes, all of the Town of Waterloo, in the County of Waterloo, William T. Parke, of the Town of Listowell, in said County of Perth, physician, Peter E. Shantz, of the Village of Preston, in said County of Waterloo, manufacturer, Thomas Gowdy, of the City of Guelph, in the County of Wellington, John Ratz, of the Village of Elmira, in the said County of Waterloo, miller, John Youngs, of the Town of Woodstock, Whitford Vandusen, of the Village of Tara, and James Innes, M. P., of Guelph, and Henry Cargill, M.P., together with such persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of "The Dominion Life Assurance Company," hereinafter called the Company.

Corporate name.

Business.

2. The Company may, subject to the provisions of this Act, carry on the business of life insurance in all its branches.

Capital stock.

3. The capital stock of the Company shall be one million dollars, and shall be divided into ten thousand shares of one hundred dollars each.

Provisional directors and their powers.

4. The persons whose names are set forth in the first section hereof, shall be provisional directors of the Company, and five of them 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, deposit in any

Moneys deposited to be withdrawn for certain purposes only.

chartered bank of 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.

First meeting of shareholders.

5. So soon as two hundred and fifty thousand dollars of the capital stock of the Company have been subscribed, and twenty-five per centum 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 town of Waterloo, in the Province of Ontario, giving the notice prescribed by section eight of this Act,—at which general meeting the shareholders present in person or represented by proxy shall elect a board of directors; no person shall be eligible to 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.

Notice thereof.

Election of directors.

Qualification of director.

Calls on stock.

6. The shares of the capital stock subscribed for shall be paid by such instalments and at such times and places as the directors appoint; the first instalment shall not exceed twenty-five per cent, and no subsequent instalment shall exceed ten per cent, and not less than thirty day's notice thereof shall be given: Provided, that the Company shall not commence the business of insurance until sixty-two thousand five hundred 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.

Commencemhnt of business.

Board of directors.

7. The affairs of the Company shall be managed by a board of not less than nine nor more than twenty-one directors, of whom five shall form a quorum.

Annual general meeting.

8. A general meeting of the Company shall be called once in each year after the organization of the Company and commencement of business, at the town of Waterloo, in the Province of Ontario, at such time and place as the directors by by-law determine, after notice has been published for at least two weeks prior thereto in one or more newspapers published in the county of Waterloo, and after printed notices have been mailed in the Waterloo post office, addressed by registered letter to each shareholder entitled to vote, to the address given in the books of the Company, at least fifteen days before the meeting; and at such meeting a statement of the affairs of the Company shall be submitted.

Notice.

Statement of affairs.

Officers of the company.

9. The head office of the Company shall be in the town of Waterloo, in the Province of Ontario, or in such other place in Canada as is decided on hereafter by the directors; but branches, sub-boards or agencies may be established either within Canada or elsewhere, in such manner as the directors from time to time appoint.

10. The Company may invest its funds in the debentures, bonds, stock or other securities of Canada, or of any Province thereof, or on the security thereof, or in or on the securities of any municipal corporation of Canada, or on the security or stock or debentures of any incorporated building society, loan or investment company, or of bank stock, or on the security of real estate or mortgage security thereon, or on the security of leaseholds for a term or terms of years, or other estate or interest in real property or mortgage security thereon in any Province of Canada, and may change and re-invest the same as occasion from time to time requires, and take, receive and hold all or any such securities in the corporate name of the Company, or in the name of trustees for the Company appointed by the directors, whether for funds invested by being advanced or paid in the purchase of such securities as aforesaid ; such loans to be on such terms and conditions, in such manner, at such times, for such sums, and in such sums of repayment, whether of principal or interest, or principal and interest together, and at such interest and return as the board of directors, from time to time, determine and direct, and whether they are taken absolutely or conditionally, or whether such securities are taken in satisfaction of debts due to the Company, or judgments recovered against any person in its behalf, or in security for the payment of the same or any part thereof

Investment of funds.

Terms and conditions of loans.

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

Investment in foreign securities.

12. The Company may hold real estate necessary for its head office and other offices, and also such as is *bonâ fide* mortgaged to it by way of security or conveyed to it in satisfaction of debts or of judgments recovered : Provided always, that all real estate so mortgaged or conveyed in security as aforesaid and acquired by the Company, shall be sold and disposed of within seven years from the time of its becoming the absolute property of the Company.

Powers as to real estate.

Proviso : as to sale of property acquired under mortgage.

13. The Company shall maintain three separate accounts of the business transacted by it in the "General," the "Abstainers," and the "Women's" sections, keeping the receipts and expenditures distinct, each section sharing its own profits, and each section paying its proper proportion of expenses ; and the Company may establish a section on the principle of non-participation in profits. In the distribution of profits directors shall allot to the policy holders in the participating sections of the Company at least nine-tenths of the profits declared from time to time in the respective sections, which shall be payable as the directors by by-laws or regulations from time to time determine.

Separate accounts for each section.

Distribution of profits.

14. This Act, and the Company hereby incorporated, and the exercise of the powers hereby conferred shall be subject to the provisions contained in "*The Insurance Act.*"

R.S.C., c. 124 to apply.

15. Notwithstanding anything contained therein, or in any other Act, "*The Companies Clauses Act*," except sections eighteen and thirty-nine thereof, shall extend and apply to the Company hereby incorporated, and shall be incorporated with and form part of this Act, in so far as the same is not inconsistent with any of the provisions hereinbefore contained.

R.S.C., c. 118 to apply, except ss. 18 and 39.

No. 24.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL.

An Act to incorporate the Dominion Life Assurance Company.

Received and read first time, Tuesday, 12th February, 1889.
Second reading, Wednesday, 13th February, 1889.

(PRIVATE BILL.)

Mr. TROW.

OTTAWA:
For the Queen's Printer, &c.
A. SENÉCAL, Superintendent of Printing.
1889.

No. 25.] **BILL.** [1889.

An Act to amend the Act incorporating "The Boiler Inspection and Insurance Company of Canada."

Preamble.

WHEREAS the Boiler Inspection and Insurance Company have, by their petition, prayed that the powers granted to them under their Act of incorporation may be extended, by granting them power to include under their policies insurance covering loss of life, or injury to person resulting from the explosion of insured boilers, 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:—

Powers extended.

35 V., c. 95.

45 V., c. 102.

1. That in addition to the privileges conferred upon the Company, under their Act of incorporation and amendments thereto, they shall have the additional powers of making, entering into and executing policies, contracts, agreements and undertakings, guaranteeing engineers and firemen in actual attendance upon any boiler insured by the said Company against loss of life or injury to person, resulting from the explosion thereof.

No. 25.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL.

An Act to amend the Act incorporating the Boiler Inspection and Insurance Company of Canada.

Received and read a first time, Tuesday, 12th February, 1889.
Second reading, Wednesday, 13th February, 1889.

(PRIVATE BILL.)

Mr. COCKBURN.

OTTAWA:
For the Queen's Printer, &c.

A. SENÉCAL, Superintendent of Printing.

1889.

No. 26.] **BILL.** [1889.

An Act to amend the Act respecting Certificates to Masters and Mates of Ships, chapter seventy-three of the Revised Statutes.

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

1. The paragraph lettered (*e*) of section one of the "*Act respecting Certificates to Masters and Mates of Ships*" is hereby repealed and the following substituted therefor:— Section 1 of R.S.C., c. 73, amended.

"(*e.*) The expression 'sea-going ship' includes every ship employed in trading or going between some port or place in Canada and some port or place out of Canada, not being a port or place in Newfoundland or in St. Pierre or Miquelon, or in the United States of America or in any of the West Indian Islands." "Sea-going ship."

2. The paragraph lettered (*g*) of the said section one is hereby repealed and the following substituted therefor:—

"(*g.*) The expression 'coasting voyage' includes a voyage between Canada and Newfoundland or St. Pierre or Miquelon or the United States of America or any of the West Indian Islands." "Coasting voyage."

2. Sections nine, eleven and fourteen of the said Act are hereby respectively amended by inserting the words "or in St. Pierre or Miquelon or in any of the West Indian Islands" after the words "United States of America" wherever such latter words occur in the said sections. Sections 9, 11 and 14 amended.

No. 26.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL.

An Act to amend the Act respecting Certificates to Masters and Mates of Ships, chapter seventy-three of the Revised Statutes.

Received and read a first time, Wednesday, 13th February, 1889.
Second reading, Thursday, 14th February, 1889.

Mr. TUPPER.

OTTAWA:
For the Queen's Printer, &c.

A. SENÉCAL, Superintendent of Printing.

1889.

No. 27.] **BILL.** [1889.

An Act to amend "The Weights and Measures Act," chapter one hundred and four of the Revised Statutes.

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

1. Section fifty-five of "*The Weights and Measures Act,*" chapter one hundred and four of the Revised Statutes, is hereby repealed and the following substituted therefor:— Section 55 of R.S.C., c. 104 repealed; new section.

"**55.** No malt liquors or any other liquids subject to excise that have been put into any cask in Canada, shall be delivered in the cask to the purchaser unless the capacity of the cask in which delivery is made is legibly marked in gallons, and parts of a gallon, in accordance with the provisions of the next preceding section, on one head thereof; and such marking shall be cut or branded in the wood, or painted thereon in oil colors, in characters not less than one inch and a-quarter in height; except only that such marking shall not be necessary on casks on which the quantity of liquid then contained in them has been marked or verified in compliance with excise regulations then in force." Capacity of casks to be marked thereon. Exception.

No. 27.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL

An Act to amend "The Weights and Measures Act," chapter one hundred and four of the Revised Statutes.

Received and read first time, Wednesday, 13th February, 1889.
Second reading, Thursday, 14th February, 1889.

Mr. COSTIGAN.

OTTAWA:
For the Queen's Printer, &c.
—
A. SENÉCAL, Superintendent of Printing.
—
1889.

No. 28.] **BILL.** [1889.

An Act further to amend the Dominion Elections Act, chapter eight of the Revised Statutes of Canada.

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

Sections 4, 14 and 16 of R.S.C., c. 8 further amended.

1. Sections four, fourteen and sixteen of "*The Dominion Elections Act*," chapter eight of the Revised Statutes of Canada, as amended by the first three sections of the Act passed in the fifty-first year of Her Majesty's reign, and chaptered eleven, are hereby further amended by inserting, after the words "electoral districts of Algoma, in the Province of Ontario," wherever the said words occur in the said amended sections, the words "of Gaspé, in the Province of Quebec."

No. 28.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL.

An Act further to amend the Dominion Elections Act, chapter eight of the Revised Statutes of Canada.

Received and read a first time, Wednesday, 13th February, 1889.
Second reading, Thursday, 14th February, 1889.

Mr. JONCAS.

OTTAWA:
For the Queen's Printer, &c.

A. SENÉCAL, Superintendent of Printing.

1889.

No. 29.] **BILL.** [1889.

An Act to amend chapter forty-one of the Revised Statutes, respecting the Militia and Defence of Canada.

Preamble.

WHEREAS it is expedient to make further provision respecting the calling out of the active militia in aid of the civil power: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Section 34 of R.S.C., c. 41, amended.

1. Sub-sections five and six of section thirty-four of "*The Militia Act*" are hereby repealed and the following sub-sections substituted in lieu thereof:—

Proceedings on receipt of requisition.

"5. The senior officer of militia, shall immediately upon receipt of such requisition, notify, in writing, the warden, mayor or other head of the municipality or county in which such riot, disturbance or other emergency occurs, or is anticipated, that he has received such requisition and shall at the same time transmit an estimate of the amount which will be required to defray, for a period of eight days, the expenses and allowances, according to this Act, of the active militia whom it is proposed to call out; and he shall not comply with any such requisition until the amount has been deposited with him; and if, on or before the expiration of the seventh day after the militia is called out, a further deposit of a like amount, to cover a further period of eight days is not paid to the senior officer of militia, such neglect to make a second deposit shall be deemed to be a declaration that the services of the active militia are no longer required in the premises, and they shall be commanded to return to their headquarters and shall be there dismissed:

Deposit to be made

Payment of militia called out.

"6. When the active militia, or any corps thereof, is so called out in aid of the civil power, they shall be paid, out of the amount deposited as hereinbefore provided, while so employed, the rates authorized to be paid for actual service to officers and men, and one dollar per diem for each horse actually and necessarily used by them, together with an allowance of one dollar to each officer and fifty cents to each man per diem in lieu of subsistence, and fifty cents per diem in lieu of forage for each horse,—and, in addition, the cost of providing them with proper lodging, and with stabling for their horses, unless such lodging and stabling are furnished in kind, together with the reasonable cost of transport, shall be defrayed out of the amount so deposited:

Account in duplicate.

"7. The senior officer of militia with whom the deposit is made shall prepare an account in duplicate of his expenditure under the foregoing provisions and shall transmit one copy thereof to the Minister of Militia and Defence, and shall transmit the other copy to the person by whom the deposit was made, and he shall at the same time pay to the person by whom the deposit was made, the balance of such deposit remaining unexpended :

If there is no municipal organization.

"8. If the riot or disturbance or other emergency occurs, or is anticipated, in a locality in which no municipal organization exists, the notification and estimate shall be transmitted to the Lieutenant Governor of the Province or Territory in which such locality is situate ; and in such case the provisions of this section shall, except as hereinafter provided, apply in like manner as if the Lieutenant Governor in Council was the municipal authority in this section before mentioned :

As to men enlisted for continuous service.

"9. No officer, non-commissioned officer or man enlisted for continuous service in a corps constituted under section twenty-eight of this Act, or attached from time to time for instruction to such corps, shall be called out for active service under the provisions of this section, unless the officer to whom the requisition is made has previously applied for and received permission from the Minister of Militia and Defence to comply with the requisition so received by him :

Governor in Council may authorize calling out.

"10. Notwithstanding anything in this section contained the Governor in Council may authorize the officer to whom any such requisition as aforesaid is made, to call out such portion of the active militia as he considers necessary under the circumstances, although the deposit hereinbefore mentioned has not been made ; and in such case and in every case to which the next following subsection applies, the expenses and allowances which such deposit is intended to cover may be advanced in the first instance out of the Consolidated Revenue Fund of Canada, by the authority of the Governor in Council ; but if such advance is made, the same shall be deemed to be a debt due to Her Majesty, for the public uses of Canada, by the authority by whom the deposit should have been made, or by whom the guarantee hereinafter mentioned was or should have been given :

Services of militia may be required by Lieutenant Governor.

"11. The Lieutenant Governor in Council of any Province may, in any case in which the services of the active militia are required in any part of the province, transmit to the proper officer of militia his requisition for calling out the necessary portion of the active militia by any means of communication which he deems expedient, and such officer of militia shall comply with such requisition ; but before transmitting such requisition, the Lieutenant Governor shall, with the consent of his Executive Council, by a writing under his hand, guarantee the payment of the amount of the expenses and allowances in this section

before mentioned ; and such written guarantee shall be addressed to the proper officer of militia and deposited in the post-office before the requisition is transmitted."

2. Sub-section five of section thirty-six of the said Act is hereby repealed and the following substituted in lieu thereof:— Section 36, amended.

"5. Such pay and allowances and the reasonable cost of transport to and from the place where the services of the force are required, may be paid out of the Consolidated Revenue Fund of Canada by authority of the Governor in Council, but if so paid the amount shall be deemed to be a debt due to Her Majesty, for the public uses of Canada, by the Government of the North-West Territories." Pay and allowances, how defrayed.

No. 29.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL.

An Act to amend chapter forty-one of the Revised Statutes, respecting the Militia and Defence of Canada.

Received and read a first time, Thursday, 14th February, 1889.
Second reading, Friday, 15th February, 1889.

Sir ADOLPHE CARON.

OTTAWA:
For the Queen's Printer, &c.
—
A. SENÉCAL, Superintendent of Printing.
—
1889.

No. 30.] **BILL.** [1889.

An Act respecting the Baptist Convention of Ontario and Quebec.

WHEREAS by an Act passed by the Parliament of Canada, in the forty-first year of Her Majesty's reign, "The Regular Baptist Foreign Missionary Society of Ontario and Quebec" was incorporated for the purposes and with the powers in the said Act set forth; and whereas by letters patent, dated the twelfth day of October, one thousand eight hundred and eighty-two, issued under "*The Canada Joint Stock Companies Act*, 1887," a joint stock company was incorporated by the name of "The Standard Publishing Company, Limited," for the purpose of publishing a newspaper or newspapers for and in the interests of the Regular Baptist Denomination in Canada, publishing books, papers, tracts and other literature, carrying on book rooms for the sale of religious and other books, papers and literature, and disseminating religious literature by means of colporteurs and other agencies; and whereas the said letters patent provided that none of the shares of the capital stock of the said Company should at any time be subscribed for or allotted to or transferred to any person not a member in good standing of some Regular Baptist church, and that those shares only of the capital stock subscribed for and held by members in good standing of Regular Baptist churches, upon which there were no calls in arrear, should be entitled each to one vote; and whereas the nominal capital stock of the said Company consists of two thousand shares of fifty dollars each, of which one thousand one hundred and ninety-seven shares have been subscribed and allotted, and eight hundred and three are unallotted; and whereas eight hundred of the said shares have been paid up in full, and the said paid up shares are held by Malcolm McVicar, LL.D., Humphrey E. Buchan, M.D., and Charles J. Holman and Daniel E. Thomson, Esquires, as trustees for the benefit of the following denominational societies of the Regular Baptists, namely, fifteen-fortieths for the said Regular Baptist Foreign Missionary Society of Ontario and Quebec, nine-fortieths for the Regular Baptist Missionary Society of Ontario, three-fortieths for the Regular Baptist Missionary Convention East—which two last mentioned bodies have united, so far as it was practicable for a corporated and an unincorporated body to voluntarily unite—three-fortieths for the Manitoba and North-West Convention of Regular Baptists, and ten-fortieths for the Society for the Relief of Superannuated Regular Baptist Ministers and the widows and orphans of regular Baptist ministers; and

Preamble.

41 V., c. 35.

three hundred and ninety-seven shares (being the residue of the said subscribed and allotted shares, and upon which only ten per cent. has been called up or paid,) are held by various persons who are desirous that the denomination of Regular Baptists should have the benefit, in the manner hereinafter provided, of the amount paid thereon; and whereas it is desired that the work of the various denominational societies of the Baptist churches of the Provinces of Ontario and Quebec should be under the control of representatives of the said churches; and whereas the said societies and the said Standard Publishing Company, and the shareholders thereof, have petitioned for an Act giving to such representatives, in convention assembled, authority to appoint members of corporate boards for the purpose of carrying on the said work as hereinafter provided: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Who may send delegates.

1. Each Regular Baptist church within the limits of the said Provinces shall be entitled to send two or more delegates to an assembly to be called "The Baptist Convention of Ontario and Quebec."

Mode of election.

2. Until the said convention otherwise provides, by a resolution passed by a vote of two-thirds of the delegates present, after a year's notice of the proposed change, the delegates shall be elected as follows:—

1. Each church having a membership of one hundred or under shall be entitled to send two delegates:

2. Each church having a membership of over one hundred shall be entitled to send an additional delegate for each additional hundred of membership, or fraction of a hundred, provided such fraction of a hundred exceeds fifty:

3. Each delegate must be a member of a Regular Baptist church situate within the territorial limits of the convention, and appointed at a meeting of the church, and duly certified by the clerk of the church as having been so appointed. The church clerk shall also certify to the convention the number of members composing the church of which he is clerk.

Objects of the convention.

3. The objects of the convention shall be the promotion and prosecution of such work and enterprises as are deemed in the interests of the denomination, and particularly those specified in section five.

Officers.

Time and place of meeting.

4. The convention shall have a president and any other officers that it deems necessary. It shall meet annually, or oftener, at such times and places as it appoints. The first meeting shall be at the city of Ottawa on the day of next, at ten o'clock, a.m. The annual meetings need not be held at absolute intervals of twelve months, and a period not exceeding fifteen months may intervene between two annual meetings.

5. The convention shall, at its annual meetings, appoint members of boards for the following purposes:— Boards to be appointed.

(*a.*) A board for the prosecution of mission work within the Dominion of Canada, including the aiding of weak churches, to be called "The Home Mission Board of the Baptist Convention;" Home Mission Board.

(*b.*) A board for the prosecution of mission work outside of Canada, to be called "The Foreign Mission Board of the Baptist Convention;" Foreign Mission Board.

(*c*) A board for the purpose of assisting and supporting aged ministers of the denomination, and the widows and orphans of deceased ministers, to be called "The Ministerial Superannuation Board of the Baptist Convention;" Ministerial Superannuation Board.

(*d.*) A board for the purposes hereinbefore set out as the purposes of the Standard Publishing Company, to be called "The Publication Board of the Baptist Convention;" Publication Board.

(*e.*) A board for assisting churches, by loan or gift, in the acquisition, erection and maintenance of church edifices, and the acquiring lands as sites therefor, to be called "The Church Edifice Board of the Baptist Convention." The Board, when it deems it expedient, may itself acquire and hold the land, and erect and maintain the buildings. Church Edifice Board.

6. Each of the said boards, and its successors, shall be a corporate body, and shall be capable of taking by devise, gift or purchase, any real or personal property, lands or tenements, and of alienating the same at pleasure. Each board a corporate body.

7. Each of the said boards shall consist of as many members as the convention from time to time determines. The members of the boards shall be elected by ballot at the annual meetings of the convention: Provided, that the Manitoba and North-West Convention may appoint a member of the Publication Board aforesaid. Constitution of board.

8. The convention may direct that the members of any board, or a certain proportion of them, shall hold office for one, two or three years, or otherwise, as is deemed expedient, and may determine how many shall constitute a quorum of any board, and may define the scope of the work of the several boards. Duration, quorum and work of boards.

9. Each of the said boards shall appoint such standing committees and such officers and employees, whether salaried or not, as it considers expedient, and may pass by-laws for regulating the conduct of its affairs; provided, that the convention, if it seems fit, may, by a standing rule, assume the appointment of the officers or employees of the said boards. Appointment of officers, &c.

10. Each board shall render to the convention annually, or oftener if required, a report of its proceedings, for the information and approval of the convention, and containing such particulars as are required by the convention. Boards to report to convention.

Provision in case of failure of convention to appoint members of boards and in case of annual meeting not being held.

11. A board shall not be dissolved by the failure of the convention in any year to appoint members of such board, but the persons theretofore appointed shall continue to constitute the board until their successors are appointed; and in case, for any reason, the annual meeting of the convention is not held, the person last elected president of the convention, or any six members of any board or boards, may, by public notice, published for at least three weeks in the *Canadian Baptist*, or other denominational paper previously named by the convention for that purpose, call a meeting of the convention; and such meeting shall have the same authority as a regular annual meeting.

Regular Baptist Foreign Missionary Society to be replaced by Foreign Missionary Board

12. Upon an order of the Governor General in Council being passed, declaring that it has been shown to his satisfaction that "The Foreign Mission Board of the Baptist Convention" has been appointed, all the rights, property and liabilities of "The Regular Baptist Foreign Missionary Society of Ontario and Quebec" shall be and become vested in the said board, and the said society shall cease to exist.

Standard Publishing Co. to be replaced by Publication Board.

13. Upon an order of the Governor General in Council being passed, declaring that it has been shown to his satisfaction that "The Publication Board of the Baptist Convention" has been appointed, the shares of the said "Standard Publishing Company, Limited," other than the said eight hundred paid-up shares, shall be extinguished, the said letters patent shall cease to have any force or effect, and all the rights, property and liabilities of the said "Standard Publishing Company, Limited" shall be and become vested in the said publication board; and the members of such board shall possess all the powers and authority theretofore possessed by the shareholders of the said Company under the said letters patent:

Capital stock of Publication Board.

2. The capital stock of the said publication board shall be forty thousand dollars, being the amount of the said eight hundred shares; and the said stock shall not thereafter be transferable.

No. 30.

3rd Session, 6th Parliament, 52 Victoria

BILL.

An Act respecting the Baptist Co tion of Ontario and Quebec.

Received and read first time, Friday February, 1889.
Second reading, Monday, 18th February

(PRIVATE BILL.)

Mr. DENIS

OTTAWA:
For the Queen's Printer, &c.
A. SENECAL, Superintendent of Printi
1889.

No. 31.] **BILL.** [1889.

An Act to incorporate the Red Deer Valley Railway and Coal Company.

Preamble.

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:—

Incorporation.

1. Joseph Ick Evans, Daniel McFarlane, Joshua T. Johnston, Henry Percy Withers and John Bain, all of the city of Toronto, together with such persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of "The Red Deer Valley Railway and Coal Company," hereinafter called the Company.

Corporate name.

Head office.

2. The head office of the Company shall be in the city of Toronto, in the Province of Ontario (or at such other place as a majority of the shareholders at any annual or special meeting determine.)

Line of railway described.

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 near the town of Calgary, in the District of Alberta, in the North-West Territories, running generally in a north-easterly direction, to a point on the Red Deer River in Township thirty-two, Range twenty-one, west of the fourth principal meridian, and passing through Townships twenty-four in the twenty-nineth Range, twenty-five in the twenty-eighth Range, twenty-five in the twenty-seventh Range, twenty-six in the twenty-sixth and thirty-fifth Ranges, twenty-seven and twenty-eight in the twenty-fourth Range, twenty-nine and thirty in the twenty-third Range, thirty, thirty-one and thirty-two in the twenty-second Range, west of the fourth principal meridian; and also from at or near Cheadle Station, on the Canadian Pacific Railway, in a northerly direction to a point of junction with the line from Calgary in or near Township twenty-six, Range twenty-five, west of the fourth principal meridian; and also a branch or spur from a point on the main line in Township twenty-four, Range twenty-nine west of the fourth principal meridian, to a point between Sheppard and Calgary stations on the Canadian Pacific Railway; and also a branch from a point on the main line in Township thirty, Range twenty-three, west of the fourth

principal meridian, running in an easterly direction to the Red Deer River ; with liberty to the Company to vary its line a distance of five miles on either side of the course hereby directed.

Powers as to mines, steamers, &c.

4. [The Company may buy, lease, acquire and sell coal and other mineral and wood lands and mines, and may mine coal and other minerals, and may manufacture and sell the products of such mines and lands, and may also acquire, purchase and operate steamers and barges in connection with its said business, and may purchase and sell, construct and own, all buildings, machinery and plant that it deems necessary for carrying on and operating its business.]

Provisional directors.

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

Capital stock and calls thereon.

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

Annual general meeting.

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

Amount of bonds, &c., limited.

9. The Company may issue bonds, debentures or other securities to the extent of fifteen thousand dollars per mile of the railway and branches [and also to the extent of two-thirds of the value of the other property of the company ;] and such bonds, debentures or other securities in respect of the railway may be issued only in proportion to the length of railway constructed on under contract to be constructed.

No. 31.

3rd Session, 6th Parliament, 52 Victoria, 18

BILL.

An Act to incorporate the Red D Valley Railway and Coal Company

Received and read a first time, Friday, 1 February, 1889.
Second reading, Monday, 18th February, 18

(PRIVATE BILL.)

Mr. Davis

OTTAWA:
For the Queen's Printer, &c.
A. Sénécal, Superintendent of Printing
1889.

No. 32.] **BILL.** [1889

An Act to incorporate the Victoria, Saanich and New Westminster Railway Company.

Preamble.

WHEREAS a petition has been presented praying for the incorporation of a company to construct and operate a railway and ferry 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:—

Incorporation.

1. The Hon. Amor De Cosmos, the Hon. John Herbert Turner, M.P.P., John Grant, M.P.P., Charles E. Redfern, jeweller, Alexander Wilson, merchant, Alexander Alfred Green, banker, and James Stuart Yates, barrister-at-law, all of the City of Victoria, together with such other persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of "The Victoria, Saanich and New Westminster Railway Company," hereinafter called the Company.

Corporate name.

Head office.

2. The head office of the Company shall be in the City of Victoria aforesaid.

Line of railway described.

3. The Company may lay out, construct, equip and operate a main line of railway of the gauge of four feet eight and one-half inches, from a point in or near the said City of Victoria to a point at or near Swartz Bay, North Saanich, Vancouver Island, with a branch line from Victoria aforesaid to the Town of Esquimalt, then on the main land of British Columbia from a point near Point Roberts, north of the International boundary line, thence by way of Ladner's Landing, Fraser River, to the City of New Westminster, so as to connect there with the Canadian Pacific Railway, with power to construct and operate from the said main line branch lines to the City of Vancouver and to a point at or near Canoe Pass, as well as to a point at or near Garry Point, Lulu Island, and to the International boundary line, so as to connect with the railway system of the United States, at or near the Town of Blaine in Washington Territory; and the company may, for the purposes of their railway, construct, maintain, own and operate a steam ferry from Swartz Bay aforesaid across the Strait of Georgia to the terminus of their mainland line at Point Roberts aforesaid, as well as to either or both of the termini of their branch lines to Garry Point and Canoe Pass aforesaid

Powers as to steam or other vessels.

[**4.** The Company may purchase, build, complete, fit out and charter, sell and dispose of, work and control and keep in repair, steam or other vessels from time to time to ply on the rivers or inland waters of the Province of British Columbia and elsewhere, in connection with the said railway, and also make arrangements and agreements with steamboat and vessel proprietors, by chartering or otherwise, to ply on the said rivers and waters in connection with the said railway.]

Additional property may be acquired.

[**5.** The Company, at any point where the railway, or any branch thereof, approaches within two miles of any navigable waters, may purchase and hold as its own absolute property, piers, docks and water lots; and upon the said water lots and in and over the waters adjoining the same, may build and erect elevators, storehouses, warehouses and engine houses, sheds, docks, piers and other erections for the use of the Company, and the steam and other vessels owned, worked or controlled by the Company, or any other steam or other vessels; and may collect wharfage and store charges for the use of the same; and may erect, build and maintain all moles, piers, wharves and docks necessary and proper for the protection of such works, and for the accommodation and convenience of vessels entering, leaving, lying, loading and unloading within the same; and may dredge, deepen and enlarge such works; and in its discretion may sell, lease or convey the said wharves, piers and docks, water lots, lands, elevators. storehouses, warehouses, engine houses, sheds and other erections, or any thereof, or any portion thereof. No such work or any part thereof shall be constructed so as in any way to materially obstruct navigation, or the flow of water on any navigable river; and the Company shall not commence the construction of any dock or pier on any navigable water until the plans and site of each such dock or pier have first been submitted to and approved of by the Governor in Council.]

Provisional directors.

6. The persons mentioned by name in the first section of this Act [with power to add to their number] are hereby constituted provisional directors of the Company.

Capital stock and calls thereon.

7. The capital stock of the Company shall be two millions 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 centum on the shares subscribed.

Bonuses to promoters.

[**8.** The Company may apply out of the money so raised a sum not exceeding one hundred and fifty thousand dollars to the payment of such bonuses to its promoters or other persons who have assisted in the furtherance of the undertaking as are agreed upon by the provisional directors either before or after the passing of this Act.]

First meeting of shareholders.

[**9.** So soon as ten per cent. of the capital has been subscribed, and ten per cent. of the amount subscribed has been paid into some chartered bank in Canada, the provisional

directors shall call a meeting of the shareholders under the provisions of section thirty-six of "*The Railway Act.*"]

Annual general meeting.

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

Number of directors.

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

Qualification of director.

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

Amount of bonds, &c., limited.

13. 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.

Limitation of time.

[**14.** The works upon the main line of the said railway shall be commenced within two years and completed within five years from the passing of this Act.]

Section 89 of Railway Act not to apply.

[**15.** Section eighty-nine of "*The Railway Act*" shall not apply to the undertaking hereby authorized, but the rest of the said *Railway Act* shall apply, except in so far as the same is varied by, or is inconsistent with, the provisions of this Act.]

No. 32.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL.

An Act to incorporate the Victoria, Saanich and New Westminster Railway Company.

Received and read the first time, Friday, 15th February, 1889.
Second reading, Monday, 18th February, 1889.

(PRIVATE BILL.)

Mr. PRIOR.

OTTAWA:
For the Queen's Printer, &c.

A. SENÉCAL, Superintendent of Printing.

1889.

No. 33.] **BILL.** [1889.

An Act to amend the Act to incorporate the Prescott County Railway Company, and to change the name of the Company to "The Central Counties Railway Company."

WHEREAS the Prescott County Railway Company have, by their petition, represented that they are desirous that the name of the said Company be changed, and have also prayed for an Act to amend, as hereinafter mentioned, the Act incorporating the said Company, passed in the session held in the fiftieth and fifty-first years of Her Majesty's reign, and chaptered eighty-two; and whereas it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. 50-51 V., c. 82.

1. The name of the Company is hereby changed from "The Prescott County Railway Company" to "The Central Counties Railway Company"; but such change in name shall not in any way alter or affect the rights or liabilities of the Company, nor in any wise affect any suit or proceeding now pending, either by or against the Company, which, notwithstanding such change in the name of the Company, may be prosecuted or continued as if this Act had not been passed. Name changed. Existing rights and obligations not to be affected.

2. The third section of the Act, cited in the preamble, is hereby amended by adding the following sub-sections thereto: Section 3 amended.

"2. The Company may also extend their line of railway from some point in the County of Stormont or Russell, on the line of the Canada Atlantic Railway Company, to the village of Rockland; with a branch to the city of Ottawa; and from a point in the Province of Quebec, opposite the said village, to the town of Buckingham, and up the Lièvre River and to Gilmour's mills on the Gatineau River. Extension may be built.

"3. The Company may, in connection with their railway, and for the purpose of carrying cars, freight and passengers over the same, construct, acquire, maintain and employ steam ferry boats to ply across the Ottawa River." Steam ferry boats may be employed.

3. The Company may build and complete a bridge, for railway purposes, across the Ottawa River on the line of the railway at some suitable point in or near the village of Bridge over the Ottawa river may be constructed.

Rockland, with one or more tracks, with the necessary approaches, machinery and appliances to enable the Company to use the said bridge; and the Company may also, as part of the said bridge, in their discretion at any time construct or arrange the said bridge as well for the use of foot passengers and carriages, or either, as they think best.

Sanction of Governor in Council required.

4. The Company shall not commence the said bridge over the Ottawa River, or any work appertaining thereto, until they have 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 may any such plan be altered nor any deviation therefrom allowed, except by the permission of the Governor in Council and upon such conditions as he imposes:

Provision if construction of draw bridge is required.

2. If the Governor in Council determines that such bridge shall be a drawbridge, the same shall be constructed so as to have one draw in the main channel of such river, which draw shall be of such width as the Governor in Council determines, and shall otherwise give free and unobstructed passage to vessels of every description navigating the said river; and the said draw 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, and shall be otherwise tended and moved at the expense of the Company so as not to hinder unnecessarily the passage of any vessel; and from sundown until sunrise during the season of navigation suitable lights shall be maintained on such bridge, to guide vessels approaching the said draw:

Lights.

No discrimination as to passage or rates.

3. When the said bridge is completed and ready for traffic, all trains of all railways terminating at or near the said bridge, and now constructed or hereafter to be constructed, including the cars of any other railway company which may be brought over such railway, 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 thereto or in tariff rates for transportation shall be made in favor of or against any railway whose trains or business pass over the said bridge:

Arbitration in case of disagreement.

4. In case of any disagreement as to the rights of any railway whose trains or business pass over the bridge hereby authorized to be constructed, or as to the tariff rates to be charged in respect thereof, the same shall be determined by arbitrators, one to be appointed by the Company hereby incorporated and another by the company with whom the disagreement has arisen, and a third, who shall be some person experienced in railway affairs, by one of the superior courts of the Provinces of Ontario or Queoec, upon application to such court,—due notice thereof having been given

to the parties interested; and the award of the said arbitrators or a majority of them shall be final:

Tolls on foot bridge subject to approval of Governor in Council.

5. If the Company construct or arrange the said bridge for the use of foot passengers and carriages, as well as for railway purposes, then the tolls to be charged for the passage of such foot passengers and carriages shall, before being imposed, be first submitted to and approved of, and may be amended and modified from time to time, by the Governor in Council; but the Company may, at any time, reduce the same; and a notice showing the tolls authorized to be charged, shall, at all times, be posted up in a conspicuous place on the said bridge.

Section 10 amended.

5. The tenth section of the hereinbefore cited Act is hereby amended by striking out all the words after the word "undertaking" in the sixteenth line thereof to the end of the said section, and by adding the following subsections thereto:

Amount of bonds limited.

"2. The amount of such bonds so issued, sold or pledged, shall not exceed twenty-five thousand dollars per mile of the said railway and branches, to be issued in proportion to the length of railway constructed or under contract to be constructed, and such bonds shall be called "A" bonds; and in addition thereto bonds to an amount not exceeding six hundred thousand dollars may be issued for the construction of the bridge and steam ferry boats hereinbefore mentioned, and shall be called "B" bonds:

Tolls to specially secure "B" bonds.

"3. To specially secure series "B" bonds, tolls for the use of the said bridge, not exceeding four dollars for each car, and tolls for such ferry shall, from time to time, be fixed, imposed, changed, varied and regulated by the by-laws of the Company; but such by-laws, before being enforced, shall be first submitted to and approved of by the Governor in Council, and the tolls to be levied shall be uniformly imposed upon all companies and corporations using the said bridge, and shall be demanded and received as well from the Central Counties Railway Company as from all railway companies and other corporations and persons using the same, for all cars passing over the said bridge, and shall be paid to such persons and at such places, and under such regulations as the said by-laws direct."

Limitation of time as to railway.

6. The eighteenth section of the hereinbefore cited Act is hereby repealed, and in lieu thereof it is hereby enacted that the railway authorized by the said Act and this Act shall be commenced within two years and completed within five years from the passing of this Act, otherwise the powers hereby granted shall cease and be null and void as respects so much of the railway as then remains uncompleted.

And as to bridge.

7. The bridge shall be commenced within three years and completed within five years from the passing of this Act; otherwise the powers granted under section three of this Act shall cease and be null and void.

No. 33.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL.

An Act to amend the Act to incorporate the Prescott County Railway Company, and to change the name of the Company to "The Central Counties Railway Company."

Received and read a first time, Friday, 15th February, 1889.
Second reading, Monday, 18th February, 1889.

(PRIVATE BILL.)

Mr. EDWARDS.

OTTAWA:
For the Queen's Printer, &c.
A. SENÉCAL, Superintendent of Printing.
1889.

No. 34.] **BILL.** [1889.

An Act to incorporate the "Canadian General Trusts Company."

WHEREAS the persons hereinafter mentioned have, by their petition, represented that the incorporation of an association of individuals clothed with powers to act as executors, administrators, trustees and managers of estates and property would be of great service: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. George W. Stephens, C. A. Geoffrion, Andrew T Drummond, John L. Morris, James Crathern, Edward K. Greene, C. M. Holt, F. H. Chrysler, D. B Maclennan and George M. Macdonnell, together with such persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of "The Canadian General Trusts Company," hereinafter called the Company; and the said parties shall be provisional directors thereof and shall, as such, have power to open stock books, receive payment of calls on stock, and give receipts therefor, and deposit the moneys received in a chartered bank of the Dominion. Incorporation. Corporate name. Provisional directors.

2. The Company may accept and execute the offices of executor, administrator, receiver, sequestrator, assignee, curator, guardian and committee, and undertake and fulfil trusts of every nature and description entrusted to it by any government, corporation, or person, and may perform the duties of such offices or trusts as fully and completely as any private 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 offices or trusts, it shall be lawful for such court, judge or prothonotary to appoint the Company, with its consent, to hold such office or trust, to substitute, if necessary, for any obligations required from a private person appointed to such offices, such usual obligations as are applicable to corporations, and to fix the remuneration of the Company: Company may act as executor, &c.,

2. The Company may also take, hold and accept by grant, assignment, transfer, deed, will, devise, bequest or otherwise, any real and personal property or assets upon any lawful trusts and execute the same on the terms thereof: Hold property in trust,

3. May act as agent for countersigning, registering or otherwise ascertaining and certifying to the genuineness of Act as fiscal agent,

any stocks, bonds, debentures or other securities for money of any government, or municipal or other corporation authorized to issue and make the same, and hold the same as agent or trustee, and act generally as fiscal or other agent for such government or corporation :

As custodian of valuables, deeds, &c.,

4. May be the custodian of jewellery, plate, and other valuable property, and of deeds, wills, debentures, and other evidences of title or indebtedness :

Receive moneys on deposit,

5. May receive moneys on deposit, on such terms of interest, not exceeding the legal rate, and of repayment as are from time to time agreed on.

Invest moneys and collect rents, &c.,

6. May invest moneys and collect interest, rents, dividends, mortgages, debentures and all other obligations of indebtedness :

Acts as agent or trustee generally,

Guarantee acts of its officers.

Proviso.

7. May act as investing and managing agent of estates and properties for and on behalf of executors, administrators, and trustees, and of any other person or persons, and generally in all matters in the nature of trust or agency ; and may guarantee the *bona fide* administration of such of its officials as undertake to act in the offices set out in the first paragraph of this section : Provided, that the exercise of these powers or any of them in any particular Province is not contrary to the laws of such Province.

Capital stock.

3. The capital stock of the Company shall be five hundred thousand dollars, in five thousand shares of one hundred dollars each, of which two hundred thousand dollars shall be subscribed before the commencement of business ; but, whenever the said five hundred thousand dollars have been fully subscribed, it shall be competent for the shareholders, at a meeting to be specially called for the purpose, to increase the capital stock to such sum as they consider requisite for the purposes of the Company.

Amount to be subscribed before commencing business.

Increase.

Election and qualification of directors.

4. So soon as two hundred thousand dollars of the capital stock have been subscribed, the provisional directors shall call a meeting of the Company for the election of a board of not less than seven directors, who shall be severally holders of at least forty shares of stock :

Executive committee.

2. The directors may annually appoint an executive committee, with such powers as the by-laws prescribe.

Offices of the company.

5. The head office of the Company shall be at the city of Montreal ; but the directors may, in their discretion, establish agencies or branches elsewhere throughout the Dominion of Canada or in Great Britain.

Remuneration of company.

6. The Company may receive and collect such remuneration for its services as is agreed on, or as is from time to time settled by its by-laws, and all usual and customary charges, costs and expenses.

Rendering of account if judicially appointed.

7. In case of the appointment of the Company to any trust or office by any court, judge or prothonotary, such

court, judge or prothonotary, if it or he deems necessary, 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.

Investment of capital, &c.

8. The Company may invest any moneys forming part of its capital or deposits or accumulated profit, in such securities, real or personal, as the directors deem expedient, and may hold and dispose of the same.

Investment of trust moneys.

9. The Company may invest the trust moneys in its possession: firstly, in first mortgages, privileges or hypothecs on real estate; or, secondly, in stock or debentures of the Dominion of Canada or its provinces, or of the United States of America, or any individual states thereof, or in securities guaranteed by such Dominion, provinces or states, or in any bonds or debentures of any municipal corporation, or in public securities of the United Kingdom or of the other colonies of Great Britain, or in any other securities in which private trustees are, by statutory enactment, permitted to invest the moneys of their trusts; or, thirdly, in securities specified by the terms of the trust or by the order of the court, judge or prothonotary; and may manage, sell or dispose of the said investments as the terms of the trusts require; and while the responsibility of the Company is the same as that of a private person in a like capacity, it may, in addition, upon terms agreed on, guarantee any such investment

Disposal of property held in trust.

10. The Company may hold, manage, sell, or dispose of, under the trust, securities of any nature or kind, whether in the Dominion of Canada or elsewhere, whether real or personal, forming part of any trust estate committed to it.

R.S.C., c. 118 to apply, except section 39.

11. "*The Companies Clauses Act*," excepting section thirty-nine, shall be incorporated with this Act, in so far as it is not inconsistent with or opposed to the provisions of this Act.

Inspection of books and affairs.

12. The Company shall submit its books and affairs to the inspection of such person or persons as are appointed for that purpose by the Governor in Council.

No. 34.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL.

An Act to incorporate the Canadian General Trusts Company.

Received and read first time, Friday, 15th February, 1889.
Second reading, Monday, 18th February, 1889.

(PRIVATE BILL.)

Mr. KIRKPATRICK.

OTTAWA:
For the Queen's Printer, &c.
—
A. SENÉCAL, Superintendent of Printing.
—
1889.

No. 35.] **BILL.** [1889.

An Act respecting the Niagara Grand Island Bridge Company.

Preamble.

WHEREAS the Niagara Grand Island Bridge Company have, by their petition, prayed for the passing of an Act to extend the times limited for the commencement and completion of their undertaking, and 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:—

Time for construction extended.

1. The times limited by the Act thirty-seventh Victoria, chapter seventy-seven, incorporating the Niagara Grand Island Bridge Company, as amended by the Acts fortieth Victoria, chapter sixty-four, forty-third Victoria, chapter sixty, forty-fifth Victoria, chapter eighty-six, and forty-ninth Victoria, chapter eighty-eight, for the commencement and completion of their undertaking, are hereby extended as follows: The works authorized by the first cited Act shall be commenced within years and completed within six years from the passing of this Act.

37 V., c. 77; 40 V., c. 64; 43 V., c. 60; 45 V., c. 86; 49 V., c. 88.

No. 85.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL.

An Act respecting the Niagara Grand Island Bridge Company.

Received and read first time, Friday, 15th February, 1889.
Second reading, Monday, 18th February, 1889.

(PRIVATE BILL.)

Mr. FERGUSON,
(Welland.)

OTTAWA:
For the Queen's Printer, &c.

A. SENÉCAL, Superintendent of Printing.

1889.

No. 36.] **BILL.** [1889.

An Act to incorporate the St. Helen's Island Bridge Company.

WHEREAS the construction of a bridge across the River St. Lawrence, between Longueuil and Point St. Charles, for railway and other purposes, would be of great advantage to the public; and whereas a petition has been presented praying for the incorporation of a Company for that purpose, and it is expedient to grant in part 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. J. E. Mullin, Captain A. T. A. Chagnon, E. C. Lalonde, Frs. Benoit, B. Maguire, J. A. Riendeau, P. Z. Ste. Marie, D. Brissette, T. Bertrand, J. Lessard, L. E. Morin, jr., P. Brais, Esq., notary, Alexander Anderson, Frederick Miller, L. A. Roberge, C. F. Lalonde, J. W. Parent, C. E. Leclerc, Esq., notary, Charles Desmarteau and Captain M. J. E. Chagnon, advocate, all of the Town of Longueuil or City of Montreal, together with such persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of "The St. Helen's Island Bridge 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, work, maintain, manage and use an iron or steel railway bridge, on piers, with the necessary approaches, over the River St. Lawrence between Longueuil and Point St. Charles, passing between Victoria Bridge and St. Helen's Island or over the north-west end of the said island; and may construct and arrange the said bridge for the use and passage of foot passengers and vehicles, or either, as and whenever they deem advisable: Railway bridge over the St. Lawrence.

2. If the Company construct or arrange the said bridge for the use of foot passengers. street cars and carriages, as well as for railway purposes, then the tolls to be charged for the passage of such foot passengers and carriages shall, before being imposed, first be submitted to and approved of, and may be amended and modified from time to time, by the Governor in Council; but the Company may, at any time, reduce the same, and a notice showing the tolls authorized to be charged shall, at all times, be posted up in a conspicuous place on the said bridge. Tolls on foot bridge to be subject to approval. Tariff to be posted up.

Provisional directors.

4. J. E. Mullin, Captain, A. T. A. Chagnon, E C. Lalonde, Frs. Benoit, J. Lessard, Alexander Anderson, C. F. Lalonde, C. E. Leclerc, F. Miller and Captain M. J. E. Chagnon, advocate, are hereby constituted provsional directors of the Company.

Capital stock and calls thereon.

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

Annual general meeting.

6. The annual general meeting of the shareholders shall be held on the first Tuesday in May 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 ten 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 an amount not exceeding one million of dollars.

Agreements with other companies.

9. The Company may enter into an agreement with any Company whose railway connects with the bridge for conveying or leasing to such Company, the bridge 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 been approved by 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 "*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.

Railway companies may lend their credit to the company.

10. Any railway company whose line now runs or which shall hereafter run its trains to or from any point at or near the said bridge, may, with the consent of a majority of the holders of its stock, loan its credit to the corporation hereby created, or may subscribe to or become the owner of the stock thereof, in like manner and with like rights as individuals, notwithstanding any Acts of the Parliament of Canada to the contrary.

11. The Company shall not commence the said bridge nor any work thereunto appertaining until it has submitted to the Governor in Council plans of the said 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 plan be altered nor any deviation therefrom allowed except by the permission of the Governor in Council and upon such conditions as he imposes: Plans to be submitted to Governor in Council. No deviation without permission.

2. The said bridge shall be constructed with spaces of not less than four hundred feet in width between the piers, so as not to materially obstruct the navigation of the river St Lawrence; and the said bridge shall have a clear headway of sixty feet at high water level, and give free and unobstructed passage to rafts or vessels of every description navigating the said river: Navigation not to be obstructed.

3. 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 same from either direction; and for assisting the passage of any raft or vessel under the said bridge, the Company shall, at all times, keep in readines one or more steam-tugs suitable for towing the said rafts or vessels under the said bridge, whenever requested so to do by the officers of such rafts or vessels, without charge; and the Company shall be liable to pay the owners of any raft or vessel or of the cargo or freight thereof, all damages they may respectively sustain by reason of any neglect in respect of any of the foregoing provisions: Lights. Steam tugs for passing the bridge. Damages.

4. The Company may own and construct docks, piers, wharves and landing stages for the use of the said tugs; but shall not commence the actual construction of the same or any of them until he plans and site of each of the works referred to in this sub-section have first been submitted to and approved of by the Governor in Council. Wharves, &c. for use of tugs.

12. When the said bridge is completed and ready for traffic, all trains of all railways terminating at or near the said bridge now constructed or hereafter to be constructed, including the cars of any other railway company which may be brought over such railways, 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 thereto or in tariff rates for transportation shall be made in favor of or against any railway whose trains or business pass over the said bridge. No discrimination in rates of toll to be made.

13. In case of any disagreement, and as often as the same arises, as to the rights of any railway whose trains or business pass over the said bridge, or as to the tariff rates to be charged in respect thereof, the same shall be determined by arbitrators, one to be appointed by the Company hereby Arbitration in case of disagreement.

incorporated and another by the Company with whom the disagreement has arisen, and a third, who shall be some person experienced in railway affairs, by one of the superior courts of the Province of Quebec, upon application to such court, due notice thereof having been given to the parties interested ; and the award of the said arbitrators or the majority of them shall be final : Provided, that the terms of award shall not be binding for a longer term than five years :

Term of award limited.

As to lessee.

2. Provided always, that this section and the next preceding section shall apply to any Company which under section nine of this Act may lease the said bridge.

Power to use highways, &c

14. The Company may use any of the public highways for the construction or maintenance of the bridge or the works authorized by this Act, with the consent of the municipal council having jurisdiction over such highway ; and the Company may, with the consent of the Crown, enter upon and take beaches of the River St. Lawrence, and lands covered with water, the property of the Crown, and erect coffer-dams, and other such works on the said river as are necessary for the construction of such bridge, provided the navigation of such river is not unnecessarily obstructed by such works.

Notice before commencing the works.

15. The Company shall, three months before any steps are taken in erecting the piers of the said bridge, cause to be published in one of the public newspapers in the city of Montreal, a notice, in which shall be stated the particular location of the said bridge with reference to known landmarks, the number of its piers, the length and breadth of its piers and the distance between them, the width in the clear of the draw opening and the entire length of the bridge from land to land, and its height above the water at ordinary stages ; and a copy of this notice, the facts of which shall be verified by the oath of the engineer, signed by the president and secretary of the Company, and acknowledged by them before a magistrate or notary public, shall be filed in the office of the Engineer of the City of Montreal.

Copy to be filed.

Railway Act to apply.

16. The provisions of "*The Railway Act*" shall apply to the Company and shall form part of this Act.

Limitation of time.

17. The bridge shall be commenced and completed within five years from the passing of this Act, otherwise the powers hereby granted shall cease and be null and void as respects such of the works as then remain uncompleted.

No. 36.

3rd Session, 6th Parliament, 52 Vic

BILL.

An Act to incorporate the Island Bridge Compa

Received and read first time, February, 1889.
Second reading, Monday, 18th Feb

(PRIVATE BILL.

Mr.

OTTAWA:
For the Queen's Printer,
A. SENÉCAL, Superintendent of
1889.

No. 37.] **BILL.** [1889.

An Act to amend the Act incorporating the Massawippi Junction Railway Company.

Preamble.

WHEREAS the Massawippi Junction Railway Company has, by its petition, prayed for the passing of an Act to amend, as hereinafter set forth, the Act incorporating the said Company; and it is expedient to 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:—

50-51 V., c. 94.

Section 1 amended.

1. Section one of the said Act is hereby amended by adding, in line three, after the name "Wheeler" the following names: "William H. Lovell, Walter C. Webster, Leonidas C. Bachand and Jean Baptiste Gendreau."

Section 3 amended.

2. Section three of the said Act is hereby amended by adding the following sub-section thereto:

Extension authorized.

"2. The Company may also lay out, construct and operate an extension of its line of railway from Ayer's Flat to a suitable point on the line of the Hereford Railway Company in the Township of Auckland or in the Township of Hereford, in the County of Compton."

Section 5 amended.

3. Section five of the said Act is hereby amended by striking out on line one the word "two" and substituting therefor the word "five."

Section 10 amended.

4. Section ten of the said Act is hereby amended by striking out all the words after "railway" in line twenty and substituting therefor the words "and extension authorized by this Act; and such bonds, may be issued only in proportion to the length of railway constructed or under contract to be constructed."

Section 17.

5. Section seventeen of the said Act is hereby amended by inserting in line two after the word "Company" the words "the Hereford Railway Company."

Section 18 repealed.

6. Section eighteen of the said Act is hereby repealed and the following snbstituted therefor:

Time for construction extended.

"**18.** The railway shall be commenced within three years and completed within five years from the passing of this Act; otherwise the powers granted shall cease and be null and void as respects so much of the railway as then remains uncompleted."

No. 37.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL.

An Act to amend the Act incorporating the Massawippi Junction Railway Company.

Received and read first time, Friday, 15th February, 1889.
Second reading, Monday, 18th February, 1889.

(PRIVATE BILL.)

Mr. COLBY.

OTTAWA:
For the Queen's Printer, &c.
A. SENÉCAL, Superintendent of Printing.
1889.

No. 38.] **BILL.** [1889.

An Act to extend the jurisdiction of the Maritime Court of Ontario.

WHEREAS it is expedient to extend the powers and jurisdiction of the Maritime Court of Ontario: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. The Maritime Court of Ontario shall have jurisdiction to decide all questions as to the title to, or ownership of any vessel or ship, or any share therein, or the proceeds thereof paid into court, arising in any cause instituted in the said Court. (3–4 Vic., c. 65, sec. 7, Imp. *See* C. L. T., vol. 7, p. 21.) Jurisdiction as to ownership.

2. The Maritime Court of Ontario shall have jurisdiction over any claim by a seaman of any ship, subject to the jurisdiction of the court, for wages earned by him on board the ship, whether the same be due under a special contract or otherwise, and also over any claim by the master of any such ship for wages earned by him on board the ship, and for disbursements made by him on account of the ship; and if any right of set-off or counter-claim, whether for damages, forfeiture or otherwise, is set up, the court may enter into and adjudicate upon all questions and settle all accounts then arising or outstanding and unsettled between the parties to the action or proceeding, and may direct payment of any balance found to be due; and such master shall have the same rights, liens and remedies for the recovery of his wages and disbursements, as any seaman not being a master has for the recovery of his wages; this provision, however, is subject to sections thirty-four and thirty-five of chapter seventy-five of the Revised Statutes of Canada. (24 Vic, c. 10, sec. 60, Imp.; The Huron, 6, C. L. T., 127; R. S. C., c. 75, ss. 34, 35; R. S. C., c. 74, sec. 59; M. S. A. 1854, ss. 109, 191). Claims for wages. Rights of master.

3. The Maritime Court of Ontario shall have the same powers over any ship registered in Ontario, or any share therein, as were conferred upon the High Court of Chancery in England by the sixty-second, sixty-third, sixty-fourth and sixty-fifth sections of "*The Merchant Shipping Act*, 1854." (24 Vic, c. 10, sec. 12, Imp). Certain powers defined.

4. The Maritime Court of Ontario shall have jurisdiction over any claim for damages received by any ship, whether the same arises from negligence in the performance of any Claims for damages and compensation.

contract or otherwise; and also over claims for compensation for personal damage done by any ship, and claims for compensation to families of persons killed in a collision between ships, under "*The Revised Statutes of Ontario*, 1887" chapter one hundred and thirty-five. (3–4 Vic, c. 65, sec. 6, Imp.)

Outstanding and unsettled accounts.

5. In causes relating to the ownership, possession, employment or earnings of any ship registered in either of the Provinces of Ontario or Quebec, or any share thereof, the Maritime Court of Ontario shall have jurisdiction to settle all accounts outstanding and unsettled between the parties in relation thereto, and may direct the said ship or any share therein to be sold, and may make such order in the premises as to it seems fit. (24 Vic., c. 10, sec. 8, Imp.; 26 Vic., c. 24, sec. 10 (9), Imp; R. S. C., c. 137, sec. 14, sub-sec. 3).

Demurrage and damages.

6. The Maritime Court of Ontario shall have jurisdiction over any claim arising after the passing of this Act for demurrage or damages for detention of any ship, or out of any agreement made in relation to the use or hire of any ship, or in relation to the carriage of goods in any such ship, and also as to any claim in tort in respect of goods carried in any such ship. (32–33 Vic, c. 51, sec. 2, Imp.)

Carriage of passengers, &c.

7. The Maritime Court of Ontario shall have jurisdiction over any claims arising out of or connected with contracts respecting any ship registered in either of said Provinces for the carriage of passengers by water, marine insurance, and general average.

Section 1 of 51 V., c. 39 amended.

8. Section one of chapter thirty-nine of the Act passed in the fifty-first year of Her Majesty's reign and intitled: "*An Act to extend the jurisdiction of the Maritime Court of Ontario*," is hereby amended by inserting after the word "Ontario" in the fourth line of the said section the words "or any share therein."

Effect of judgments.

9. All decrees, judgments and orders of the Maritime Court of Ontario, whereby any sum of money or any costs, charges or expenses are payable to any person, shall have the same effect as judgments in the High Court of Justice for Ontario for the time being, and the person or persons to whom any such moneys or costs, charges or expenses are payable, shall be deemed judgment creditors, and the person or persons by whom the same are payable shall be deemed judgment debtors, and all powers of enforcing judgments possessed, or which are at any time hereafter possessed by the High Court of Justice for Ontario, or any judge thereof for the time being, with respect to matters depending in the said court, as well against the ship and goods arrested, as against the person or property of the judgment debtor, and all powers of examination and attachment possessed or hereafter possessed by the said court, for the time being, shall be possessed by the Maritime Court of Ontario with

Powers of enforcing judgment.

respect to matters therein pending, and all remedies possessed by judgment creditors in the High Court of Justice for Ontario, for the time being shall in like manner be possessed by persons to whom any money or costs, charges or expenses are, by such decrees, judgments or orders of the Maritime Court of Ontario, or of the judge or any surrogate judge thereof, directed to be paid. (24 Vic., c. 10, s. 15, Imp.; R. S. C., c. 137, s. 16.) Remedies.

10. Any person aggrieved by an order, decision or judgment of any surrogate judge of the Maritime Court of Ontario, whether made *ex parte* or otherwise may, with the permission of the said surrogate judge, appeal therefrom to the judge; and any person aggrieved by any order, decision or judgment of the judge of the Maritime Court, whether made or pronounced in the first instance or on appeal from a surrogate judge, may with the permission of the judge, appeal to the Supreme Court of Canada. Appeals to the judge shall be governed by the practice for the time being in force in the High Court of Justice for Ontario respecting appeals from orders of local judges of the High Court to a judge of the said court, and appeals to the Supreme Court of Canada shall be governed by section nineteen of "*The Maritime Court Act.*" (R. S. C. c. 137, s. 18.) Appeal. Practice in such case.

11. The new rules of practice and tariff of fees adopted by Order in Council A.D. 1889, of the said court are hereby declared to have the same force and effect as if hereby enacted subject to the powers conferred upon the judge of the said court by section twenty-one of "*The Maritime Court Act.*" (R. S. C., c. 137, sec. 21.) Rules of practice and tariff of fees.

12. The jurisdiction conferred by this Act may be exercised by proceedings *in rem* or *in personam.* Extent of jurisdiction.

No. 38.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL.

An Act to extend the jurisdiction of the Maritime Court of Ontario.

Received and read first time, Monday, 18th February, 1889.
Second reading, Tuesday, 19th February, 1889.

Mr. CHARLTON.

OTTAWA:
For the Queen's Printer, &c.
—
A. SENÉCAL, Superintendent of Printing.
—
1889.

No. 39.] **BILL.** [1889.

An Act respecting the Hamilton Central Railway Company.

Preamble.

WHEREAS the Hamilton Central Railway Company have, by their petition, represented that they are desirous of having the time extended for the commencement and completion of their railway; 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:—

Time for construction extended.

1. The time for the commencement of the said railway is hereby extended for three years from the passing of this Act, and the railway shall be completed within four years thereafter; otherwise the powers granted by the Act of incorporation and amending Act shall be forfeited as to any part not so completed.

No. 39.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL.

An Act respecting the Hamilton Central Railway Company.

Received and read first time, Tuesday, 19th February, 1889.
Second reading, Wednesday, 20th February, 1889.

(PRIVATE BILL.)

Mr McKay,
(Hamilton.)

OTTAWA:
For the Queen's Printer, &c.
A. Senécal, Superintendent of Printing.
1889.

No. 40.] **BILL.** [1889.

An Act respecting the Lake Nipissing and James' Bay Railway Company, and to change the name of the Company to "The Nipissing and James' Bay Railway Company."

Preamble.

WHEREAS the Lake Nipissing and James' Bay Railway Company have, by their petition, represented that they are desirous that the name of the Company be changed, and have also prayed for an Act to 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:—

47 V., c. 80; 49 V., c. 77; 51 V., c. 80.

Name changed.

1. The name of the Company is hereby changed from "The Lake Nipissing and James' Bay Railway Company" to "The Nipissing and James' Bay Railway Company;" but such change in name shall not in any way alter or affect the rights or liabilities of the Company, nor in any wise affect any suit or proceeding now pending, either by or against the Company, which, notwithstanding such change in the name of the Company, may be prosecuted or continued as if this Act had not been passed.

Existing rights not affected.

Provisional directors.

2. The members of the provisional board of directors may add to their number.

Section 8 amended.

3. The eighth section of the said Act is hereby amended by striking out in the first line thereof the word "five," and substituting therefor the word "one."

No 40.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL.

An Act respecting the Lake Nipissing and James' Bay Railway Company, and to change the name of the Company to "The Nipissing and James' Bay Railway Company."

Received and read first time, Tuesday, 19th February, 1889.
Second reading, Wednesday, 20th February, 1889.

(PRIVATE BILL.)

MR. DENISON.

OTTAWA:
For the Queen's Printer, &c.
—
A. SENÉCAL, Superintendent of Printing.
—
1889.

No. 41.] **BILL.** [1889.

An Act to incorporate "The Calgary, Alberta and Montana Railway Company."

Preamble.

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:—

Incorporation.

1. Arthur Edwin Shelton, James Delamere Lafferty, John Lee Bowen, Wesley Fletcher Orr, William Baillie, James Gerald Fitzgerald, John Lineham, Alexander Allan, Howard Douglas, James Walker, Archibald Grant, William Leigh Bernard, Edwin Robert Rogers, Isaac Sanford Freeze, George Charles Marsh, Charles Edward Dudley Wood, Donald Watson Davis, John Crowdry and John Basset Smith, together with such persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of "The Calgary, Alberta and Montana Railway Company," hereinafter called the Company.

Corporate name.

Head office.

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

Line of railway described.

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 within the limits of the Corporation of the town of Calgary, thence southerly, crossing Fish Creek on Section three, Township twenty-three, Range one west of the fifth meridian, and Pine Creek on or about Section eleven, Township twenty-two of the same range; thence southeasterly, crossing Sheep Creek near its mouth; thence southerly, crossing High River at the present crossing of the Calgary-McLeod trail, and Mosquito Creek near the Forks in Section twenty-two, Township sixteen, Range twenty-eight west of the fourth meridian; thence southeasterly, passing through the town of Fort McLeod at some point west of fifth avenue and north of fifteenth street; thence southerly, crossing the Waterton or Kootenay River at about Pace's Crossing, and continuing in a southerly direction, crossing the north fork of Milk River to the International boundary in Range twenty-four west of the fourth meridian.

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 and calls thereon.

5. The capital stock of the Company shall be two millions of 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 centum on the shares subscribed.

Annual general meeting.

6. The annual general meeting of the shareholders shall be held on the first Tuesday 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 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 other companies.

9. The Company may enter into an agreement with the Canadian Pacific Railway Company, or with any other 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

Sanction of the shareholders.

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

And of the Governor in Council.

that it has also received the approval of the Governor in Council:

Notice of application for approval.

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.

No. 41.

3rd Session, 6th Parliament, 52 Victo

BILL.

An Act to incorporate the C
Alberta and Montana Railwa
pany.

Received and read a first time, Tuesd
February, 1889.
Second reading, Wednesday, 20th F
1889.

(PRIVATE BILL.)

MR. D

OTTAWA:
For the Queen's Printer, &c.
A. SENÉCAL, Superintendent of Pri
1889.

No. 42] **BILL.** [1889

An Act to amend the Act incorporating the Ontario Mutual Life Assurance Company.

WHEREAS the Ontario Mutual Life Assurance Company has, by its petition, prayed that the Act of incorporation of the said Company, passed in the forty-first year of Her Majesty's reign, chapter thirty-three, may 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. 41 V., c. 33.

1. The fifth section of the said Act is hereby amended by striking out the words "or fifteen" in the second line and inserting the word "or" before the word "twelve," and by striking out the word "fifteen" in the thirteenth line and inserting the word "twelve" in lieu thereof. Section 5 amended.

2. The seventh section of the said Act is hereby amended by striking out the words "by circular sent by mail to the last known address of each member" and inserting in lieu thereof the words "in one or more leading newspapers published in the city of Toronto and such other places as the directors consider necessary." Section 7 amended.

3. In addition to the officrs provided by the said Act, the board of directors may appoint one of their number a second vice-president. Second vice-president may be appointed.

No. 42.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL.

An Act to amend the Act incorporating the Ontario Mutual Life Assurance Company.

Received and read first time, Tuesday, 19th February, 1889.
Second reading, Wednesday, 20th February, 1889.

(PRIVATE BILL.)

Mr. BOWMAN.

OTTAWA:
For the Queen's Printer, &c.
—
A. SENÉCAL, Superintendent of Printing.
—
1889.

No. 43.] **BILL.** [1889.

An Act to incorporate the Ottawa, Morrisburg and New York Railway and Bridge Company.

Preamble.

WHEREAS a petition has been presented praying for the incorporation of a company to construct and operate a railway and certain 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:—

Incorporation.

Corporate name.

1. Ira Morgan, J. P. Whitney, R. C. Carter, Sellar Leishman and Chas. A. Myers, together with such persons as become sharedolders in the Company hereby incorporated, are hereby constituted a body corporate under the name of "The Ottawa, Morrisburg and New York Railway and Bridge Company," hereinafter called the Company.

Head office.

2. The head office of the Company shall be in the village of Morrisburg, in the County of Dundas and Province of Ontario.

Line of railway described.

3. The Company may lay out, construct and operate a single or double line of railway, of the gauge of four feet eight and one-half inches, from a point in or near the City of Ottawa, or from some point within the County of Carleton on the line of the St. Lawrance and Ottawa Railway, or on the line of the Canada Atlantic Railway, passing through or near the villages of Metcalfe, Vernon, Ormond and West Winchester, crossing the Ontario and Quebec Railway, thence to Winchester Springs, North Williamsburg and Morrisburg to a point on the St. Lawrence River, opposite Goose Neck Island in the State of New York, or to some point on the St. Lawrence River within three miles of Morrisburg aforesaid; and may lay out, construct and complete a line or lines of railway from their bridge, hereinafter mentioned, over the Ottawa River on the Quebec side thereof to connect with all or any of the railways running in or through the County of Ottawa.

Railway bridge over the St. Lawrence.

4. The Company may lay out, construct, complete, maintain, work, manage and use a railway bridge over the St. Lawrence River from some convenient point on their line of railway opposite Goose Neck Island, in the State of New York, or within three miles of Morrisburg aforesaid, to connect with any railways in the State of New York, one of the United States of America; but it shall not commence

Conditions precedent to construction.

the actual erection of the said bridge until an Act of the Congress of the United States of America has been passed consenting to or approving the bridging of the said river, nor until the executive of the United States of America has consented to and approved such bridging; but the Company may, in the meantime, acquire the lands, submit their plans to the Governor in Council, and do all other things authorized by this Act, except the commencement of the actual construction or erection of the bridge.]

Bridge over Ottawa river.

[**5.** The Company may lay out, construct, complete, maintain, work, manage and use a railway and toll bridge, for the use of carriages and foot passengers and other traffic over the Ottawa River at or near the said city of Ottawa, from some convenient point on their line of railway, to connect with any railway running in or through the said county of Ottawa, in the Province of Quebec, and may purchase and hold real estate for the purposes thereof, and may, in connection with their railway and for the purpose of carrying cars, goods, freight and passengers over the same, construct, acquire, maintain and employ steam ferry boats to ply across the Ottawa River, and may sell and dispose of the same:]

Tolls.

[2. If the Company construct or arrange the said bridge over the Ottawa River for the use of foot-passengers and carriages, as well as for railway purposes, then the tolls to be charged for the passage of such foot passengers and carriages shall, before being imposed, first be submitted to and approved of, and may be amended and modified from time to time, by the Governor in Council; but the Company may at any time reduce the same, and a notice showing the tolls authorized to be charged shall at all times be posted up in a conspicuous place on the said bridge.]

Particulars of construction of bridges.

[**6.** The height of the arches of the bridge across the St. Lawrence River shall not be less than sixty-one feet above high water, with a sufficient draw bridge if required by the Governor in Council; the interval between the abutments or piers across the main channel of the St. Lawrence River shall be the whole width of the said channel, or not less than three hundred and fifty feet, and across to Goose Neck Island and elsewhere the space between the piers shall not be less than two hundred feet; the height of the arches of the bridge across the Ottawa River shall not be less than thirty feet above high water, and the interval between the abutments or piers shall not be less than two hundred feet; or the arches of the said bridges shall be of such height above high water, and the said intervals shall be such, and the tolls to be collected shall be such as are approved of by the Governor in Council.]

Undertaking divided into three sections.

[**7.** The undertaking hereby authorized shall be divided into three sections which shall be known as "The Railway Section," "The St. Lawrence Bridge Section," and "The Ottawa Bridge Section," respectively. The railway section shall consist of the lines of railway which the Company is

Railway section.

hereby empowered to construct and operate, together with all their rolling stock, plant and equipments; and the bridge sections shall consist, first of the bridge over the St. Lawrence River and, secondly, of the bridge and ferry over the Ottawa River, with their respective approaches, and all the machinery and plant belonging to each separately; and the capital accounts, tolls and revenue of each section shall be kept separate and distinct.]

Bridge sections.

[**8.** The Company shall not commence the said bridges or either of them, or any work thereunto appertaining, until the Company have submitted to the Governer in Council plans of such bridges and of all the intended works thereunto appertaining, nor until the plans and sites of such bridges have been approved by the Governor in Council, and such conditions as he thinks fit for the public good to impose touching the said bridges and works have been complied with; nor shall any such plans be altered, nor any deviation therefrom allowed, except upon the permission of the Governor in Council, and upon such conditions as he imposes: Provided always, that from sunset to sunrise, during the season of navigation, suitable lights shall be maintained upon the said bridges to guide vessels approaching the same.]

Plans of bridges to be approved by Governor in Council.

Lights.

[**9.** The Company may, after obtaining the sanction of the Governor in Council in the manner provided in section nineteen of this Act, and subject to the provisions contained in sections ten and eleven:—

Co-operation of another company in building bridge over the St. Lawrence.

[(*a.*) Unite with any other company incorporated in and under the laws of the State of New York or of the United States of America in building the said bridge over the St. Lawrence River and its approaches, and in working, managing, maintaining and using the same; and may enter into any agreement with such company respecting the construction, maintenance, management and use of the said bridge and its appurtenances;

[(*b.*) Unite with any other company incorporated under the laws of the Dominion of Canada or of the Province of Ontario or of the Province of Quebec, or with any body corporate, in building the said railway bridge and approaches over the Ottawa river and in maintaining, working, managing and using the same, and may enter into any agreement with such company, or corporation respecting the construction, maintenance, management and use thereof.]

And in building the bridge over the Ottawa river.

[**10.** So soon as the said railway bridges are, or either of them is, completed and ready for traffic, all trains of all railways connecting with the same, either in Canada or the United States, now constructed or hereafter to be constructed, and also the trains and cars of all companies whose lines connect with the line of any company so connecting with the said bridges and approaches, or either of them, shall have and be entitled to the same and equal rights and privileges in the passage of the said bridges, or either of them,

Connecting railways and use of bridges.

No discrimination in rates.

so that no discrimination or preference in the passage of the said bridges and approaches, or either of them, or in tariff rates for transportation, shall be made in favor of or against any railway whose trains or business pass over the said bridges or either of them.]

Arbitration in case of disagreement.

[**11.** In case of any disagreement as to the rights of any railway whose trains or business pass over the bridges, or either of them, hereby authorized to be constructed, or as to the tariff rates to be charged in respect thereof, the same shall be determined by arbitrators, one to be appointed by the Company hereby incorporated and another by the company with whom the disagreement has arisen, and a third, who shall be some person experienced in railway affairs, by one of the Superior Courts of the Province of Ontario upon application to such court—due notice thereof having been given to the parties interested; and the award of the said arbitrators or a majority of them shall be final.]

Provision in case of commission for regulating bridge over the St. Lawrence.

[**12.** In case the State of New York or the United States of America at any time provide for the appointment of a commission for regulating the working of the bridge over the river St. Lawrence, the use 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 decisions 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 the same are final and conclusive by virtue of the provisions made by the State of New York or the United States of America.]

Effect of its decisioe.

Provisional directors.

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

Capital stock.

14. 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 centum on the shares subscribed.

Disposal of stock.

[**15.** Of the stock required to be subscribed by section thirty-six of "*The Railway Act*" the directors may apportion fifty thousand dollars for the railway section, seventy-five thousand dollars for the Ottawa bridge section and one hundred and twenty-five thousand dollars for the St. Lawrence bridge section.]

Annual meeting.

16. The annual general meeting of the shareholders shall be held on the first Wednesday in October of each year.

Election of directors.

17. 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.

Issue of bonds for railway section.

18. The Company may issue bonds, debentures or other securities for the "railway section," to the extent of twenty thousand dollars per mile of the said railway and branches, to be issued in proportion to the length of railway constructed or under contract to be constructed:

Issue of bonds for bridge sections.

[2. And for "the St. Lawrence bridge section," to the extent of one million dollars, and for "the Ottawa bridge section" to the extent of one million dollars; and in making such issue the amount of bonds, debentures or other securities authorized in respect of each section may be made a separate issue; and the bonds, debentures or other securities issued in respect of "the St. Lawrence bridge section" and "the Ottawa bridge section," respectively, may be further secured by rental or other personal security—the whole as determined by the deed or instrument securing such issues respectively, as herein provided.]

Agreement with another company.

19. The Company may enter into an agreement with the Grand Trunk Railway Company, the Canadian Pacific Railway Company, the Gatineau Valley Railway Company, the Pontiac Pacific Junction Railway Company, the Canada Atlantic Railway Company, the Ontario Pacific Railway Company or the Brockville, Westport and Sault Sainte Marie Railway Company, or with any railway in the United States whose line of railway connects with the line of the Company hereby incorporated, for conveying or leasing to such Company the railway and bridges of the Company hereby incorporated, or either of them, 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 been approved by the Governor in Council:

Sanction of shareholders and of Governor in Council.

Notice of application therefor.

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.

Limitation of time for railway section.

[**20.** The "railway section" shall be commenced within three years, and completed within five years from the passing of this Act; otherwise the powers hereby granted shall cease and be null and void as respects so much of the railway as then remains uncompleted.]

Limitation of time for St. Lawrence bridge.

[**21.** The St. Lawrence bridge section shall be commenced within five years and completed within eight years from the passing of this Act; otherwise the powers granted under section four of this Act shall cease and be null and void.]

Limitation of time for Ottawa bridge.

[**22.** The Ottawa bridge section shall be commenced within five years and completed within eight years from the passing of this Act; otherwise the powers granted under section five of this Act shall cease and be null and void.]

Declaratory.

[**23.** The railway of which the construction is authorized by this Act, is hereby declared to be a work for the general advantage of Canada.]

No. 43.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL.

An Act to incorporate the Ottawa, Morrisburg and New York Railway and Bridge Company.

Received and read a first time, Tuesday, 19th February, 1889.
Second reading, Wednesday, 20th February, 1889.

(PRIVATE BILL.)

Mr. HICKEY.

OTTAWA:
For the Queen's Printer, &c.
—
A. SENÉCAL, Superintendent of Printing.
—
1889.

No. 44.] **BILL.** [1888.

An Act to incorporate the Canada Congregational Foreign Missionary Society.

WHEREAS B. W. Robertson, the Rev. S. N. Jackson, the Rev. A. L. McFadyen, all of Kingston, the Rev. Joseph Wild, D. D., Toronto, T. B. Macaulay, the Rev. E. M. Hill, George Hague, T. Moodie, T. Lyman, the Rev. T. H. Marling, all of Montreal, and the Rev. John Wood, Ottawa, have, by their petition, represented that there has existed in the Dominion of Canada for several years a society known as the Canada Congregational Missionary Society, and that they and the other members of the said Society desire to become incorporated; and whereas it is expedient to grant their request: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. The persons hereinbefore named, together with such others as are now members of or who hereafter become members of the said Society, are hereby constituted a body corporate under the name of "The Canada Congregational Foreign Missionary Society," hereinafter called the Society. Incorporation. Corporate name.

2. The object of the said Society shall be the propagation of the Gospel in foreign lands. Object of the society.

3. The head office of the Society shall be the residence for the time being of its Secretary. Head office.

4. All property, funds, rights, rights of action or assets, which now belong to or are held in trust for the Society, are hereby declared to be vested in the Society. Property vested in the society.

5. The Society may acquire and hold any property whatsoever, by any title whatsoever; but it shall not hold real estate of the annual value of more than five thousand dollars for more than five years at any one time. As to real estate.

6. All property belonging to the Society shall be held in its corporate name, and shall be managed and administered by an executive committee of twelve members, chosen in the manner prescribed by the constitution and by-laws of the Society. Committee to manage property.

7. The present officers, constitution and by-laws of the Society shall, until changed in accordance with the said constitution and by-laws, continue to be the officers, constitution and by-laws of the Society as hereby incorporated. Officers, &c., continued.

No. 44.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL.

An Act to incorporate the Canada Congregational Foreign Missionary Society.

Received and read first time, Tuesday, 19th February, 1889.
Second reading, Wednesday, 20th February, 1889.

(PRIVATE BILL.)

Mr. HOLTON.

OTTAWA:
For the Queen's Printer, &c.
A. SENÉCAL, Superintendent of Printing.
1889.

No. 45.] **BILL.** [1889.

An Act to revive and amend the Acts relating to the Saint Gabriel Levee and Railway Company.

Preamble.

WHEREAS a petition has been presented praying that an Act may be passed to revive and amend, as hereinafter set forth, the Acts relating to the Saint Gabriel Levee and Railway Company, and it is expedient to grant the prayer of the said petition : Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

49 V., c. 85, 50-51 V., c. 72 revived.

1. The Acts relating to the Company, being the Act forty-ninth Victoria, chapter eighty-five, and the Act passed in the session held in the fiftieth and fifty-first years of Her Majesty's reign, chapter seventy-two, are hereby revived and continued in full force, subject to the provisions hereinafter contained.

50-51 V., c. 72, s. 6 repealed

2. Section six of the Act passed in the session held in the fiftieth and fifty-first years of Her Majesty's reign, chapter seventy-two, is hereby repealed.

Agreement with city of Montreal authorized.

3. The Company may make and enter into an agreement with the City of Montreal, respecting the levee or dyke and works already erected by the Company, or respecting the use, maintenance or extension thereof, or respecting the construction and use of a railway track or tracks thereon; and if provided for by such agreement may convey to the said city the whole or any part of the levee or dyke, or works constructed or to be constructed, or deal with the same in the manner provided for by such agreement.

49 V., c. 85, s. 23 amended.

4. Section twenty-three of the Act forty-ninth Victoria, chapter eighty-five, is hereby amended by adding the following proviso thereto:

"Provided the said city of Montreal shall so construct and arrange the present waterworks, and any enlargement or extension thereof, so as to prevent any overflow of water or inundation in the Municipality of Verdun, between the present levee or dyke and the present aqueduct."

50-51 V., c. 72, s. 22 amended.

5. Notwithstanding the provision contained in section two of the Act passed in the session held in the fiftieth and fifty-first years of Her Majesty's reign, chapter seventy-two, the time for the completion of the said levee or dyke is

No. 45.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL.

An Act to revive and amend the Acts relating to the Saint Gabriel Levee and Railway Company.

Received and read a first time, Tuesday, 19th February, 1889.
Second reading, Wednesday, 20th February, 1889.

(PRIVATE BILL.)

Mr. CURRAN.

OTTAWA:
For the Queen's Printer, &c.
A. SENÉCAL, Superintendent of Printing.
1889.

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hereby extended to the first day of January, one thousand eight hundred and ninety-two, and for the construction of the said railway or so much thereof as may be found expedient and necessary by the Company, to the first day of January, one thousand eight hundred and ninety-three.

No. 46.] **BILL.** [1889.

An Act to amend the Act respecting Queen's College at Kingston.

WHEREAS Queen's College at Kingston has petitioned for an Act to amend the Act passed in the forty-fifth year of Her Majesty's reign, chapter one hundred and twenty-three, so as to empower the University Council of the said University to elect a limited number of trustees of the University and to provide for the prescribing of the religious test which shall be administered to trustees and professors, and to empower the said corporation to take, hold and sell real estate and other property in any part of the Dominion; and has further prayed for additional powers and privileges, with the view of increasing the efficiency and of extending the usefulness of the said University; 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:— Preamble. 45 V., c. 123.

1. Besides the Trustees for whose election provision is made by the Royal Charter and by the Act cited in the preamble of this Act, other and additional trustees may be elected as hereinafter provided, who shall have the same powers, functions, rights and privileges as the trustees elected in terms of the Charter and of the said Act. Additional trustees may be elected.

2. The University Council of the said College may elect and appoint annually a member of the said Council to be a trustee of the said College, and every trustee so appointed shall hold office for five years and no longer, unless re-elected. Member of University Council may be trustee.

3. It shall not be necessary that any trustee elected by the University Council be a member of the Presbyterian Church in Canada, or that any trustee of the said College hereafter elected make or subscribe any religious declaration or formula whatever before entering on his duty as such trustee. And need not be member of Presbyterian Church or make religious declaration.

4. In case any trustee elected by the University Council shall die or resign his office of trustee, or cease to be a member of the Council, the Council may at once elect some other member of the Council to be trustee in the place and for the unexpired term of the trustee so dying, resigning or ceasing to be a member of the Council. Replacing such trustee.

Re-election of such trustee.

5. Any such trustee, if otherwise qualified, may be re-elected whenever and as often as his term of office expires.

Religious test of professors.

6. All professors, other than those in the Theological Faculty of the said College, shall subscribe only such formula, declaratory of their religious belief, as the Board of Trustees, from time to time, prescribe.

Power to hold property.

7. The said Corporation may acquire, take, receive and hold real or personal estate in any part of the Dominion, by purchase, gift, devise or otherwise.

Power to dispose of real estate.

8. The said Corporation may sell, alienate, exchange, demise, let or lease for any term of years, such messuages, lands, tenements, hereditaments and immovable property as are given, granted, purchased, appropriated, devised or bequeathed to the said Corporation.

Investment of moneys.

9. The said Corporation may, for the purpose of investment, lend money upon the security of real estate, purchase bonds, or debentures of municipal or school, or railway corporations, or Dominion or Provincial stock, or securities, and may sell or dispose of any such securities, as to it seems advisable.

No. 46.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL.

An Act to amend the Act respecting Queen's College at Kingston.

Received and read a first time, Tuesday, 19th February, 1889.
Second reading, Wednesday, 20th February, 1889.

(PRIVATE BILL.)

Mr. KIRKPATRICK.

OTTAWA:
For the Queen's Printer, &c.
A. SENÉCAL, Superintendent of Printing.
1889.

No. 47.] **BILL.** [1889

An Act to amend the Act incorporating the Kingston, Smith's Falls and Ottawa Railway Company.

Preamble.

WHEREAS the Kingston, Smith's Falls and Ottawa Railway Company have, by their petition, prayed that certain amendments be made to the Act incorporating the said Company, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

50-51 V., c. 88.

Section 2 amended.

1. Section two of the Act passed in the session held in the fiftieth and fifty-first years of Her Majesty's reign, chaptered eighty-eight, is hereby amended by adding thereto: "And to the village of Lanark, in the County of Lanark, and to any mines or quarries in the Counties of Leeds, Lanark and Carleton."

Section 26 repealed; new section.

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

Limitation of time.

"**26.** The works upon the main line of the railway shall be commenced within years and completed within ten years from the passing of this Act; otherwise the powers granted by the Act incorporating the Company and by this Act shall cease and be null and void as respects so much of the railway as then remains uncompleted."

Issue of first preference bonds authorized.

3. The directors of the Company, with the consent of a majority of the shareholders of the Company, present in person or represented by proxy, at a meeting specially called for the purpose, may make and issue first preference bonds or debentures which shall, except as otherwise provided in the fifth section of this Act, be and form a first preference claim and charge on the undertaking, lands, buildings, rolling stock, plant, property, net tolls and income of the Company, after deduction from the tolls and income of the working expenses of the railway, and such bonds or debentures shall express and state on their face the total amount of such first preference bonds; and thereafter and until such bonds are redeemed, or the amount of all such bonds outstanding is deposited in some chartered bank of the Dominion, to the credit of the Company, in trust for the redemption of such bonds, no further or other first preference bonds shall be issued. The principal of such preference bonds shall be payable at such times as the Company may think expedient, not exceeding thirty

Preference bonds, when payable.

years from the date of the issue of such bonds, and such bonds shall bear interest at such rate or rates as the Company may determine, and such bonds shall, without registration or formal conveyance, be taken and considered to be, except as aforesaid, the first preferential claims and charges upon the undertaking and property aforesaid of the Company, real and personal and then existing, and at any time thereafter acquired, and all extensions made, or to be made ; and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer, *pro rata*, with all the other holders thereof, upon the aforesaid undertaking and property of the Company and all extensions thereof as aforesaid, in priority to all other charges and incumbrances.

Bonds to be a first charge.

Issue of second preference bonds authorized.

4. The directors, with the consent of a majority of the shareholders of the Company, present in person or represented by proxy, at a meeting specially called for the purpose, may also make and issue second preference bonds which shall be and form a second preference claim and charge on the undertaking, lands, buildings, rolling stock, plant, property, net tolls and income of the Company, after deduction from the tolls and income of the working expenses of the railway, and such bonds or debentures shall express or state the total amount of such second preference bonds ; and thereafter and until such bonds are redeemed, or the amount of all such bonds outstanding is deposited in some chartered bank of the Dominion to the credit of the Company, in trust for the redemption of such bonds, no further or other second preference bonds shall be issued. The principal of such preference bonds shall be payable at such times as the Company may think expedient, not exceeding thirty years from the date of the issue of such bonds, and the said bonds shall bear interest at such rate or rates as the Company may determine, and such bonds shall, without registration or formal conveyance, be taken and considered to be the second preferential claims and charges upon the undertaking and property aforesaid of the Company, real and personal and then existing, and at any time thereafter acquired, and all extensions made, or to be made ; and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer, *pro rata*, with all the other holders thereof, upon the aforesaid undertaking and property of the Company and all extensions thereof as aforesaid, in priority to all other charges and incumbrances, save and except first preference bonds And the directors shall not increase the issue of first preference bonds if any second preference bonds and the bonds or debentures referred to in the fifth section of this Act have been issued and are outstanding, unless and until the said second preference bonds are redeemed, or the amount of all such bonds outstanding is deposited in some chartered bank of the Dominion, to the credit of the Company, in trust for the redemption of such bonds : Provided that the total amount of such first and second preference bonds shall not, in the aggregate, exceed twenty thousand dollars per mile of the said railway constructed, or under contract to be constructed,

When payable

Bonds to be a second charge.

Conditions as to issue of first preference bonds.

Amount of issue limited.

under and by virtue of the Act incorporating the Company, or of this Act.

5. The eighteenth section of the Act passed in the session held in the fiftieth and fifty-first years of Her Majesty's reign, chaptered eighty-eight, is hereby repealed; but all bonds or debentures heretofore issued under and by virtue of the said section are hereby declared to be, until redeemed, a first charge on the undertaking, lands, buildings, tolls and income of the Company as provided for in the said Act, and all sales of bonds and stock heretofore made by the Company are hereby declared valid and binding upon the terms and conditions upon which the same may have been made. 50-51 V., c. 88, s. 18 repealed. Proviso.

No. 47.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL.

An Act to amend the Act incorporating the Kingston, Smith's Falls and Ottawa Railway Company.

Received and read first time, Tuesday, 19th February, 1889.
Second reading, Wednesday, 20th February, 1889.

(PRIVATE BILL.)

Mr. KIRKPATRICK.

OTTAWA:
For the Queen's Printer, &c.
—
A. SENÉCAL, Superintendent of Printing.
—
1889.

No. 48.] **BILL.** [1889.

An Act to consolidate the borrowing powers of the Ontario Loan and Debenture Company and to authorize them to issue Debenture Stock.

Preamble.

WHEREAS the Ontario Loan and Debenture Company have, by their petition, represented that they are duly incorporated by the laws of the Province of Ontario and are empowered by the Parliament of Canada to borrow money by way of debentures and to receive money deposits as a savings bank, subject to restrictions imposed that such debentures and money deposits shall be of certain amounts, proportionate to the subscribed, fixed and permanent share capital of the Company, and that they desire to have the power to create a debenture stock as hereinafter mentioned, and further desire that the extent of their powers of borrowing and receiving money deposits and creating debts of every kind be made to appear in one and the same Act; and whereas they have shown that the declaring and setting forth in one Act of the said matters will aid and benefit their operations; 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:—

Short title.

1. This Act may be cited as "*The Ontario Loan and Debenture Company's Act*, 1889."

Limitation of amount of money deposits and debentures and debenture stock.

2. The aggregate amount of money deposits of the Company, together with the amount of the debentures and debenture stock issued or to be issued as hereinafter provided and remaining unpaid, may be equal to but shall not at any time exceed double the aggregate amount of the paid up unimpaired, fixed and permanent capital or shares of the Company not liable to be withdrawn therefrom, together with a further sum which may be equal to but shall not exceed the amount remaining unpaid on the subscribed, fixed and permanent capital or shares, upon which not less than twenty per cent. has been paid; but in no case shall the total liabilities of the Company to the public at any time exceed three times the amount actually paid up in respect of fixed and permanent capital or shares of the Company, nor shall they at any time exceed the amount of principal remaining unpaid on the mortgages at such time held by the Company: Provided, that in estimating the paid up unimpaired, fixed or permanent capital or shares of the Company, the amount of all loans or advances

Limitation of total liability to the public.

Proviso: as to certain loans to shareholders.

made by the Company to their shareholders upon the security of their stock shall be deducted therefrom,—which said loans are hereby expressly limited to an amount not exceeding one-third of the reserve fund of the Company:

Proviso: amount of deposits limited.

Provided further, that the amount held by the Company on deposits shall not at any time exceed the amount of the paid up and unimpaired capital of the Company.

Issue of debentures.

3. The board of directors may issue debentures of the Company for such sums, not less than one hundred dollars each, and in such currency as they deem advisable, and payable in the Dominion of Canada or elsewhere not less than one year from the issue thereof, subject to the limitation hereinbefore mentioned; and such debentures may be in the form of Schedule A to this Act, or to the like effect.

Form.

Issue of debenture stock.

4. The directors may also issue debenture stock, which shall be treated and considered as a part of the regular debenture debts of the Company, in such amounts and manner, on such terms and bearing such rate of interest as the directors from time to time think proper, but subject to the limitations hereinbefore provided; so that the amount received as money deposits and borrowed on the security of debentures or debenture stock shall not in the whole exceed the aggregate amount fixed by this Act as the authorized limit of the borrowing powers of the Company.

Limitations.

Registration of debenture stock.

5. The debenture stock aforesaid shall be entered by the Company in a register or registers to be kept for that purpose at such place or places as the directors order, wherein they shall set forth 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 such stock shall be transferable in such amounts and in such manner and at such place or places as the directors from time to time determine.

Holders entitled to certificates, but to no greater rights than holders of debentures.

6. The Company shall, on demand, deliver to every holder aforesaid a certificate stating the amount of debenture stock held by him, the rate of interest payable thereon, and the terms and conditions to which the said stock is subject; but no other rights or privileges shall be conferred upon holders of debenture stock, in respect thereof, than are held or enjoyed by holders of debentures of the Company.

Registration of transfers.

7. All transfers of debenture stock of the Company shall be registered at the head office of the Company, or at such place or places in Canada, Great Britain or any foreign country as the directors appoint for that purpose.

Exchange of debentures for debenture stock.

8. The holders of the debentures of the Company may, with the consent of the directors, at any time exchange such debentures for debenture stock.

9. The debenture stock issued, or to be issued, under the authority of this Act shall rank equally with the debentures issued, or to be issued, by the Company. The directors may, at any time, in the interest of the Company, buy up and cancel the said debenture stock or any part thereof.

Rank of such stock may be bought up and cancelled by directors.

10. Nothing herein contained shall be construed as entitling the Company to be exempt from the effect of any amendments or alterations which it is deemed proper to make in the general Act respecting building societies carrying on business in Ontario.

Reservation of power to amend Act.

SCHEDULE A.

The Ontario Loan and Debenture Company

Debenture No.

Transferable.

Under the authority of an Act of the Parliament of Canada, Victoria, chapter , the Ontario Loan and Debenture Company promise to pay to the sum of , on the day of , in the year of our Lord one thousand eight hundred and at with interest at the rate of per cent. per annum, to be paid half yearly on presentation of the proper coupon for the same as hereunto annexed, on the first day of and the first day of in each year.

Executed at the city of London, in the Province of Ontario, the day of 188 .

Manager.

President.

No. 48.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL

An Act to consolidate the borrowing powers of the Ontario Loan and Debenture Company and to authorize them to issue Debenture Stock.

Received and read first time, Tuesday, 19th February, 1889.
Second reading, Wednesday, 20th February, 1889.

(PRIVATE BILL.)

Mr. MONCRIEFF.

OTTAWA:
For the Queen's Printer, &c.
—
A. SENÉCAL, Superintendent of Printing.
—
1889.

No. 49.] **BILL.** [1889.

An Act respecting the Alberta and Athabasca Railway Company and to change the name of the Company to "The Great North-Western Railway Company."

Preamble.

WHEREAS a petition has been presented by the Alberta and Athabasca Railway Company praying that an Act may be passed granting to it certain additional powers as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Name changed.

1. The name of the Company is hereby changed from "The Alberta and Athabasca Railway Company" to "The Great North-Western Railway Company"; but such change in name shall not in any way alter or affect the rights or liabilities of the Company, nor in any wise affect any suit or proceeding now pending, or judgment existing, either by 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.

Head office.

2. The head office of the Company shall be in the city of Winnipeg, in the Province of Manitoba.

Directors.

3. Mackworth Balkley Praed, John Maurice Lloyd, John Dale and James Lloyd, all of the City of London, England; Charles T. Drummond, of the City of Winnipeg, the Hon. George A. Drummond, Senator, and C. C. Colby, M.P., shall be the directors of the Company and shall hold office until the next annual meeting of the shareholders of the Company.

Paid up stock may be issued.

4. The directors may make and issue as paid up stock shares in the Company, and may allot and hand over such stock to the present subscribers for the stock of the Company, to an amount not exceeding the amount of money actually paid in to the funds of the Company by the said subscribers on their several subscriptions, and thereupon the said subscribers shall be relieved from further payments on the said original subscriptions, and the stock so issued and allotted in accordance with the provisions of this section shall not be assessable for calls.

Directors may vote by proxy.

5. Notwithstanding the provision contained in section fifty-five of "*The Railway Act*," the directors may vote and act by proxy, such proxy to be held by a director only; but

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, the remaining number of directors required to form a quorum being represented by proxies.

Renewal of proxy.

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.

48-49 V., c. 88, s. 2, amended.

6. Section two of the Act passed in the session held in the forty-eighth and forty-ninth years of Her Majesty's reign, chapter eighty-eight, is hereby amended by adding the following sub-sections thereto :—

Extension of line authorized.

" 2. The Company may extend its line from some point north of the Red Deer River in a northerly direction to the Peace River, at or near Dunvegan; and also from its southern terminal point in a southerly direction to Lethbridge, or to a point on the International boundary line" :

Proviso.

" 3. If the Company constructs the extension to the Internation boundary line, as authorized by the next preceding sub-section, such extension shall be so located as not to approach within twenty miles distance, the line of railway of the Alberta Railway and Coal Company authorized by an Act of the present Session of Parliament."

Time for construction.

7. The Company shall complete one hundred miles of its line of railway, from its point of intersection with the line of the Canadian Pacific Railway Company, in a northerly direction towards Edmonton, by the first day of August, one thousand eight hundred and ninety; and the remainder of the said line to a point at or near Edmonton by the first day of August, one thousand eight hundred and ninety-one; and shall also complete its line in a southerly direction to Lethbridge, or to a point on the International boundary line, by the first day of August, one thousand eight hundred and ninety-two; otherwise the powers granted by the Acts relating to the Company shall cease and be null and void as respects so much of the railway as then remains uncompleted.

48-49 V., c. 88, s. 8, amended.

8. Section eight of the hereinbefore mentioned Act is hereby amended by striking out on line one the word " one " and substituting therefor the word " two."

50-51 V., c. 78, s. 1, amended.

9. Section one of the Act passed in the session held in the fiftieth and fifty-first years of Her Majesty's reign, chapter seventy-eight, is hereby amended by striking out all the words after " authorized " in line thirty-two to the end of the section, and substituting therefor the words " Provided that the aggregate amount of the bonds to be issued under the Acts relating to the Company shall not exceed twenty-five thousand dollars per mile of the said railway and branches and extension authorized by this Act, and the said bonds shall be issued only in proportion to the length of railway constructed or under contract to be constructed."

No. 49.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL.

An Act respecting the Alberta and Athabasca Railway Company, and to change the name of the Company to "The Great North-Western Railway Company."

Received and read a first time, Wednesday, 20th February, 1889.
Second reading, Friday, 22nd February, 1889.

(PRIVATE BILL.)

Mr. DAVIS.

OTTAWA:
For the Queen's Printer, &c.

A. SENÉCAL, Superintendent of Printing.

1889.

No. 50.] **BILL.** [1889.

An Act to amend the Act respecting the London Mutual Fire Insurance Company of Canada.

Preamble.

WHEREAS a petition has been presented by the London Mutual Fire Insurance Company of Canada praying for certain amendments, as hereinafter set forth, to its Act of incorporation, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Deposit to be made in certain cases.

Maximum.

1. If the Company receives cash or part cash premiums in lieu of premium notes, or accepts risks other than from its own members, it shall deposit in the hands of the Minister of Finance and Receiver General one-third of the cash premiums received by it; but the total amount of such deposit need never exceed the average annual amount of the cash premiums received by the Company during the three years next preceding the date of its then last return, or the average annual amount of losses sustained during the same period; and if the Company receives no cash premiums whatever in lieu of premium notes, and acts wholly on the mutual principle, it shall not be bound to make such deposit.

When deposit may be withdrawn.

2. The Company may withdraw the deposit made with the Minister of Finance and Receiver General of Canada, on its being shown that the Company does not carry any insurance outside of the Province of Ontario.

Insurance against loss by storms.

3. The Company may insure property against loss or damage caused by windstorms or tempests.

No. 50.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL.

An Act to amend the Act respecting the London Mutual Fire Insurance Company of Canada.

Received and read a first time, Wednesday, 20th February, 1889.
Second reading, Friday, 22nd February, 1889.

(PRIVATE BILL)

Mr. MARSHALL.

OTTAWA:
For the Queen's Printer, &c.

A. SENÉCAL, Superintendent of Printing.

1889.

No. 51.] **BILL.** [1889.

An Act respecting the Pontiac Pacific Junction Railway Company.

WHEREAS the Pontiac Pacific Junction Railway Company has, by its petition, prayed for the passing of an Act further extending the time for the completion of its railway, and whereas it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. Notwithstanding anything contained in section ten of the Act passed in the session held in the fiftieth and fifty-first years of Her Majesty's reign, chapter seventy-three, the time for completing the construction of the Pontiac Pacific Junction Railway to the town of Pembroke is hereby extended to the first day of January, one thousand eight hundred and ninety-one. 50-51 V., c. 73, s. 10 amended.

No. 51.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL.

An Act respecting the Pontiac Pacific Junction Railway Company.

Received and read first time, Wednesday, 20th February, 1889.
Second reading, Friday, 22nd February, 1889.

(PRIVATE BILL.)

Mr. BRYSON.

OTTAWA:
For the Queen's Printer, &c.
A. SENÉCAL, Superintendent of Printing.
1889.

No. 52.] **BILL.** [1889.

An Act to incorporate the Lac Seul Railway Company.

Preamble

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 :—

Incorporation.

1. William Forbes Alloway, Daniel Emes Sprague, William Bain Scarth, Valentine Charles Alloway and William Robinson, together with such persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of "The Lac Seul Railway Company," hereinafter called the Company.

Corporate name.

Declaratory.

2. [The undertaking hereby authorized is declared to be a work for the general advantage of Canada.]

Head office

3. The head office of the Company shall be in the city of Winnipeg [or in such other place as is fixed by by-law of the Company passed at any annual or special meeting of shareholders 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 Shelley Station on the Canadian Pacific Railway in the Province of Manitoba, in a north-easterly direction to a point at or near White Mud Lake on the Winnipeg River.

Provisional directors.

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

Capital stock and calls thereon.

6. The capital stock of the Company shall be one 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 centum on the shares subscribed.

Annual general meeting.

7. The annual general meeting of the shareholders shall be held on the first Wednesday in February 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 four persons to be directors of the Company, one or more of whom may be paid directors of the Company.

Amount of bonds &c., limited.

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

No. 52.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL.

An Act to incorporate the Lac Seul Railway Company.

Received and read a first time, Wednesday, 20th February, 1889.
Second reading, Friday, 22nd February, 1889.

(PRIVATE BILL.)

Mr. DALY.

OTTAWA:
For the Queen's Printer, &c.
A. SENÉCAL, Superintendent of Printing.
1889.

No. 53.] **BILL.** [1889.

An Act for the protection of persons employed by contractors engaged in the construction of railways under Acts passed by the Parliament of Canada.

WHEREAS grievous frauds and criminal evasions of contracts with laborers and workmen employed by contractors and sub-contractors engaged in the construction of railways are not infrequent, and it is expedient to provide better safeguards for the protection of laborers employed as aforesaid: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. Any railway company, now or hereafter incorporated under the authority of any Act of the Parliament of Canada, may stipulate and provide, in any contract between the company and any person or persons contracting with the company for the construction of the whole or any part or section of the railway of the company, or for the reconstruction or repair thereof, that the laborers and workmen employed in such construction or reconstruction or repair shall be paid daily, weekly or monthly, according to the terms of hire or agreement made with them. Payment of laborers may be stipulated in contracts.

2. Any railway company contracting with any person or persons, as aforesaid for the construction, reconstruction or repair of their railway or any part thereof may, in default of any stipulation or provision for the payment of laborers or workmen in such contract, withhold payment to their contractors until all moneys then due and owing to laborers and workmen have been paid. If laborers are not paid, payment of contractor withheld.

3. Every railway company, incorporated by Parliament and contracting as aforesaid, shall ascertain from time to time, by agent or otherwise, that all arrears due to laborers and workmen have been paid by their contractors, before making final payment to or settlement with them. Company shall inquire.

4. If any such railway company whose contractors or sub-contractors are in arrears with their laborers or workmen do or shall after notice thereof by letter addressed to the secretary or president, at the principal office of the company in Canada, pay over moneys then due or payable to their contractors, without providing for payment of the arrears, the railway company shall thereupon become and be liable to pay the same as a debt due from the company to the said laborers and workmen. Liability of the company.

Decision of court; when to be awaited.

5. If the amount claimed to be due by the laborers and workmen from the contractors or sub-contractors is disputed or denied by them, and notice thereof given to the company, the company shall withhold payment until the question or issue is decided by a competent court; and the company shall thereupon pay over to the laborers and workmen the amount declared to be payable to them, provided the amount so recovered is then still due to the contractors by the company.

No. 53.

3rd Session, 6th Parliament, 52 Victoria, 1889.

B I L L.

An Act for the protection of persons employed by contractors engaged in the construction of railways under Acts passed by the Parliament of Canada.

Received and read first time, Wednesday, 20th February, 1889.
Second reading, Friday, 22nd February, 1889.

MR. PURCELL.

OTTAWA:
For the Queen's Printer, &c.
A. SENÉCAL, Superintendent of Printing.
1889.

No. 54.] **BILL.** [1889.

An Act to amend the Revised Statutes, chapter seventy-seven, respecting the Safety of Ships.

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

Short title.

1. This Act may be cited as "*The Shipping and Cargoes Amendment Act*, 1889."

Interpretation.

2. In this Act the expression "grain" includes corn, wheat, rye, barley, oats, peas and all other grain; and the expression "grain cargo" means a cargo of which the portion consisting of grain is more than one-third of the registered tonnage of the ship carrying it; and such third shall be computed, where the grain is reckoned in measures of capacity, at the rate of one hundred cubic feet for each ton of registered tonnage, and where the grain is reckoned in measures of weight, at the rate of two tons weight for each ton of registered tonnage.

UNSEAWORTHY SHIPS.

Section 6 of R.S.C., c. 77 repealed; new provision.

3. Section six of chapter seventy-seven of the Revised Statutes of Canada is hereby repealed and the following substituted therefor:—

Sending an unseaworthy ship to sea, a misdemeanor.

"**6.** Every owner, managing owner, agent or other person who sends or attempts to send or is a party to sending a ship, registered in Canada, to sea or on a voyage on any of the inland waters of Canada, or on a voyage from any port or place on the inland waters of Canada to any port or place on the inland waters of the United States, or on a voyage from any port or place on the inland waters of the United States to any port or place on the inland waters of Canada, in such unseaworthy state that the life of any person is likely to be endangered thereby or by reason of overloading or underloading or improper loading, or by reason of being insufficiently manned or from any other cause, is guilty of a misdemeanor, unless he proves that he used all reasonable means to insure her being sent to sea or on such voyage in a seaworthy state, or that her going to sea or on such voyage in such unseaworthy state was, under the circumstances, reasonable and justifiable; and for the purpose of giving such proof, the owner, managing owner, agent or other person may give evidence in the same manner as any other witness:

Liability of master in such case.

"2. Every master of a ship registered in Canada, who knowingly takes the same to sea, or on a voyage on any of the inland waters of Canada, or on a voyage from any port or place on the inland waters of Canada to any port or place on the inland waters of the United States, or on a voyage from any port or place in the United States to any port or place on the inland waters of Canada, in such unseaworthy state that the life of any person is likely to be endangered thereby, or by reason of overloading or underloading or improper loading, or by reason of being insufficiently manned or from any other cause, is guilty of a misdemeanor, unless he proves that her going to sea or on such voyage in such unseaworthy state was, under the circumstances, reasonable and justifiable; and for the purpose of giving such proof he may give evidence in the same manner as any other witness:

Consent to prosecution.

"3. No prosecution under this section shall be instituted except by or with the consent of the Minister:

No summary conviction.

"4. A misdemeanor under this section shall not be punishable upon summary conviction."

DECK LOADS.

Section 7 amended.

4. Sub-section one of section seven of the said Act is hereby amended by striking out the words "port in Canada to any port in Europe" in the third line thereof, and inserting the words "port or place in Canada to any port or place out of Canada not being a port or place in the United States, Newfoundland, St. Pierre, Miquelon, the West Indies or South America" in lieu thereof:

The same.

2. Sub-section three of the said section seven is hereby amended by inserting the words "or South America" after the words "West Indies" in the fourth line of the said sub-section.

GRAIN CARGOES.

Grain cargoes to be secured.

5. No grain cargo shall be carried on board any ship registered in Canada, unless such grain cargo is contained in bags, sacks or barrels, or properly secured from shifting by boards or otherwise:

Penalty for contravention.

2. If shifting boards have not been used, or other proper precautions to prevent a grain cargo from shifting have not been taken, in the case of any ship registered in Canada and laden with a grain cargo, the master of the ship, and any agent of the owner who was charged with the loading of the ship or the sending her to sea, shall each be liable to a penalty not exceeding one thousand dollars, and the owner or managing owner of the ship shall also be liable to the same penalty unless he shows that he took all reasonable means to enforce the observance of this section and that he was not privy to the breach thereof.

Exception.

Examination by Customs officer.

6. When any ship registered in Canada arrives at her port of discharge in Canada with a grain cargo, any Customs

officer may proceed on board and, when practicable, examine into the manner in which the cargo was stowed ; and every person in charge of such ship, at the time of the examination, shall render such officer all reasonable assistance ; and every person who impedes or obstructs such officer, or attempts to prevent or refuses to permit his making such examination, or who being in charge of the vessel refuses to render such officer reasonable assistance in making such examination, shall for each offence incur a penalty not exceeding two hundred dollars.

Penalty for obstruction.

7. Penalties under either of the two sections next preceding may be recovered upon summary conviction.

Summary conviction.

8. In every contract of service, express or implied, between the owner of a ship and the master or any seaman thereof, and in every instrument of apprenticeship whereby any person is bound to serve as an apprentice on board any ship, there shall be implied, notwithstanding any agreement to the contrary, an obligation on the owner of the ship, that the owner of the ship, and the master, and, every agent charged with the loading of the ship, or the preparing thereof for sea, or the sending thereof to sea, shall use all reasonable means to insure the seaworthiness of the ship for the voyage at the time when the voyage commences, and to keep her in a seaworthy condition for the voyage during the same : Provided, that nothing in this section shall subject the owner of a ship to any liability by reason of the ship being sent to sea in an unseaworthy state where, owing to special circumstances, the so sending thereof to sea is reasonable and justifiable.

Inference in contracts.

Proviso.

9. Nothing in this Act contained shall be deemed to modify or affect in any way the provisions of the Acts of Canada, thirty-fourth Victoria, chapter thirty-three, intituled : "*An Act to provide for the appointment of a Port Warden for the Harbor of Quebec;*" thirty-sixth Victoria, chapter eleven, intituled : "*An Act to amend the Acts relating to the Port Wardens at Montreal and Quebec* ;" and forty-fifth Victoria, chapter forty-five, intituled : "*An Act to amend and consolidate the Acts relating to the office of Port Warden for the Harbor of Montreal;*" or of chapter eighty-five of the Revised Statutes of Canada, intituled : "*An Act respecting Port Wardens* ;" but the provisions hereinbefore contained shall, as respects the ports to which the said Acts respectively apply, be construed as enacted in addition to and not in derogation of the said Acts.

Certain provisions not affected.

10. The foregoing provisions of this Act shall come into force on the first day of January, one thousand eight hundred and ninety.

Commencement of Act.

No. 54.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL.

An Act to amend the Revised Statutes, chapter seventy-seven, respecting the Safety of Ships.

Received and read a first time, Wednesday, 20th February, 1889.
Second reading, Friday, 22nd February, 1889.

Mr. TUPPER.

OTTAWA:
For the Queen's Printer, &c.
—
A. SENÉCAL, Superintendent of Printing.
—
1889.

No. 55. **BILL.** [1889.

An Act respecting Rules of Court in relation to Criminal Matters.

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

Rules of court may be made.

1. Every superior court in Canada may at any time, with the concurrence of a majority of the judges thereof, present at any meeting held for the purpose, make rules of court, not inconsistent with any statute of Canada, which shall apply to all proceedings by the Crown and to every prosecution, proceeding or action instituted in relation to any matter of a criminal nature, or resulting from or incidental to any such matter, and in particular for all or any of the purposes following:—

For what purposes.

(*a.*) For regulating the sittings of the court or of any division thereof, or of any judge of the court sitting in chambers;

(*b.*) For regulating any matters relating to the pleading, practice and procedure in the court, including the subjects of *mandamus*, *certiorari*, *habeas corpus*, prohibition, *quo warranto*, bail and costs;

(*c.*) Generally for regulating the duties of the officers of the court and every other matter deemed expedient for better attaining the ends of justice and carrying the provisions of the law into effect.

Copies for Parliament.

2. Copies of all rules made under the authority of this Act shall be laid down before both Houses of Parliament at the session next after the making thereof.

No. 55.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL.

An Act respecting Rules of Court in relation to Criminal Matters.

Received and read first time, Thursday, 21st February, 1889
Second reading, Friday, 22nd February, 1889.

Sir JOHN THOMPSON.

OTTAWA:
For the Queen's Printer, &c.

A. SENÉCAL, Superintendent of Printing.

1889.

No. 56.] **BILL.** [1889.

An Act to place on the Free List articles of merchandise, the production of which are controlled by Trusts and Combinations.

WHEREAS it is expedient, in the public interest, to suppress the evils arising from trusts or combinations for the purpose of regulating or controlling the production or price of merchandise, manufactures, commodities or products : Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :— Preamble.

1. Whenever an import duty is imposed by law on any merchandise, manufacture, commodity or product, which is manufactured or produced in Canada to an amount exceeding two hundred thousand dollars, and over eighty per cent. of the aggregate value of the amount manufactured or produced in Canada is manufactured or produced by persons, partnerships or corporations who are parties to any agreement, combination or trust for the purpose of regulating or controlling the production or price of such merchandise, manufacture, commodity or product, such merchandise, manufacture, commodity and product shall, during the continuation of such agreement or agreements, combination or combinations, trust or trusts, be admitted into Canada free of duty. Certain articles to be admitted free of duty in case specified.

2. In order to determine whether any merchandise, manufacture, commodity or product shall be admitted free under the foregoing provision, it shall be the duty of the Treasury Board, when information is received by the Minister of Finance of the existence of such agreement, combination or trust, to investigate the facts with reference to it, having given public notice of the time and place of such investigation ; and the Treasury Board shall, for the purposes of this Act, have the same power to enforce the attendance of witnesses, and to compel them to give evidence, as is vested in any court of record in civil cases. Proceedings to ascertain existence of combination, &c. Evidence.

3. If upon such investigation it appears that the merchandise, manufacture commodity or product comes within the provisions of the Act, the Governor General shall, by his proclamation, order such merchandise to be admitted into Canada free of import duty. Proclamation if combination exists.

4. Whenever such agreement, combination or trust to the extent aforesaid ceases to exist, the Governor Gen- And when it ceases to exist.

eral shall, upon the report of the Treasury Board to that effect, give notice thereof by proclamation, and thereafter the duty otherwise provided by law shall be collected on such merchandise, manufacture, commodity or product.

No. 56.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL.

An Act to place on the Free List articles of merchandise, the production of which are controlled by Trusts and Combinations.

Received and read a first time, Thursday, 21st February, 1889.
Second reading, Friday, 22nd February, 1889.

Mr. EDGAR.

OTTAWA:
For the Queen's Printer, &c.

A. SENÉCAL, Superintendent of Printing.

1889.

No. 57.] **BILL.** [1889.

An Act to incorporate the Cobourg, Northumberland and Pacific Railway Company.

Preamble.

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:—

Incorporation.

1. Samuel Clarke, John Bowman, William Webster, Thomas Carlow, Artemus Blodgett, James Crossen, Robert Mulholland, William Kerr and Roderick Pringle, together with such persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of "The Cobourg, Northumberland and Pacific Railway Company," hereinafter called the Company.

Corporate name.

Head office.

2. The head office of the Company shall be in the town of Cobourg.

Line of railway described.

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 Cobourg Harbor to a point at or near the mining region in the Township of Marmora, crossing the Trent River, and to a point of junction with the Ontario and Quebec branch of the Canadian Pacific Railway.

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 and calls thereon.

5. The capital stock of the Company shall be five hundrd 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 centum on the shares subscribed.

Annual general meeting.

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

Number of directors.

7. At such meeting the subscribers for the capital stock assembled who have paid all calls due on the 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 sureties to the extent of six 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 other companies.

9. The Company may enter into an agreement with the Canadian Pacific Railway Company for conveying or leasing to it 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 been approved by the Governor in Council :

Sanction of the shareholders.

And of the Governor in Council.

Notice of application for approval.

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

Holding of stock by municipal corporations.

10. Section thirty-eight of "*The Railway Act*" shall not be incorporated with this Act ; but municipal corporations in any Province in Canada, duly empowered so to do by the laws of the Province, and subject to the limitations and restrictions in such laws prescribed, may subscribe for any number of shares in the capital stock of the Company, and the mayor, warden, reeve or other head officer of any such corporation holding stock to the amount of twenty thousand dollars or upwards shall be *ex officio* one of the directors of the Company together with any other persons the councils of such municipality nominate, thereby giving one *ex officio* director for every twenty thousand dollars of stock subscribed by such municipality, and on which all calls due have been paid, in addition to the number of directors authorized by section seven of this Act.

Representation of corporations.

No. 57.

3rd Session, 6th Parliament, 52 Victo

BILL.

An Act to incorporate the Northumberland and Pacific Company.

Received and read first time, Fri February, 1889.
Second reading, Monday, 25th Febru

(PRIVATE BILL.)

Mr. GU

OTTAWA:
For the Queen's Printer, &c.
A. SENÉCAL, Superintendent of P
1889.

No. 58] **BILL.** [1889

An Act respecting the Berlin and Canadian Pacific Junction Railway Company.

Prermble.

WHEREAS the Berlin and Canadian Pacific Junction Railway Company has, by its petition, prayed that the Act of incorporation of the said Company, passed in the session held in the fiftieth and fifty-first years of Her Majesty's reign, chaptered eighty-nine, may 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 :—

50-51 V., c. 89.

Section 2 repealed; new section.

1. The second section of the said Act is hereby repealed and the following section substituted therefor :

Line of railway described.

"**2.** The Company may lay out, construct and operate a railway from some point in the town of Berlin, in the County of Waterloo, to some point at or near Dumfries Station, or at or near Galt Station, on the Credit Valley Railway (now leased to or under the management or control of the Canadian Pacific Railway Company) in the said County of Waterloo, and may extend the same northward from the said town of Berlin to connect with the Credit Valley Railway at Elora, or with any other railway under the management of the Canadian Pacific Railway Company north of the said town of Berlin."

Time for construction extended.

2. The twenty-first section of the said Act is hereby repealed, and in lieu thereof it is hereby enacted that the railway shall be commenced within three years and completed within five years from the passing of this Act.

No. 58.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL.

An Act respecting the Berlin and Canadian Pacific Junction Railway Company.

Received and read a first time, Friday, 22nd February, 1889.
Second reading, Monday, 25th February, 1889.

(PRIVATE BILL.)

Mr. BOWMAN.

OTTAWA:
For the Queen's Printer, &c.
A. SENÉCAL, Superintendent of Printing.
1889.

No. 59] **BILL.** [1889.

An Act respecting the South Ontario Pacific Railway Company.

Preamble.

WHEREAS the South Ontario Pacific Railway Company has, by its petition, represented that it has commenced its railway within the time prescribed therefor in its Act of incorporation, and has prayed for an extension of the time during which it may exercise the powers granted by that Act, 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:—

50-51 V., c. 85.

Time for completion extended.

1. Notwithstanding anything contained in Section thirty-one of the Act passed in the Session held in the fiftieth and fifty-first years of Her Majesty's reign, chaptered eighty-five, the Company may complete its railway within five years, and its bridge within seven years, from the passing of this Act, otherwise the powers granted by the said Act shall cease and be null and void as respects so much of the undertaking as then remains uncompleted.

No. 59.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL.

An Act respecting the South Ontario Pacific Railway Company.

Received and read first time, Friday, 22nd February, 1889.
Second reading, Monday, 25th February, 1889.

(PRIVATE BILL.)

Mr. SUTHERLAND.

OTTAWA:
For the Queen's Printer, &c.

A. SENÉCAL, Superintendent of Printing.

1889.

No. 60.] **BILL.** [1889.

An Act respecting Steam Vessels to be used in connection with the Canadian Pacific Railway.

Preamble.

WHEREAS the Canadian Pacific Railway Company has, by its petition, represented that under the authority conferred by its charter, it is desirous of acquiring ocean steamships of the first class for the purpose of establishing a steamship line across the Pacific Ocean in connection with its railway, and also other steam vessels, for use as lighters, or in connection with terminal points of its railway or otherwise, and for those purposes requires to have power to obtain financial aid in the acquisition of such steamships and other steam vessels, and has prayed that such powers be granted to 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, enacts as follows:—

Interpretation.

1. The expression "the Company" in this Act means the Canadian Pacific Railway Company.

Issue of bonds on vessels.

2. The Company being first authorized by a resolution passed at a special general meeting of its shareholders duly called for the purpose, may, from time to time, issue bonds in aid of the acquisition of any such steam vessels as by its charter it is authorized to acquire, not exceeding in amount the cost thereof, and the proceeds of such bonds shall be applied exclusively in aid of the acquisition by purchase or construction of such steam vessels, according to the terms and intention of such resolution, and each such resolution shall indicate by some general description the vessel or vessels, or the class of vessels, in respect of which it authorizes bonds to be so issued as aforesaid, and whether the same be then acquired, or are to be thereafter acquired, by the Company.

Mortgage deed thereon.

3. 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 shall be 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, vessels or class of vessels to which it relates, the rank and privilege to appertain to the bonds intended to be secured by it, the rights

and remedies to be enjoyed by the respective holders of such bonds, the mode of assuring the application of the proceeds of such bonds to the purposes for which they are to be issued, the rate of interest payable upon them, and the plan and time of payment of such interest and of the capital thereof, the creation of a sinking fund for the redemption of such bonds, and all the conditions, provisions and restrictions requisite for the effectual carrying out of the terms thereof, and for the protection of the holder of such bonds or debentures, 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, 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, vessels 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 in respect of which it shall be made.

Non-registration of deed.

4. Each issue of bonds intended to be secured by any one of such deeds of mortgage shall entitle the respective holders thereof to rank with each other *pari passu*, and it shall not be necessary to register such deed under any Act relating to the registration of ships, but a duplicate thereof shall be deposited and kept in the office of the Secretary of State of Canada, and the deposit of such duplicate shall have the same effect in protecting the rights of the parties thereto, and of all parties interested therein, as if the deed had been duly registered under such Act.

No. 60.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL.

An Act respecting Steam Vessels to be used in connection with the Canadian Pacific Railway.

Received and read first time, Friday, 22nd February, 1889.
Second reading, Monday, 25th February, 1889.

(PRIVATE BILL.)

Mr. KIRKPATRICK.

OTTAWA:
For the Queen's Printer, &c.
A. SENÉCAL, Superintendent of Printing.
1889.

No. 61.] **BILL.** [1889

An Act to incorporate "The Manitoba and South Eastern Railway Company."

Preamble.

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:—

Incorporation.

1. Thomas Horsefield Carman, of the city of Winnipeg, in the Province of Manitoba, contractor; Roger Marion, of St. Boniface, mayor; Edmund Trudel, of the same place, journalist; James O'Connor, of the same place, hotel keeper; William R. Sinclair, of the same place, contractor; James Flanagan, of the same place, commission merchant, and Robert Bullock, of the town of Selkirk, in the Province of Manitoba, merchant, together with such other persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of "The Manitoba and South Eastern Railway Company," hereinafter called the Company.

Corporate name.

Head office.

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

Line of railway described.

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 city of Winnipeg in a southerly or south-easterly direction to a point on the international boundary line between ranges eight and sixteen east of the first principal meridian, in the Province of Manitoba, with branch lines from points on the main line of the said railway to the towns of Selkirk and Morris in the said Province.

Provincial directors.

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

Capital stock and calls thereon.

5. The capital stock of the Company shall be four 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 centum on the shares subscribed.

Annual general meeting.

6. The annual general meeting of the shareholders shall be held on the first Tuesday in February 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 six 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.

9. [The Company may construct, equip and operate a telegraph line or telegraph lines along and in connection with said lines of railway for commercial purposes.]

Agreements with other companies.

10. The Company may enter into an agreement with any 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 it has also been approved by the Governor in Council :

Sanction of the shareholders.

And of the Governor in Council.

Notice of application for approval.

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

No. 61.

3rd Session, 6th Parliament, 52 Vict

BILL.

An Act to incorporate the Mar
South Eastern Railway Co

Received and read first time, Fr
February, 1889.
Second reading, Monday, 25th Febr

(PRIVATE BILL.)

Mr. LAR

OTTAWA:
For the Queen's Printer, d
A. SENÉCAL, Superintendent of
1889.

No. 62.] **BILL.** [1889.

An Act to incorporate the Lake Manitoba Railway and Canal Company.

WHEREAS a petition has been presented praying for the incorporation of a Company to construct and operate a railway, as hereinafter set forth, [and to improve and connect the water communication between Lakes Manitoba and Winnipegoosis and the North Saskatchewan River by the construction and maintenance of canals, and to own and operate steam or other vessels to ply upon the said lakes, rivers and canals] 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. M. P. Davis, John Graham, A. J. MacNab, Guy C. Noble, H. Lurge and William H. Davis, together with such persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of "The Lake Manitoba Railway and Canal Company," hereinafter called the Company. Incorporation. Corporate name.

2. The head office of the Company shall be in the town of Portage la Prairie, in the County of Marquette, in the Province of Manitoba. 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 town of Portage la Prairie, in the Province of Manitoba, running in a northerly or north-westerly direction to deep water at the southern boundary of Lake Manitoba. Line of railway described.

4. [The Company may improve and connect the water communication, for the purposes of traffic and navigation, between Lakes Manitoba and Winnipegoosis and the North Saskatchewan River, by the construction and maintenance of canals, and may erect and maintain dams for the purposes of such canals.] Canals.

5. [The Company may purchase, build, complete, fit out and charter, sell and dispose of, work and control and keep in repair steam or other vessels, from time to time, to ply on the lakes, rivers and canals of the Province of Manitoba and the North-West Territories of the Dominion of Canada, in connection with the said railway ; and may also make arrangements and agreements with steamboat and vessel Steam and other vessels.

proprietors, by chartering or otherwise, to ply upon the said lakes, rivers and canals, in connection with the said railway.]

Powers as to water lots, elevators, wharves, &c.

6. [The Company, at any point where the railway, or any branch thereof, approaches within two miles of any navigable waters, may purchase and hold as its own absolute property, piers, docks and water lots ; and upon the said water lots and in and over the waters adjoining the same, may build and erect elevators, storehouses, engine-houses, sheds, docks, piers and other structures for the use of the Company, and of the steam and other vessels owned, worked or controlled by the Company, or of any other steam or other vessels ; and may collect wharfage and and store charges for the use of the same ; and may erect, build and maintain all moles, piers, wharves and docks necessary and proper for the protection of such works, and for the accommodation and convenience of vessels entering, leaving, lying, loading and unloading within the same ; and may dredge, deepen and enlarge such works ; and in its discretion may sell, lease or convey the said piers, docks water lots, elevators, storehouses, warehouses, engine-houses, sheds, and other erections, or any thereof, or any portion thereof :

Navigation not to be obstructed.

Plans to be submitted to Governor in Council.

2. No such work or any part thereof shall be constructed so as in any way to materially obstruct navigation or the flow of water on any navigable river ; and the Company shall not commence the construction of any wharf, dock or pier on any navigable water until the plans and site of each such wharf, dock or pier have first been submitted to and approved of by the Governor in Council.]

Provisional directors.

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

Capital stock and calls thereon.

8. The capital stock of the Company shall be 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 centum on the shares subscribed.

Issue of paid up stock.

9. [The directors of the Company elected by the shareholders may make and issue, as paid up stock, shares in the Company, whether subscribed for or not, and may allot and hand over such stock in payment for the services of the promoters or other persons employed by the directors for the purpose of assisting the directors in the furtherance of the undertaking, whether such promoters or other persons be provisional directors or not ; and such issue and allotment shall be binding on the Company, and such stock shall not be assessable for calls.]

First meeting of shareholders.

10. [The first meeting of the shareholders for the election of directors shall be held at such place in the city of Ottawa, in the Province of Ontario, as the provisional directors determine :]

2. The annual general meeting of the shareholders shall be held on the first Thursday in June in each year. Annual general meeting.

11. At such meetings 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 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 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 on railway.

[**13.** The Company may also issue bonds, debentures or other securities to the extent of five hundred thousand dollars, on the canal constructed between Lakes Manitoba and Winnipegoosis.] Amount of bonds on canal.

No. 62.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL.

An Act to incorporate the Lake Manitoba Railway and Canal Company.

Received and read first time, Friday, 22nd February, 1889.
Second reading, Monday, 25th February, 1889.

(PRIVATE BILL.)

Mr. WATSON.

OTTAWA:
For the Queen's Printer, &c.
—
A. SENÉCAL, Superintendent of Printing.
—
1889.

No. 63.] **BILL.** [1889.

An Act to enable the City of Winnipeg to utilize the Assiniboine River water power.

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

1. The City of Winnipeg may undertake, construct, excavate, build and otherwise complete and maintain all works, canals, dams, mill races, gates, locks, buildings, machines and all other things necessary to obtain or make use of the water power of the Assiniboine River. Power to construct certain works.

2. The said city may use such water power for any civic purposes. Water power for civic purposes.

3. The said city may make arrangements and frame tariffs of charges, tolls and rates for the use of the said water power; may enter into any agreement with any person or company thereto lawfully authorized for leasing to them the said works or any part thereof; may enter into any agreement with any person or company for the working of the said dams, locks, machines and other works, on such terms and conditions as are agreed on; and generally may make any agreement with any person or company touching the use by one or the other or by both of the plant of either or both, or any part thereof, or touching any service to be rendered by the one to the other, and the compensation therefor, and any such agreement shall be valid and binding according to the terms and tenor thereof; and the person or company leasing or entering into an agreement for using the said works may work the same in the same manner and in all respects as if incorporated by this Act, and may exercise, so far as the same are applicable, all the rights, powers and privileges by this Act conferred: Provided, that every such lease or agreement is first sanctioned at a general meeting of the council of the said city Tolls. Lease of works. Use of plant, &c. Rights vested in lessee. Proviso: sanction of city council.

4. The said city may make and enter into contracts with any person for the construction of any of the said works, and may assign, lease or sell its rights to construct and own the said works, or any part of the same, with the right to use and enjoy the said water power. Transfer of right to construct works.

5. The works hereby authorized shall not be proceeded with in any way which may obstruct the navigation of the said river, until plans indicating such works as may so obstruct the navigation have been submitted to and approved of by the engineer. Navigation not to be obstructed.

No. 63.

3rd Session, 6th Parliament, 52 Victoria, 1889

BILL.

An Act to enable the City of Winnipeg to utilize the Assiniboine River water power.

Received and read first time, Friday, 22nd February, 1889.
Second reading, Monday, 25th February, 1889.

(PRIVATE BILL.)

Mr. WATSON.

OTTAWA:
For the Queen's Printer, &c.

A. SENÉCAL, Superintendent of Printing.

1889.

No. 63.] **BILL.** [1889.

An Act to enable the City of Winnipeg to utilize the Assiniboine River water power.

(Reprinted as amended by the Sub-Committee of the Railway Committee to whom it was referred.)

Preamble.

WHEREAS the City of Winnipeg has, by its petition, in effect prayed to be granted certain rights over the Assiniboine River, in the Province of Manitoba, for the purpose of utilizing and making available the water power of the said river for supplying the said city with water and light and for other purposes, and as the said river is a navigable river, the said city desires to obtain authority from the Parliament of Canada to utilize the water of the said river 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:—

Power to construct certain works.

1. The City of Winnipeg may use and make available the water power of the said Assiniboine River for supplying the said city with water and light and for other purposes, and may construct all necessary works therefor.

Approval of Governor in Council required.

2. No work for utilizing or rendering available the water of the said river for the purposes aforesaid shall be commenced or proceeded with until the said City of Winnipeg has submitted to the Governor in Council plans of the said works and of all the intended works thereunto appertaining, nor until the plans and the site of the said works have been approved of by the Governor in Council and such conditions as he thinks fit to impose for securing the free navigation of the said river and the public good have been complied with; nor shall any such plan be altered or any deviation therefrom be allowed except by the permission of the Governor in Council and upon such conditions as he imposes.

Alterations may be required by Governor in Council.

3. The Governor in Council may, from time to time, notwithstanding the approval of any plans or works, require the same to be altered, or other works to be added or substituted, so as to make the works effective for the purposes intended, and so as to protect as far as possible the public interests and the rights which may be affected by the exercise of the powers conferred by this Act.

Rights saved.

4. Nothing herein contained shall be construed to limit or interfere with the rights of any person or corporation whose property may be injuriously affected by the exercise of any of the powers conferred by this Act.

No. 63.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL.

An Act to enable the City of Winnipeg to utilize the Assiniboine River water power.

(Reprinted as amended by the Sub-Committee of the Railway Committee to whom it was referred.)

(PRIVATE BILL.)

Mr. WATSON.

OTTAWA:
For the Queen's Printer, &c.
—
A. SENÉCAL, Superintendent of Printing.
—
1889.

No. 64.] **BILL.** [1889.

An Act respecting the St. Lawrence and Atlantic Junction Railway Company.

Preamble.

WHEREAS a petition has been presented, praying for an extension of the respective periods within which the St. Lawrence and Atlantic Junction Railway Company may commence and complete the line of railway mentioned in its Act of incorporation, forty-ninth Victoria, chapter seventy-eight, 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 :—

49 V., c. 78.

Time for construction extended.

1. The Company may commence the railway described in its Act of incorporation within two years, and may complete it within seven years, from the passing of this Act ; and unless the railway is commenced and completed within the times mentioned in this section, the powers granted by the said Act of incorporation shall cease and be null and void as respects so much of the railway as then remains uncompleted.

No. 64.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL.

An Act respecting the St. Lawrence and Atlantic Junction Railway Company.

Received and read a first time, Friday, 22nd February, 1889.
Second reading, Monday, 25th February, 1889.

(PRIVATE BILL.)

Mr. Hall.

OTTAWA:
For the Queen's Printer, &c.
A. Senécal, Superintendent of Printing.
1889.

No. 65.] **BILL.** [1889.

An Act respecting the Atlantic and North-West Railway Company.

Preamble.

WHEREAS the Atlantic and North-West Railway Company has, by its petition, represented that it has commenced its railway within the time prescribed therefor in its Act of incorporation, and has completed and put in operation the portion thereof lying between Mattawamkeag, in the State of Maine, and a point on the south side of the River St. Lawrence, a distance of about three hundred and twenty-three miles, and has prayed for an extension of the time within which it may complete the remainder of its railway; and has also represented that it has acquired as part of its said railway the lines or portions of the lines of other railway companies whose respective head offices are at places other than Montreal, and has prayed that each of such other railway companies be empowered to fix Montreal as the place where it shall have its head office and where the general meetings of its shareholders shall be held; 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:—

42 V., c. 65.
46 V., c. 63.
50-51 V., c. 69.

Limitation of time.

1. Notwithstanding anything contained in the Acts respecting the Company, it may complete its railway within five years after the passing of this Act, otherwise the powers granted by the said Acts shall cease and be null and void as respects so much of the railway as then remains uncompleted.

Head office of certain companies.

2. Any railway Company whose line of railway or a portion of whose line of railway has been acquired by the Atlantic and North-West Railway Company may, by by-law, fix Montreal as the place where its head office shall be located and where the general meetings of its shareholders shall be held.

No. 65.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL.

An Act respecting the Atlantic and North-West Railway Company.

Received and read first time, Friday, 22nd February, 1889.
Second reading, Monday, 25th February, 1889.

(PRIVATE BILL.)

Mr. HALL.

OTTAWA:
For the Queen's Printer, &c.
A. SENÉCAL, Superintendent of Printing.
1889.

No. 66.] **BILL.** [1889.

An Act to ratify an Exchange of Land between the Ontario and Quebec Railway Company and the Land Security Company.

Preamble.

WHEREAS the Ontario and Quebec Railway Company has, by its petition, prayed for the ratification of an exchange of land between the said Company and the Land Security 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:—

Conveyance confirmed.

1. The conveyance of land from the Ontario and Quebec Railway Company to the the Land Security Company by a deed bearing date the fifth day of September, one thousand eight hundred and eighty-eight, whereby a certain lot of land in the City of Toronto was conveyed to the Land Security Company in exchange for land of equal value conveyed by the Land Security Company to the Ontario and Quebec Railway Company, the said parcel of land being part of lot number twenty-nine in concession two from the Bay, formerly in the Township of York, but now in the City of Toronto, and which is described by metes and bounds in the said conveyance, which was duly registered in the Registry office for the City of Toronto, on the twenty-second day of December, one thousand eight hundred and eighty-eight, as number four thousand nine hundred and sixty F. in book F. ten, is hereby ratified and confirmed, and the said Land Security Company may take and hold the land, so conveyed to it, free and clear of all encumbrances created thereon by the Ontario and Quebec Railway Company.

No. 66.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL.

An Act to ratify an Exchange of Land between the Ontario and Quebec Railway Company and the Land Security Company.

Received and read first time, Friday, 22nd February, 1889.
Second reading, Monday, 25th February, 1889.

(PRIVATE BILL.)

Mr. SMALL.

OTTAWA:
For the Queen's Printer, &c.

A. SENECAL, Superintendent of Printing.

1889.

No. 67.] **BILL.** [1889.

An Act to incorporate the Assiniboine Water Power Company.

Preamble.

WHEREAS the persons whose names are hereinafter mentioned, and others, have, by their petition, prayed to be incorporated, with such other persons as shall be associated with them, as a Company under the name of "The Assiniboine Water Power Company," with certain powers hereinafter mentioned, and it is expedient to grant the prayer of their petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

1. James H. Ashdown, William W. Watson, Daniel E. Sprague, Archibald Wright, George D. Wood, James E. Steen, William Bathgate, Joseph E. Hannah and Frank A. Fairchild, all of the city of Winnipeg, in the Province of Manitoba, together with such other persons as become shareholders in the Company hereby incorporated, are hereby created a body corporate under the name of "The Assiniboine Water Power Company," hereinafter called the Company.

Corporate name.

Capital stock.

2. The capital stock of the Company shall be one million dollars divided into ten thousand shares of one hundred dollars each.

Provisional directors.

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

Election of directors.

4. When and so soon as one hundred thousand dollars of the said capital stock have been subscribed as aforesaid and five per centum thereon paid in, the provisional directors shall call a general meeting of shareholders for the election of seven directors, qualified as hereinafter provided, who shall constitute a board of directors, and who shall hold office until the first Monday in March, in the year following their election.

Powers.

5. The Company may—

Canals.

(*a.*) Excavate, construct and operate canals, mill races and water ways, with necessary locks to connect the Assiniboine River with Lake Manitoba, Lake Winnipegosis, and the Saskatchewan River,—utilize the water power of the Assiniboine River, and other rivers and lakes, by constructing, if necessary, a dam or dams across the said

Utilizing powers.

Assiniboine and other rivers,—construct and operate a mill race or aqueduct, for the purpose of providing water power for milling and manufacturing purposes, from a point on the Assiniboine River, at or near the head of the rapids in the Parish of St. James, in the Province of Manitoba, to a point on the same river at or near the foot of the said rapids, in the said Parish of St. James;

Steam and other vessels.

(*b*) Acquire, own, hold, charter, work and run steam or other vessels, upon the Assiniboine and Red Rivers, and the said canals, or any navigable waters connecting with the Red River, or having a connection with the said mill races, canals or aqueducts;

Mode of operating canals.

(*c.*) Make, complete, direct, widen, enlarge, alter, keep in repair and operate, all mill races, canals and aqueducts, by the power of water or by the force and power of steam or of the atmosphere, or of animals, or by mechanical power, or by any combination of them;

Electrical transmission of power.

(*d.*) Establish works for the generation of electricity for motive power or other purposes, own and operate water wheels, dynamos, motors, conductors, storage batteries and all other appliances for the conversion and transmission of power by electricity;

Lease of motors.

(*e.*) Sell and lease power and motors, and make by-laws for the regulation and inspection of the same;

Railway.

(*f*) Construct and operate a tramway, or railway, or underground cable railway, or electric railway, along the lines of, and adjoining their works; and operate the same by steam or water power, or to enter into an arrangement with any available railway company for the construction and operation of the same;

Mills.

(*g.*) Erect, maintain or lease flouring or other mills on any lands which the Company acquire;

Compressed air pipe-lines.

(*h.*) Lay down, construct and operate pipes for the purpose of conveying and transmitting compressed air for motive power purposes;

Mortgages may be held.

7. For the purposes and in the course of their business the Company may take securities on real estate and personal property.

Control of water power.

8. The water power created by the works of the Company shall not be used by any person without the consent of the Company.

Amount of bonds limited.

9. The amount of bonds or debentures issued by the Company shall not exceed two millions of dollars.

Investment of funds.

10. It shall be lawful for the Company to invest the capital stock, funds and moneys thereof temporarily or otherwise in Dominion, Provincial, municipal or foreign government securities, in bonds and mortgages, and the stocks of the moneyed institutions of the Dominion of

Canada and Great Britain, and to call in, change and reinvest the same as occasion from time to time, requires.

Head office.

11. The head office of the Company shall be in the City of Winnipeg; but it may be removed to any other place in Canada, provided that a by-law to that effect is approved of by the majority of the shareholders present at an annual general meeting or at a special general meeting called for the consideration of such by-law.

Trustee may be appointed.

12. The directors of the Company may appoint a trustee or trustees, to whom for safe keeping they may hand over all or any of the moneys, property, assets, securities or effects of the Company, or they may deposit the same for safe keeping with any chartered bank or other public company in Canada, subject, however, at all times, to the order and control of the directors.

Service of process on company.

13. Every office in Canada, at or in which the Company transacts its business or any portion thereof, shall be deemed to be a domicile of the Company, so that if any cause of action or suit arises against the Company within the Province or Territory in which such domicile is situate, service of any writ or process in such action or suit may be validly made upon the Company at such domicile, by delivering the same to the person then in charge of such place of business.

The Railway Act and The Companies Clauses Act to apply.

14. "*The Railway Act*" and "*The Companies Clauses Act*" shall, so far as applicable and when not inconsistent with this Act, apply to the Company hereby incorporated and to the undertaking of the Company.

No. 67.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL.

An Act to incorporate the "Assiniboine Water Power Company."

Received and read first time, Friday, 22nd February, 1889.
Second reading, Monday, 25th February, 1889.

(PRIVATE BILL.)

Mr. Ross.

OTTAWA:
For the Queen's Printer, &c.

A. Senécal, Superintendent of Printing.

1889.

No. 67.] **BILL.** [1889.

An Act to incorporate the Assiniboine Water Power Company.

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

Preamble.

WHEREAS the persons whose names are hereinafter mentioned, and others, have, by their petition, prayed to be incorporated, with such other persons as shall be associated with them, as a Company under the name of "The Assiniboine Water Power Company," with certain powers hereinafter mentioned, and it is expedient to grant the prayer of their petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

1. James H. Ashdown, William W. Watson, Daniel E. Sprague, Archibald Wright, George D. Wood, James E. Steen and William Bathgate, all of the city of Winnipeg, in the Province of Manitoba, together with such other persons as become shareholders in the Company hereby incorporated, are hereby created a body corporate under the name of "The Assiniboine Water Power Company," hereinafter called the Company; and the works hereinafter authorized are declared to be for the general advantage of Canada.

Corporate name.

Provisional directors.

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

Capital stock and calls thereon.

3. 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 centum on the shares subscribed.

Annual general meeting.

4. The annual general meeting of the shareholders shall be held on the first Monday in March in each year.

Election of directors.

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

Powers.

6. The company may—

Canal.

(*a.*) Excavate, construct, operate, keep in repair and enlarge a canal with necessary locks to connect the Assiniboine River with Lake Manitoba;

Steam and other vessels.

(*b.*) Acquire, own, hold, charter, work and run steam and other vessels, upon the Assiniboine and Red Rivers and the said canal, or any navigable waters connecting with the Red River, or having a connection with the said canal;

Railway.

(*c*) Construct and operate a tramway, or railway, or underground cable railway, or electric railway, along the lines of, and adjoining their works, and operate the same by steam or water power, or enter into an arrangement with any available railway company for the construction and operation of the same;

Mills.

(*d.*) Erect, maintain or lease flouring or other mills on any lands which the Company acquire;

Contract respecting works.

(*e.*) Enter into a contract or make arrangements with any person or corporation having power so to do, for constructing, using, leasing and operating works for rendering the water power of the Assiniboine River available;

Tolls.

(*f.*) Collect such tolls from vessels and steamers passing through the said canal as are from time to time fixed by the by-laws of the Company; and the tariff of such tolls shall be submitted to and approved of by the Governor in Council before any such tolls or charges are exacted or recovered; and such tariff may be revised and altered from time to time by the Governor in Council, and the tolls and charges imposed thereunder shall be imposed uniformly on all persons and corporations using the said canal.

Plans and site to be approved by Governor in Council.

7. No work for the construction and operation of the said canal shall be commenced or proceeded with until the plans and the site of the said works have been approved of by the Governor in Council and such conditions as he thinks fit to impose for securing the free navigation of the said river and the public good have been complied with; nor shall any such plan be altered or any deviation therefrom be allowed except by the permission of the Governor in Council and upon such conditions as he imposes.

Amount of bonds, &c., limited.

8. The amount of bonds or debentures issued by the Company shall not exceed two millions of dollars.

Head office.

9. The head office of the Company shall be in the City of Winnipeg; but it may be removed to any other place in Canada, provided that a by-law to that effect is approved of by the majority of the shareholders present at an annual general meeting or at a special general meeting called for the consideration of such by-law.

The Railway Act and The Companies Clauses Act to apply.

10. "*The Railway Act*" and "*The Companies Clauses Act*" shall, so far as applicable and when not inconsistent with this Act, apply to the Company hereby incorporated and to the undertaking of the Company.

Time for construction.

11. The works authorized by this Act shall be commenced within three years and completed within six years from the passing of this Act; otherwise the rights and powers herein conferred shall cease and determine.

No. 67.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL.

An Act to incorporate the "Assiniboine Water Power Company."

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

(PRIVATE BILL.)

Mr. Ross

OTTAWA:
For the Queen's Printer, &c.
A. SENÉCAL, Superintendent of Printing.
1889.

No. 68.] **BILL.** [1889.

An Act respecting the Canadian Pacific Railway Company.

Preamble.

WHEREAS the Canadian Pacific Railway Company has, by its petition, represented that its railway system is composed of various railways, principally lying within the Dominion of Canada, each of which it now holds and operates, either as owner or lessee; that it has entered into obligations in respect thereof, in some cases for debts and securities created by other parties upon such railways and assumed by it as part of the price of acquisition thereof, in some cases for the rental of leased railways, payable to the holders of shares and securities issued by the lessors, and in other cases for charges created by itself upon the railways owned by it, such obligations bearing different rates of interest, being payable at different periods respectively, and being described in detail in the schedule to this Act appended; that for the purpose of consolidating its said obligations, and for the other purposes in its said petition and hereinafter described, it desires to issue consolidated debenture stock, bearing interest at a rate not exceeding four per cent per annum, and constituting a charge upon its entire railway system; that it now has power, in aid of the construction of branch lines, to issue bonds secured by a first mortgage thereon, and that it is expedient that it be authorized to issue consolidated debenture stock in aid of the acquisition, by construction or otherwise, of any branch or extension of any of the railways held and operated by it, instead of creating bonds thereon; and whereas it has prayed for authority to consolidate its said indebtedness and to make the said issues of consolidated debenture stock, upon such conditions and with such powers as Parliament deems fit, 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:—

Short title.

1. "This Act may be cited as "The Canadian Pacific Railway Act, 1889."

Interpretation.

2. The expression "the Company" when used in this Acts means the Canadian Pacific Railway Company, as now constituted.

Consolidated debenture stock may be issued.

3. The Company may, from time to time, under the authority of a special general meeting of its shareholders duly called for the purpose, issue consolidated debenture stock, payable either in Canadian currency or in sterling

money of Great Britain, and bearing a rate of interest not exceeding four per cent per annum, which consolidated debenture stock shall, subject to the priorities created in respect of charges existing at the time of such issue and to the payment of working expenses as at present defined by law, become a first charge upon and over the whole of the undertaking, railways, works, rolling stock, plant, property and effects of the Company, including all the rights of the Company in the several railways held by it under lease and all branches or extensions of the said railways now held by the Company either as lessees or proprietors thereof as well as those hereafter acquired or constructed by the Company; but the charge created by such stock on any branch or extension of any railway, or any part thereof, held and operated by the Company and lying in whole or in part beyond the international boundaries of the Dominion shall be according to the law of the State in which such branch or extension or portion thereof is situate:

Apportionment.

2. The amount of consolidated debenture stock which may be so issued by the Company shall be composed of,—

(*a.*) Such amounts as are issued and the proceeds thereof used in satisfying the said existing obligations or in acquiring the stock or other security in respect of which they exist;

(*b.*) Such further amounts, the annual interest upon which, in addition to the annual interest upon the consolidated debenture stock issued under the next preceding paragraph together with the annual interest, dividends and rentals, as the case may be, payable in respect of so much of the said existing obligations as are still outstanding, shall not exceed the existing annual charges on the Company set out in the schedule to this Act, namely the sum of four million three hundred and sixty five thousand and twenty-nine dollars, or its equivalent in sterling money;

(*c.*) Such further amounts as are required for the construction or acquisition of any branch railway or extension which the Company is authorized to construct or acquire in connection with any railway held and operated by it, not exceeding, however, in the case of any such branch or extension the limit mentioned in the Act of the Parliament of Canada, fifty-first Victoria, chapter fifty-one;

(*d.*) And also a further amount to be issued for the improvement of the railways held and operated by the Company, including double tracks, sidings, permanent bridges, grain elevators, warehouses, workshops, wharves and grounds, and for additions to its plant and equipment, not exceeding in the aggregate five hundred pounds sterling per mile of such railways.

Application.

4. The consolidated debenture stock authorized to be issued under sub-sections (*a*), (*b*), (*c*) and (*d*) of the last preceding section of this Act respectively, and the proceeds thereof if sold, shall be used exclusively for the purposes

mentioned in the said several sub-sections respectively and for no other purposes whatever.

Security of holders.

5. So long as any portion of any one of the said obligations set out in the schedule to this Act is not satisfied, or the stock or other security in respect of which such obligation exists is not acquired under the provisions hereof, the portion of such obligation, if any, which has been satisfied and the portion of such stock or other security which has been acquired shall be held by the Company as still subsisting and continuing as a security *pro tanto* for the benefit of the holders of the said consolidated debenture stock in the same way in all respects as if the portion so satisfied or acquired had been duly transferred to and was held by trustees for the benefit of the holders of the said consolidated debenture stock ; but unless and until default is made in payment of any interest on such stock, the revenue derived from the portion so redeemed, acquired or converted shall be considered as part of and included in the general revenue of the Company.

When only holders may vote.

6. The holders of the said consolidated debenture stock shall not have the right of voting thereon, unless and until the Company makes default in the payment of a portion of an instalment of the interest due thereon, constituting not less than ten per cent of such instalment of interest on the outstanding consolidated debenture stock, nor unless and until such default has continued for the space of ninety days :

In case of failure to pay interest.

2. But if such default occurs, and as often as it occurs and continues for ninety days, the holders of the entire amount of debenture stock issued and outstanding shall *ipso facto* have the right to vote thereon as shareholders, at all meetings of the shareholders of the Company, in the proportion of one vote for every one hundred dollars thereof (not including fractions of such sum) and shall have all the rights and powers of ordinary shareholders ; and from and after the period at which holders of the said consolidated debenture stock acquire such right, the ordinary shareholders or holders of the common stock shall cease to have the right to vote or act as shareholders of the Company :

Ordinary shareholders' rights shall cease.

When they shall revive.

3. But if at the end of any calendar year which elapses after such default the net earnings up to that date are sufficient to satisfy all interest in arrears, including the interest matured for and during that year, or, if not sufficient, if the shareholders pay the deficiency, then in either of such cases and thereafter the right of the holders of consolidated debenture stock to vote as aforesaid shall cease and the right of ordinary shareholders or holders of common stock to vote and act as shareholders shall revive and shall thereafter have full force and effect, but subject from time to time to all the provisions hereof in the event of a subsequent default in the payment of interest as aforesaid for ninety days.

By-laws respecting issue of such stock.

7. Previous to the issue of any of the consolidated debenture stock hereby authorized, the Company shall make by-laws prescribing the amounts in which, or in multiples of which, the said stock shall be issued, and the rate or respective rates of interest thereon, and whether different issues shall bear different rates of interest, if deemed expedient, and the dates and places at which such interest shall be payable, containing also provisions for the convenient transfer and registration of such consolidated debenture stock, which registration may be in classes if such stock is issued at different rates of interest (each class comprising only stock bearing one and the same rate of interest.) and the due exercise of the remedies of the holders thereof, and for all other matters incidental to the said issue, its protection and general management; and such by-laws shall form the basis of the issue of such consolidated debenture stock, and shall not be altered in any matter affecting the interests of the stockholders otherwise than as is therein provided; and a certified copy of such by-laws, authenticated by the seal of the Company, shall be deposited for reference in the office of the Secretary of State of Canada.

SCHEDULE.

Obligations.	Amount.		Rate of Interest.	Interest on Annual Charges.		Date of Maturity.
	£	$	per cent.	£	$	
Canadian Pacific Railway—First Mortgage Bonds	7,191,500	34,998,633	5	359,575	1,749,932	July 1, 1915.
Algoma Branch—First Mortgage Bonds	750,000	3,650,000	5	37,500	182,500	do 1, 1937.
Canada Central—First Morgage Bonds, original issue £500,000; interest to maturity on deposit with Dominion Government, amount £10,500, added each year and bonds retired, leaving amount to be paid at maturity		850,000		10,500	51,100	Sept. 1, 1899.
Canada Central—Second Mortgage Bonds	200,000	973,333	6	12,000	58,400	Nov. 1, 1910.
St. Lawrence and Ottawa—First Mortgage Bonds	200,000	973,333	4	8,000	38,933	June 15, 1910.
Manitoba South-Western Colonization Ry.—First Mortgage Bonds		2,544,000	5		127,200	do 1, 1934.
Atlantic and North-West—First Mortgage Bonds	1,330,000	6,472,667	5	66,500	323,633	Jan. 1, 1937.
do Guaranteed and Preferred Stock		3,240,000	5		162,000	
North Shore Railway—First Mortgage Bonds	126,600	616,120	5	6,330	30,806	April 20, 1904.
do do in hands of Dominion Government, contingent liability	227,800	1,108,626	5	11,390	55,431	
Toronto, Grey and Bruce—First Mortgage Bonds	719,000	3,499,133	4	28,760	139,965	July, 1904.
Ontario and Quebec—Ordinary Stock		2,000,000	6		120,000	
do Debenture do	4,007,382	19,502,591	5	200,369	975,129	
Province of Quebec on Q. M. O. & O. Ry		3,500,000	5		175,000	Sept. 1, 1902.
do North Shore Ry		3,500,000	5		175,000	do
		87,428,436			4,365,029	

No. 68.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL.

An Act respecting the Canadian Pacific Railway Company.

Received and read a first time, Friday, 22nd February, 1889.
Second reading, Monday, 25th February, 1889.

(PRIVATE BILL.)

Mr. KIRKPATRICK.

OTTAWA:
For the Queen's Printer, &c.
—
A. SENÉCAL, Superintendent of Printing.
—
1889.

No. 68.] **BILL.** [1889.

An Act respecting the Canadian Pacific Railway Company.

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

Preamble.

WHEREAS the Canadian Pacific Railway Company has, by its petition, represented that its railway system is composed of various railways, principally lying within the Dominion of Canada, each of which it now holds and operates, either as owner or lessee; that it has entered into obligations in respect thereof, in some cases for debts and securities created by other parties upon such railways and assumed by it as part of the price of acquisition thereof, in some cases for the rental of leased railways, payable to the holders of shares and securities issued by the lessors, and in other cases for charges created by itself upon the railways owned by it, such obligations bearing different rates of interest, being payable at different periods respectively, and being described in detail in the schedules A and B, to this Act appended; that for the purpose of consolidating its said obligations, and for the other purposes in its said petition and hereinafter described, it desires to issue consolidated debenture stock, bearing interest at a rate not exceeding four per cent per annum, and constituting a charge upon its entire railway system; that it now has power, in aid of the construction of branch lines, to issue bonds secured by a first mortgage thereon, and that it is expedient that it be authorized to issue consolidated debenture stock in aid of the acquisition, by construction or otherwise, of any branch or extension of any of the railways held and operated by it, instead of creating bonds thereon; and whereas it has prayed for authority to consolidate its said indebtedness and to make the said issues of consolidated debenture stock, upon such conditions and with such powers as Parliament deems fit, 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:—

Short title.

1. "This Act may be cited as "The Canadian Pacific Railway Act, 1889."

Interpretation.

2. The expression "the Company" when used in this Acts means the Canadian Pacific Railway Company, as now constituted.

Consolidated debenture stock may be issued.

3. The Company being first authorized so to do by a vote of at least two-thirds of the shareholders present or

represented a special general meeting duly called for the purpose, may, from time to time, issue consolidated debenture stock, payable either in Canadian currency or in sterling money of Great Britain, and bearing interest at a rate not exceeding four per cent per annum, which consolidated debenture stock shall, subject to the priorities created in respect of charges existing at the time of such issue and to the payment of any penalty imposed for non-compliance with the requirements of the "*The Railway Act*," respecting returns to be made to the Minister and to the payment of working expenses as at present defined by law, become a first charge upon and over the whole of the undertaking, railways, works, rolling stock, plant, property and effects of the Company, including all the rights of the Company in the several railways held by it under lease and all branches or extensions of the said railways now held by the Company either as lessees or proprietors thereof; but the charge created by such stock on any branch or extension of any railway, or any part thereof, held and operated by the Company and lying in whole or in part beyond the international boundaries of Canada, shall be according to the law of the State in which such branch or extension or portion thereof is situate: Provided always, that nothing in this Act shall take from any of the securities mentioned in the said schedules any right or priority which it now has, or give it any new right:

Apportionment.

2. The amount of consolidated debenture stock which may be so issued by the Company shall be composed of,—

(*a.*) Such amounts as are issued for the purpose of satisfying the said existing obligations or of acquiring the stock or other security in respect of which they exist; upon such terms as may from time to time be agreed on between the Company and the holders thereof.

(*b.*) Such further amounts, the annual interest upon which, in addition to the annual interest upon the consolidated debenture stock issued under the next preceding paragraph together with the annual interest, dividends and rentals, as the case may be, payable in respect of so much of the said existing obligations as are still outstanding, shall never exceed the annual charges on the Company set out in the schedules to this Act, namely the sum of four million three hundred and sixty-five thousand and twenty-nine dollars, or its equivalent in sterling money;

(*c.*) And a further amount to be issued for the improvement of the railways held and operated by the Company, including double tracks, sidings, permanent bridges, grain elevators, warehouses, workshops, wharves and grounds, and for additions to its plant and equipment, not exceeding in the aggregate five hundred pounds sterling per mile of such railways.

Application.

4. The consolidated debenture stock authorized to be issued under sub-sections (*a*), (*b*) and (*c*) of the last preceding section of this Act respectively, and the proceeds

thereof if sold, shall be used exclusively for the purposes mentioned in the said several sub-sections respectively and for no other purposes whatever.

Security of holders.

5. So long as any portion of any one of the said obligations set out in the schedules to this Act is not satisfied, or the stock or other security in respect of which such obligation exists is not acquired under the provisions hereof, the portion of such obligation, if any, which has been satisfied and the portion of such stock or other security which has been acquired shall be held by the Company as still subsisting and continuing as a security *pro tanto* for the benefit of the holders of the said consolidated debenture stock in the same way in all respects as if the portion so satisfied or acquired had been duly transferred to and was held by trustees for the benefit of the holders of the said consolidated debenture stock, and when the whole of any one of such obligations shall be satisfied, or the stock or other security in respect of which it exists shall be acquired, then it may be either cancelled or continued in force, in the way above mentioned, whichever shall be most for the advantage of the holders of the debenture stock so to be issued under this Act as aforesaid and of the shareholders of the Company ; but unless and until default is made in payment of any interest on such stock, the revenue derived from the portion so redeemed, acquired or converted shall be considered as part of and included in the general revenue of the Company.

When only holders may vote.

6. The holders of the said consolidated debenture stock shall not have the right of voting thereon, unless and until the Company makes default in the payment of a portion of an instalment of the interest due thereon, constituting not less than ten per cent of such instalment of interest on the outstanding consolidated debenture stock, nor unless and until such default has continued for the space of ninety days :

In case of failure to pay interest.

2. But if such default occurs, and as often as it occurs and continues for ninety days, the holders of the entire amount of debenture stock issued and outstanding shall *ipso facto* have the right to vote thereon as shareholders, at all meetings of the shareholders of the Company, in the proportion of one vote for every one hundred dollars thereof (not including fractions of such sum) and shall have all the rights and powers of ordinary shareholders ; and from and after the period at which holders of the said consolidated debenture stock acquire such right, the ordinary shareholders or holders of the common stock shall cease to have the right to vote or act as shareholders of the Company :

Ordinary shareholders' rights shall cease.

When they shall revive.

3. But if at the end of any calendar year which elapses after such default the net earnings up to that date are sufficient to satisfy all interest in arrears, including the interest matured for and during that year, or, if not sufficient, if the shareholders pay the deficiency, then in either of such

cases and thereafter the right of the holders of consolidated debenture stock to vote as aforesaid shall cease and the right of ordinary shareholders or holders of common stock to vote and act as shareholders shall revive and shall thereafter have full force and effect, but subject from time to time to all the provisions hereof in the event of a subsequent default in the payment of interest as aforesaid for ninety days.

By-laws respecting issue of such stock.

7. Previous to the issue of any of the consolidated debenture stock hereby authorized, the Company shall make by-laws prescribing the amounts in which, or in multiples of which, the said stock shall be issued, and the rate or respective rates of interest thereon, and whether different issues shall bear different rates of interest, if deemed expedient, and the dates and places at which such interest shall be payable, containing also provisions for the convenient transfer and registration of such consolidated debenture stock, which registration may be in classes if such stock is issued at different rates of interest (each class comprising only stock bearing one and the same rate of interest,) and the due exercise of the remedies of the holders thereof, and for all other matters incidental to the said issue, its protection and general management; and such by-laws shall form the basis of the issue of such consolidated debenture stock, and shall not be altered in any matter affecting the interests of the stockholders otherwise than as is therein provided; and a certified copy of such by-laws, authenticated by the seal of the Company, shall be deposited for reference in the office of the Secretary of State of Canada; Provided always, that the amount of the debenture stock to be issued under this Act in respect of the Atlantic and North-West first mortgage bonds shall be governed by the annual charge thereon named in Schedule A until after the subsidy in respect of that railway named in Schedule B shall cease to be paid, after which time the Company may make a further issue of debenture stock in respect of those bonds on which further issue the interest shall not exceed one hundred and eighty-six thousand, six hundred dollars per annum, and further that no debenture stock shall be issued under this Act in respect of the North Shore Railway bonds mentioned in Schedule B until the liability of the Company to pay interest thereon shall have become positive.

SCHEDULE A.

Obligations.	Amount.		Rate of Interest.	Interest or Annual Charges.		Date of Maturity.
	£	$	per cent.	£	$	
Canadian Pacific Railway—First Mortgage Bonds	7,191,500	34,998,633	5	359,575	1,749,932	July 1, 1915.
Algoma Branch—First Mortgage Bonds	750,000	3,650,000	5	37,500	182,500	do 1, 1937.
Canada Central—First Morgage Bonds, original issue £500,000; interest to maturity on deposit with Dominion Government, amount £10,500, added each year and bonds retired, leaving amount to be paid at maturity		850,000		10,500	51,100	Sept. 1, 1899.
Canada Central—Second Mortgage Bonds	200,000	973,333	6	12,000	58,400	Nov. 1, 1910.
St. Lawrence and Ottawa—First Mortgage Bonds	200,000	973,333	4	8,000	38,933	June 15, 1910.
Manitoba South-Western Colonization Ry.—First Mortgage Bonds		2,544,000	5		127,200	do 1, 1934.
Atlantic and North-West—First Mortgage Bonds	1,330,000	6,472,667	5	28,013.14	137,033	Jan. 1, 1937.
do Guaranteed and Preferred Stock		3,240,000	5		162,000	
North Shore Railway—First Mortgage Bonds	126,600	616,120	5	6,330	30,806	April 20, 1904.
Toronto, Grey and Bruce—First Mortgage Bonds	719,000	3,499,133	4	28,760	139,965	July, 1904.
Ontario and Quebec—Ordinary Stock		2,000,000	6		120,000	
do Debenture do	4,007,382	19,502,591	5	200,369	975,129	
Province of Quebec on Q. M. O. & O. Ry		3,500,000	5		175,000	Sept. 1, 1902.
do North Shore Ry		3,500,000	5		175,000	do
		86,319,810			4,122,998	

SCHEDULE B.

North Shore Railway—First Mortgage Bonds in hands of the Government on which there is a contingent liability of the Company to pay interest in case at some future time the earnings of the road become adequate for the purpose	227,800	1,108,626	5	11,390	55,431	Jan 1, 1937.
Atlantic and North-West—First Mortgage Bonds above mentioned on which there will be an increased yearly charge of $186,600 after the Government subsidy of that amount expires at the end of 20 years			5	38,486.6	186,600	
		1,108,626			242,031	

No. 68.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL.

An Act respecting the Canadian Pacific Railway Company.

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

(PRIVATE BILL.)

Mr. KIRKPATRICK.

OTTAWA:
For the Queen's Printer, &c.
A. SENÉCAL, Superintendent of Printing.
1889.

No. 69.] **BILL.** [1889.

An Act respecting the Kingston and Pembroke Railway Company.

Preamble

WHEREAS the Kingston and Pembroke Railway 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:—

Time for construction extended.

1. The railway and the branches authorized by the said Acts shall be completed within ten years from the passing of this Act, otherwise the powers thereby granted shall cease and be null and void as respects so much of the railway and branches as then remains uncompleted.

Disposal of lands.

2. Any lands acquired by the Company before or after the passing of this Act, which are not required for the right of way or actual working of the railway, may be sold, leased, exchanged or otherwise disposed of as the directors of the Company think necessary or advantageous for the purposes of the Company; and the lands so sold, leased, exchanged or otherwise disposed of shall not be subject to any lien or charged for the bonds or debentures issued by the Company: Provided always, that the proceeds of the lands sold, leased, exchanged or disposed of as aforesaid shall be applied towards the reduction of the debt of the Company or for the improvement of the Company's property, but the purchaser of any of the said lands shall not be bound to see to the application of the said proceeds.

Proviso: application of proceeds.

No. 69.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL.

An Act respecting the Kingston and Pembroke Railway Company.

Received and read first time, Friday, 22nd February, 1889.
Second reading, Monday, 25th February, 1889.

(PRIVATE BILL.)

Mr KIRKPATRICK.

OTTAWA:
For the Queen's Printer, &c.
—
A. SENÉCAL, Superintendent of Printing.
—
1889.

No. 70] **BILL.** [1889.

An Act to amend "The Dominion Controverted Elections Act."

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

1. Paragraph (*b.*) of section nine of "*The Dominion Controverted Elections Act*" is hereby amended by striking out the following words after the word "days" in the second line of the said paragraph: "after the day of publication in the *Canada Gazette* of the receipt of the return to the writ of election by the Clerk of the Crown in Chancery," and substituting the following: "after the day fixed for the nomination, in case the candidate or candidates have been declared elected on that day, and in other cases thirty days after the polling day." R.S.C., c. 9, s. 9, amended.

No. 70.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL.

An Act to amend "The Dominion Controverted Elections Act."

Received and read first time, Monday, 25th February, 1889.
Second reading, Tuesday, 26th February, 1889.

Mr. AMYOT.

OTTAWA:
For the Queen's Printer, &c.

A. SENÉCAL, Superintendent of Printing.

1889.

71

An Act respecting corrupt practices in Municipal affairs.

WHEREAS it is expedient to make provision for the prevention of bribery and other offences in connection with municipal affairs: Therefore Her Majesty, by and with the advice and consent of the Senate and House of of Commons of Canada, enacts as follows:—

1. In this Act the expression "municipal council" includes the municipal governing body of every county, union of counties, township, city, town, village, parish and municipality, having corporate powers in any Province of Canada.

2. Every person who, directly or indirectly,—

(*a.*) Makes any offer, proposal, gift, loan, promise or agreement to pay or give any money or other material compensation or consideration to any member of a municipal council, whether the same is to enure to his own advantage or to the advantage of any other person, for the purpose of inducing such member either to vote or to abstain from voting at any meeting of the council of which he is a member or at any meeting of a committee of such council, in favor of or against any measure, motion, resolution, or question submitted to such council or committee; or

(*b.*) Makes any offer, proposal, gift, loan, promise or agreement to pay or give any money or other material compensation or consideration to any member or to any officer of a municipal council for the purpose of inducing him to aid in procuring or preventing the passing of any vote or the granting of any contract or advantage in favor of any person whomsoever; or

(*c.*) Makes any offer, proposal, gift, loan, promise or agreement to pay or give any money or other material compensation or consideration to any officer of a municipal council for the purpose of inducing him to perform or abstain from performing, or to aid in procuring or preventing the performance of any official act whatsoever; or

(*d.*) Being a member or officer of a municipal council, accepts or consents to accept any such offer, proposal, gift, loan, promise, agreement, compensation or consideration as is in this section before mentioned; or in consideration thereof, votes or abstains from voting in favor of or against any measure, motion, resolution or question or performs or abstains from performing any official act; or

(*e.*) Attempts by any threat, deceit, suppression of the truth or other unlawful means to influence any member of a municipal council in giving or withholding his vote in favor of or against any measure, motion, resolution or question, or in not attending any meeting of the municipal council of which he is a member, or of any committee thereof; or

(*f.*) Attempts by any such means as in the next preceding paragraph mentioned, to influence any member or any officer of a municipal council to aid in procuring or preventing the passing of any vote or the granting of any contract or advantage in favor of any person whomsoever, or to perform or abstain from performing or to aid in procuring or preventing the performance of any official act whatsoever;

Is guilty of a misdemeanor and liable to a fine not exceeding one thousand dollars and not less than one hundred dollars, and to imprisonment for a term not exceeding two years and not less than one month, and in default of payment of such fine, to imprisonment for a further term not exceeding six months.

3. No prosecution under the provisions of this Act shall be commenced except within three years from the commission of the offence.

72

An Act to make further provision respecting inquiries concerning Public Matters.

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

1. Section two of chapter one hundred and fourteen of the Revised Statutes, intituled: "*An Act respecting inquiries concerning public matters*," is hereby repealed and the following sections substituted in lieu thereof:—

"**2.** Such commissioners shall have the same power to enforce the attendance of such witnesses, and to compel them to give evidence as is vested in any court of record in civil cases.

"**3.** No witness examined before such commissioners or before any commissioners appointed by the Lieutenant Governor in Council of any province of Canada to conduct any inquiry into and concerning the good government of such province, or the conduct of any part of the public business thereof, or the administration of justice therein, shall be excused from answering any question put to him on the ground that the answer thereto may criminate or tend to criminate himself; but no evidence so taken shall be admissible against any such witness in any criminal proceeding, except in the case of a witness accused of having given false evidence at any such inquiry or of having procured, or attempted or conspired to procure, the giving of such evidence."

No. 73.] **BILL.** [1889.

An Act to incorporate the North-Western Junction and Lake of the Woods Railway Company.

Preamble.

WHEREAS a petition has been presented praying for the incorporation of a Company to construct and operate a railway and a railway bridge 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:—

Incorporation.

1. The Hon. Francis Clemow, Senator, John R. Booth, Charles Magee, Robert Blackburn, Alexander Mutchmor, and James Hartley Gordon, all of the city of Ottawa, the Hon A. W. Ogilvie, Senator, and William Grier, both of the city of Montreal, and T. E. Burnham, of the town of Emerson, together with such persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of "The North-Western Junction and Lake of the Woods Railway Company," hereinafter called the Company.

Corporate name.

Head office.

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

Line of railway described.

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 river lots thirteen or fifteen in the Parish of Ste. Agathe, in the town of West Lynne, in the county of Manchester and Province of Manitoba, in a north-westerly direction to a point in the town of Portage la Prairie, and from a point at or near Rosenfeld Junction in a westerly direction to the town of Brandon, thence in a north-westerly direction to Harrowby, with a branch from Brandon in a south-westerly direction to a point at or near South Antler Creek, and a branch from West Lynne, in an easterly direction to a point on the Lake of the Woods.

Bridge over the Assiniboine river may be constructed.

4. [The Company may build and complete a bridge, for railway purposes, across the Assiniboine River on the line of the railway at some suitable point in or near the town of Portage la Prairie, with one or more tracks, with the necessary approaches, machinery and appliances to enable the Company to use the said bridge; and the Company may also, as part of the said bridge, in their discretion, at any time construct or arrange the said bridge as well for the use of foot passengers and carriages, or either, as they think best.]

Sanction of Governor in Council required.

5. [The Company shall not commence the said bridge over the Assiniboine River, or any work appertaining thereto, until they have 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 may any such plan be altered nor any deviation therefrom allowed, except by the permission of the Governor in Council and upon such conditions as he imposes:]

Provision if drawbridge is required.

2. [If the Governor in Council determines that such bridge shall be a drawbridge, the same shall be constructed so as to have one draw in the main channel of such river, which draw shall be of such width as the Governor in Council determines, and shall otherwise give free and unobstructed passage to vessels of every description navigating the said river; and the said draw shall at all times be kept closed, except when actually required to be opened for the passage of vessels, and shall be otherwise tended and moved at the expense of the Company so as not to hinder unnecessarily the passage of any vessel; and from sundown until sunrise during the season of navigation suitable lights shall be maintained on such bridge, to guide vessels approaching the said draw:]

Lights.

No discrimination as to passage or rates.

3. [When the said bridge is completed and ready for traffic, all trains of all railways terminating at or near the said bridge, and now constructed or hereafter to be constructed, including the cars of any other railway company which are brought over such railway, 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 thereto or in tariff rates for transportation shall be made in favor of or against any railway whose trains or business pass over the said bridge:]

Arbitration in case of disagreement.

4. [In case of any disagreement as to the rights of any railway whose trains or business pass over the bridge hereby authorized to be constructed, or as to the tariff rates to be charged in respect thereof, the same shall be determined by arbitrators, one to be appointed by the Company hereby incorporated and another by the company with whom the disagreement has arisen, and a third, who shall be some person experienced in railway affairs, by one of the superior courts of the Province of Manitoba, upon application to such court,—due notice thereof having been given to the parties interested; and the award of the said arbitrators or a majority of them shall be final:]

Tolls on foot-bridge subject to approval of Governor in Council.

5. [If the Company construct or arrange the said bridge for the use of foot passengers and carriages, as well as for railway purposes, then the tolls to be charged for the passage of such foot passengers and carriages shall, before being imposed, be first submitted to and approved of, and may

be amended and modified from time to time, by the Governor in Council; but the Company may, at any time, reduce the same; and a notice showing the tolls authorized to be charged, shall, at all times, be posted up in a conspicuous place on the said bridge.]

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 and calls thereon.

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

Annual general meeting.

8. The annual general meeting of the shareholders shall be held on the first Monday in March in each year.

Number of directors.

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

Amount of bonds, &c., limited.

10. The Company may issue bonds, debentures or other securities to the extent of twenty thousand dollars per mile of the railway and branches, and such bonds, debentures or other securities may be issued only in proportion to the length of railway constructed or under contract to be constructed, [and such bonds shall be called "A" bonds; and in addition thereto bonds to an amount not exceeding one hundred and fifty thousand dollars may be issued for the construction of the bridge hereinbefore mentioned, and shall be called "B" bonds.]

Tolls to specially secure "B" bonds.

2. [To specially secure series "B" bonds, tolls for the use of the said bridge, not exceeding four dollars for each car, shall, from time to time, be fixed, imposed, changed, varied and regulated by the by-laws of the Company; but such by-laws, before being enforced, shall be first submitted to and approved of by the Governor in Council, and the tolls to be levied shall be uniformly imposed upon all companies and corporations using the said bridge, and shall be demanded and received as well from the North-Western Junction and Lake of the Woods Railway Company as from all other railway companies and corporations and all persons using the same, for all cars passing over the said bridge, and shall be paid to such persons and at such places and under such regulations as the said by-laws direct.]

Time for construction of bridge.

11. The bridge shall be commenced within three years and completed within five years from the passing of this Act; otherwise the powers granted under section four of this Act shall cease and be null and void.

Agreements with other companies.

12. The Company may enter into an agreement with the Canadian Pacific Railway Company, the Manitoba and North-Western Railway Company, the Northern Pacific and

Manitoba Railway Company or the Great North-West Central Railway Company for conveying or leasing to one of such companies the railway of the Company hereby incorporated, in whole or in part, or any rights or powers acquired under this Act, as also the 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 been approved by the Governor in Council :

Sanction of the shareholders.

And of the Governor in Council.

Notice of application for approval.

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

No. 73.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL.

An Act to incorporate the North-Western Junction and Lake of the Woods Railway Company.

Received and read first time, Tuesday, 26th February, 1889.
Second reading, Wednesday, 27th February, 1889.

(PRIVATE BILL.)

Mr. LaRivière.

OTTAWA:
For the Queen's Printer, &c.
—
A. Senécal, Superintendent of Printing.
1889.

No. 74.] **BILL.** [1889.

An Act to incorporate the Supreme Court of the Independent Order of Foresters.

WHEREAS the persons hereinafter named have, by their petition, prayed to be incorporated under the name of "The Supreme Court of the Independent Order of Foresters," and it is expedint to grant the prayer of their petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. Oronhyatekha, M.D., London, Ont.; E. Botterell, Ottawa, Ont.; H. C. Creed, Fredericton, N.B.; E. S. Cummer, London, Ont.; T. G. Davey, London, Ont.; John A. McGillivray, Uxbridge, Ont.; Thos. Millman, M.D., Kingston, Ont.; J. B. Halket, Ottawa, Ont.; Geo. A. Hetherington, M.D., St. Johns, N.B; W. W. Fitzgerald, London, Ont.; W. H. Henderson, M.D., Kingston, Ont.; Atwell Fleming, London, Ont.; N. F. Patterson, Q.C., Port Perry, Ont.; J. W. Frost, Owen Sound, Ont.; B. W. Greer, London, Ont.; Thos Lawless, Hamilton, Ont; Wm. Griffith, Hamilton, Ont.; A. R. Milne, Kingston, Ont.; James Slater, Hamilton, Ont.; W. Gerry, London, Ont.; G. A. Proctor, Sarnia, Ont.; Geo. Parish, London, Ont.; F. W. Emmerson, Petitcodiac, N.B.; J. W. Stocks, Sherbrooke, Que.; Thomas Clark, Truro, N.S.; C. C. Whale, Manotick, Ont.; B. S. Thorne, M.D., Havelock, N B.; Thos. Potter, M.D., Ottawa, Ont.; J. E. B. McCready, St. Johns, N.B.; Jas. Crawford, London, Ont.; H. F. Switzer, Midland, Ont.; John Culbert, Ottawa, Ont.; R. S. Masters, Kentville, N.S.; Rev. J. H. Dixon, Montreal, Que.; A. F. Campbell, Brampton, Ont.; W. C. Bowles, Ottawa, Ont.; W. Rea, Ottawa, Ont.; John Finnigan, Hamilton, Ont.; A. H. Backhouse, Aylmer, Ont.; W. R. Hickey, Bothwell, Ont.; Rev. W. Walsh, Toronto, Ont.; A. Oronhyatekha, Deseronto, Ont.; H. Gibbens, London, Ont.; Peter Robertson, Ottawa, Ont.; D. C. Dunbar, Shelburne, Ont.. Rev. R. A. Thomas, Ailsa Craig, Ont.; Thos. Webster, Paris, Ont.; Geo. L. Dickinson, M.P., Manotick, Ont.; E. J. Hearn, Tottenham, Ont.; A. H. Dixon, Eglington, Ont,; A. G. Pittaway, Ottawa, Ont.; Thomas Butler, Ottawa, Ont.; J. T. Hickmitt, Ottawa, Ont.; Wm. Tackaberry, London, Ont.; John Humphreys, Havelock, N.B.; Rev. I. N. Parker, Elgin, N.B.; J. V. Skillen, Moncton, N.B.; A. H. Fessenden, London, Ont.; R. C. Williams, Hopewell, N.S.; R. McDonald, Guelph, Ont.; S. Zimmerman, Hamilton, Ont.; George Shambrook, Hamilton, Ont.; Chas. Legget, Kingsville, Ont.; W. Kay, Chesley, Ont.; J. A. Incorporation.

Todd, M.D., Georgetown, Ont.; W. C. McLean, Barrie, Ont.; W. C. Wilson, Woodstock, Ont.; Jas. Bowerman, Napanee, Ont.; T. H. James, Glenwilliams, Ont.; A. Swazie, London, Ont.; Jas. Adams, Kingston, Ont.; H. Moreland, Ottawa, Ont.; F. H. Wildgoose, Montreal, Que.; C. W. Bolton, Montreal, Que.; W. H. Bennett, Wyoming, Ont.; Jas. Beaumont, Glenwilliams, Ont.; W. H. Lawrie, Duncanville, Ont.; Geo. Hughes, St. Mary's, N. B.; J. H. Gray, M.D., Portland, N.B.; D. Douglas, Sarnia, Ont.; S. S. Merrick, Carleton Place, Ont.; W. N. Johnson, Bothwell, Ont.; J. T. Carson, Simcoe, Ont.; T. P. Ross, London, Ont.; J. S. Quilman, Puslinch, Ont.; A. McGuire, London, Ont,; J. A. Kilpatrick, Portland, N.B.; R. A. Ross, Barrie, Ont., members of the Supreme Court of the Independent Order of Foresters, together with such persons as are or become members of the said Supreme Court, are hereby constituted a body and corporate under the name of "The Supreme Court of the Independent Order of Foresters," hereinafter called the Society, for the following purposes and objects:

Corporate name.

Objects of the society.

(1.) To unite fraternally all persons of sound bodily and mental health and good moral character, who are socially acceptable, and under fifty-five years of age:

(2.) To give all moral and material aid in its power to its members and those dependent upon them:

(3.) To educate its members socially, morally and intellectually:

(4.) To establish a fund for the relief of sick and distressed members:

(5.) To establish a benefit fund, from which, on satisfactory evidence of the death of a member of the Society who has complied with all its lawful requirements, a sum not exceeding three thousand dollars shall be paid to the widow, orphans, dependents, or other beneficiary whom the member has designated, or to the personal representative of the member; or from which, upon the completion of the expectancy of life of a member, as laid down in the constitution and by-laws of the Society, such sum shall be paid to himself:

(6) To secure for its members—

a. Free medical attendance;

b. Five dollars per week sick benefit;

c. Fifty dollars funeral benefit;

d. One hundred dollars, two hundred dollars, or three hundred dollars a year after passing the seventieth birthday;

e. Five hundred dollars, one thousand dollars, or fifteen hundred dollars on total and permanent disability, and such other like benefits as the Society from time to time determines.

2. The head office of the Society shall be in the Head office.

3. The Society may establish branches under the names of "High Courts," "Subordinate Courts," "Encampments of Royal Foresters" or "Juvenile Courts." Branches.

4. The value of the real property which the Society or any branch thereof may hold shall not exceed, in the case of the Society, one hundred thousand dollars, and, in the case of any branch, twenty-five thousand dollars. Limitation as to real property.

5. The property of each branch only shall be liable for the debts and engagements of such branch. Liability of branches.

6. The surplus funds of the Society, or of any branch thereof, may be deposited with the Minister of Finance, subject to such regulations as are made by the Treasury Board, or shall be invested in securities which are a first charge on land held in fee simple, or in registered debentures of loan and investment companies in Canada, or in debentures of a municipal corporation in Canada, or in securities of the Dominion of Canada or any of the provinces thereof, or shall be deposited at interest in a chartered bank in Canada. Investment of funds.

7. Upon the dissolution of any branch, in accordance with the provisions of the by-laws of the Society, the property of such branch shall become vested in the Society, and shall be applied first in liquidation of the debts and liabilities of such branch. Provision in case of dissolution of branch.

8. Any summons, notice, order or other process or document required to be served upon the Society, may be served by mailing the same in a registered letter addressed to the Supreme Chief Ranger or Supreme Secretary thereof, at the head office of the Society. Service of process.

9. The secretary of the Society shall, within six months after the passing of this Act, file with the Superintendent of Insurance a duly certified copy of the constitution, by-laws, rules and regulations of the Society and thereafter, as often as the said constitution, by-laws, rules and regulations are altered or amended by the Society, a duly certified copy of such amendments shall be filed with the Superintendent of Insurance by the said secretary of the Society. Documents to be filed.

10. This Act and the Society hereby incorporated, and the exercise of the powers hereby conferred, shall be subject to the provisions contained in sections nineteen to forty three, both inclusive, of "*The Insurance Act.*" R.S.C., c. 124 to apply.

11. Notwithstanding anything contained therein, or in any other Act, "*The Companies Clauses Act*," except sections eighteen, thirty-eight and thirty-nine thereof, shall extend and apply to the Society hereby incorporated, and shall be incorporated with and form part of this Act in so far as the same is not inconsistent with any of the provisions hereinbefore contained. R.S.C., c. 118 to apply.

No. 74.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL.

An Act to incorporate the Supreme Court of the Independent Order of Foresters.

Received and read a first time, Tuesday, 26th February, 1889.
Second reading, Wednesday, 27th February, 1889.

(PRIVATE BILL.)

Mr. JAMIESON.

OTTAWA:
For the Queen's Printer, &c.

A. SENÉCAL, Superintendent of Printing.

1889.

No. 74.] **BILL.** [1889.

An Act to incorporate the Supreme Court of the Independent Order of Foresters.

(Reprinted as proposed to be amended in the Banking Committee)

WHEREAS the persons hereinafter named have, by their petition, prayed to be incorporated under the name of "The Supreme Court of the Independent Order of Foresters," and it is expedient to grant the prayer of their petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. Oronhyatekha, M.D., London, Ont.; E. Botterell, Ottawa, Ont.; H. C. Creed, Fredericton, N.B.; E. S. Cummer, London, Ont.; T. G. Davey, London, Ont.; John A. McGillivray, Uxbridge, Ont.; Thos. Millman, M.D., Kingston, Ont.; J. B. Halket, Ottawa, Ont.; Geo. A. Hetherington, M.D., St. John, N.B; W. W. Fitzgerald, London, Ont.; W. H. Henderson, M.D., Kingston, Ont.; Atwell Fleming, London, Ont; N. F Patterson, Q.C., Port Perry, Ont.; J. W. Frost, Owen Sound, Ont.; B. W. Greer, London, Ont.; Thos Lawless, Hamilton, Ont; Wm. Griffith, Hamilton, Ont.; A. R. Milne, Kingston, Ont.; James Slater, Hamilton, Ont.; W. Gerry, London, Ont.; G. A. Proctor, Sarnia, Ont.; Geo. Parish, London, Ont.; F. W. Emmerson, Petitcodiac, N.B.; J. W. Stocks, Sherbrooke, Que; Thomas Clark, Truro, N.S; C. C. Whale, Manotick, Ont.; B. S. Thorne, M.D., Havelock, N.B.; Thos. Potter, M.D., Ottawa, Ont.; J. E. B. McCready, St. Johns, N.B.; Jas. Crawford, London, Ont.; H. F. Switzer, Midland, Ont; John Culbert, Ottawa, Ont.; R. S Masters, Kentville, N.S.; Rev. J. H. Dixon, Montreal, Que.; A. F. Campbell, Brampton, Ont.; W. C. Bowles, Ottawa, Ont; W. Rea, Ottawa, Ont.; John Finnigan, Hamilton, Ont.; A. H. Backhouse, Aylmer, Ont.; W. R. Hickey, Bothwell, Ont.; Rev. W. Walsh, Toronto, Ont.; A. Oronhyatekha, Deseronto, Ont.; H. Gibbens, London, Ont.; Peter Robertson, Ottawa, Ont.; D. C. Dunbar, Shelburne, Ont.. Rev. R A. Thomas, Ailsa Craig, Ont.; Thos. Webster, Paris, Ont.; Geo L. Dickinson, M.P., Manotick, Ont.; E. J. Hearn, Tottenham, Ont.; A. H. Dixon, Eglington, Ont,; A. G. Pittaway, Ottawa, Ont.; Thomas Butler, Ottawa, Ont; J. T. Hickmitt, Ottawa, Ont; Wm. Tackaberry, London, Ont.; John Humphreys, Havelock, N.B.; Rev. I. N. Parker, Elgin, N.B.; J. V. Skillen, Moncton, N.B.; A. H. Fessenden, London, Ont.; R C. Williams, Hopewell, N.S.; R. McDonald, Guelph, Ont.; S. Zimmerman, Hamilton, Ont.; George Shambrook, Hamilton, Ont.; Chas. Incorporation.

Legget, Kingsville, Ont. ; W. Kay, Chesley, Ont. ; J. A. Todd, M.D., Georgetown, Ont. ; W. C. McLean, Barrie, Ont. ; W. C. Wilson, Woodstock, Ont. ; Jas. Bowerman, Napanee, Ont. ; T. H. James, Glenwilliams, Ont ; A. Swazie, London, Ont. ; Jas. Adams, Kingston, Ont. ; H. Moreland, Ottawa, Ont. ; F. H. Wildgoose, Montreal, Que. ; C. W. Bolton, Montreal, Que. ; W. H. Bennett, Wyoming, Ont. ; Jas. Beaumont, Glenwilliams, Ont. ; W. H. Lawrie, Duncanville, Ont. ; Geo Hughes, St. Mary's, N. B ; J. H. Gray, M.D., Portland, N.B. ; D. Douglas, Sarnia, Ont. ; S. S. Merrick, Carleton Place, Ont. ; W. N. Johnson, Bothwell, Ont. ; J. T. Carson, Simcoe, Ont. ; T. P. Ross, London, Ont. ; J. S. Quilman, Puslinch, Ont ; A. McGuire, London, Ont, ; J. A. Kilpatrick, Portland, N.B. ; R. A. Ross, Barrie, Ont., members of the Supreme Court of the Independent Order of Foresters, together with such persons as are or become members of the said Supreme Court, are hereby constituted a body corporate under the name of "The Supreme Court of the Independent Order of Foresters," hereinafter called the Society, for the following purposes and objects :

Corporate name.

Objects of the society.

(1.) To unite fraternally all persons entitled to membership under the constitution and general laws and by-laws of the Society :

(2.) To give all moral and material aid in its power to its members and those dependent upon them :

(3.) To educate its members socially, morally and intellectually :

(4.) To establish a fund for the relief of sick and distressed members :

(5.) To establish a benefit fund, from which, on satisfactory evidence of the death of a member of the Society who has complied with all its lawful requirements, a sum not exceeding three thousand dollars may be paid to the widow, orphans, dependents, or other beneficiary whom the member has designated, or to the personal representative of the member ; or from which, upon the completion of the expectancy of life of a member, as laid down in the said constitution and laws, such sum may be paid to himself :

(6.) To secure for its members such other advantages as are, from time to time, designated by the constitution and laws of the Order.

Head office.

2. The head office of the Society shall be in the City of Toronto.

Branches.

3. Subject to the constitution and laws of the Society branches under the names of "High Courts," "Subordinate Courts," "Encampments of Royal Foresters" or "Juvenile Courts," may from time to time, be established, and the said branches may themselves be and become bodies corporate under such provisions and conditions as the Society by its constitution and laws from time totime determines.

Limitation as to real property.

4. The value of the real property which the Society or any branch thereof may hold shall not exceed, in the case of the Society, one hundred thousand dollars, and, in the case of any branch, twenty-five thousand dollars; but in cities and towns having less than six thousand inhabitants the value of such real property shall not exceed five thousand dollars, and the Society may by by-laws determine the manner in which such real property shall be held and conveyed, subject always to the laws of the Province in which such real estate is situate.

Liability of branches.

5. The property of each branch only shall be liable for the debts and engagements of such branch.

Investment funds.

6. The surplus funds of the Society shall be invested in securities which are a first charge on land held in fee simple, or in deposits with or in registered debentures of, loan and investment companies in Canada, or in debentures of municipal or school corporations in Canada, or in securities of the Dominion of Canada or any of the provinces thereof, or shall be deposited in a chartered bank in Canada.

Provision in case of dissolution of branch.

7. Whenever under the provisions of the by-laws of the Society any branch shall become dissolved, the property of such branch shall become vested in the Society, and shall be applied first in liquidation of the debts and liabilities of such branch, and the surplus, if any, shall form part of the general funds and assets of the Society.

Documents to be filed.

8. The secretary of the Society shall, within six months after the passing of this Act, file with the Superintendent of Insurance a duly certified copy of the constitution, by-laws, rules and regulations of the Society and thereafter, as often as the said constitution, by-laws, rules and regulations are altered or amended by the Society, a duly certified copy of such amendments shall be filed with the Superintendent of Insurance by the said secretary of the Society.

R.S.C., c. 124 to apply.

9. This Act and the Society hereby incorporated, and the exercise of the powers hereby conferred, shall be subject to the provisions contained in sections nineteen to forty-three, both inclusive, of "*The Insurance Act.*"

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

10. Notwithstanding anything contained therein, or in any other Act, "*The Companies Clauses Act,*" except sections eighteen, thirty-eight and thirty-nine thereof, shall extend and apply to the Society hereby incorporated, and shall be incorporated with and form part of this Act in so far as the same is not inconsistent with any of the provisions hereinbefore contained.

No. 74.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL.

An Act to incorporate the Supreme Court of the Independent Order of Foresters.

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

(PRIVATE BILL.)

Mr. JAMIESON.

OTTAWA:
For the Queen's Printer, &c.
—
A. SENÉCAL, Superintendent of Printing.
—
1889.

No. 74.] **BILL.** [1889.

An Act to incorporate the Supreme Court of the Independent Order of Foresters.

(Reprinted as amended and reported by the Banking Committee)

WHEREAS the persons hereinafter named have, by their petition, prayed to be incorporated under the name of "The Supreme Court of the Independent Order of Foresters," and it is expedient to grant the prayer of their petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. Oronhyatekha, M.D., London, Ont.; E. Botterell, Ottawa, Ont.; H. C. Creed, Fredericton, N.B.; E. S. Cummer, London, Ont.; T. G. Davey, London, Ont.; John A. McGillivray, Uxbridge, Ont.; Thos. Millman, M.D., Kingston, Ont.; J. B. Halkett, Ottawa, Ont.; Geo. A. Hetherington, M.D., St. John, N.B; W. W. Fitzgerald, London, Ont.; W. H. Henderson, M.D., Kingston, Ont.; Atwell Fleming, London, Ont.; N. F. Patterson, Q.C., Port Perry, Ont.; J. W. Frost, Owen Sound, Ont.; B. W. Greer, London, Ont.; Thos Lawless, Hamilton, Ont; Wm. Griffith, Hamilton, Ont.; A. R. Milne, Kingston, Ont.; James Slater, Hamilton, Ont.; W. Gerry, London, Ont.; G. A. Proctor, Sarnia, Ont.; Geo. Parish, London, Ont.; F. W. Emmerson, Petitcodiac, N.B.; J. W. Stocks, Sherbrooke, Que; Thomas Clark, Truro, N.S.; C. C. Whale, Manotick, Ont.; B. S. Thorne, M.D., Havelock, N.B.; Thos. Potter, M.D., Ottawa, Ont.; J. E. B. McCready, St. Johns, N.B.; Jas. Crawford, London, Ont.; H. F. Switzer, Midland, Ont.; John Culbert, Ottawa, Ont.; R. S. Masters, Kentville, N.S.; Rev. J. H. Dixon, Montreal, Que.; A. F. Campbell, Brampton, Ont.; W. C. Bowles, Ottawa, Ont.; W. Rea, Ottawa, Ont.; John Finnigan, Hamilton, Ont.; A. H. Backhouse, Aylmer, Ont.; W. R. Hickey, Bothwell, Ont.; Rev. W. Walsh, Toronto, Ont.; A. Oronhyatekha, Deseronto, Ont.; H. Gibbens, London, Ont.; Peter Robertson, Ottawa, Ont.; D. C. Dunbar, Shelburne, Ont.. Rev. R. A. Thomas, Ailsa Craig, Ont.; Thos. Webster, Paris, Ont.; Geo. L. Dickinson, M.P., Manotick, Ont.; E. J. Hearn, Tottenham, Ont.; A. H. Dixon, Eglington, Ont,; A. G. Pittaway, Ottawa, Ont.; Thomas Butler, Ottawa, Ont.; J. T. Hickmitt, Ottawa, Ont.; Wm. Tackaberry, London, Ont.; John Humphreys, Havelock, N.B.; Rev. I. N. Parker, Elgin, N.B.; J. V. Skillen, Moncton, N.B.; A. H. Fessenden, London, Ont.; R. C. Williams, Hopewell, N.S.; R. McDonald, Guelph, Ont.; S. Zimmerman, Hamilton, Ont.; George Shambrook, Hamilton, Ont.; Chas. Incorporation.

Legget, Kingsville, Ont. ; W. Kay, Chesley, Ont. ; J. A. Todd, M.D., Georgetown, Ont. ; W. C. McLean, Barrie, Ont. ; W. C. Wilson, Woodstock, Ont. ; Jas. Bowerman, Napanee, Ont. ; T. H. James, Glenwilliams, Ont. ; A. Swazie, London, Ont. ; Jas. Adams, Kingston, Ont. ; H. Moreland, Ottawa, Ont. ; F. H. Wildgoose, Montreal, Que. ; C. W. Bolton, Montreal, Que. ; W. H. Bennett, Wyoming, Ont. ; Jas. Beaumont, Glenwilliams, Ont. ; W. H. Lawrie, Duncanville, Ont. ; Geo. Hughes, St. Mary's, N. B ; J. H Gray, M.D., Portland, N.B. ; D. Douglas, Sarnia, Ont. ; S. S. Merrick, Carleton Place, Ont. ; W. N. Johnson, Bothwell, Ont. ; J. T. Carson, Simcoe, Ont. ; T. P. Ross, London, Ont. ; J. S. Quilman, Puslinch, Ont ; A. McGuire, London, Ont, ; J. A. Kilpatrick, Portland, N.B. ; R. A. Ross, Barrie, Ont., members of the Supreme Court of the Independent Order of Foresters, together with such persons as are or become members of the said Supreme Court, are hereby constituted a body corporate under the name of "The Supreme Court of the Independent Order of Foresters," hereinafter called the Society, for the following purposes and objects :

Corporate name.

Objects of the society.

(1.) To unite fraternally all persons entitled to membership under the constitution and laws of the Society ; and the word "laws" shall include general laws and by-laws :

(2.) To give all moral and material aid in its power to its members and those dependent upon them :

(3.) To educate its members socially, morally and intellectually :

(4.) To establish a fund for the relief of sick and distressed members :

(5.) To establish a benefit fund, from which, on satisfactory evidence of the death of a member of the Society who has complied with all its lawful requirements, a sum not exceeding three thousand dollars shall be paid to the widow, orphans, dependents, or other beneficiary whom the member has designated, or to the personal representative of the member ; or from which, upon the completion of the expectancy of life of a member, as laid down in the said constitution and laws, such sum shall be paid to himself :

(6) To secure for its members such other advantages as are, from time to time, designated by the constitution and laws of the Society.

Head office.

2. The head office of the Society shall be in the City of Toronto.

Branches.

3. Subject to the constitution and laws of the Society branches under the names of 'High Courts," "Subordinate Courts," or "Encampments of Royal Foresters" may from time to time be established, under the title designated in the charter constituting such branch, and the said branches, if established within Canada, may themselves be and become bodies corporate under such provisions and conditions as the Society by its constitution and laws

from time to time determines; provided however, that no such branch shall have power to establish a benefit or insurance fund, but that such power shall be exercised solely by the Supreme Court of the Independent Order of Foresters.

Limitation as to real property.

4. The value of the real property which the Society or any branch thereof may hold shall not exceed, in the case of the Society, one hundred thousand dollars, and, in the case of any branch, twenty-five thousand dollars; but in towns having less than six thousand inhabitants the value of such real property shall not, in the case of any one branch, exceed five thousand dollars, and the Society may by laws determine the manner in which such real property shall be held and conveyed, subject always to the laws of the Province in which such real estate is situate; provided always, that no part of the endowment funds shall be used for such purpose.

Liability of branches.

5. The property of each branch only shall be liable for the debts and engagements of such branch.

Investment funds.

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

Provision in case of dissolution of branch.

7. Whenever under the provisions of the laws of the Society any branch shall become dissolved, the property of such branch shall become vested in the Society, and in the case of real estate shall be sold within seven years after the dissolution of such branch, and the proceeds thereof shall be applied first in liquidation of the debts and liabilities of such branch, and the surplus, if any, shall form part of the general funds and assets of the Society.

8. There shall be printed in legible type and in red ink upon every policy hereafter issued by the Society, as well as upon every application therefor, and upon every receipt given for payments in connection therewith, the following words: "The insurance undertaken by this Society comes under the exception contained in section forty-three of '*The Insurance Act*' applicable to fraternal and benevolent associations, and is not subject to Government inspection."

9. Every officer of the Society and every other person who transacts business on behalf of the Society and who circulates or uses or who causes to be circulated or used any policy of insurance or endowment certificate or application for membership, on which the

notice provided for in the next preceding section is not printed shall, on summary conviction thereof before any two justices of the peace or any magistrate having the powers of two justices of the peace, for a first offence, incur a penalty of not less than twenty dollars and costs and not more than fifty dollars and costs, and in default of payment the offender shall be liable to imprisonment, with or without hard labor, for a term of not less than one month nor more than three months; and for a second or any subsequent offence such offender shall be liable to imprisonment with hard labor for a term not less than three months nor more than six months :

2. One-half of any such penalty when recovered shall belong to Her Majesty and the other half thereof to the informer.

10. This Act shall not come into force until a certified copy of the present constitution and laws of the Society and of its form of insurance policy or contract are deposited in the offices of the Secretary of State of Canada and of the Superintendent of Insurance, and copies of any future changes or amendments thereto shall be so deposited within three months from their adoption by the said Society.

11. Nothing herein contained shall be held to exempt the Society from the effect of any legislation hereafter passed by the Parliament of Canada in respect to any insurance powers exercised by friendly societies.

No. 74.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL.

An Act to incorporate the Supreme Court of the Independent Order of Foresters.

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

(PRIVATE BILL.)

Mr. JAMIESON.

OTTAWA:
For the Queen's Printer, &c.
A. SENÉCAL, Superintendent of Printing.
1889.

No. 75.] **BILL.** [1889.

An Act respecting the Bay of Quinté Bridge Company.

WHEREAS the Bay of Quinté Bridge Company have, by their petition, represented that a doubt has been raised as to their right to receive or take aid from municipalities willing to aid them, by the subscription of shares in their capital stock or otherwise, and have prayed for the passing of an Act to remove such doubts, 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, declares and enacts as follows:— Preamble.

1. The Bay of Quinté Bridge Company, incorporated by an Act passed in the session held in the fiftieth and fifty-first years of Her Majesty's reign and chaptered ninety-seven, may receive, in aid of the construction of their bridge, from any person or body corporate, municipal or politic, having power to grant the same, any subscription of stock, bonus of money or debenture or other benefit of any sort, either with or without conditions and may enter into an agreement for the carrying out of such conditions; and every such subscription or grant made or effected in manner aforesaid since the coming into force of the Act incorporating the Company is hereby ratified and confirmed. Company may accept aid. 50-51 V, c. 97.

No. 75.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL.

An Act respecting the Bay of Quinté Bridge Company.

Received and read first time, Tuesday, 26th February, 1889.
Second reading, Wednesday, 27th February, 1889.

(PRIVATE BILL.)

Mr. CORBY.

OTTAWA:
For the Queen's Printer, &c.
A. SENÉCAL, Superintendent of Printing.
1889.

No. 76] **BILL.** [1889

An Act respecting the incorporation of the Northern Pacific and Manitoba Railway Company.

Preamble.

WHEREAS certain Acts were passed by the Legislature of the Province of Manitoba, that is to say, an Act passed in the first session of the seventh Legislature held in the fifty-second year of Her Majesty's reign and chaptered two, and two Acts passed in the second session of the seventh Legislature held in the fifty-second year of Her Majesty's reign and chaptered seven, and chaptered fifteen respectively, for the purpose of incorporating the persons therein named under the name of the Northern Pacific and Manitoba Railway Company, and of authorizing and empowering the said Company among other things to acquire, complete, lay out, locate, construct, furnish, maintain, operate and enjoy the railway lines with the appurtenances, in said Province, mentioned in said Act, that is to say: The railway known as the Red River Valley Railway, located between the International boundary line and the City of Winnipeg, and an extension thereof from a point at or near the City of Winnipeg to the Town of Portage la Prairie; and also a line of railway from a point at or near the Town of Morris to the City of Brandon; and a branch line of railway commencing at a point on the line of railway between said Town of Morris and said City of Brandon (which point the said railway Company may hereafter select and determine), and extending in a south-westerly direction to or near the boundary line between the Province of Manitoba and the Territory of Assiniboia; and whereas, pursuant to the terms of said Acts, the said Northern Pacific and Manitoba Railway Company has agreed to purchase from the Province of Manitoba the railway known as the Red River Valley Railway, which extends from the City of Winnipeg to the International boundary line at or near the Town of West Lynne, and under said agreement the said Northern Pacific and Manitoba Railway Company has contracted to construct, equip, operate and maintain all the railway lines above described, and is now in possession of and operating the said Red River Valley Railway line, and engaged in the construction of the other lines above described: and whereas, doubts have been raised as to the validity of the incorporation of the said Company by the said Legislature of Manitoba, and it is expedient to do away with such doubts by having such incorporation made valid and effectual by the Parliament of Canada as from the fourth day of September, A. D. one thousand eight hundred and eighty-eight; and whereas, the said Northern

Pacific and Manitoba Railway Company is also desirous of extending the said branch line into the Territory of Assiniboia to a point at or near the one hundred and fourth degree of longitude west of Greenwich and beyond the Province of Manitoba; and whereas, a petition has been presented by the Company praying amongst other things to have the said incorporation made valid and effectual by the Parliament of Canada as aforesaid, and it is considered 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, declares and enacts as follows:—

Declaratory.

1. All the said lines of railway in the said recited Acts and in this Act mentioned are hereby declared to be works for the general advantage of Canada.

Validity of provincial incorporation, and of acts already done thereunder.

2. The incorporation of the Northern Pacific and Manitoba Railway Company hereinafter referred to as "the Company," with all the powers, rights and privileges in said recited Acts mentioned (subject to the exception hereinafter contained) is hereby made valid and effectual as and from the fourth day of September, A.D. one thousand eight hundred and eighty-eight; and the Company shall have all the said rights, powers and privileges; and all acts, matters and things which have been done or which have purported to have been done in pursuance of the said recited Acts shall be deemed to have been and to be as valid and effectual as if the said Company had been incorporated by the Parliament of Canada on the said fourth day of September, A.D. one thousand eight hundred and eighty-eight, with all the said powers, rights and privileges in said recited Acts mentioned, except in so far as any of them may be if they be inconsistent with "*The Railway Act.*"

Head office.

3. The head office of the Company shall be in the City of Winnipeg.

Additional railway may be built.

4. In addition to the lines of railways in said recited Acts mentioned, the Company may acquire, lay out, construct, complete and operate a line of railway of the gauge of four feet eight and one-half inches, commencing on the said line of railway between the said Town of Morris and the City of Brandon, at a point to be hereafter selected by the Company and extending westerly to a point at or near the one hundred and fourth degree of longitude west of Greenwich, in the Territory of Assiniboia.

Vessels.

5. The Company may build, purchase, acquire, charter, possess, work, and operate, steam and other vessels on such lakes, rivers or navigable waters as they deem expedient and proper in connection with their lines of railway.

Capital stock and calls thereon.

6. The capital stock of the Company shall be one million dollars, divided into ten thousand shares of one hundred

dollars each, and may be called up by the directors from time to time as they deem necessary.

Annual general meeting.

7. The annual general meeting of the shareholders shall be held on the first Monday in the month of December in each year.

Directors.

8. The number of the directors, their qualification, the mode and time of their election, and the manner and time of holding their meetings shall be regulated by the provisions contained in the said recited Acts so far as the same provide therefor.

New provisions as to issue of bonds.

9. In lieu of the provisions relating to the issue of bonds contained in the said recited Acts, the directors of the Company under the authority of the shareholders given at any 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 and who have paid all calls due thereon, are present in person or represented by proxy, may issue bonds, debentures or other securities not to exceed twenty thousand dollars per mile of the whole length of the railway and branch railways of the Company mentioned herein and authorized hereby, and may secure such bonds, debentures or other securities as provided by the ninety-fourth and following sections of "*The Railway Act*," and, from time to time, as the work of construction of said railways shall proceed, may sell or otherwise dispose of such bonds, debentures or other securities at the best price and upon the best terms and conditions obtainable, the Company being hereby authorized and empowered, from time to time, as each mile of said railways and branch railways shall be completed, fit for the running of trains thereon, to sell or otherwise dispose of the mileage proportion of said bonds, debentures or other securities proportionately attributable thereto.

Issue of bonds or terminal property in Winnipeg

10. In addition to the borrowing powers hereinbefore granted, the Company may issue separate bonds, debentures or other securities on the terminal property it now has or may hereafter acquire in the City of Winnipeg (being all the property of the Company, situate north of the Assiniboine River in the said City of Winnipeg) to the amount of the value of such property, and may secure the same by a separate mortgage deed on said terminal property, and may declare such bonds, debentures or other securities to be a first charge or lien on said terminal property, and may secure said bonds, debentures or other securities, as provided in section ninety-four and the following sections of "*The Railway Act*."

No. 76.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL.

An Act respecting the incorporation of the Northern Pacific and Manitoba Railway Company.

Received and read first time, Tuesday, 26th February, 1889.
Second reading, Wednesday, 27th February, 1889.

(PRIVATE BILL.)

Mr. DALY.

OTTAWA:
For the Queen's Printer, &c.
A. SENÉCAL, Superintendent of Printing.
1889.

No. 77.] **BILL.** [1889.

An Act to further amend the Act incorporating the London and Canadian Loan and Agency Company, Limited.

WHEREAS the London and Canadian Loan and Agency Company, Limited, incorporated by the Act of the late legislature of Canada passed in the twenty-seventh year of Her Majesty's reign, chapter fifty, amended by the Act of the Parliament of Canada passed in the thirty-fifth year of Her Majesty's reign, chapter one hundred and eight, further amended by an Act of the Parliament of Canada passed in the thirty-sixth year of Her Majesty's reign, chapter one hundred and seven, further amended by an Act of the Parliament of Canada passed in the thirty-ninth year of Her Majesty's reign, chapter sixty, and further amended by an Act of the Parliament of Canada passed in the forty-second year of Her Majesty's reign, chapter seventy-five, have, by their petition, prayed to have their Act of incorporation amended and further powers and privileges conferred upon them, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. 27 V., c. 50. 35 V., c. 108. 36 V., c. 107. 39 V., c. 60. 42 V., c. 75.

1. The sixth section of the said Act twenty-seventh Victoria, chapter fifty, is hereby amended by substituting for the word "five," in the ninth line of the said section, the word "ten." 27 V., c. 50, s. 6, amended.

No. 77.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL.

An Act to further amend the Act incorporating the London and Canadian Loan and Agency Company, Limited.

Received and read first time, Tuesday, 26th February, 1889.
Second reading, Wednesday, 27th February, 1889.

(PRIVATE BILL.)

Mr. COCKBURN.

OTTAWA:
For the Queen's Printer, &c.
A. SENÉCAL, Superintendent of Printing.
1889.

No. 78] **BILL.** [1889.

An Act respecting the Wires of Telephone, Telegraph and Electric Light Companies in the City of Toronto.

Preamble.

WHEREAS the present method of putting up and maintaining wires for telegraph, telephone and electric light purposes has become in large cities a source of great and increasing danger; and whereas it is expedient that the danger arising from this source should be prevented in future: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada enacts as follows:—

Electric and telephone wires in Toronto.

1. From and after the first day of January, one thousand eight hundred and ninety, no person or corporation over which the Parliament of Canada has jurisdiction shall place, erect, keep up or maintain within the limits of the city of Toronto, or within such portions thereof as the Council of the said city from time to time by by-law determines, any telegraph, telephone or electric light wires above the surface of the ground, upon, along or over any street, highway, alley, lane, avenue, park or other public place, except with the permission of the Council of the said city, to be given by by-laws from time to time passed by the said Council thereof.

No. 78.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL.

An Act respecting the Wires of Telephone, Telegraph and Electric Light Companies in the City of Toronto.

Received and read first time, Tuesday, 26th February, 1889.
Second reading, Wednesday, 27th February, 1889.

(PRIVATE BILL.)

Mr. SMALL

OTTAWA:
For the Queen's Printer, &c.

A. SENÉCAL, Superintendent of Printing.

1889.

No. 79.] **BILL.** [1889.

An Act to incorporate the Union Railway Company.

Preamble.

WHEREAS a petition has been presented praying for the incorporation of a Company to construct and operate a railway and railway bridge 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:

Incorporation.

1. William Murray, William Moffat, W. B. McAllister, Archibald Foster, Richard White, Francis E. Fortin and John G. Forgie, together with such persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of "The Union Railway Company," hereinafter called the Company.

Corporate name.

Head office.

2. The head office of the Company shall be in the Town of Pembroke, in the Province of Ontario.

Line of railway described.

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 Town of Pembroke, in the County of Renfrew, in the Province of Ontario, thence through the Townships of Pembroke, Westmeath and Ross, through or near Perreton, Beachburg and Forrester's Falls to a point in the Township of Ross on the Ottawa River, and a branch line from the said point on the Ottawa River through the Township of Horton to the Village of Renfrew: [the railway hereby authorized to be constructed is declared to be a work for the general advantage of Canada.]

Declaratory.

Ferry over Ottawa river.

2. [The Company may, in connection with their railway, construct, acquire, maintain and employ steam ferry boats to ply across the Ottawa River, for the purpose of carrying cars, freight and passengers over the same.]

Bridge over the Ottawa river may be built.

4. [The Company may build and complete a bridge, for railway purposes, across the Ottawa River from a suitable point in the Township of Ross on the line of the railway to some suitable point in or near the village of Portage du Fort in the County of Pontiac, in the Province of Quebec, with one or more tracks, with the necessary approaches, machinery and appliances to enable the Company to use the said bridge; and the Company may also, as part of the said bridge, in their discretion at any time construct or arrange the said bridge as well for the use of foot passengers and carriages, or either, as they think best.]

Sanction of Governor in Council required.

5. [The Company shall not commence the said bridge over the Ottawa River, or any work appertaining thereto, until they have 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 may any such plan be altered nor any deviation therefrom allowed, except by the permission of the Governor in Council and upon such conditions as he imposes:]

Provision if drawbridge is required.

2. [If the Governor in Council determines that such bridge shall be a drawbridge, the same shall be constructed so as to have one draw in the main channel of such river, which draw shall be of such width as the Governor in Council determines, and shall otherwise give free and unobstructed passage to vessels of every description navigating the said river; and the said draw 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, and shall be otherwise tended and moved at the expense of the Company so as not to hinder unnecessarily the passage of any vessel; and from sundown until sunrise during the season of navigation suitable lights shall be maintained on such bridge, to guide vessels approaching the said draw:]

Lights.

No discrimination as to passage or rates.

3. [When the said bridge is completed and ready for traffic, all trains of all railways terminating at or near the said bridge, and now constructed or hereafter to be constructed, including the cars of any other railway company which are brought over such railway, 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 thereto or in tariff rates for transportation shall be made in favor of or against any railway whose trains or business pass over the said bridge:]

Arbitration in case of disagreement.

4. [In case of any disagreement as to the rights of any railway whose trains or business pass over the bridge hereby authorized to be constructed, or as to the tariff rates to be charged in respect thereof, the same shall be determined by arbitrators, one to be appointed by the Company hereby incorporated and another by the company with whom the disagreement has arisen, and a third, who shall be some person experienced in railway affairs, by one of the superior courts of the Provinces of Ontario or Quebec, upon application to such court,—due notice thereof having been given to the parties interested; and the award of the said arbitrators or a majority of them shall be final:]

Tolls on footbridge subject to approval of Governor in Council.

5. [If the Company construct or arrange the said bridge for the use of foot passengers and carriages, as well as for railway purposes, then the tolls to be charged for the passage of such foot passengers and carriages shall, before being

imposed, be first submitted to and approved of, and may be amended and modified from time to time, by the Governor in Council; but the Company may, at any time, reduce the same; and a notice showing the tolls authorized to be charged, shall, at all times, be posted up in a conspicuous place on the said bridge.]

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 and calls thereon.

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

Annual general meeting.

8. The annual general meeting of the shareholders shall be held on the first Monday in October, in each year.

Number of directors.

9. 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.

10. The Company may issue bonds, debentures or other securities to the extent of twenty thousand dollars per mile of the railway and branches, and such bonds, debentures or other securities may be issued only in proportion to the length of railway constructed or under contract to be constructed; [and such bonds shall be called "A" bonds; and in addition thereto bonds to an amount not exceeding six hundred thousand dollars may be issued for the construction of the bridge and steam ferry boats hereinbefore mentioned, and shall be called "B" bonds:]

Tolls to specially secure "B" bonds.

2. [To specially secure series "B" bonds, tolls for the use of the said bridge, not exceeding four dollars for each car, and tolls for such ferry shall, from time to time, be fixed, imposed, changed, varied and regulated by the by-laws of the Company; but such by-laws, before being enforced, shall be first submitted to and approved of by the Governor in Council, and the tolls to be levied shall be uniformly imposed upon all companies and corporations using the said bridge, and shall be demanded and received as well from the Union Railway Company as from all other railway companies and corporations and all persons using the same, for all cars passing over the said bridge, and shall be paid to such persons and at such places, and under such regulations as the said by-laws direct.]

Time for construction of bridge.

11. The bridge shall be commenced within three years and completed within five years from the passing of this Act; otherwise the powers granted under section four of this Act shall cease and be null and void.]

Agreements with other companies.

12. The Company may enter into an agreement with the Portage du Fort and Bristol Branch Railway Company, the

Pontiac Pacific Junction Railway Company, the Canadian Pacific Railway Company, or the Kingston and Pembroke Railway Company for conveying or leasing to one of such companies the railway of the Company hereby incorporated, in whole or in part, or any rights or powers acquired under this Act, as also the 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 been approved by the Governor in Council :

Sanction of the shareholders.

And of the Governor in Council.

Notice of application for approval.

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

No. 79.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL.

An Act to incorporate the Union Railway Company.

Received and read first time, Tuesday, 26th February, 1889.
Second reading, Wednesday, 27th Feb., 1889.

(PRIVATE BILL.)

Mr. WHITE.
(Renfrew.)

OTTAWA:
For the Queen's Printer, &c.
A. SENÉCAL, Superintendent of Printing.
1889.

No. 80.] **BILL.** [1889.

An Act to incorporate the Dominion Mineral Company.

WHEREAS John Ferguson and others have, by their petition, represented that they have associated themselves together for the purpose of mining and dealing in minerals, within the district of Algoma, and in the Selkirk Range of Mountains and its neighborhood; that they have already acquired mining properties in those districts; that they purpose to proceed at once, on a large scale, with mining and dealing with mineral ores to be taken from the said properties; and whereas they have prayed for an Act of incorporation, and it is expedient to grant the prayer of the said petition: Therefore, Her Majesty, by and with the advise and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble

1. John Ferguson, of North Bay, James Worthington, of Toronto, John McIntyre and Louis J. Forget, of Montreal, John P. Hodgson, of Lacolle, and Charles T. D. Crews, George Atwood and Thomas Reynolds, of London, England, are hereby incorporated under the name of "The Dominion Mineral Company," hereinafter called the Company. Incorporation. Corporate name.

2. The persons named in the first section of this Act shall be the provisional directors of the Company. Provisional directors.

3. The Company may acquire mines and minerals, and work the same, and may establish treating and smelting works anywhere in Canada. Powers.

4. The capital of the Company shall be one hundred thousand dollars, and so soon as at least fifty thousand dollars thereof are subscribed, and one-half thereof is paid into some incorporated bank in Canada, the provisional directors may call a meeting of the subscribers thereof to elect directors and commence the operations of the Company. Capital stock. First meeting of shareholders.

5. The place where the chief office or place of business of the Company shall be, may be determined and changed from time to time by the by-laws of the Company. Head office.

6. Sections eighteen and thirty-nine of "*The Companies Clauses Act*" shall not be incorporated with this Act. R.S.C., c. 118

No. 80.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL.

An Act to incorporate the Dominion Mineral Company.

Received and read a first time, Tuesday, 26th February, 1889.
Second reading, Wednesday, 27th February, 1889.

(PRIVATE BILL.)

Mr. KIRKPATRICK.

OTTAWA:
For the Queen's Printer, &c.
A. SENÉCAL, Superintendent of Printing.
1889.

No. 81.] **BILL.** [1889

An Act to incorporate the Canadian Superphosphate Company.

Preamble.

WHEREAS the Honorable Mathew H. Cochrane, William Abbott and Charles C. Colby have, by their petition, represented that they have associated themselves together, with others, for the purpose of carrying on operations in mining, and the development of mining property, in the Province of Quebec, and in the District of Algoma, on an extensive scale; and more especially the manufacture of sulphuric acid, the getting and preparation of phosphate of lime, and other fertilizing minerals, and the manufacture of superphosphate of lime and other fertilizers; that they have already acquired mining properties in those territories for those purposes, and are now engaged in preparations for working the same; that they now desire to be incorporated for the purposes of their enterprise, and have prayed that an Act of incorporation be granted to them with appropriate powers; 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:--

Incorporation.

1. The Honorable Mathew Henry Cochrane, of Compton, William Abbott, of Montreal, and Charles C. Colby, of Stanstead, together with such persons as become shareholders in the company hereby incorporated, are hereby incorporated under the name of "The Canadian Superphosphate Company," hereinafter called the company.

Corporate name.

Head office.

2. The place where the chief office or place of business of the company shall be, may be determined and changed from time to time by the by-laws of the company.

Powers.

3. The company may acquire, by purchase or lease, or both, mines and minerals, and work the same, and manufacture commercial products therefrom, and may establish factories and treating or smelting works anywhere in Canada.

Provisional directors.

4. The said Honorable Mathew H. Cochrane, William Abbott and Charles C. Colby shall be the provisional directors of the Company.

Capital stock.

5. The capital stock of the company shall be one million dollars, and so soon as two hundred and fifty thousand dollars thereof are subscribed, and ten per centum thereof

First meeting of shareholders.

paid into some incorporated bank in Canada, the provisional directors may call a meeting of the subscribers thereof, to elect directors and commence the operations of the company.

Preferred stock.

6. The company may, by by-laws duly approved at a special meeting of shareholders, called for the purpose, provide for constituting and issuing any portion, not exceeding one-half, of its authorized capital stock, as preferred stock, and may by such by-laws regulate the conditions of such issue, the dividends to be paid thereon, and all other matters connected therewith:

Alteration of by-laws.

2. After such issue, such by-laws shall not be altered without the approval in writing, or by a vote at a special general meeting of shareholders, or partly in one and partly in the other of the said methods, of an absolute majority in amount of the holders of the preference stock then outstanding.

Directors and business in Great Britain.

7. The company may appoint some of its directors from among persons resident in Great Britain, and may hold meetings of directors at any place therein fixed for that purpose by by-law, and may transact any business there in respect of transfers of its shares, or otherwise, that may be determined by such by-laws.

R.S.C., c. 118.

8. Sections eighteen and thirty-nine of "*The Companies Clauses Act*" shall not be incorporated with this Act.

No. 81.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL.

An Act to incorporate the Canadian Superphosphate Company.

Received and read a first time, Tuesday, 26th February, 1889.
Second reading, Wednesday, 27th February, 1889.

(PRIVATE BILL.)

Mr. COLBY.

OTTAWA:
For the Queen's Printer, &c.
A. SENÉCAL, Superintendent of Printing.
1889.

No. 82.] **BILL.** [1889.

An Act to amend the Act to incorporate the Winnipeg and North Pacific Railway Company.

Preamble. WHEREAS the Winnipeg and North Pacific Railway Company have, by their petition, prayed for an Act to amend, as hereinafter mentioned, the Act incorporating the said Company, being the Act forty-ninth Victoria, chapter eighty-four, and to extend the time for the commencement of the works thereby authorized; 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:—

49 V., c. 84.

Section 21 repealed; new section. **1.** Section twenty-one of the said Act is hereby repealed and the following substituted therefor:—

Time for construction extended. "**21.** The works hereby authorized to be constructed shall be commenced within three years from the first day of January, one thousand eight hundred and eighty-nine, and the Company may prosecute the said works from time to time as they deem necessary or the circumstances of the case require, so long as not less than twenty-five miles of the said railway are constructed in each year after the said works have been commenced; and upon the failure to construct twenty-five miles of railway in any one year, as above provided, the power thereafter to continue the construction shall cease and determine, but the right of the Company to the portion constructed shall not thereby be affected."

No. 82.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL.

An Act to amend the Act to incorporate the Winnipeg and North Pacific Railway Company.

Received and read first time, Wednesday, 27th February, 1889.
Second reading, Friday, 1st March, 1889.

(PRIVATE BILL.)

Mr. BERGIN.

OTTAWA:
For the Queen's Printer, &c.
—
A. SENÉCAL, Superintendent of Printing.
—
1889.

No. 83.] **BILL.** [1889

An Act to incorporate the Ontario, Manitoba and Western Railway Company.

Preamble.

WHEREAS a petition has been presented praying for the incorporation of a Company to construct and operate a railway, and steam or other vessels, 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:—

Incorporation.

1. D. F. Burk, Charles S. Morris, James Conmee, Thomas A. Gorham, Philip McRae, Luke Madigan and D. McDermid, together with such persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of "The Ontario, Manitoba and Western Railway Company," hereinafter called the Company.

Corporate name.

Head office.

2. The head office of the Company shall be in the city of Winnipeg, in the Province of Manitoba.

Line of railway described.

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 Port Arthur, in the Province of Ontario, westerly to the city of Winnipeg, in the Province of Manitoba, crossing the Narrows of the Lake of the Woods, and south of the line of the Canadian Pacific Railway, and a branch line from some point on the main line between Manitou River and the Lake of the Woods to a point at or near Rainy River.

Vessels.

4. [The Company may purchase, build, charter, sell, navigate, operate and work, in connection with its railway, steam or other vessels on the rivers, lakes and inland waters of the Provinces of Ontario and Manitoba for the purpose of its traffic.]

Docks, elevators, &c.

5. [The Company, at any point where the railway, or any branch thereof, approaches within two miles of any navigable waters, may purchase and hold as its own absolute property, piers, docks and water lots; and upon the said water lots and in and over the waters adjoining the same, may build and erect elevators, storehouses, warehouses and engine houses, sheds, docks, piers and other erections for the use of the Company, and the steam or other vessels owned, worked or controlled by the Company or any other steam

or other vessels; and may collect wharfage and store charges for the use of the same; and may erect, build and maintain all moles, piers, wharves and docks necessary and proper for the protection of such works, and for the accommodation and convenience of vessels entering, leaving, lying, loading and unloading within the same; and may dredge, deepen and enlarge such works; and in its discretion may sell, lease or convey the said piers and docks, water lots, elevators, storehouses, warehouses, engine houses, sheds and other erections, or any thereof, or any portions thereof:

Navigation not to be obstructed.

2. No such work nor any part thereof shall be constructed so as in any way to materially obstruct navigation, or the flow of water on any navigable river; and the Company shall not commence the construction of any wharf, dock or pier on any navigable water until the plans and site of each such wharf, dock or pier have first been submitted to and approved of by the Governor in Council.]

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 and calls thereon.

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

Annual general meeting

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

Number of directors.

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

Amount of bonds, &c., limited.

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

No. 83.

3rd Session, 6th Parliament, 52 V

BILL.

An Act to incorporate tl Manitoba and Western Ra pany.

Received and read a first time 27th February, 1889. Second reading, Friday, 1st Mar

(PRIVATE BILL.)

Mr. Ma

OTTAWA:
For the Queen's Printer,
A. Senécal, Superintendent o
1889.

No. 84.] **BILL.** [1889

An Act to extend the provisions of the Extradition Act.

Preamble.

WHEREAS it is expedient to make further provision for the extradition from Canada of fugitive offenders from foreign states: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Fugitive offenders may be surrendered though there is no convention.

1. In case no extradition arrangement, within the meaning of "*The Extradition Act*," exists between Her Majesty and a foreign state, or in case such an extradition arrangement, extending to Canada, exists between Her Majesty and a foreign state, but does not include the crimes mentioned in the schedule to this Act, it shall, nevertheless, be lawful for the Minister of Justice to issue his warrant for the surrender to such foreign state of any fugitive offender from such foreign state charged with or convicted of any of the crimes mentioned in the schedule to this Act: Provided always, that the arrest, committal, detention, surrender and conveyance out of Canada of such fugitive offender shall be governed by the provisions of "*The Extradition Act*;" R.S.C., c. 142. and that all the provisions of the said Act shall apply to all steps and proceedings in relation to such arrest, committal, detention, surrender and conveyance out of Canada in the same manner and to the same extent as they would apply if the said crimes were included and specified in an extradition arrangement between Her Majesty and the foreign state, extending to Canada.

As to costs.

2. All expenses connected with the arrest, committal, detention, surrender and conveyance out of Canada of any fugitive offender under this Act shall be borne by the foreign state applying for the surrender of such fugitive offender.

Law of Canada to govern as to crimes.

3. The list of crimes in the schedule to this Act shall be construed according to the law existing in Canada at the date of the commission of the alleged crime, whether by common law or by statute made before or after the passing of this Act, and as including only such crimes, of the description comprised in the list, as are, under that law, indictable offences:

Application of Act.

2. The provisions of this Act shall apply to any crime mentioned in the said schedule, whether such crime was committed before or after the coming into force of this Act, as regards any foreign state as hereinafter provided.

Coming into force of Act.

4. The foregoing provisions of this Act shall not come into force with respect to fugitive offenders from any foreign state until this Act shall have been declared by Proclamation of the Governor General to be in force and effect as regards such foreign state, from and after a day to be named in such Proclamation ; and the provisions of this Act shall cease to have any force or effect with respect to fugitive offenders from any foreign state, if by Proclamation the Governor General declares this Act to be no longer in operation as regards such foreign state :

Abrogation by proclamation.

Day to be named.

2. The day from and after which, in such case, the provisions of this Act shall cease to have force and effect shall be a day to be named in such Proclamation.

SCHEDULE.

(1.) Murder, or attempt or conspiracy to murder ;

(2.) Manslaughter ;

(3.) Counterfeiting or altering money and uttering counterfeit or altered money ;

(4.) Forgery, counterfeiting or altering, or uttering what is forged, counterfeited or altered ;

(5) Larceny ;

(6.) Embezzlement ;

(7.) Obtaining money or goods or valuable securities by false pretences ;

(8.) Rape ;

(9.) Abduction ;

(10.) Child stealing ;

(11.) Kidnapping ;

(12.) Burglary, house-breaking or shop-breaking ;

(13.) Arson ;

(14) Robbery ;

(15.) Threats, by letter or otherwise, with intent to extort ;

(16.) Perjury or subornation of perjury ;

(17) Piracy by municipal law or law of nations, committed on board of or against a vessel of a foreign state ;

(18.) Criminal scuttling or destroying such a vessel at sea, whether on the high seas or on the great lakes of North America, or attempting or conspiring to do so ;

(19.) Assault on board such a vessel at sea, whether on the high seas or on the great lakes of North America, with intent to destroy life or to do grievous bodily harm ;

(20.) Revolt, or conspiracy to revolt, by two or more persons on board such a vessel at sea, whether on the high seas or on the great lakes of North America, against the authority of the master;

(21.) Any offence under either of the following Acts, and not included in any foregoing portion of this schedule:—

(*a.*) "*An Act respecting offences against the person.*"

(*b.*) "*The Larceny Act.*"

(*c.*) "*An Act respecting Forgery.*"

(*d.*) "*An Act respecting offences relating to the Coin*"

(*e.*) *An Act respecting Malicious Injuries to Property.*"

(22.) Any offence which is, in the case of the principal offender, included in any foregoing portion of this schedule, and for which the fugitive criminal though not the principal, is liable to be tried or punished as if he were the principal.

No. 84.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL.

An Act to extend the provisions of the Extradition Act.

Received and read first time, Wednesday, 27th February, 1889.
Second reading, Thursday, 28th February, 1889.

Mr. WELDON.
(Albert.)

OTTAWA:
For the Queen's Printer, &c.
—
A. SENÉCAL, Superintendent of Printing.
—
1889.

No. 85.] **BILL.** [1889.

An Act to incorporate the Moose Jaw, Battleford and Edmonton Railway Company.

Preamble.

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:—

Certain persons incorporated.

1. J. P. Simpson, A. R. Turnbull, Thos. B. Baker, O. B. Fysh, R. H. Riddell, J. G. Gordon, E. N. Hopkins, James H. Ross, Wm. Grayson and G. M. Annable, together with such persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of "The Moose Jaw, Battleford and Edmonton Railway Company," hereinafter called the Company.

Corporate name.

Declaratory.

2. The railway hereby authorized is declared to be a work for the general advantage of Canada.

Head office.

3. The head office of the Company shall be in the town of Moose Jaw, in the North-West Territories, [or in such other place in Conada or Great Britain, as is fixed by by-law of the Company passed at any annual general or special meeting of the shareholders called for that purpose.]

Railway may be constructed.

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 on the line of the Canadian Pacific Railway Company at or near Moose Jaw, in the District of Assiniboia, in the North-West Territories, in a north-westerly direction by way of Battleford to Edmonton and thence to the Peace River country, and may build a branch railway from the point where the said railway crosses the South Saskatchewan River to Prince Albert.

Provisional directors.

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

Capital stock and calls thereon.

6. 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 centum on the shares subscribed.

Annual meeting.

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

Election of directors.

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

Amount of bonds.

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

Erection of wharves, docks, &c

Elevators, mills and vessels

10. [The Company may erect and maintain docks, dockyards, wharves, slips and piers, at any point on or in connection with the railway of the Company and at all the termini thereof on navigable waters, for the convenience and accommodation of vessels and elevators, and may acquire and work elevators and saw-mills, and may acquire, build, own, hold, charter, work and run, steam and other vessels for cargo and passengers, upon any navigable water which the railway of the Company reaches or connects with.]

No. 85.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL.

An Act to incorporate the Moose Jaw, Battleford and Edmonton Railway Company.

Received and read first time, Thursday, 28th February, 1889.
Second reading, Friday, 1st March, 1889.

(PRIVATE BILL.)

Mr. MACDOWALL.

OTTAWA:
For the Queen's Printer, &c.
A. SENÉCAL, Superintendent of Printing.
1889.

No. 86. **BILL.** [1889.

An Act to incorporate the Saskatchewan Railway and Mining Company.

WHEREAS a petition has been presented praying for the incorporation of a Company to construct and operate a railway and to acquire, sell and work coal, iron and other mines, as hereinafter set forth, and it is expedient to grant the prayer of the said petition : Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :— Preamble.

1. John W. Cheeseworth, J. H. C. Willoughby G. N. Grant, B. W. Clark, Archibald Young, J. E. Scheller, A. H. Royce and F. R. Powell, together with such persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of "The Saskatchewan Railway and Mining Company," hereinafter called the Company, [and the railway, works and undertakings hereby authorized are declared to be for the general advantage of Canada.] Incorporation. Corporate name. Declaratory.

2. The head office of the Company shall be in the city of Toronto or [in such other place in Canada as is fixed by by-law of the Company, passed at any annual or special general meeting of the shareholders.] 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 Dunmore Station on the Canadian Pacific Railway, thence northerly to a crossing of the South Saskatchewan River at or near Drowning Ford, thence across the Red Deer River near its mouth, thence by the best route to a crossing of the South Saskatchewan River at or near Saskatoon, [and the Company may vary its line a distance of twenty-five miles to the north or south of the course hereby authorized, and may utilize the navigable waters along or near the proposed route of the said railway, for the purposes of transport ; and may construct, purchase, lease, charter or own steam or other vessels for the transport of their traffic on the said navigable waters ; and may work ferries on the waters near to or touched by the said railway and also sell, lease or dispose of such of the said vessels and ferries as they may not require.] Line of railway described. Vesse's may be owned.

4. [The Company may buy and sell coal, iron and other mines, coal lands and wood lands in connection with their Mines, &c., may be acquired.

business, and may mine for coal, iron and other minerals and sell and dispose of the product of the same.]

Additional property may be acquired.

5. [The Company, at any point where the railway, or any branch thereof, approaches within two miles of any navigable waters, may, for the purposes of its business, purchase and hold as its own absolute property, piers, docks and water lots; and upon the said water lots and in and over the waters adjoining the same, may build and erect elevators, storehouses, warehouses and engine houses, sheds, docks, piers and other erections for the use of the Company, and the steam and other vessels owned, worked or controlled by the Company, or any other steam or other vessels; and may collect wharfage and store charges for the use of the same; and may erect, build and maintain all moles, piers, wharves and docks necessary and proper for the protection of such works, and for the accommodation and convenience of vessels entering, leaving, lying, loading and unloading within the same: and may dredge, deepen and enlarge such works; and in its discretion may sell, lease or convey the said wharves, piers and docks, water lots lands, elevators, storehouses, warehouses, engine houses, sheds and other erections, or any thereof, or any portion thereof. No such work or any part thereof shall be constructed so as in any way to materially obstruct navigation, or the flow of water on any navigable river; and the Company shall not commence the construction of any dock or pier on any navigable water until the plans and site of each such dock or pier have first been submitted to and approved of by the Governor in Council.]

Consent of Governor in Council.

Provisional directors.

6. The persons mentioned by name in the first section of this Act [with power to add to their number by a resolution passed by a majority] are hereby constituted provisional directors of the Company:

In case of vacancy.

2. [If any provisional director dies or resigns his office before the first general meeting of the Company the vacancy may be filled by the remaining provisional directors:]

Money expended by provisional directors.

3. [All moneys expended by the provisional directors in furtherance of the undertaking, either before or after the passing of this Act, shall be considered as cash instalments on stock, and at the first meeting of directors a resolution shall be passed giving credit to each provisional director in the books of the Company for such amount as he may have expended.]

Capital stock and calls.

7. The capital stock of the Company shall be four 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 centum on the shares subscribed.

Annual general meeting.

8. The annual general meeting of the shareholders shall be held on the first Wednesday in March in each year.

Number of directors.

9. 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 :

2. [The number of directors may be increased by by-law of the Company :] Increase of directors.

3. [No person shall be elected a director of the Company unless he is the holder of at least ten shares in the stock of the Company.] Qualification.

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 may also issue preference stock at such rate of interest, not exceeding eight per centum per annum, as the directors think proper, to the extent of fifteen thousand dollars per mile of the railway and branches] and such bonds, debentures [preference stock] or other securities may only be issued in proportion to the length of railway constructed or under contract to be constructed. Amount of bonds, &c., limited. Preference stock.

11. The Company may enter into an agreement with the Canadian Pacific Railway Company, the Winnipeg and Hudson Bay Railway and Steamship Company, or the Great North-West Central Railway Company for conveying or leasing to one of such companies the railway of the Company hereby incorporated, in whole or in part, or any rights or powers acquired under this Act, as also the 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 been approved by the Governor in Council : Agreements with other companies. Sanction of the shareholders. And of Governor in Council.

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

12. [The works hereby authorized to be constructed, shall be commenced within five years from the passing of this Act, and the Company may prosecute the work from time to time as they may deem necessary, or the circumstances of the Company may require, so long as not less than twenty miles of the said railway are constructed and put in operation in each year after the expiration of the said five years]. Time for construction.

No. 86.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL.

An Act to incorporate the Saskatchewan Railway and Mining Company.

Received and read first time, Thursday, 28th February, 1889.
Second reading, Friday, 1st March, 1889.

(PRIVATE BILL.)

Mr. McCarthy.

OTTAWA:
For the Queen's Printer, &c.
A. Senécal, Superintendent of Printing.
1889.

No. 87] **BILL.** [1889.

An Act to amend the Act to incorporate the Quebec Board of Trade.

Preamble.

WHEREAS the Quebec Board of Trade has, by its petition, prayed that an Act may be passed to amend, as hereinafter set forth, the Act passed by the Legislature of the late Province of Canada, in the session held in the fourth and fifth years of Her Majesty's reign, chapter ninety-two, intituled "*An Act to incorporate the Quebec Board of Trade*," 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 :—

4-5 V., c. 92.

Section 1 amended.

1. Section one of the Act cited in the preamble is hereby amended by striking out in lines thirty-two and thirty-three, the words "being inhabitants of and using trade and commerce within the said City of Quebec," and substituting therefor the words "identified with trade, commerce or manufactures," and by striking out in lines forty-six and forty-seven, the words "two thousand pounds currency," and substituting therefor the words "eight thousand dollars."

Section 2 repealed ; new section.

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

Application of funds.

"2. The funds and property of the corporation shall be used and applied to and for such purposes only as are calculated to promote and extend the just and lawful trade, commerce and manufactures of the Dominion and of the said City of Quebec especially, or as are necessary for attaining the objects contemplated by this Act."

Sections 4, 5 and 6 repealed.

Council ; its constitution, election and quorum.

3. Sections four, five and six of the said Act are hereby repealed and the following substituted therefor : "The affairs, business and concerns of the corporation shall be managed by a president, two vice-presidents, a treasurer, and twelve or such other number of persons as is provided by the by-laws, all of whom shall be members of the corporation and shall together constitute and be called the council of the said corporation, and be elected annually at such time and place as is provided by the by-laws, and five members of the said council or such other members as is provided by the by-laws shall constitute a quorum for the transaction of business."

Sections 8, 9 and 10 repealed.

4. Sections eight, nine and ten of the said Act are hereby repealed.

Tenure of office of present council.

5. The present council shall remain in office until the first annual meeting held after the passing of this Act.

Annual meeting.

Failure to elect directors; effect of.

6. An annual meeting shall be held for the election of the council and for such other business as is brought before such meeting, at such time and place and under such regulations and notices as the by-laws of the corporation determine, and may adjourn as decided at such meeting; but in case of any accidental failure or neglect to hold such general election, the corporation shall not thereby lapse or terminate, but shall continue and exist, and the officers shall remain in office until the next general election, or until such other period as is provided in the by-laws.

Admission and expulsion of members.

7. The corporation may admit as members such persons as they see fit, and may expel any member for such reasons and in such manner as is appointed by by-law.

Section 11 amended.

8. Section eleven of the said Act is hereby amended by striking out on line nine the words "vice-president," and substituting therefore the words "two vice-presidents," and by striking out on line eleven the words "vice-president," and substituting therefor the words "vice-presidents."

Section 12 amended

9. Section twelve of the said Act is hereby amended by striking out on line six the words "vice-president," and substituting therefor the words "one of the vice-presidents," and by striking out on line nine the words "the vice-president," and substituting therefor the words "either of the vice-presidents," and by striking out on line ten the word "both," and substituting therefor the word "all."

Section 16 amended.

10. Section sixteen of the said Act is hereby amended by striking out on line ten the words "one shilling," and substituting therefor the words "five dollars."

No. 87.

3rd Session, 6th Parliament, 52 Victor

BILL.

An Act to amend the Act to incor
the Quebec Board of Trade

Received and read first time, Thursd
February, 1889.
Second reading, Friday, 1st March, 1

(PRIVATE BILL.)

Mr. McGRE

OTTAWA:
For the Queen's Printer, &c.
A. SENÉCAL, Superintendent of Pri
1889.

No. 88.] **BILL.** [1889.

An Act to incorporate the Edmundston and Florenceville Railway Company.

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.

Incorporation.

1. George T. Baird, of Perth Centre, in the Province of New Brunswick, merchant, James Stratton, of St. John, in the said Province, barrister, Walter Armstrong, of Grand Falls, in the said Province, gentleman, Daniel O'Connor, of Ottawa, in the Province of Ontario, esquire, John J. McDonald, of River du Loup, in the Province of Quebec, contractor, John Heney, of Ottawa aforesaid, contractor, and George P. Brophy, of Ottawa aforesaid, civil engineer, together with such persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of "The Edmundston and Florenceville Railway Company," hereinafter called the Company.

Corporate name.

Head office.

2. The head office of the Company shall be in Grand Falls, in the County of Victoria, in the Province of New Brunswick.

Line of railway described.

3. The Company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches, in the Province of New Brunswick, from a point in or near the town of Edmundston, to a point in or near the village of Florenceville, in the County of Carleton, following the easterly side of the River St. John, to or near the New Brunswick Railway Company's bridge which crosses the said river in the parish of Perth, thence crossing the said river and following the westerly side thereof to or near the village of Florenceville aforesaid.

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 and calls thereon.

5. 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 centum on the shares subscribed.

Annual general meeting.

6. The annual general meeting of the shareholders shall be held on the first Tuesday in August 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 twelve thousand dollars per mile of the railway and branches, and such bonds, debentures or other securities may be issued only in proportion to the length of the railway constructed or under contract to be constructed.

Agreements with other companies.

9. The Company may enter into an agreement with the Tobique Valley Railway Company, the New Brunswick Railway Company, the Woodstock and Centerville Railway Company, the St. John Valley and River du Loup Railway Company, the Northern and Western Railway Company or the Caraquet 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 it has also been approved by the Governor in Council.

Sanction of the shareholders.

And of the Governor in Council.

Notice of application for approval.

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

No. 88.

3rd Session, 6th Parliament, 52 Vict

BILL.

An Act to incorporate the Edm and Florenceville Railway C

Received and read first time, Thur February, 1889.
Second reading, Friday, 1st March

(PRIVATE BILL.)

Mr. L

OTTAWA:
For the Queen's Printer, &
A. SENECAL, Superintendent of P
1889.

No. 89.] **BILL.** [1889.

An Act to amend the Charter of Incorporation of the Great North-West Central Railway Company.

WHEREAS by an Act of the Parliament of Canada, passed in the fifty-first year of Her Majesty's reign, intituled "*An Act to confirm the charter of incorporation of the Great North-West Central Railway Company*," the charter of incorporation granted by Order in Council to the persons therein named under the provisions of an Act passed in the forty-ninth year of Her Majesty's reign, intituled "*An Act to authorize the grant of certain subsidies in land for the construction of railways therein mentioned*," was confirmed and enacted as embodied in the schedule to the said first mentioned Act; and whereas in and by the said charter, in the twenty-sixth section thereof, it is enacted that "the Governor in Council shall have for and on behalf of the Canadian Pacific Railway running powers over the said road, subject to such terms as shall be agreed upon with the Company, or, on failure to agree, as shall be fixed and determined by arbitrators to be appointed by such Company and the Governor in Council respectively, and such third person as shall be appointed by a judge of the Supreme Court of Canada at the request of the said Company or of the Minister of Railways and Canals;" and whereas the said Company have, by their petition, set forth that the foregoing clause tends to the prejudice of the said Company in obtaining capital to advance their undertaking, since the exercise of the powers thus vested in the Governor in Council would seriously affect the independent character of the Company's road, and have accordingly prayed that the foregoing clause of the said Company's charter be rescinded and repealed; 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. 51 V., c. 85. 49 V., c. 11.

1. The twenty-sixth section of the said Company's charter (as set out in the schedule to the Act passed in the fifty-first year of Her Majesty's reign, and intituled "*An Act to confirm the charter of incorporation of the Great North-West Central Railway Company*") is hereby repealed. Section 26 of charter repealed.

No. 89.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL.

An Act to amend the Charter of Incorporation of the Great North-West Central Railway Company.

Received and read first time, Thursday, 28th February, 1889.
Second reading, Friday, 1st March, 1889.

(PRIVATE BILL.)

Mr. DALY.

OTTAWA:
For the Queen's Printer, &c.
A. SENÉCAL, Superintendent of Printing.
1889.

No. 90.] **BILL.** [1889.

An Act respecting the Kingston and Pembroke Railway Company and the Napanee, Tamworth and Quebec Railway Company.

Preamble.

WHEREAS a certain agreement dated the ninth day of February, one thousand eight hundred and eighty-nine, was made by the Napanee, Tamworth and Quebec Railway Company, of the first part, the Kingston and Pembroke Railway Company of the second part, and the Corporation of the City of Kingston of the third part; and whereas the said companies have, by their respective petitions, prayed that the said agreement on the part of the said two companies shall be made legal, valid and binding, and it is expedient to grant the prayer of the said petitions: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Agreement in schedule confirmed.

1. The agreement made by the Napanee, Tamworth and Quebec Railway Company, of the first part, the Kingston and Pembroke Railway Company, of the second part, and the Corporation of the City of Kingston, of the third part, as set out in the schedule to this Act, is hereby declared legal, valid and binding on the Kingston and Pembroke Railway Company and the Napanee, Tamworth and Quebec Railway Company respectively; and each clause and the provisions thereof shall, as regards the said companies respectively, and all others their respective successors and assigns whomsoever therein referred to, have the same force and effect as if each clause and the provisions thereof were set out and enacted herein at length, and shall be taken, held and considered accordingly.

Charge for carrying cordwood fixed.

2. The Napanee, Tamworth and Quebec Railway Company shall at all times carry cordwood from Tweed and points between Tweed and Harrowsmith to the City of Kingston at a rate not to exceed nine dollars per car carrying six cords of dry wood, or twelve tons of green or soft or wet wood, provided the Kingston and Pembroke Railway Company afford the facilities in the said agreement mentioned; and further the wood shall be loaded and unloaded by the consignors or consignees at their own expense, and the cars shall be loaded and unloaded with all reasonable despatch:

The same if new line is built.

2. Provided however, that if the Napanee, Tamworth and Quebec Railway Company provide a new line of its own into the City of Kingston in lieu of the connection between Yarker and Harrowsmith, and user of the Kingston and Pembroke Railway Company's line as in the agreement in the schedule to this Act annexed mentioned, the said

Napanee, Tamworth and Quebec Railway Company shall carry out the provisions of this section for the carriage of cordwood by such new line :

3. This section shall be binding on the successors, lessees and assigns of the last mentioned company, and any company with which it amalgamates or which owns, controls or operates the lines and works of the said railway companies.

Arrangements as to haulage by locomotives.

3. The Kingston and Pembroke Railway Company and the Napanee, Tamworth and Quebec Railway Company may, with the consent of the Council of the Corporation of the City of Kingston, arrange so that the engines of the Kingston and Pembroke Railway Company shall haul the cars, trains or any of them or any of the traffic of the Napanee, Tamworth and Quebec Railway Company between Kingston and Harrowsmith both ways on such terms as the said two Companies agree upon.

SCHEDULE.

This deed, made (in triplicate) this ninth day of February, in the year of Our Lord, one thousand eight hundred and eighty-nine. By and between the Napanee, Tamworth and Quebec Railway Company, hereinafter called "The Napanee Company," of the first part; the Kingston and Pembroke Railway Company, hereinafter called "The Kingston Company," of the second part; and the Corporation of the City of Kingston, hereinafter called "The City," of the third part ;

Whereas, the city has granted to the Napanee Company a bonus of $75,000 to aid and assist the said Company by a by-law entitled, "A by-law to aid and assist the Napanee, Tamworth and Quebec Railway Company by granting a bonus thereto of seventy five thousand dollars for the purpose and upon the conditions therein mentioned and contained," finally passed on the 17th day of December, 1888, and this deed is entered into by the Parties thereto in connection with the granting of said bonus ;

Now this deed witnesseth, that the parties hereto have and they hereby do, for the considerations hereinafter shown and expressed, covenant, promise and agree, each with the other in the manner following, that is to say :—

1. The Napanee Company agree with the others that within twenty-four months from the thirty-first day of December, one thousand eight hundred and eighty-eight, they will extend their railway from Tamworth to the Village of Tweed, to a junction at that place with the Ontario and Quebec Railway, now worked by the Canadian Pacific Railway Company and complete the same ready for use.

2. That they will also complete and put in working order an extension from a point on their line at or near Yarker within the second concession of the Township of Camden to a point at or near Harrowsmith, on the line of the Kingston Company, not further north than the gravel pit on lots numbers seven and eight in the fifth concession of the

Township of Portland and that the connections at Yanker and Harrowsmith aforesaid shall be so made that a train can pass direct through from Tamworth to Kingston and *vice versa* without the use of a Y or turntable, or reversing either engine or cars ;

3. The Kingston Company, in consideration of the above and of the further considerations hereinafter mentioned, hereby grant to the Napanee Company for all time to come, independent running powers for the Napanee Company's trains, engines and cars between such junction at or near Harrowsmith and the said City of Kingston and including the use at such junction and in the City of Kingston and points between of the stations, sidings, terminal and other facilities, present and future, for receiving and delivering or either of passengers, goods and property, and equal running privileges, except that the trains of the Kingston Company shall have precedence over the Napanee Company's trains of the same classes. The above shall include and it is intended to include the use of freight houses and all other the appliances of the Kingston Company used by them, which are or may be necessary for the convenient or proper exercise of the powers above granted, and further, the Kingston Company agree they will at cost, plus ten per cent., provide the Napanee Company with stores, fuel and water, when required, when on the said section of the line of the Kingston Company as aforesaid, also that they the Kingston Company will make any necessary repairs to cars and engines at cost price with ten per cent. thereon added to cover contingencies, if required.

4. The Kingston Company also agree with the Napanee Company that if required to do so, they will sell at their stations at Harrowsmith and Kingston and at all intermediate points and stations the tickets from said respective points on the Kingston Company's line to points on the line of the Napanee Company, and beyond if so arranged for by the said companies and so desired by said Napanee Company, and The Napanee Company will, at their said stations sell tickets from any points on the line of the Napanee Company to said City of Kingston, and also to any intermediate points between Kingston and Harrowsmith, both of said places included.

5. That if at any one or more of the said points on the line of the Kingston Company, the Napanee Company desire they may put in their own ticket clerks and freight clerks or either to sell tickets or book freight or both from said points or any of them to points on the Napanee Company's line or beyond, and that in such case the Kingston Company will afford office room and all freight accommodation in the offices and freight sheds and such like used by them, and reasonable facilities for doing the business.

6. That at Kingston and Harrowsmith and at all stations between, the Kingston Company will receive and receipt for freight and receive and deliver freight, carried or to be carried over or which shall arrive by the cars and trains of

the Napanee Company consigned from or to such points respectively or beyond and in all respects with the same care and despatch in the receipt of freight and in the delivery of freight and in the sale of tickets and in collecting (if required) the freight and charges on goods delivered by them for the Napanee Company which is necessary and usual on any well managed railway.

7. The Kingston Company shall in each week or such day from time to time as shall be agreed upon account for and pay over to the Napanee Company all moneys received by them the Kingston Company under the terms of this agreement for the Napanee Company, and the Kingston Company shall be responsible to the Napanee Company for the faithful collection and prompt accounting for and paying over of all moneys collected by them and their agents for the Napanee Company, and in like manner, the Napanee Company shall in each week on said days or as agreed upon from time to time pay over to the Kingston Company all moneys received by them the Napanee Company, under the terms of this agreement for the Kingston Company, and the Napanee Company shall be responsible to the Kingston Company for the faithful collection and prompt accounting for and paying over of all moneys collected by them, and their agents for the Kingston Company.

8. And the said the Kingston Company and the Napanee Company further agree that the trains of the Napanee Company, while on the Kingston Company's line, shall be worked under the rules and regulations of the Kingston Company and shall be under their control,

9. That in working the order of precedence shall be as follows :—The passenger trains of the Kingston Company shall have precedence of passenger trains of the Napanee Company, passenger trains of the Napanee Company shall have precedence over mixed trains of the Kingston Company, mixed trains of the Kingston Company shall have precedence over mixed trains of the Napanee Company, and mixed trains of the Napanee Company shall have precedence over freight trains of the Kingston Company, and freight trains of the Kingston Company shall have precedence over freight trains of the Napanee Company but each party shall in all cases use their best exertions to so work as to cause to the other the least possible inconvenience.

10. That from time to time the superintendents of both lines or other proper officers shall agree upon the time tables upon which the trains in so far as they relate to the Napanee Company between Harrowsmith and Kingston shall be worked, and shall make regulations for the safe and convenient working of the trains between the points aforesaid which shall be obeyed and observed by their respective servants and agents.

11. For the purposes of this agreement the employees of the Kingston Company shall be regarded as the employees

of the Napanee Company, and the employees of the Napanee Company shall be regarded as the employees of the Kingston Company, and the section of the Kingston Company's Railway between Harrowsmith and Kingston, both places included for all purposes, shall be regarded as the railway of the Napanee Company as well as that of the Kingston Company, and each party hereto assumes for itself all loss arising from damage or injury from any cause to its own passengers, freight, employees or property, and all liabilities to third person arising from its acts or the acts of its employees so defined. Any employee of either company on the line between Kingston and Harrowsmith, both places included, shall be removed on the reasonable complaint and request of one company to the other.

12. The Kingston Company further agree to keep and maintain their line and facilities hereinbefore mentioned, at and between the said points on which said running powers are to be exercised in good working order: Provided, however, the Napanee Company shall in case any defect comes to their knowledge, at once give notice thereof to the Kingston Company.

13. That if the Napanee Company at any time choose to do so they may establish and provide for themselves passenger stations, freight sheds, sidings and other conveniences, or any of them in the City of Kingston and between Harrowsmith and Kingston, and in such case from the time they cease to use said Kingston Company's sidings and freight sheds or passenger stations or any of them, a reasonable and proper reduction in the compensation herein agreed upon shall be made with the Napanee Company, if the amount of such reduction is not agreed upon, then the same shall be fixed by arbitration as hereinafter provided.

14. The Napanee Company may provide a line of their own to Kingston and may continue to use the terminal facilities in Kingston of the Kingston Company, and in that case, to the extent the said line between Harrowsmith and Kingston stations or other facilities of the Kingston Company are not used the compensation to be paid as herein provided shall be reduced to such extent as may be agreed upon or failing agreement as may be fixed by arbitration as hereinafter provided.

15. That the Napanee Company shall not carry local traffic, freight or passengers passing between Kingston and Harrowsmith or either way or to and from points between, the only traffic the Napanee Company shall take on the Kingston Company's line shall be traffic coming from and going to points beyond Harrowsmith and which but for this agreement would change cars at Harrowsmith: Provided however, that if by accident or mistake any passenger or passengers take the train or trains of the Napanee Company between the said local points, or either of said local points, in every such case the Napanee Company shall pay over to the Kingston Company such proportion of the

fare as may be in such case reasonable, and as the parties shall from time to time agree upon.

16. It is further agreed that the compensation to be made and paid by the Napanee Company to the Kingston Company for the services so rendered, and the rights and facilities so granted as in this agreement contained, shall be ascertained and fixed thus :– For the purposes of this agreement, the rates and fares received by the Napanee Company for all passengers and freight from any point on their line to Kingston, or to any point between Harrowsmith and Kingston or from Kingston or any point between Kingston and Harrowsmith to any point on the Napanee Company's line, shall be divided on an equal or mileage rate for the distance carried, and that part thereof which at said rate may be earned on the Kingston Company's line, shall be charged with the following payments: The Napanee Company thereout shall pay towards the maintenance of the Kingston Company's line between Kingston and Harrowsmith, and the stations, sidings and terminal facilities of the Kingston Company which they the Napanee Company may, from time to time, use, such proportion of the whole cost of said maintenance of the line and stations and facilities used as aforesaid, as the mileage of the Napanee Company's engines and cars shall bear to the whole mileage of engines and cars which may for the same time pass over the said section of the Kingston Company's line, but in making such calculation a reasonable reduction shall be made from said whole mileage, for the non user of any of said stations and facilities not used by the Napanee Company. And in case of the Kingston Company handling freight and booking passengers and traffic of and for the Napanee Company, the latter company from said portion of said receipts calculated as aforesaid on the said mileage basis, shall pay the Kingston Company a sum per passenger and per ton for said handled freight, which shall be the actual cost of handling said freight and booking said passengers and traffic, at the several stations between Kingston and Harrowsmith, Kingston included, and points between used by the Napanee Company, such cost to be the proportion of the whole cost of handling the freight and booking passengers and traffic at said stations, at which the passengers and freight and traffic handled and booked for the Napanee Company bears to the whole freight and passenger and traffic handled and booked at said stations, the intention being that the Napanee Company, for business done for them in the respects aforesaid, shall only be charged actual and proper cost for the work done. And that for the use of the Kingston Company's line or such part thereof as may be used by the Napanee Company between Kingston and Harrowsmith, both places included, and for the use of such of the stations and all other facilities above mentioned used by the Napanee Company from time to time, they the Napanee Company out of the balance of said portion of said earnings of the Napanee Company on the Kingston Company's line will pay to the Kingston Company such proportion as may from time to time be agreed

upon by the Napanee Company and the Kingston Company, and failing agreement as shall be fixed by arbitration as in this agreement provided; but in fixing such compensation the capital account of either party and the interest on capital account or the salaries of the officers of either party shall not be considered or form any element in the calculation; and for the convenience of the said parties hereto the arbitrators shall fix the compensation to be paid out of the said portion of the balance of income applicable to the said section of the Kingston Company's line under this agreement as above specified at a rate per ton per mile on freight and a rate per passenger per mile or upon the wheel basis as the arbitrators may deem just, or elect between said companies, parties hereto. The provisions above contained shall apply, from time to time, as and according to the use for the time being the Napanee Company may make of the line, stations and facilities of all kinds of the Kingston Company at and between the points aforesaid.

17. That for all matters pertaining to this agreement each party shall keep correct accounts and shall give to the other full and free access to all papers, books and accounts, and give each to the other all reasonable information necessary to enable each party to see that all business is carried on properly and that all accounts are correctly kept and rendered.

18. That in case of dispute as to the observance of this agreement by either company, in each of such case, unless the parties can agree otherwise the same shall be settled by arbitration as hereinafter provided.

19. The compensation for the use of the line and facilities above agreed upon, unless it is thought proper in the meantime by mutual consent to change the same, shall continue in force for five years—when if either party so desire a re-adjustment shall be made, but if neither party so desire, then the same shall continue for the further period of five years—but no adjustment made shall continue for a longer period than five years, unless by mutual consent. The intention being that if from time to time the then existing adjustment as to compensation for the use of the line and facilities, works unjustly or unfairly to either party, and the re-adjustment is not agreed upon, the then existing rate of said compensation shall not be binding for more than five years but must be re-adjusted.

20. That this agreement shall be binding upon the Kingston Company, their successors and assigns, or any company with which they may amalgamate and upon any person or persons or corporations whatsoever, which may, from time to time, and for the time being, own or work the railway and works of the Kingston Company mentioned above, now used or owned, or which may hereafter be used or owned, by the Kingston Company or any part thereof, for the purposes of traffic to and from and on said railway: Provided, however, and it is hereby agreed, that in the event of any said property owned or used as aforesaid, ceasing to be required

for the purposes of the two companies aforesaid, in such case nothing herein contained shall prevent the Kingston Company from selling or disposing thereof as they shall think proper.

21. The City and the Napanee Company mutually covenant and agree each with the other as follows, that is to say:—That they, the Napanee Company, will build and complete the said connection of their line from a point at or near Yarker, within the limits of the second concession of the Township of Camden, to the line of the Kingston Company at or near Harrowsmith and not further north than the gravel pits on Lots seven and eight, in the fifth concession of the Township of Portland, within fifteen months from the thirty-first day of December, one thousand eight hundred and eighty-eight, and the said connection shall be made in such manner that a train can pass directly through from Tamworth to Kingston and *vice versa* without the use of a Y or turntable or reversing either engine or cars, and also that they will complete their line ready for use from Tamworth to Tweed above named, in the manner above in this agreement mentioned within twenty-four months from the thirty-first day of December, one thousand eight hundred and eighty-eight.

22. That the Kingston Company, their successors and assigns and the owner or owners for the time being of the property, railway and facilities now owned or used by the Kingston Company or any part thereof required for the purpose of carrying out this agreement in good faith, keeping and performing this agreement and affording the running powers and other facilities, present and future, above provided for between said junction and the City of Kingston as aforesaid and points between, to the extent in the said City by-law and in this agreement above mentioned, in the manner and on the terms above expressed. The Napanee Company will as soon as the said extensions are completed as above provided and according as the same are so completed from thenceforth maintain a train service between Tamworth and Kingston and between Tweed and Kingston as aforesaid, with not less than one passenger and freight train, that is, not less than one mixed train for the accommodation of local passenger and merchandise traffic, daily (Sundays excepted) from Tamworth and Tweed aforesaid, timed to arrive at Kingston aforesaid between the hours of 8 and 10 in the forenoon, and one such train timed to leave Kingston aforesaid between the hours of one and eight in the afternoon: Provided, however, that a train such as above mentioned from Tweed stopping at Tamworth and way stations and a like train to Tweed stopping at Tamworth and way stations shall be a compliance with this covenant and it is hereby further agreed that the Kingston Company in all things keeping their agreement with the Napanee Company as above expressed, in case of default by the Napanee Company the City may by injunction or otherwise compel the maintenance of such efficient train service besides having any further satisfaction that may be open to

he said the City and further that they the Napanee Company will not charge any less rate per mile for passengers and freight between points on their line and Napanee or any extension beyond Napanee, than between said points and Kingston: Provided however, and it is hereby declared that in case by any means the Napanee Company are deprived, without default on their part of the facilities above agreed to be provided by the Kingston Company, no such injunction or remedy shall exist as against the Napanee Company.

23. And in consideration of the covenants above expressed and the covenants, stipulations and provisions hereinafter contained the City covenant and agree with the Napanee Company that they the City shall and will pay the Napanee Company the sum of seventy-five thousand dollars by way of bonus and not as a loan, in the manner and on the terms following, that is to say:—

24 The sum of twenty-five thousand dollars on the completion of the said extension from, at or near Yarker to the line of the Kingston Company at the point as above provided with daily trains as aforesaid, running between Tamworth and Kingston and the said extension between Tamworth and Tweed being under construction, and the sum of fifty thousand dollars on the completion of the said extension from Tamworth to Tweed with daily trains as aforesaid running between Tweed and Kingston, but out of the last mentioned sum payments on account of the last mentioned extension shall be made at the rate of two thousand dollars per mile as sections of five miles in length from Tamworth aforesaid westward are completed to the satisfaction of Thomas O. Bolger, of Kingston, Civil Engineer. The inspection and approval by the Dominion Government Engineer to be conclusive as to the right of the Napanee Company to the payment of the bonus mentioned.

25. It is further agreed that the said extensions shall be laid with steel sails weighing not less than 56 pounds to the yard, and be equal in character and construction to the other portion of the Company's railway already constructed

26. That the connection between the line of the Kingston Company and the Napanee Company above mentioned shall be completed within the period above mentioned and the said extension to Tweed within the time also above mentioned, and in default thereof then said debentures and coupons or the unearned portion thereof shall become null and void, and the Napanee Company shall have no claim thereto.

27. It is also agreed that all the said interest coupons which may accrue due before the Napanee Company becomes entitled to the bonus granted by the City as aforesaid shall be detached from the said debentures and delivered by the trustees to the said Treasurer of the City for the benefit of the City as they accrue due.

28. The Napanee Company shall only be entitled to interest on the moneys or debentures payable to them the Napanee Company from the respective dates or times on which the several payments to be made on account thereof respectively as herein provided become payable and from such dates or times each payment only as it becomes due shall bear interest.

29. The City shall have the right by the sale of debentures or otherwise to pay said aid in cash instead of by said debentures or by debentures at a par value. In case the City pay in cash the debentures and coupons shall be handed back to the Treasurer of the City for the purposes of the City.

30. The Napanee Company shall give the trustees fifteen days notice of any application for said debentures or any of them.

31. That should the Napanee Company at any time provide a line of railway of their own connecting with the City of Kingston, in such case this agreement so far as respects the user of the Kingston Company's line to be at an end, but the provisions of this agreement on the part of the Napanee Company as to trains and train service shall remain in full force and be binding on the Napanee Company and the said connection and train service shall be accepted by the City as a satisfaction of the obligation of the Napanee Company under this agreement with the City.

32. The Kingston Company covenant and agree, with the City that the covenants, conditions and provisoes, on their part in this agreement contained, shall be binding upon them their successors lessees and assigns, and any Company with which they may amalgamate or become a part and upon all persons or corporations whomsoever owning or controlling the railway and properties now owned, occupied or controlled by them the Kingston Company for the time being and the several parts thereof, and that the Kingston Company and all their successors in possession as aforesaid shall and will carry out the same fully and in all respects according to the spirit, true intent and meaning thereof. The Napanee Company covenant and agree with the City and also with the Kingston Company in like manner that this agreement shall be binding upon the Napanee Company their successors, lessees and assigns or any company with which they may amalgamate or become a part, who shall fully and in all respects carry out the same in like manner as aforesaid.

33. It is further agreed by and between the Napanee Company and the Kingston Company that the Napanee Company may under the superintendence of the officers of the Kingston Company do their own shunting at Kingston and other stations, included in this agreement between Kingston and Harrowsmith both places included, or the Kingston Company will at any time and from time to time, on the request of the officers of the Napanee Company do

the shunting or any part thereof, at Kingston at such a proportion of the whole cost of shunting as may be agreed upon, or in case of dispute as shall be settled by arbitration as herein provided.

34. It is hereby further agreed, by and between, the Kingston Company and the Napanee Company, that if any dispute shall arise as to the working out of this agreement between the Kingston Company and the Napanee Company all and each and every such dispute shall be settled by arbitration; that in such case each party shall, within twenty days after being notified in writing by the other party, appoint one competent disinterested person, these two shall within twenty days thereafter appoint a third, and the award of the said three persons or any two of them shall be final and conclusive.

35. Provided however, that it shall be competent for the said two companies to agree upon one arbitrator whose decision shall be final as aforesaid.

36. That if the question of the compensation for the use of the Kingston Company's line and facilities by the Napanee Company is left to arbitration as above in section 16 provided any award shall only remain in force for five years from its date, unless the parties agree otherwise; provided, however, that it shall be competent for the said two companies to alter, change and vary said terms as often as they may think proper to do so. In case of an arbitration thirty days notice shall be given so as to enable each party to properly attend the same.

37 It is further agreed that the Kingston Company shall not carry passengers or freight from Harrowsmith to Kingston or Kingston to Harrowsmith or points between at a less rate per mile than is charged by the Napanee Company for freight or passengers carried by them over said section of the Kingston Company's line to or from points on the Napanee Company's line.

38. It is also agreed that so long as the Napanee Company use in Kingston the freight sheds of the Kingston Company for the purposes of their freight business the Kingston Company shall do the cartage of the Napanee Company, but at the same rates and not more than they charge to or receive from those doing business with the Kingston Company for such like services.

39. It is also agreed, that the compensation above agreed for as to maintenance, handling freight, booking passengers and use of line, stations and other facilities shall be paid monthly on such day in each month as the parties from time to time may agree upon, and that when and so often as the sums payable to the Kingston Company are fixed and agreed upon by the parties hereto or shall be fixed by final judgment, and that if the same shall remain thirty days in arrear the Kingston Company, until said sum is paid may retain the moneys which under this agreement

they may collect and receive for or on account of the Napanee Company under this agreement.

40. It is also declared and agreed that this agreement supersedes all other documents signed or sealed by either party hereto in relation to the subject matters of this agreement.

41. That the said covenants for compensation and the mode of fixing the same shall apply to the use of such or all of the rights and privileges above contemplated or such of them as from time to time may be used by the Napanee Company according to the spirit and intentions above expressed.

42. Each party hereto hereby covenants with the other to observe, perform and keep the above agreement according to the spirit, true intention and meaning thereof.

43. The Kingston Company shall not take or carry freight or passengers to Harrowsmith from Kingston in intermediate points between Kingston and Harrowsmith which are going beyond Harrowsmith on the Napanee Company's line or points beyond *viâ* the Napanee Company's line, but all such shall be handed over to the Napanee Company at the point of departure.

44. That in case either party do not appoint its arbitrator as provided in clause thirty-four of this agreement or in case the two arbitrators mentioned in said clause 34 of this agreement do not agree upon the third arbitrator as mentioned in said clause, then such arbitrator or such third arbitrator may be appointed by the Chief Justice or any justice of any of the Divisions of the High Court of Justice at Toronto on the application of either party on twenty days' notice to the other.

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

Signed, sealed and delivered, in the presence of
R. C. CARTER.

WM. R. AYLSWORTH, (Seal)
Vice-President,
The Napanee, Tamworth and Quebec Railway Company.

C. F. GILDERSLEEVE, (Seal)
President, Kingston and Pembroke Railway Company.

J. DUNCAN THOMPSON, (Seal)
Mayor.

No. 90.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL.

An Act respecting the Kingston and Pembroke Railway Company and the Napanee, Tamworth and Quebec Railway Company.

Received and read a first time, Thursday, 28th February, 1889.
Second reading, Friday, 1st March, 1889.

(PRIVATE BILL.)

Mr. KIRKPATRICK.

OTTAWA:
For the Queen's Printer, &c.

A. SENÉCAL, Superintendent of Printing.

1889.

91

An Act to permit the Conditional Release of First offenders in certain cases.

WHEREAS it is expedient to make provision for cases where the reformation of persons convicted of first offences may, by reason of the offender's youth or the trivial nature of the offence, be brought about without imprisonment: 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 "court" means and includes any superior court of criminal jurisdiction, any "Judge" or "Court of General Sessions of the Peace" within the meaning of "*The Speedy Trials Act*" as amended, and any "Magistrate" within the meaning of "*The Summary Trials Act.*"

2. In any case in which a person is convicted before any court of larceny or false pretences, or any other offence punishable with not more than two years' imprisonment, and no previous conviction is proved against him, if it appears to the court before whom he is so convicted, that, regard being had to the youth, character, and antecedents of the offender, to the trivial nature of the offence, and to any extenuating circumstances under which the offence was committed, it is expedient that the offender be released on probation of good conduct, the court may, instead of sentencing him at once to any punishment, direct that he be released on his entering into a recognizance, with or without sureties, and during such period as the court directs, to appear and receive judgment when called upon, and in the meantime to keep the peace and be of good behaviour:

2. The court may, if it thinks fit, direct that the offender shall pay the costs of the prosecution, or some portion of the same, within such period and by such instalments as the court directs.

3. If a court having power to deal with the offender in respect of his original offence or any justice of the peace is satisfied by information on oath that the offender has failed to observe any of the conditions of his recognizance, such court or justice of the peace may issue a warrant for his apprehension:

2. An offender, when apprehended on any such warrant, shall, if not brought forthwith before the court having power to sentence him, be brought before the justice issuing such warrant or before some other justice in and for the same territorial division, and such justice shall either remand him by warrant until the time at which he was required by his recognizance to appear for judgment, or until the sitting of a court having power to deal with his original offence, or admit him to bail with a sufficient surety conditioned on his appearing for judgment:

3. The offender when so remanded may be committed to a prison, either for the county or place in or for which the justice remanding him acts, or for the county or place where he is bound to appear for judgment; and the warrant of remand shall order that he be brought before the court before which he was bound to appear for judgment, or to answer as to his conduct since his release.

4. The court, before directing the release of an offender under this Act, shall be satisfied that the offender or his surety has a fixed place of abode or regular occupation in the county or place for which the court acts, or in which the offender is likely to live during the period named for the observance of the conditions.

92

An Act relating to Bills of Lading.

WHEREAS by the custom of merchants, a bill of lading of goods being transferable by endorsement the property in the goods may thereby pass to the endorsee, but nevertheless all rights in respect of the contract contained in the bill of lading continue in the original shipper or owner, and it is expedient that such rights should pass with the property: And whereas it frequently happens that the goods in respect of which bills of lading purport to be signed have not been laden on board, and it is proper that such bills of lading in the hands of a *bona fide* holder for value should not be questioned by the master or other person signing the same, on the ground of the goods not having been laden as aforesaid; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Every consignee of goods named in a bill of lading, and every endorsee of a bill of lading to whom the property in the goods therein mentioned passes upon or by reason of such consignment or endorsement, shall have and be vested with all such rights of action and be subject to all such liabilities in respect of such goods as if the contract contained in the bill of lading had been made with himself.

2. Nothing in this Act contained shall prejudice or affect any right of stoppage *in transitu*, or any right of an unpaid vendor under the Civil Code of Lower Canada, or any right to claim freight against the original shipper or owner, or any liability of the consignee or endorsee by reason or in consequence of his being such consignee or endorsee, or of his receipt of the goods by reason or in consequence of such consignment or endorsement.

3. Every bill of lading in the hands of a consignee or endorsee for valuable consideration representing goods to have been shipped on board a vessel or train shall be conclusive evidence of such shipment as against the master or other person signing the same, notwithstanding that such goods or some part thereof may not have been so shipped, unless such holder of the bill of lading has actual notice at the time of receiving the same that the goods had not in fact been laden on board or unless such bill of lading has a stipulation to the contrary: Provided, that the master or other person so signing may exonerate himself in respect of such misrepresentation by showing that it was caused

without any default on his part, and wholly by the fault of the shipper, or of the holder, or of some person under whom the holder claims.

No 93.] **BILL.** [1889.

An Act to amend "The Post Office Act," chapter thirty-five of the Revised Statutes of Canada.

Preamble. R.S.C., c. 35.

IN amendment of "*The Post Office Act*," Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Carriage of mail by steam vessels.

1. Her Majesty's mail and persons travelling therewith on postal service, shall, at all times when the service is required by the Postmaster General, be carried on any steamship or steamboat navigating the waters of Canada, on such terms and conditions and under such regulations as are made by the Governor in Council.

Section 2 amended.

2. The paragraph of section two of "*The Post Office Act*" lettered (*i.*) is hereby repealed and the following substituted therefor:—

"Post letter."

(*i*) The expression "post letter" means any letter transmitted by the post or delivered through the post, or deposited in any post office or in any letter box put up anywhere under the authority of the Postmaster General;—and a letter shall be deemed a post letter from the time of its being so deposited or delivered, to the time of its being delivered to the person to whom it is addressed; and a delivery to any person authorized to receive letters for the post shall be deemed a delivery at the post office, and a delivery of any letter or other mailable matter at the house or office of the person to whom the letter is addressed, or to him, or to his servant or agent, or other person considered to be authorized to receive the letter or other mailable matter, according to the usual manner of delivering that person's letters, shall be a delivery to the person addressed:

2. The paragraphs of the said section two lettered (*k.*) and (*l.*) are hereby repealed and the following substituted therefor:—

"Post letter bag."

"(*k.*) The expression "post letter bag" includes a mail bag, basket or box, or packet or parcel, or other envelope or covering in which mailable matter is conveyed, whether it does or does not actually contain mailable matter;

"Post office."

"(*l.*) The expression "post office" means any building, room, post office railway car, street letter box, receiving box or other receptacle or place where post letters or other mailable matter are received or delivered, sorted, made up or despatched."

Section 9 amended.

3. The paragraph of section nine of the said Act lettered (*d.*) is hereby repealed and the following substituted therefor:—

Mailable matter.

Prohibition as to certain matters.

Marking letters suspected to relate to fraudulent proceedings.

"(*i*) Make regulations declaring what shall and what shall not be deemed to be mailable matter for the purposes of this Act, and for restricting within reasonable limits the weight and dimensions of letters and packets and other matters sent by post, and for prohibiting and preventing the sending of explosive, dangerous, contraband or improper articles, obscene or immoral publications, prints or photographs, or obscene or immoral post-cards, or letters or post cards having printed, stamped or written on the outside thereof any words tending to injuriously affect the commercial or social standing of the persons to whom they are addressed; and for marking on the covering of letters, circulars or other mail matter suspected to concern illegal lotteries, so-called gift concerts, or other illegal enterprises of like character, offering prizes, or concerning schemes devised or intended to deceive or defraud the public, for the purpose of obtaining money under false pretences, whether such letters, circulars or other mail matter are addressed to or received by mail from places within or without Canada, a warning that they are suspected to be of a fraudulent character:"

2. The paragraph of the said section nine, lettered (*k*) is hereby repealed and the following substituted therefor:—

Registration of letters

(*k.*) Prescribe and enforce such regulations as to letters directed to be registered, as to him seem necessary, in respect to the registration of letters and other matter passing by mail, as well between places in Canada as between Canada and the United Kingdom, or any British Possession, or any foreign country, and to the charge to be made for the same: and also in respect to the registration by the officers of the post office of letters unquestionably containing money or other valuable enclosure when posted without registration by the senders of the same, and the imposing a charge for registration upon such lettters;

3. The paragraph of the said section nine lettered (*o.*) is hereby repealed and the following substituted therefor:—

Sale of stamps, &c.

"(*o.*) Grant licenses, revocable at pleasure, to agents other than postmasters, for the sale to the public of postage stamps and stamped envelopes, and allow to such agents a commission not exceeding two per cent. on the amount of their sales;"

Section 20 repealed; new section.

4. Section twenty of the said Act is hereby repealed and the following substituted therefor:—

Rates of postage on letters,

"**20.** On all letters transmitted by post for any distance within Canada, except in cases herein otherwise specially provided for, there shall be charged and paid one uniform rate of three cents per ounce weight, any fraction of an ounce being chargeable as an ounce; and such postage rate of three cents shall be prepaid by postage stamp or stamps at

the time of posting the letter, otherwise such letter shall not be forwarded by post,—but letters addressed to any place in Canada and on which any postage has been prepaid by stamp, shall be forwarded to their destination charged with double the amount of the postage thereon not so prepaid, which amount shall be collected on delivery."

Prepayment obligatory.

Exception.

5. Section twenty-one of the said Act is hereby repealed and the following substituted therefor: —

Section 21 repealed; new section.

"**21.** On letters not transmitted through the mails, but posted and delivered at the same post office, commonly known as local or drop letters, the rate shall be two cents per ounce weight, which shall, in all cases, be prepaid by postage stamps affixed to such letters."

Rate on local or drop letters.

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

Section 25 repealed; new section.

"**25.** The rate of postage on newspapers and periodical publications printed and published in Canada, and issued less frequently than at intervals of seven days, from a known office of publication or news agency, and addressed and posted by and from the same to regular subscribers or news agents, and on all specimen newspapers, shall be one cent for each pound weight, or any fraction of a pound weight, which shall be prepaid by postage stamps or otherwise as the Postmaster General, from time to time, directs; and such newspapers and periodicals shall be put up into packages and delivered into the post office, and the postage rate thereon prepaid by the sender thereof, under such regulations as the Postmaster General, from time to time, makes in that behalf."

Postage on periodicals from office of publication

How to be put up.

7. The paragraphs of section twenty-six of the said Act lettered (*a.*) and (*b.*) are hereby repealed and the following substituted therefor:—

Section 26 amended.

"(*a*) Such newspaper or periodical is known and recognized as a newspaper or periodical in the generally received sense of the word, and consists wholly or in great part of political or other news, or of articles relating thereto, or to other current topics, and is published regularly at intervals of not more than seven days;

Nature, and interval of publication.

"(*b.*) The full title, place and date of publication, and the distinguishing number of the issue are printed at the top of the first and every subsequent page, and also on any paper, print, lithograph or engraving purporting to be a pplement to it and sent with it."

Title, date and place of publication.

8. Section twenty-seven of the said Act is hereby repealed and the following substituted therefor:—

Section 27 repealed; new section.

"**27.** On all newspapers and periodicals posted in Canada, except in the cases herein expressly provided for, and on books, pamphlets, occasional publications, printed circulars, prices current, hand-bills, and other matter wholly in print,

Postage on books, pamphlets, &c.

and on packages of seeds, cuttings, bulbs, roots, scions or grafts, patterns or samples of goods or merchandise, the rate of postage shall be one cent for each four ounces or fraction of four ounces; and on all book and newspaper manuscripts, printers' proof sheets, whether corrected or not, maps, prints, drawings, engravings, lithographs, photographs when not on glass or in cases containing glass, sheet music, whether printed or written, documents partly printed or written, not being letters or intended to serve the purpose of letters—such as deeds, insurance policies, militia and school returns, or other documents of like nature, and on all other miscellaneous matter transmissible by post and not otherwise herein expressly provided for,—the rate of postage shall be one cent for each two ounces or fraction of two ounces; and the postage rate shall in every such case be prepaid by postage stamp or stamped post bands or wrappers, whenever any such articles as are mentioned in this section are posted in Canada."

Prepayment.

Section 41 repealed; new section

9. Section forty-one of the said Act is hereby repealed and the following substituted therefor:—

Parcel post.

"**41.** The Postmaster General may establish and maintain a parcel post within Canada, and may arrange with the Government of the United Kingdom, any British possession, or any foreign country, for the reciprocal receipt, transmission and delivery of parcels; and closed parcels, other than letters and not containing letters, may be sent by such parcel post; and when so sent shall be liable to such charges for conveyance and to such regulations as the Postmaster General, from time to time, sees fit to make."

Rates, how fixed.

Section 44 amended.

10. Sub-section one of section forty-four of the said Act is hereby repealed and the following substituted therefor:—

Dead letters, how dealt

"**44.** Except as in this Act otherwise provided, letters or other articles which, from any cause, remain undelivered in any post office, or which, having been posted, cannot be forwarded by post, shall, under such regulations as the Postmaster General makes, be transmitted by postmasters to the Post Office Department as dead letters, there to be opened and returned to the writers or senders on payment of any postage due thereon with three cents additional on each dead letter to defray the cost of returning the same, less, in the case of insufficiently prepaid letters or other mailable matter posted in Canada, such amount of postage as has been prepaid on the same; or such dead letters may, in any case or class of cases, be otherwise disposed of as the Postmaster General directs."

Section 45 repealed; new section.

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

Detention of letters in cases specified.

"**45.** Every postmaster, clerk or other person employed in the postal service of Canada shall detain any post letter, parcel, package or other article of mail matter, which contains or is suspected to contain any contraband goods, or

any goods, article or object subject under any customs or other revenue law to duty on being imported into Canada, or the importation of which into Canada is prohibited, and shall deliver the same to a collector or other proper officer of Customs who may cause the same to be opened in his presence and for his inspection by the person to whom it is addressed, or some one by him thereto authorized, for the purpose of ascertaining and exacting the proper amount of duty, if any, payable thereon; and after payment of duty, if any is found to be payable, the letter, parcel, package or other article of mail matter shall, if the person to whom it is addressed or his authorized agent is present, be handed over to him on his paying the postage, if any, charged thereon, or if he is not present. it shall be returned to the post office and be forwarded to the place to which it is addressed; but if such post letter, parcel, package or other article of mail matter is found to contain contraband goods or any article the importation of which is by law prohibited, the same shall be forfeited and be dealt with as the law directs; "

Delivery after payment of duty.

Forfeiture in cases specified.

12. Section seventy-eight of the said Act is hereby repealed, and the following substituted therefor :—

Section 78 repealed; new section.

"**78.** The Postmaster General shall annually make to the Governor General, so that it may be laid before Parliament within ten days after the meeting thereof in each session, a report, which shall be made up to the thirtieth day of June then next preceding, and which shall contain the following statements, that is to say :—

Annual report.

" *First.* A statement of the gross receipts and net produce of the postal revenue of Canada for the year ended on the thirtieth day of June previous, exhibiting the amounts paid over to the Minister of Finance and Receiver General on account of the postal revenue, and the balances outstanding at the commencement and termination of the year;

General accounts.

Second. A statement showing the charges and expenditures incurred by the department within the said year, setting forth in separate amounts the charges for mail transportation during the said year, stating in each case the name of the contractor or person receiving payment, the mail route, the mode and frequency of transportation, and the sums paid,—for salaries of officers and persons permanently or temporarily employed in the inside and outside establishment of the department, showing in each case the name of the person, the service or duty on which employed, and the amount paid,—for printing and advertising and for all incidental and miscellaneous items of disbursement,—showing the sum paid under each head of expenditure, and the name of the person to whom paid;

Mail transport

Salaries.

Printing.

Third. A statement of the money order offices in operation at any time within the said year, stating in each case the gross postal revenue, the number and amount of money orders issued and paid, the amount of commission thereon

Money order offices.

and the compensation, salary and allowances to the postmaster at each office respectively;

Post office savings banks.

Fourth. A statement of post office savings bank transactions during the said year, and of the total amount due at the close of the same to all depositors;

Losses in collecting revenue.

Fifth. A statement of the losses, if any, sustained in collecting the postal revenue during the year to which the report relates, and in conducting the money order or savings bank system or otherwise;

Abstraction of money letters.

Sixth. A statement of all cases occurring within the said year of the abstraction or loss of letters containing money sent through the post, showing the particulars of each case, and stating the result of the proceedings instituted therein by the department;

Dead letters.

Seventh. A statement of dead letters received during the year, and of their contents, valuable or otherwise, showing how such dead letters have been disposed of."

Section 118 repealed; new section.

13. Section one hundred and eighteen of the said Act is hereby repealed and the following substituted therefor:—

Duties of post office clerks as to customs and revenue

"**118.** Every officer, clerk and person employed in the postal service of Canada shall be deemed and held to be employed in the prevention of smuggling and for the enforcement of the revenue laws of Canada and shall be subject to all the requirements and penalties and vested with the like protection as that provided for under the Customs and Audit Acts, and no such officer, clerk or person shall deliver or permit to be delivered to the person to whom it is addressed any post letter, parcel or package, or other article of mail matter which is or contains or is suspected to contain any dutiable goods until the duty payable thereon under any Act respecting the Customs has been paid to an officer of Customs in the manner prescribed by law or by regulations in that behalf."

No. 93.

3rd Session, 6th Parliament, 52 Vic

BILL.

An Act to amend "The P Act," chapter thirty-five o vised Statutes of Canada.

Received and read a first time, Thu February, 1889.
Second reading, Friday, 1st March

Mr. HA

OTTAWA:
For the Queen's Printer, &
—
A. SENÉCAL, Superintendent of
—
1889.

No. 94.] **BILL.** [1889.

An Act respecting Benevolent Societies.

[NOTE.—*The sections in brackets will be moved in Committee of the Whole*]

WHEREAS it is expedient to provide for the registration, regulation and inspection of associations for benevolent purposes, which effect insurance, in the nature of life or accident insurance, but exclusively upon the lives of the members of such associations, and carry on the business of such insurance in more than one Province of Canada: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

SHORT TITLE.

1. This Act may be cited as "*The Benevolent Societies' Insurance Act*, 1889." Title.

INTERPRETATION.

2. In this Act unless the context otherwise requires:—

(*a.*) The expression "society" means any society, association, or organization of persons, whether incorporated or unincorporated, for benevolent, social, fraternal, industrial or religious purposes, among which purposes is the affording exclusively to and in respect of the members thereof, "Society."

(1.) Life insurance; or

(2.) Insurance, or benefit of any kind, contingent upon death, illness, disability of any kind, casualty or accident; or

(3.) Annuities on a life or lives; or

(4.) Mortuary payments or benefits to the families of deceased members; or

(5.) Insurance or benefit of any nature similar to the foregoing;

And includes any association for any of the foregoing purposes formed in connection with and exclusively composed of members of any such society, association or organization;

(*b.*) The expression "branch" means any number of members of a society who form an integral part thereof "Branch."

under the control of the society and possess powers delegated to them by the society, and includes " lodge," " court," " division," and words of similar import ;

"Registered society." (*c.*) The expression " registered society " means a society registered under the provisions of this Act ;

"Certificate." (*d.*) The expression " certificate " means a certificate of registration under the provisions of this Act ;

" Rules." (*e.*) The expression " rules " means and includes constitutions, by-laws, rules and regulations.

" Officer." (*f.*) The expression " officer " includes any director, official trustee, or member of the committee of management, or other managing body ;

"Secretary." (*g.*) The expression " secretary " includes every agent, manager, or person who, by himself or by any deputy or substitute, collects dues, premiums, rates, fees, assessments or other moneys for a society ;

" Minister." (*h.*) The expression " Minister " means the Minister of Finance and Receiver General.

APPLICATION OF ACT.

Application of Act. **3.** This Act, applies only to societies transacting throughout Canada, or in more than one Province of Canada, business of the nature hereinbefore mentioned.

Non-application of Act. **4.** This Act does not apply to,—

Charities &c. (*a.*) Societies having charge of, managing, administering or distributing charities or gratuities only ; nor to

Certain other societies. (*b.*) Societies not established for benevolent, social, fraternal, industrial or religious purposes ; nor to

Insurance companies. (*c.*) Insurance companies within the intent of " *The Insurance Act,*" as amended by this Act ; nor to

Pension Fund Societies. (*d.*) Pension fund societies established under the provisions of the Act passed in the session held in the fiftieth and fifty-first years of Her Majesty's reign, chapter twenty-one, intituled " *An Act to empower the employees of incorporated companies to establish Pension Fund Societies,*" or any similar society heretofore incorporated by any Act of the Parliament of Canada ; nor to —

Societies doing business in one province only. (*e.*) Any society incorporated by an Act of the Legislature of the late Province of Canada, or by an Act of the Legislature of any Province now forming part of Canada, which carries on business of the nature hereinbefore mentioned wholly within the limits of that Province by the Legislature of which it was incorporated, and which is within the exclusive control of the Legislature of such Province ; but any such society carrying on such business may, by leave of the Governor in Council, avail itself of the provisions of this Act, and, if it so avails itself, the pro-

Proviso : they may avail themselves of this Act.

visions of this Act shall thereafter apply to it, and such society shall have the power of transacting such business throughout Canada. Ins. Act, s. 3 (*c*).

CERTIFICATES OF REGISTRATION.

Business not to be done without certificate.

5. Unless it has first obtained from the Minister a certificate of registration, and except as hereinafter provided, no society shall, after the day of A.D. 188 , carry on in Canada any business of the nature hereinbefore mentioned, or contract or agree, or offer to contract or agree, with any person in Canada for any of the purposes of such business, or prosecute or maintain any suit, action or proceeding either at law or in equity, or file any claim in insolvency, relating to such business. Ins. Act, s. 4.

Form and contents of certificate.

Duration.

6. The certificate shall be in such form as is, from time to time, determined by the Minister, and shall specify the business to be caried on by the society, and it shall expire on the thirty-first day of March in each year, but shall be renewable from year to year. Ins. Act, s. 5.

Conditions of issue.

7. So soon as the society applying for a certificate has conformed with the requirements of this Act, the Minister shall issue such certificate as aforesaid. Ins. Act, s. 6.

NOTICE OF CERTIFICATE.

Society to give notice of certificate.

8. Every society on first obtaining such certificate shall forthwith give notice thereof in the *Canada Gazette*, and in at least one newspaper in the county, city or place where the head office or chief agency is established, and shall continue the publication thereof for the space of four weeks:

And of ceasing business.

2. The like notice shall be given, for the space of three calendar months, when a society ceases, or gives notice that it intends to cease, to carry on business in Canada. Ins. Act, s. 17.

PROCEEDINGS FOR OBTAINING CERTIFICATES.

Statements to be made and verified by societies applying for certificates.

9. Every society which desires to become registered under this Act, shall file with the Superintendent of Insurance,—

(*a*.) A copy of its charter, Act of corporation, or articles of association, certified by the proper office in charge of the original thereof;

(*b*.) A power of attorney from the Executive to its chief officer in Canada;

(*c*.) A statement signed and verified by the chief officer and the secretary of the society, and also by the chief officer and secretary or other duly authorized representative in Canada, if the chief officer and secretary are not resident in Canada.

Form of statement.

2. Such statement shall be made on a printed form hereinafter called an "application for registration," to be furnished by the Superintendent of Insurance on request; and the facts required and questions set therein shall comprise such information as will enable the Superintendent of Insurance to form an opinion whether the society is entitled to registry under this Act:

Documents and information to accompany application.

3. As evidence of the facts alleged in the application for registration the society shall therewith deposit in the office of the Superintendent of Insurance a printed or written copy, duly certified, of the society's instrument of association or Act of incorporation, and certified copies of the rules of the society and of all printed or written forms used in connection with the business of the society; also a certified copy of the society's last annual balance sheet, if the society has previously been in operation, and shall furnish such further information touching the society's business as the Superintendent of Insurance requires:

Report by Superintendent of Insurance.

4. If the society is found entitled to be registered, the Superintendent of Insurance shall, within a reasonable delay, report the same to the Minister;

5. In the case of societies existing at the date of the passing of this Act, the application to be registered shall be filed on or before the day of , A.D. 188 , and the report of the Superintendent of Insurance shall be made on or before the day of A.D. 188 ,

No society to register under name resembling that of another.

10. No society shall be registered under a name identical with that under which any other other existing society is registered, or so nearly resembling such name as to be likely, or under any other name likely, in the opinion of the Minister to deceive the members or the public as to its identity; and no registered society shall change its name without the assent of the Governor in Council:

Branches, how dealt with.

2. Where two or more branches of a society are under the control of a central governing body within Canada, then such governing body shall be dealt with as the society for any or all purposes of this Act:

When certificate is not necessary for branches.

3. Where the branches are so under the control of a central governing body within Canada, it shall not be necessary for each branch to obtain a certificate, but the society shall be deemed to be registered for the purposes of this Act when the central governing body becomes duly registered.

FORFEITURE, SUSPENSION AND RENEWAL OF CERTIFICATES.

Forfeiture and suspension for fraud in obtaining certificate, violation of Act, &c.

11. If it is established to the satisfaction of the Minister that any certificate has been obtained by fraud or mistake, or that a registered society exists for an illegal purpose, or has wilfully, and after notice from the Superintendent of Insurance, violated any of the provisions of this Act, or has ceased to exist, the certificate of the society may be forfeited or suspended by the Minister, whose action in such case shall be final and conclusive.

12. Whenever satisfactory proof has been furnished to the Minister of the failure of the society to pay an undisputed claim, arising out of any such business as aforesaid transacted by the society, for the space of sixty days after being legally payable, or of a disputed claim remaining unpaid after final judgment and tender of a legal valid discharge, the Minister may suspend the certificate of such society. Ins. Act, s. 29. Suspension for failure to pay claims.

13. When the certificate of a society has been forfeited or suspended by the Minister under the foregoing sections of this Act, such certificate may be renewed if, within thirty days after such forfeiture or suspension, such society complies with the requirements of this Act to the satisfaction of the Minister, or if, within thirty days after such suspension, such undisputed claims or final judgments upon or against the company are paid and satisfied. Ins. Act, s. 30. Renewal of certificate.

14. A society whose certificate has been suspended, shall from the date of such suspension, but only whilst such suspension lasts, be deemed to be unregistered, and shall withdraw every offer to contract for the purposes of any such business as aforesaid, and shall absolutely cease so to contract, but without prejudice to any liability actually incurred by such society, which may be enforced against the society as if such suspension had not taken place. Society to be deemed unregistered while certificate is suspended.

DEPOSITS AND INVESTMENTS.

15. No registered society shall be required to make any deposit whatsoever of cash or securities with the Minister; but may make deposits with the Minister from time to time, of money or securities, but in amounts of not less than one thousand dollars, under such regulations as the Treasury Board prescribes. Society may make deposits under regulations by treasury board.

16. So long as the provisions of this Act and of any regulations made thereunder by the Treasury Board are satisfied, and no notice of any final judgment against the society, or order made by the proper court in that behalf for the winding up of the society or the distribution of its assets, is served upon the Minister, the interest upon any such deposit shall be handed over to the society as it falls due. Ins. Act, s. 11. Conditions on which interest on deposits is payable to society.

17. The surplus funds of a society not deposited with the Minister shall, in the name of the society, be invested in securities which are a first charge on land held in fee simple, or in registered debentures of loan and investment societies within the Dominion, or in debentures of a municipal corporation (such securities or debentures, as the case may be, being in other respects reasonnable and proper), or in securities of the Dominion of Canada or of the Provinces thereof, or shall be deposited at interest in a chartered bank in Canada in the name of the society. Investment of surplus funds.

18. Any registered society may, subject to the laws of any Province of Canada in which such lands or real estate Real estate.

is situate, and to any special provisions of the charter of the society, acquire and hold such lands or real estate as may be necessary for the actual use and occupation of the society ; provided that the lands or real estate so acquired shall not exceed in value the sum of one hundred thousand dollars ; and shall have power to sell, lease, or otherwise dispose of the said lands and estate, as it deems best.

Limitation.

RETURNS, INSPECTION, AUDIT, ETC.

Statement to be prepared yearly and filed with Superintendent of Insurance.

What it must show.

How verified.

19. It shall be the duty of the presiding officer, the secretary and the treasurer of every registered society to prepare annually on the first day of January, or within two months thereafter, according to a printed form to be supplied on application to the Superintendent of Insurance, a statement of the financial condition and affairs of the society for the purposes of this Act, and having signed and verified the same by statutory declaration, to file the said statement in the office of the Superintendent of Insurance, on or before the first day of March then next ensuing ; and any society refusing or neglecting to file its statement or to make prompt and explicit answer to any inquiries at any time put by the Superintendent of Insurance touching the business of the society, shall be liable to have its certificate suspended or forfeited.

Penalty for failure to file statement or afford information.

Yearly audit to be made.

20. It shall be the duty of the officers of every registered society to have at least once in every year a *bonâ fide* and business-like audit made of its books of record and account, by two auditors, who shall not be officers of the society, and to furnish to each member annually a summary statement, showing as the result of such audit, or audits, the society's actual assets, liabilities, receipts and expenditures ; and a copy of such summary statement, signed and certified by the auditors, shall be filed in the office of the Superintendent of Insurance on or before the first day of March in each year.

And communicated to members, and filed with Superintendent.

Special audit when complaint is made of fraud, neglect to audit, or repudiation of contracts.

21. If it is established to the satisfaction of the Superintendent of Insurance that the accounts of any registered society have been materially and wilfully falsified, or that for eighteen consecutive months there has been no *bonâ fide* audit of the books and accounts, or if there is filed in the office of the Superintendent of Insurance a requisition for audit bearing the signature, address and occupation of any member of the society, or claimant, or person entitled to claim, or having insurable interest under contracts of the society, and such requisition alleges in a sufficiently particular manner to the satisfaction of the Superintendent of Insurance, specific fraudulent or illegal acts, or repudiation of a contract, the Minister may, on the report of the Superintendent of Insurance, nominate a competent accountant, who shall, under the directions of the Superintendent of Insurance, make a special audit of the society's books and accounts aforesaid and report thereupon to the Superintendent of Insurance, in writing, verified by statutory declaration ; provided that the party making the requisition for

Minister may name accountant.

Duty of special auditor.

the special audit shall make a deposit of such sum as appears to the Superintendent of Insurance sufficient to cover the cost and expenses of such special audit, and if it appears to the Superintendent of Insurance that there was no reasonable cause to justify the requisition he shall apply such deposit to the payment of the said costs and expenses:

Report.

Deposit to be made for costs.

2. For the purposes of this Act a special auditor shall be sufficiently accredited, if he deliver to the secretary or to any managing officer of the society, a written statement under the hand of the Superintendent of Insurance, to the effect that the Minister has nominated such auditor to audit such books and accounts of the society as aforesaid:

Special auditor, how accredited.

3. The books used by any officer or employee of a registered society for recording moneys received or disbursed for the society and other books of record shall be the property of the society, nor shall any officer or employee of the society have in these or in any other of the books of account or record, any ownership or proprietary right, or right of lien, whatsoever; and all such books, as well as all documents and papers relating to the business of the society, shall be deemed to be included in the audit prescribed by this section.

Books to be property of society.

Books, &c, included in special audit.

22. If the report made by the special auditor appears to the Superintendent of Insurance to disclose fraudulent or illegal acts on the part of the society, or a repudiation of a contract, the Superintendent of Insurance shall notify the society accordingly, and shall funish the society with a copy of the special auditor's report, and shall demand from the society a statement in reply to be made within thirty days from such demand:

Duty of superintendent in case of report showing fraud, &c.

2. On the expiration of thirty days, as aforesaid, the Superintendent of Insurance shall lay before the Minister the special auditor's report and the society's statement in reply, if any, together with the written recommendation of the Superintendent of Insurance in the premises, and thereupon the Minister may continue, or suspend, or cancel the certificate of the society, and such action of the Minister shall be final and conclusive. *See* Ins. Act, s. 25, sub-section 8.

Reply by society.

Minister's action upon report. Certificate may be continued, suspended or cancelled.

23. The Superintendent of Insurance, or any person authorized under his hand, shall have at any time within reasonable business hours of every day, except Sundays and holidays, access to all such books, documents and papers of a registered society, as relate to the society's contracts; and in case of any refusal or wilful neglect to afford such access the society shall be liable to have its certificate suspended.

Superintendent to have access to society's books.

Penalty, suspension of certificate.

24. If, when a claim accrues under a contract, a registered society offers the claimant a less sum than the maximum named in the contract, and either offers no explanation, or alleges as a reason for not paying the maximum that the society's general contract fund, or some other fund is insuffi-

Right of inspection in certain cases of disputed claims.

cient, the claimant shall, on written notice to the society be entitled as of right, to inspect, personally, or by agent, all books and documents relating to the contract funds generally, or to the fund alleged to be insufficient:

Procedure to enforce inspection when denied in such cases.

2. If the society refuses or wilfully neglects to afford the claimant a reasonable opportunity of inspection, the claimant may file with the Superintendent of Insurance a statutory declaration to the effect that he rightfully claims under a certain contract of the society, giving particulars sufficient to identify the contract, and that the society has refused or wilfully neglected to afford him reasonable opportunity of inspection; and thereupon the Superintendent of Insurance may, under his hand, give the claimant an order to inspect on a day named; and in case of any refusal or wilful neglect to afford such claimant an opportunity of inspection the society shall be liable to have its certificate suspended.

Penalty, suspension of certificate.

Duties of Superintendent of Insurance.

25. The Superintendent of Insurance shall keep a record of the several documents required to be filed by each society under this Act; and shall,—

Entry of deposits made.

(*a.*) Enter in a book, under the heading of each registered society, the moneys and securities deposited on its account with the Minister, naming in detail the several amounts, and with respect to the several securities, their par value, and value at which they are received as deposit;

Report before issue of certificate.

(*b.*) In each case, before the issue of any new certificate, or the renewal of any certificate, make a report to the Minister that the requirements of the law have been complied with, and that from the statement of the affairs of the society it is in a condition to meet its liabilities;

Record of certificates.

(*c.*) Keep a record of the certificates as they are issued;

Inspection of affairs.

(*d.*) Visit the head office of any registered society in Canada, at such times as the Minister directs, and examine carefully the statements of the condition and affairs of such society, as required under this Act, and report thereon to the Minister as to all matters requiring his attention and decision;

Annual report.

(*e.*) Prepare for the Minister, from the said statements, an annual report, which may be known as "The Benevolent Societies Statements," and shall include a list of all societies registered at the date of its publication, and shall be published with his annual report, and shall show the full particulars of each such society's business, together with an analysis of each branch thereof, with each such society's name, giving items, classified from the statements made by each society. Ins. Act, s. 25, sub-section 2, (*a*) to (*e*)

Contents thereof.

Provision if superintendent considers further inquiry necessary as to any society.

26. If the Superintendent, after a careful examination into the condition and affairs and business of any registered society from the annual or other statements furnished by such society to the Minister, or for any other cause, deems it necessary and expedient to make a further examination into the affairs of such society and so

reports to the Minister, the Minister may, in his discretion, instrust the Superintendent to visit the office of such society to thoroughly inspect and examine into all its affairs, and to make all such further inquiries as are necessary to ascertain its condition and ability to meet its engagements, and whether it has complied with all the provisions of this Act applicable to its transactions: Ins. Act, s. 25, sub-section 5.

Books to be open to inspection.

2. The officers or agents of such society shall cause their books to be open for the inspection of the Superintendent, and shall otherwise facilitate such examination so far as it is in their power, and for that purpose the Superintendent may examine under oath the officers or agents of such society relative to its business: Ins. Act, s. 25, sub-section 6.

Record of inspection.

3. A report of all societies so visited by the Superintendent shall be entered in a book kept for that purpose, with notes and memoranda showing the condition of each society after such investigation; and a special report shall be communicated in writing to the Minister, stating the Superintendent's opinion as to its standing and financial position, and all other matters desirable to be made known to the Minister: Ins Act, s. 25, sub-section 7.

Report to Minister.

Special report if society appears unsafe.

4. If it appears to the Superintendent that the assets of any registered society are insufficient to justify its continuance of business he shall make a special report on the affairs of such society to the Minister; and if the Minister, after full consideration of the report, and after a reasonable time has been given to the society to be heard by him, and upon such further inquiry and investigation as he sees proper to make, reports to the Governor in Council that he agrees with the superintendent in the opinion so expressed in his report, the Governor in Council may, if he also concurs in such opinion, suspend or cancel the certificate of such society: Ins. Act, s. 25, sub-section 8.

Proceedings thereon.

Suspension or cancellation of certificate.

Examination of affairs of a society found out of Canada.

5. The Minister may, from time to time, instruct the Superintendent to visit the head office of any registered society incorporated or legally formed elsewhere than in Canada, and to examine into the general condition and affairs of such society; and if such society declines to permit such examination, or refuses to give any information necessary for such purpose, in its possession or control, its certificate shall be suspended: Ins. Act, s 25, sub-section 11.

Payments by societies towards expenses of office of superintendent.

[6. Every registered society shall annually contribute a sum in proportion to the business transacted by it in Canada towards defraying the expenses of the office of the Superintendent,—which sum shall be paid upon the demand of the Superintendent:] Ins. Act, s. 25, sub-section 12.

Total amount.

[7. The total sum to be contributed annually by registered societies shall not exceed in all thousand dollars:] Ins Act, s. 25, sub-section 13.

Superintendent, &c., not to be interested.

8. The Superintendent, or any officer or clerk under him, shall not, directly or indirectly, be interested pecuniarily in any registered society. Ins. Act, s. 25, sub-section 14.

Annual report for Parliament.

9. The Minister shall lay the Superintendent's annual report before Parliament within thirty days after the commencement of each session thereof. Ins. Act, s. 25, sub-section 15.

CONDITIONS IN POLICIES.

[NOTE—*See Ins. Act, ss.* 43, 37, 39, 40 *and* 41.]

Conditions not set out in full on policy to be void.

27. No condition, stipulation or proviso modifying or imparing the effect of any policy, certificate or instrument issued or made after the passing of this Act, by any society doing business within Canada under the authority of the Parliament of Canada, shall be good or valid unless such condition, stipulation or proviso is set out in full on the face or back of the policy, certificate or instrument, or in the printed constitution, by-laws or rules of the society. Ins. Act, s. 27.

Statements in application for policy.

28. No policy, certificate or instrument issued or made by a registered society shall contain or have endorsed upon it any condition providing that such policy, certificate or instrument shall be avoided by reason of any statement contained in the application therefore being untrue, unless such condition is limited to cases in which such statement is material to the contract. Ins. Act, s. 28.

Clause required in policies in favor of residents in Canada.

29. In every policy, certificate or instrument issued by a registered society in favor of a resident of Canada, a clause shall be either embodied therein or endorsed thereon, to the effect that an action to enforce the obligation thereof may be validly taken in any court of competent jurisdiction in the Province wherein the holder thereof resides, or last resided before his decease, and such policy, certificate or instrument shall not contain any provision inconsistent with such clause. Ins. Act, s. 39, sub-section 9.

"Benevolent Societies' system" to be printed on policies, &c.

30. The words "Benevolent Societies' system" shall be printed in large type at the head of every policy, certificate or instrument, and every application for the same, and also in every circular and advertisement issued or used in Canada in connection with the business of a registered society which does business under this Act. Ins. Act, s. 41.

GENERAL PROVISIONS.

Notice by letter.

31. Any written notice to a society for any purpose of this Act, where the mode thereof is not expressly provided, may be by letter delivered at the head office of the society, or by registered letter addressed to the society, its manager or secretary, at such head office.

Copies of rules to be furnished.

32. A copy of such of the rules of a registered society as relate to its business shall be delivered by the society to

every person on demand, on tender of the usual price for which such rules are sold by the society.

Instruments &c., signed by superintendent or auditor *primâ facie* proof.

33. Every instrument or document, copy or extract of an instrument or document, bearing the seal or stamp of the Superintendent of Insurance, shall be received in evidence without further proof; and every document purporting to be signed by the Superintendent of Insurance or by any auditor under this Act shall, in the absence of evidence to the contrary, be received in evidence without proof of the signature.

Fees.

[**34.** The following fees shall be payable by a society to the Superintendent of Insurance before the delivery of the several instruments herein named :—

For certificate of registration.....	$10	Certificate.
For renewal of certificate of registration.....	5	Renewal.
do do after suspension of registry	10]	Renewal after suspension.

PENALTIES.

Officers of unregistered societies doing business.

35. Every director, officer, manager, agent or secretary of any society, which carries on business of any nature specified in the paragraph lettered (*a*) of the second section of this Act without being a registered society ; and

Transacting business for unregistered societies.

(1.) Every one who transacts any such business on behalf of a society which is not a registered society ; and

Circulating documents not bearing words "assessment system."

(2.) Every director, officer, manager, agent or secretary or employee of a registered society, and every other person who transacts business on behalf of a registered society, who circulates or uses any application, policy, certificate, instrument, circular or advertisement on which the words "Benevolent Societies' system" are not printed, as hereinbefore provided ; and

Refusing or neglecting to exhibit documents.

(3.) Every director, officer, manager, agent, secretary or employee of a registered society who refuses or wilfully neglects to exhibit for the purpose of this Act, any book of record or account, document, or paper, or to afford access thereto, or to allow the same to be inspected or audited, or extracts to be taken therefrom for the purposes of this Act,—

Offence.

is guilty of an offence against this Act and is liable upon summary conviction to a penalty not exceeding dollars or to imprisonment for a period not exceeding months, or to both such penalty and imprisonment:

Penalty.

Application of penalty.

2. One-half of any such penalty, when recovered, shall belong to Her Majesty, and the other half thereof to the informer :

Informations when to be laid.

3. All informations or complaints for the prosecution of offences against this Act shall be laid or made in writing within one year after the commission of the offence.

REPEAL.

R.S.C., c. 124 s. 43, ss. 2.

36. Sub-section two of section forty-three of "*The Insurance Act*" is hereby repealed.

No. 94.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL.

An Act respecting Benevolent Societies.

Received and read first time, Thursday, 28th February, 1889.
Second reading, Friday, 1st March, 1889.

Mr. DICKINSON.

OTTAWA:
For the Queen's Printer, &c.

A. SENÉCAL, Superintendent of Printing.

1889.

No. 95.] **BILL.** [1889.

An Act relating to the Supreme Court.

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

Appeal by representatives in case of death.

1. In the event of the death of a sole plaintiff or defendant before the judgment of the court in which an action is pending is delivered, and such judgment is against the deceased party, his legal representatives, on entering a suggestion of the death, shall be entitled to proceed with and prosecute an appeal in the same manner as if they were the original parties to the suit.

And against them in a like case.

2. In the event of the death of a sole plaintiff or sole defendant before the judgment of the court in which an action is pending is delivered, and such judgment is in favor of such deceased party, the other party, upon entering a suggestion of the death, shall be entitled to prosecute an appeal against the legal representatives of such deceased party, provided that the time limited for appealing shall not run until such legal representatives are appointed.

Order of cases on list No. 1.

3. In the list "Maritime Provinces number one" mentioned in the fifty-eighth section of "*The Supreme and Exchequer Courts Act*," the court may, by order, direct in what order the cases from the different provinces shall be entered.

No. 95.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL.

An Act relating to the Supreme Court.

Received and read first time, Thursday, 28th February, 1889.
Second reading, Friday, 1st March, 1889.

Mr. WELDON,
(St. John.)

OTTAWA:
For the Queen's Printer, &c.
—
A. SENÉCAL, Superintendent of Printing.
—
1889.

No. 96.] **BILL.** [1888.

An Act to incorporate the Prince Edward Island and Continental Railway and Ferry Company.

Preamble

WHEREAS a petition has been presented praying for the incorporation of a Company to construct and operate a railway and ferry 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:—

Incorporation.

1. Louis G. de Bertram, R. Chipman Skinner and John White, together with such persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of "The Prince Edward Island and Continental Railway and Ferry Company," hereinafter called the Company.

Corporate name.

Head office.

2. The head office of the Company shall be in the town of Moncton, in the Province of New Brunswick.

Line of railway described.

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 the town of Buctouche, in the County of Kent, in the said Province, so as to connect there with the railway of the Buctouche and Moncton Railway Company, thence to the town of Richibucto, in the said County, and to a point on deep water at Richibucto Cape in the said County, or some other place adjacent thereto; and also rom some point or place on the shore of Prince Edward fsland opposite the said County of Kent to a point of junclion with the Prince Edward Island Railway:

t

Ferry across Northumberland Straits.

2. The Company may, in connection with their railway, construct, acquire, maintain and employ steam ferry-boats to ply across the Northumberland Straits, for the purpose of carrying cars, freight and passengers over the same.

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 and calls thereon.

5. 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 centum of the shares subscribed.

Annual general meeting.

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

Election of directors.

7. At such meeting the subscribers for the capital stock assembled who have paid all calls due on their shares shall choose 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, and such bonds shall be called "A" bonds; and in addition thereto bonds to an amount not exceeding two hundred thousand dollars may be issued for the construction of the steam ferry-boats hereinbefore mentioned, and shall be called "B" bonds:

Tolls to specially secure "B" bonds.

2. To specially secure series "B" bonds, tolls for the use of such ferry shall, from time to time, be fixed, imposed, changed, varied and regulated by the by-laws of the Company; but such by-laws, before being enforced, shall be first submitted to and approved of by the Governor in Council, and the tolls to be levied shall be uniformly imposed upon all companies and corporations using the said ferry, and shall be demanded and received as well from the Prince Edward Island and Continental Railway and Ferry Company as from all railway companies and other corporations and persons using the same, and shall be paid to such persons and at such places, and under such regulations as the said by-laws direct.

No. 96.

3rd Session, 6th Parliament, 52 Vic

BILL

An Act to incorporate the P
ward Island and Continenta
and Ferry Company.

Received and read first time, F
March, 1889.
Second reading, Monday, 4th Marc

(PRIVATE BILL.)

Mr. L

OTTAWA:
For the Queen's Printer, &
A. SENÉCAL, Superintendent of I
1889.

No. 97.] **BILL.** [1889.

An Act to amend chapter one hundred and seventy-nine of the Revised Statutes respecting recognizances.

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

1. Chapter one hundred and seventy-nine of the Revised Statutes is hereby amended by adding the following section and form thereto:— R.S.C., c. 179 amended.

"**24.** In case the condition of any recognizance entered into or taken before any justice or justices of the peace or any person having the power or authority of two or more justices of the peace, under any of the provisions of chapters one hundred and seventy-four and one hundred and seventy-eight of the Revised Statutes is not complied with, such justice or justices or other person before whom the same was entered into or taken, shall, forthwith after the breach of the condition thereof, certify on the back of such recognizances the fact of such non-compliance under his or their hands (Form A) and shall thereupon transmit such recognizance to the clerk, prothonotary, registrar or other proper officer, Proceedings if conditions are not fulfilled. Certificate. To whom transmitted.

"(*a*) In the Province of Ontario of a division of the High Court of Justice;

"(*b.*) In the Provinces of Nova Scotia, New Brunswick, Prince Edward Island and British Columbia, of the Supreme Court of the Province;

"(*c.*) In the Province of Manitoba of the Court of Queen's Bench of that Province;

"(*d.*) In the North-West Territories of the Supreme Court of such Territories;

"In order that the same may be proceeded upon and estreated; and such certificate shall be *primâ facie* evidence of the non-compliance with the condition of such recognizance and the forfeiture thereof: Certificate evidence.

"2. The like proceedings shall thereafter be had and taken to estreat and enforce such recognizances as are prescribed by this Act with respect to recognizances herein mentioned. Proceedings to estreat.

"FORM A.

Form. "I hereby certify that the condition of the within recognizance has not been complied with, in the following respect (*here state shortly the facts of default*) by reason whereof the within written recognizance is forfeited.

J. S.
J. P., or
Stipendiary Magistrate."

Not to apply to Quebec. **2.** Nothing herein contained shall apply to the Province of Quebec.

No. 97.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL.

An Act to amend chapter one hundred and seventy-nine of the Revised Statutes respecting recognizances.

Received and read first time, Friday, 1st March, 1889.
Second reading, Monday, 4th March, 1889.

Mr. DAVIES.

OTTAWA:
For the Queen's Printer, &c.
—
A. SENÉCAL, Superintendent of Printing.
—
1889.

No. 98.] **BILL.** [1889.

An Act to amend "The Winding up Act" chapter one hundred and twenty-nine of the Revised Statutes.

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

SHORT TITLE.

1. This Act may be cited as "*The Winding up Amendment Act*, 1889." Short title.

INTERPRETATION.

2. The expressions mentioned in section two of "*The Winding up Act*" whenever they occur in this Act, have the meaning assigned to them respectively by the said section two; and this Act shall be read with and construed as forming part of "*The Winding up Act*." Interpretation. R.S.C., c. 129.

APPLICATION OF ACT.

3. This Act applies to all corporations incorporated by or under the authority of an Act of the Parliament of Canada or by or under the authority of any Act of the late Province of Canada, or of the provinces of Nova Scotia, New Brunswick, Prince Edward Island or British Columbia, and whose incorporation and the affairs thereof are subject to the legislative authority of the Parliament of Canada: Application of Act.

2. This Act does not apply to railway or telegraph companies or to building societies which have not a capital stock. To what not applicable.

4. The court may make a winding up order:

(*a.*) Where the period, if any, fixed for the duration of the company by the Act, charter or instrument of incorporation has expired; or where the event, if any, has occurred, upon the occurrence of which it is provided by the Act or charter or instrument of incorporation that the company is to be dissolved; In what cases winding up order may be made.

(*b.*) Where the company at a special meeting of shareholders called for the purpose has passed a resolution requiring the company to be wound up;

(*c.*) When the company is insolvent within the meaning of "*The Winding up Act*;"

(*d.*) When the capital stock of the company is impaired to the extent of twenty-five per cent. thereof, and when it is shown to the satisfaction of the court that the lost capital will not likely be restored within one year ;

(*e.*) When the court is of opinion that it is just and equitable that the company should be wound up.

On whose application.

5. The application for such winding-up order may, in the cases mentioned in paragraphs (*a.*), (*b.*) and (*c.*) of the next preceding section, be made by the company or by a shareholder, and in the other cases mentioned in the said section, the application may be made by a shareholder holding shares in the capital stock of the company to the amount of at least five hundred dollars.

Where to be made.

6. Such application shall be by petition to the court in the Province where the head office of the company is situated.

Powers of the court.

7. The powers of the court in respect to such application and the subsequent proceedings thereon shall be the same as nearly as may be as if the application were made by a creditor under the provisions of "*The Winding up Act.*"

If application is opposed

8. If the company opposes the application on the ground that it has not become insolvent ~~within the meaning of this Act~~, or that its suspension or default was only temporary, and was not caused by any deficiency in its assets, or that the capital stock is not impaired to the extent aforesaid, or that the lost capital will likely be restored within one year, and shows reasonable cause for believing that such opposition is well founded, the court, in its discretion, may, from time to time, adjourn proceedings upon such application, for a time not exceeding six months from the date of the application, and may order an accountant or other person to inquire into the affairs of the company and to report thereon within a period not exceeding thirty days from the date of such order.

Adjournment.

Inquiry.

Certain provisions to apply.

9. Sections eleven and twelve of "*The Winding up Act*" extend to an order made under the next preceding section of this Act.

Application of following sections.

10. The following sections of this Act apply in every case in which a winding-up order has been made, whether under "*The Winding up Act*" or this Act.

Notices may be dispensed with.

11. The court may, by any order made after the winding-up order and the appointment of a liquidator, dispense with notice to creditors, contributories, shareholders, or members of the company as required by the said Act, where in its discretion such notice may properly be dispensed with.

As to powers of liquidators.

12. The court may provide by any order subsequent to the winding,up order, that the liquidator may exercise any

of the powers conferred upon him by the said Act or this Act, without the sanction or intervention of the court; and where a provisional liquidator is appointed it may limit and restrict his powers by the order appointing him.

Chairman at meetings.

13. In directing meetings of creditors, contributories, shareholders or members of the company to be held as provided in the said Act, the court may either appoint a person to act as chairman of such meeting, or direct that a chairman be appointed by the persons entitled to be present at such meeting, and in case the appointed chairman fails to attend the said meeting, the persons present at the meeting may elect a chairman qualified, who shall perform the duties prescribed by the said Act.

Court may decide on claims.

14. The liquidator may give notice in writing to creditors who have sent in their claims to him, and whose claims he considers should not be allowed without proof, requiring such creditors to attend before the court on a day to be named in such notice, and prove their claims to the satisfaction of the court; and the court may allow or disallow the said claims; and in case any creditor does not attend in pursuance of such notice his claim shall be disallowed, unless the court sees fit to grant further time for the proof thereof.

Section 67 amended.

15. Section sixty-seven of the said Act is hereby amended by inserting after the word "any" in the first line of the said section the word "liquidator."

Application of section 73.

16. Section seventy-three of the said Act shall apply to all persons indebted or liable in any way to the said company, in the same manner and to the same extent as it now applies to contributories.

Section 101 amended.

17. Section one hundred and one of the said Act is hereby amended by inserting before the words "three liquidators" in the third line of the said section, the words 'one or more liquidators, not exceeding."

Section 102 repealed; new section.

18. Section one hundred and two of the said Act is hereby repealed and the following is substituted therefor:

If there is no nomination.

"**102.** If no one has been so nominated, the liquidators shall be chosen by the court."

Service of process.

19. The court shall have the same power and jurisdiction to cause or allow the service of process or proceedings under the said Act, and this Act to be made on persons out of the jurisdiction of the said court in the same manner, and with the like effect as in ordinary actions or suits within the ordinary jurisdiction of the court.

Section 77 amended.

20. Sub-section two of section seventy-seven of the said Act is hereby repealed, and the following substituted therefor:—

Exercise of the powers of the court.

"2. the Court may, from time to time, after the winding up order is made, authorize and empower any master, referee or other officer to exercise any or all of the powers conferred upon the court by the said Act or this Act, subject to an appeal according to the practice of the court."

Procedure.

21. The proceedings under a winding-up order shall be carried on as nearly as may be in the same manner as an ordinary suit, action or proceeding within the jurisdiction of the court.

No. 98.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL.

An Act to amend "The Winding up Act" chapter one hundred and twenty-nine of the Revised Statutes.

Received and read first time, Monday, 4th March, 1889
Second reading, Tuesday, 5th March, 1889.

Sir JOHN THOMPSON.

OTTAWA:
For the Queen's Printer, &c.
A. SENÉCAL, Superintendent of Printing.
1889.

No. 99.] **BILL.** [1889.

An Act to incorporate the Three Rivers and Western Railway Company.

Preamble.

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 :—

Incorporation.

1. Pierre Benjamin Vanasse, Louis Adolphe Robitaille, John Ross, Télesphore E. Normand, William McDonell Dawson, Geo. Balcer and Edward V. Wright, together with such persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of "The Three Rivers and Western Railway Company," hereinafter called the Company.

Corporate name.

Head office.

2. The head office of the Company shall be in the City of Three Rivers.

Line of railway described.

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 City of Three Rivers, in as direct a line as is found practicable, by the head waters of the River Rouge, crossing the Rivers Lièvre and Gatineau and passing by the south end of Lake Kakebonga to the plateau dividing the waters that flow north to the upper Ottawa and south by the Coulonge and Dumoine rivers to the lower Ottawa, and on by the Quinze Rapids to a point at or near the third mile post, on the western boundary of the Province of Quebec, and thence to a connection with the line of the Nipissing and James' Bay Railway Company, in the Province of Ontario.

Provisional directors.

4. The persons mentioned by name in the first section of this Act are hereby constituted provisional directors of the Company, [with power to add two more to their number.]

Capital stock and calls thereon.

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 centum on the shares subscribed.

Annual general meeting.

6. The annual general meeting of the shareholders shall be held on the first Tuesday in June 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 chose 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 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 other companies.

9. The Company may enter into an agreement with

for conveying or leasing to such company the railway of the Company hereby incorporated, in whole or in part, or any rights or powers acquired under this Act, as also the 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 been approved by the Governor in Council :

Sanction of the shareholders.

And of the Governor in Council.

Notice of application for approval.

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

No. 99.

3rd Session, 6th Parliament, 52 Victoria

BILL.

An Act to incorporate the Three and Western Railway Compan

Received and read first time, Thursda March, 1889.
Second reading, Friday, 8th March, 18

(PRIVATE BILL.)

Mr. Riop

OTTAWA:
For the Queen's Printer, &c.
A. Sénécal, Superintendent of Printi
1889.

No. 100.] **BILL.** [1889.

An Act further to amend "The Civil Service Act" Chapter seventeen of the Revised Statutes.

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

1. Subsections two and three of section eight of "*The Civil Service Act*," are hereby repealed and the following substituted therefor: Section 8 of R.S.C., c. 17, amended.

"2. The Governor in Council may appoint a person who shall be clerk to the board, at a salary not exceeding seven hundred dollars per annum. Salary of clerk.

"3. Each member of the board shall receive such salary not exceeding four hundred dollars per annum, as is fixed by the Governor in Council." And of members of board.

2. Sub-section two of section thirty-seven of the said Act, is hereby repealed and the following substituted therefor:— Section 37 amended.

"2. City Postmasters and Post Office Inspectors; Inspectors, Collectors and Preventive Officers in the Customs Department; Inspectors of Weights and Measures; and Deputy Collectors and Preventive Officers in the Inland Revenue Department, may be appointed without examination and without reference to the rules for promotion herein prescribed." Appointment without examination in certain cases.

3. So much of Schedule B of the said Act as relates to Inland Revenue, is hereby repealed and the following substituted therefor:— Schedule B amended as to Inland Revenue.

INLAND REVENUE.

Chief Inspector	$2,800
Inspectors	$1,600 to 2,500
Collectors	500 to 2,200
Deputy Collectors	400 to 1,500
Clerks (Accountants)	600 to 1,400
Special Class Excisemen (chief officers in charge of distilleries)	1,400 to 1,600
Special Class Excisemen, other than as above	1,200
First, Second and Third-class Excisemen	600 to 1,000
Probationary Excisemen	500
Messengers	200 to 500

To which may be added for surveys of important manu factories an additional salary, for the special class Excise men who perform that duty, not exceeding $200 per annum

And as to railway mail clerks.

2. So much of the said Schedule B as relates to Railway Mail Clerks, is hereby repealed and the following substituted therefor:—

"*Railway Mail Clerks.*

—	On Appointment.	After 2 years service in any class of Railway Mail Clerks.	After 5 years service in any class of Railway Mail Clerks.	After 10 years service in any class of Railway Mail Clerks.
	$	$	$	$
Chief Clerks.....	1,000	1,200	1,350	1,500
1st Class.....	720	800	880	960
2nd Class.....	600	640	720	800
3rd Class.....	480	520	560	640

"To Railway Mail Clerks, in addition to regular salary an allowance not exceeding half a cent per mile for every mile travelled on duty in the Post Office cars, and an additional allowance of half a cent per mile for every mile so travelled between ten in the afternoon and six in the forenoon."

And as to city postmasters and assistant postmasters.

3. So much of the said Schedule B as relates to "*City Postmasters*" and "*Assistant Postmasters*" is hereby repealed and the following substituted therefor:—

"*City Postmasters.*

Class 1. When postage collections exceed $250,000...$4,000
do 2. do do are from $200,000 to 250,000.... 3,750
do 3. do do do 150,000 to 200,000.... 3,500
do 4. do do do 100,000 to 150,000.... 3,250
do 5. do do do 80,000 to 100,000.... 2,800
do 6 do do do 60,000 to 80,000.... 2,400
do 7. do do do 40,000 to 60,000.... 2,200
do 8. do do do 20,000 to 40,000... 2,000
do 9 do do are less than.....20,000.... 1,400

to $1,800, as the Postmaster General determines. These salaries shall not be supplemented by any allowances, commissions or perquisites whatsoever.

"*Assistant Postmasters.*

Class 1. When postage collections exceed $80,000...$2,000
do 2. do do are from $60,000 to 80,000... 1,800
do 3. do do do 40,000 to 60,000.... 1,600
do 4. do do do 20,000 to 40,000... 1,400
do 5. do do are less than.....20,000... 1,100

to $1,400, as the Postmaster General determines."

No. 100.

3rd Session, 6th Parliament, 52 V

BILL.

An Act further to amend Service Act," Chapter se the Revised Statutes.

Received and read first time, M March, 1889.
Second reading, Tuesday, 12th M

Mr. I

OTTAWA:
For the Queen's Printer,
A. SENÉCAL, Superintendent o
1889.

No. 101.] **BILL.** [1889.

An Act to amend "The Copyright Act," Chapter sixty-two of the Revised Statutes.

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

Sections 4 and 5 of R.S.C., c. 62, repealed; new sections.

1. Sections four and five of "*The Copyright Act*" are hereby repealed and the following substituted therefor:

Who may obtain copyright.

"**4.** Any person domiciled in Canada or in any part of the British possessions, or any citizen of any country which has an International copyright treaty with United Kingdom, who is the author of any book, map, chart or musical composition, or of any original painting, drawing, statue, sculpture or photograph, or who invents, designs, etches, engraves or causes to be engraved, etched or made from his own design, any print or engraving, and the legal representatives of such person or citizen, shall have the sole and exclusive right and liberty of printing, reprinting, publishing, reproducing and vending such literary, scientific or artistic works or compositions, in whole or in part, and of allowing translations to be printed or reprinted and sold of such literary works, from one language into other languages, for the term of twenty-eight years from the time of recording the copyright thereof in the manner and on the conditions, and subject to the restrictions hereinafter set forth.

Translations.

Term of copyright

Conditions for obtaining copyright.

"**5.** The conditions for obtaining such copyright shall be that the said literary, scientific, musical or artistic work shall, before publication or production elsewhere, or simultaneously with the first publication or production thereof elsewhere, be registered in the office of the Minister of Agriculture, by the author or his legal representatives, and further that such work shall be printed and published or produced in Canada, or reprinted and republished or reproduced in Canada, within one month after publication or production elsewhere; but in no case shall the sole and exclusive right and privilege in Canada continue to exist after it has expired in the country of origin:

Proviso.

Exception.

"2. No immoral, licentious, irreligious, or treasonable or seditious literary, scientific or artistic work shall be the subject of such registration or copyright."

Section 6 repealed.

2. Section six of the said Act is hereby repealed.

License if no copyright is taken out.

3. If the person entitled to copyright under the said Act as hereby amended fails to take advantage of its provisions, the Minister of Agriculture may issue a license or licenses to any person or to any number of persons domiciled in Canada to print and publish or to produce the work for which copyright, but for such neglect or failure, might have been obtained, provided that each such person has registered his intention so to do with the said Minister; but no such license shall convey exclusive rights to print and publish or produce any work:

No exclusive right.

Royalty to be paid.

2. Such license may be granted to any applicant agreeing to pay the author or his legal representatives a royalty of ten per centum on the retail price of each copy or reproduction issued of the work which is the subject of the license and giving security for such payment to the satisfaction of the Minister.

How collected and paid.

4. The royalty provided for in the next preceding section shall be collected by the officers of the Department of Inland Revenue, and paid over to the persons entitled thereto, under regulations approved by the Governor in Council.

Importation from foreign countries may be prohibited.

5. Whenever under the foregoing provisions of this Act a license has been issued permitting the printing and publishing or the producing of any work, and evidence has been adduced to the satisfaction of the Governor in Council that such work is in course of being printed and published or produced in such manner as to meet the demand therefor in Canada, the Governor General may, by proclamation published in the *Canada Gazette*, prohibit the importation, subject to the provisions hereinafter contained, of any copies or reproductions of the work to which such license relates; but if at any time thereafter it is made to appear to the Governor in Council that such work is not, under such license, printed and published or produced in such manner as to meet such demand, the Governor General may, by proclamation published as aforesaid, revoke such prohibition.

If work is not published under license.

No prohibition of importation from United Kingdom.

6. Nothing in this Act contained shall be deemed to prohibit the importation from the United Kingdom of copies of works of which the copyright is there existing and which are lawfully printed and published there.

No. 101.

3rd Session, 6th Parliament, 52 V

BILL.

An Act to amend "The Act," chapter sixty-two of Statutes.

Received and read first time, March, 1889.
Second reading, Tuesday, 12th

Sir JOHN T

OTTAWA:
For the Queen's Printer
—
A. SENÉCAL, Superintendent o
—
1889.

No. 102.] **BILL.** [1889

An Act to amend Chapter one hundred and seventy-three of the Revised Statutes of Canada respecting Threats, Intimidation and other offences.

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

1. Sub-section two of section thirteen of chapter one hundred and seventy-three of the Revised Statutes of Canada is hereby repealed and the following substituted in lieu thereof:— S. 13 of R. S. C., c. 173, amended.

"2. No prosecution shall be maintainable against any person for conspiracy, in refusing to work with or for any employer or workman, or for doing any act, or causing any act to be done for the purpose of a trade combination, unless such act is an offence punishable by statute." Refusing to work.

No. 102.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL

An Act to amend Chapter one hundred and seventy-three of the Revised Statutes of Canada respecting Threats, Intimidation and other offences.

Received and read first time, Monday, 11th March, 1889.
Second reading, Tuesday, 12th March, 1889.

Mr. WILSON
(Elgin).

OTTAWA:
For the Queen's Printer, &c.

A. SENÉCAL, Superintendent of Printing.

1889.

No. 103.] **BILL.** [1889.

An Act further to amend the Act thirty-sixth Victoria, chapter sixty-one, respecting the Trinity House and Harbor Commissioners of Montreal.

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

Section 19 of 36 V., c. 61 repealed; new section.

1. Section nineteen of the Act passed in the thirty-sixth year of Her Majesty's reign, chaptered sixty-one and intituled, "*An Act respecting the Trinity House and the Harbor Commissioners of Montreal*," is hereby repealed and the following substituted therefor:—

Placing of buoys, &c.

"**19.** The buoys and beacons within the port of Montreal may, by order of the Governor in Council, be placed and maintained by the said corporation."

Property vested in the Crown.

2. The buoys and beacons within the port of Montreal, and all plant and appliances heretofore used in connection therewith by the Harbor Commissioners of Montreal, shall hereafter belong to the Government of Canada.

No. 103.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL

An Act further to amend the Act thirty-sixth Victoria, chapter sixty-one, respecting the Trinity House and Harbor Commissioners of Montreal.

Received and read first time, Monday, 11th March, 1889
Second reading, Tuesday, 12th March, 1889.

Mr. TUPPER.

OTTAWA:
For the Queen's Printer, &c.

A. SENÉCAL, Superintendent of Printing.

1889.

No. 104.] **BILL.** [1889

An Act to amend Chapter ninety-five of the Revised Statutes, "The Fisheries Act."

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

1. Sub-section two of section fifteen of "*The Fisheries Act*" is hereby amended, by striking out from the said sub-section the words "sawdust or" in the sixth line thereof. S. 15 of R. S. C., c. 95, amended.

No. 104.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL.

An Act to amend Chapter ninety-five of the Revised Statutes, "The Fisheries Act."

Received and read first time, Monday, 11th March, 1889.
Second reading, Tuesday, 12th March, 1889.

Mr DICKEY.

OTTAWA:
For the Queen's Printer, &c.

A. SENÉCAL, Superintendent of Printing.

1889.

No. 105.] **BILL.** [1889

An Act further to amend the Supreme and Exchequer Courts Act.

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

S. 19 of R. S. C., c. 135, amended.

1. Section nineteen of "*The Supreme and Exchequer Courts Act*" as amended by the Act passed in the session held in the fifty-first year of Her Majesty's reign, and chaptered thirty-seven, is hereby amended by adding thereto the following subsection, that is to say:—

Judge not to act in cases specified.

"2. No judge against whose judgment an appeal is brought, or who took part in the trial of the cause or matter, or in the hearing in a court below, shall sit or take part in the hearing of or adjudication upon the proceedings in the Supreme Court: and in any cause or matter in which a judge is unable to sit or take part in consequence of the provisions of this subsection, any four of the other judges of the Supreme Court shall constitute a quorum and may lawfully hold the court."

Quorum in such case.

S. 24 amended.

2. Section twenty-four of the said Act is hereby further amended by adding thereto the following paragraph, that is to say:—

Appeal as to assessment.

"(*j.*) From the judgment of any court of last resort created under provincial legislation to adjudicate concerning the assessment of property for provincial or municipal purposes in cases where the person or persons presiding over such court is or are appointed by provincial or municipal authority and the judgment appealed from involves the assessment of property at a value of not less than dollars."

Rules may be suspended.

3. The Governor General may by proclamation published in the *Canada Gazette*, or either House of Parliament may, by resolution passed within thirty days after any rules or orders made under section one hundred and nine of the said Act, as amended by section fifty-seven of the Act passed in the session held in the fiftieth and fifty-first years of Her Majesty's reign, and chaptered sixteen, have been laid before Parliament, suspend such rules or orders or any of them, and any rule or order so suspended shall thereupon cease to have force or effect until the end of the then next session of Parliament.

Effect of suspension.

No. 105.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL.

An Act to amend the Supreme and Exchequer Courts Act.

Received and read first time, Tuesday, 12th March, 1889.
Second reading, Wednesday, 13th March, 1889.

Sir JOHN THOMPSON.

OTTAWA:
For the Queen's Printer, &c.
A. SENÉCAL, Superintendent of Printing.
1889.

No. 106.] **BILL.** [1889.

An Act to amend the Civil Service Act.

WHEREAS it is expedient to amend the Revised Statutes of Canada, chapter seventeen, respecting the Civil Service of Canada; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Section thirty of the said Act is hereby amended by adding the following paragraph thereto: S. 30 of R. S. C., c. 17, amended.

"(*d.*) That he has resided for five years within the Dominion of Canada."

2. Section thirty-two of the said Act is hereby amended by inserting after the word "character" in the said section the words "and residence." S. 32, amended.

No. 106.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL.

An Act to amend the Civil Service Act.

Received and read first time, Tuesday, 12th March, 1889.
Second reading, Wednesday, 13th March, 1889.

Mr. Cook.

OTTAWA:
For the Queen's Printer, &c.
—
A. Senécal, Superintendent of Printing.
—
1889.

No. 107] **BILL** [1889.

An Act respecting the Wood Mountain and Qu'Appelle Railway Company.

WHEREAS the Wood Mountain and Qu'Appelle Railway Company has, by its petition, prayed that certain amendments, as hereinafter set forth, be made 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.

1. The second section of the Act passed in the Session held in the forty-eighth and forty-ninth years of Her Majesty's reign, chapter sixteen, is hereby repealed and the following substituted therefor:— 48-49 V., c. 16, s. 2, repealed.

" 2. The Company may lay out, construct and operate a railway of the gauge of four feet eight and one half inches from a point on the International boundary line, at or near range sixteen west of the second principal meridian in a northerly direction by the best engineering route to Fort Qu'Appelle, thence in a north-easterly direction by the best engineering route to a point at or near the north-west corner of Lake Winnipegoosis, in the North-West Territories of Canada." New line of railway described.

2. Notwithstanding anything contained in section nine of the Act passed in the forty-sixth year of Her Majesty's reign, chapter seventy-four, the shareholders of the Company may, at any annual general or special meeting duly called for that purpose, reduce the number of directors to any number not less than five, of whom a majority shall form a quorum. 46 V., c. 74, s. 9, amended.

3. Section four of the Act passed in the Session held in the forty-eighth and forty-ninth years of Her Majesty's reign, chapter sixteen, and section one of the Act passed in the fifty-first year of Her Majesty's reign, chapter eighty-seven, are hereby repealed. Repeal of 48-49 V., c. 16, s. 4, and 51 V., c. 87, s. 1.

4. The Company shall complete its line of railway between its point of intersection with the line of the Canadian Pacific Railway Company and Fort Qu'Appelle on or before the first day of August, one thousand eight hundred and ninety, and shall complete the whole line of railway as defined by section one of this Act within five years thereafter; otherwise the powers granted by the Acts relating to the Company shall cease and be null and void as respects so much of the railway as then remains uncompleted. Time for construction.

No. 107.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL.

An Act respecting the Wood Mountain and Qu'Appelle Railway Company.

Received and read a first time, Wednesday, 13th March, 1889.
Second reading, Friday, 15th March, 1889.

(PRIVATE BILL.)

Mr. MACDOWALL.

OTTAWA:
For the Queen's Printer, &c.
A. SENÉCAL, Superintendent of Printing.
1889.

No. 108.] **BILL.** [1889.

An Act to amend chapter thirteen of the Revised Statutes, intituled, "An Act respecting the House of Commons."

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

Sections 13, 14 and 15 repealed; new provision.

1. Sections thirteen, fourteen and fifteen of the Act respecting the House of Commons, chapter thirteen of the Revised Statutes, are hereby repealed and the following two sections are inserted in lieu thereof:—

Moneys to be subject to order of commissioners.

"**13.** All sums of money voted by Parliament upon such estimates or payable to members of the House of Commons, under "*The Act respecting the Senate and House of Commons*," shall be subject to the order of the Commissioners or any three of them, of whom the Speaker shall be one."

Credit to issue and in whose favor.

Security to be given.

"**14.** Credits for all the sums mentioned in the next preceding section shall issue, from time to time, according to the directions of the Commissioners; and the Speaker shall appoint an officer for that purpose, who shall be called the Accountant of the House of Commons, and shall take from him such security for the faithful discharge of his duties as the Commissioners think fit; and the credits shall issue on one of the banks of Canada in favor of the Accountant and his assistant, and the Commissioners shall, from time to time, apply for such credits as they deem necessary in favor of the said Accountant and his assistant, by an order signed by the Speaker and two others of the Commissioners."

No. 108.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL.

An Act to amend chapter thirteen of the Revised Statutes, intituled, "An Act respecting the House of Commons."

Received and read first time, Wednesday, 13th March, 1889.
Second reading, Thursday, 14th March, 1889.

Sir JOHN THOMPSON.

OTTAWA:
For the Queen's Printer, &c.

A. SENÉCAL, Superintendent of Printing.

1889.

No. 109.] **BILL.** [1889.

An Act to amend the law respecting the Exchequer Court of Canada.

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

REFERENCES.

1. Section twenty-six of the Act passed in the session held in the fiftieth and fifty-first years of Her Majesty's reign, chapter sixteen, and intituled: "*An Act to amend the Supreme and Exchequer Courts Act and to make better provisions for the trial of claims against the Crown*," is hereby repealed and the following section enacted in lieu thereof: S. 26 of 50 51 V., c. 16 repealed; new section.

"**26.** The court may, for the purporses of taking accounts or making enquiries or for the determination of any question or issue of fact refer any cause, claim, matter or petition, to the registrar or any other officer of the court, or to any official or special referee for inquiry and report, and may also, if it thinks it expedient so to do, call in the aid of one or more assessors specially qualified, and try and hear such cause, matter or petition wholly or partially, with the assistance of such assessor or assessors." Reference to registrar, &c.

RULES AND ORDERS.

2. Section fifty-five of the said Act is hereby repealed and the following section enacted in lieu thereof:— S. 55 repealed; new section.

"**55.** The judge of the Exchequer Court may, from time of time, make general rules and orders; Rules and orders may be made.

(*a.*) For regulating the procedure of and in the Exchequer Court;

(*b.*) For the effectual execution and working of this Act, and the attainment of the intention and objects thereof;

(*c.*) For the effectual execution and working, in respect to proceedings in such court or before such judge, of any Act giving jurisdiction to such court or judge and the attainment of the intention and objects of any such Act;

(*d.*) For fixing the fees and costs to be taxed and allowed to, and received and taken by, and the rights and duties of the officers of the said court; and

(*e.*) For awarding and regulating costs in such court in favor of or against the Crown as well as the subject.

Extent.

Such rules and orders may extend to any matter of procedure or otherwise not provided for by such Acts, but for which it is found necessary to provide in order to ensure the proper working of such Acts and the better attainment of the objects thereof; and all such rules and orders which are not inconsistent with the express provisions of such Acts shall have force and effect as if herein enacted, and copies of all such rules and orders shall be laid before both Houses of Parliament at the session next after the making thereof."

Copies for Parliament.

FURTHER RULE FOR ADJUDICATING UPON CLAIMS.

Alteration in or addition to works may be ordered.

3. If the injury to any land or property alleged to be injuriously affected by the construction of any public work may be removed wholly or in part by any alteration in or addition to any such public work, or by the construction of any additional work and the Crown by its pleadings, or on the trial, undertake to make such alteration or addition or to construct such work the damages shall so far as the future is concerned be assessed in view of such undertaking, and the court shall declare that, in addition to any damages awarded the claimant is entitled to have such alteration or addition made or such work constructed.

Interest on moneys under judgment.

4. The Minister of Finance and Receiver General may allow and pay to any person entitled by the judgment of the court to any moneys or costs, interest thereon at a rate not exceeding four per cent. from the date of such judgment until such moneys or costs are paid.

Short title.

5. The Act herein first mentioned and this Act may together be cited as "*The Exchequer Court Act.*"

No. 109.

3rd Session, 6th Parliament, 52 Victo

BILL.

An Act to amend the law respec
Exchequer Court of Canad

Received and read first time, We
March 13th, 1889.
Second reading, Thursday, March 14

Sir JOHN THOM

OTTAWA:
For the Queen's Printer, &c.
A. SENÉCAL, Superintendent of Pri
1889.

No. 110.] **BILL.** [1889.

An Act to repeal certain Acts relating to the Public Departments.

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

50-51 V., cc. 10, 11 and 14 repealed.

1. The following Acts passed in the session held in the fiftieth and fifty-first years of the reign of Her Majesty Queen Victoria, intituled : "*An Act respecting the Department of Trade and Commerce*," "*An Act respecting the Department of Customs and the Department of Inland Revenue*," and "*An Act to make provision for the appointment of a Solicitor General*," are hereby repealed.

Who shall be Minister of Trade and Commerce.

2. The duties and powers of a Minister of Trade and Commerce, shall, after the passing of this Act, pertain to the Minister in charge of the Department of Customs, who shall thereafter be called the Minister of Trade and Commerce.

No. 110.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL.

An Act to repeal certain Acts relating to the Public Departments

Received and read a first time, Wednesday, 13th March, 1889.
Second reading, Thursday, 14th March, 1889.

Mr. MILLS
(Bothwell.)

OTTAWA:
For the Queen's Printer, &c.

A. SENÉCAL, Superintendent of Printing.

1889.

No. 111.] **BILL.** [1889.

An Act to amend Chapter eleven of the Revised Statutes of Canada, intituled, "An Act respecting the Senate and House of Commons."

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

1. Section twenty-six of chapter eleven of the Revised Statutes, intituled: "*An Act respecting the Senate and House of Commons*," is hereby amended by adding the following words at the end thereof:— S. 26 of R. S. C., c. 11 amended.

"Provided always however, that no deduction need be made from the allowance hereinbefore provided for, for an absence from or non-attendance at any such session, if such absence or non-attendance does not exceed twenty days in any one session lasting for a longer period than thirty days." No deduction in case specified.

No. 111.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL.

An Act to amend chapter eleven of the Revised Statutes of Canada, intituled, "An Act respecting the Senate and House of Commons."

Received and read first time, Wednesday, 13th March, 1889.
Second reading, Thursday, 14th March, 1889.

Mr. SKINNER.

OTTAWA:
For the Queen's Printer, &c.

A. SENÉCAL, Superintendent of Printing.

1889.

No. 112.] **BILL.** [1889

An Act respecting the Wires of Telephone, Telegraph and Electric Light Companies.

Preamble.

WHEREAS the present method of putting up and maintaining wires for telegraph, telephone and electric light purposes has become in large cities a source of great and increasing danger; and whereas it is expedient that the danger arising from this source should be prevented in future: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Telegraph, &c., wires to laid underground.

1. From and after the first day of January, one thousand eight hundred and ninety, no person or corporation over which the Parliament of Canada has jurisdiction shall place, erect, keep up or maintain within the limits of any city, or within such portions thereof as the council of any such city from to time by by-law determines, any telegraph, telephone or electric light wires above the surface of the ground, upon, or over any street, highway, alley, lane, avenue, park or other public place, except with the permission of the council of such city, to be given by by-law from time to time passed by the said council thereof: Provided that nothing herein contained shall prevent any person or corporation, with the consent of the council of any city, erecting or maintaining its line or lines of telegraph, telephone or electric light under any public highways, streets, squares, or bridges, subject to such regulations and conditions as the council by by-law, from time to time, impose.

Lines may be laid under the surface.

No. 112.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL.

An Act respecting the Wires of Telephone, Telegraph and Electric Light Companies.

Received and read first time, Thursday, 14th March, 1889.
Second reading, Friday, 15th March, 1889.

Mr. PERLEY.

OTTAWA:
For the Queen's Printer, &c.
A. SENÉCAL, Superintendent of Printing.
1889.

No. 113.] **BILL.** [1889.

An Act respecting the inspection of timber and lumber.

(*The provisions in brackets will be moved in Committee of the Whole.*)

Preamble.

WHEREAS it is expedient to make further provision respecting the inspection and measurement of timber and lumber and to assimilate so far as possible the law respecting such inspection and measurement in the several Provinces; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

SHORT TITLE.

Short title.

1. This Act may be cited as "*The Timber Inspection Act*, 1889."

INTERPRETATION.

Interpretation.

2. In this Act unless the context otherwise requires,—

"Timber" or "Lumber."

(*a.*) The expression "timber" or "lumber" includes saw-logs, square timber, planks, deals, boards, scantlings, masts, spars, handspikes, oars, laths, lathwood, shingles and staves;

"Minister."

(*b.*) The expression "the Minister" means the Minister of Inland Revenue.

"Inspector."

(*c.*) The expression "inspector" includes "measurer."

INSPECTION DISTRICTS.

Inspection districts.

3. For the purposes of this Act, the following Inspection Districts are hereby established:—

(*a.*) The Maritime Inspection District shall consist of the Provinces of New Brunswick, Nova Scotia and Prince Edward Island;

(*b.*) The Inspection District of Quebec shall consist of the Province of Quebec;

(*c.*) The Inspection District of Ontario shall consist of the Province of Ontario;

(*d.*) The Inspection District of British Columbia shall consist of the Province of British Columbia:

Limits may be varied.

2. The Governor in Council may, from time to time, vary the limits of all or any of the inspection districts established

by this Act, and may constitute other inspection districts out of the same or any part of Canada not included in any of the inspection districts hereinbefore defined.

BOARDS OF EXAMINERS.

Boards of examiners.

4. The Governor in Council may, from time to time, appoint for each inspection district a board of examiners consisting of three fit and skilful persons, any two of whom shall be a quorum and whose duty it shall be to examine and test the competency of applicants for the office of chief inspector or inspector of timber or lumber or of any class thereof, and to perform such other duties as are assigned to them by the Governor in Council:

Chief inspector may be a member.

2. The chief inspector of the inspection district may be appointed a member of the board of examiners.

Oath of office.

5. Each examiner shall, before acting as such, take before a justice of the peace, an oath in the form following or to the same effect:—

Form of oath.

"I, A. B., do swear that I will not, directly or indirectly, "personally or by means of any person or persons in my "behalf, receive any fee, reward or gratuity whatever, by "reason of any function of my office of examiner of appli- "cants for the office of inspector of timber or lumber, except "such as I am entitled to receive by law, and that I will "therein well and truly, in all things, act without partiality, "fear, favor or affection, and to the best of my knowledge "and understanding: So help me God."

Remuneration of examiners.

[6. The Governor in Council may authorize the payment, out of the Consolidated Revenue Fund of Canada, of a sum, as remuneration for his services, to each member of a board of examiners, not exceeding ten dollars for each day's actual service, and not exceeding in the whole three hundred dollars in each financial year]

EXAMINATIONS.

Proceedings for examination of candidates.

7. The board of examiners in each inspection district shall transmit to the Minister at the end at each month a list of the names of the persons applying to be examined and shall, whenever they are directed so to do by the Minister, meet for the purpose of examining applicants who are desirous of being appointed inspectors of timber or lumber, and may at such examination permit the attendance of any persons of skill and experience in the subject of such examination and may allow them to propose to the applicant questions pertinent to such subject, in order to test his knowledge and skill:

Certificates of competency.

2. The board of examiners shall grant such certificates, and such only, as to the competency of the applicant, as his knowledge and proficiency justify; and in each certificate shall be stated the description of timber or lumber for the inspection of which the applicant is best qualified.

CHIEF INSPECTORS AND INSPECTORS.

[**8.** The Governor in Council may appoint in and for each inspection district a chief inspector of timber and lumber who may be paid an annual salary not exceeding two thousand dollars; each such chief inspector shall hold office during pleasure and shall perform the duties hereinafter assigned to him, or which are assigned to him by the Governor in Council:] Chief inspectors may be appointed.

2. The Governor in Council may also appoint, in and for each inspection district, so many inspectors of timber and lumber as he deems expedient. And inspectors.

9. No person shall be appointed as chief inspector or inspector of timber or lumber unless he is the holder of a certificate granted by the board of examiners of the inspection district in which he is to be appointed, testifying to his skill in respect of the class or classes of timber or lumber which he is appointed to inspect: Provided always, that the Governor in Council may, in the first instance, appoint as chief inspector or inspector without examination any person who holds the office of supervisor or deputy supervisor of cullers or cashier in the office of the supervisor of cullers at Quebec, or surveyor or culler or measurer of timber or lumber at the time when this Act comes into effect, under the law then in force. Qualification. Proviso: as to first appointments.

10. If any board of examiners, appointed under this Act, neglects or refuses to meet for the purpose of examining applicants for the office of inspector of timber or lumber after having been required so to do by the Minister, or if any such board, having met, is unable to certify that any applicant who appears before it is duly qualified for appointment as an inspector, the Governor in Council may appoint as inspector any person who has obtained from any other board, duly constituted under this Act, a certificate of competency for the office of inspector of timber or lumber, or who is otherwise competent under this Act. Provision if there are no qualified applicants.

11. No chief inspector or inspector shall deal or trade in or have any interest, directly or indirectly, in the production or manufacture of any timber or lumber such as he is appointed to inspect, or sell or, except for actual use by himself and his family, buy any such article; and every chief inspector or inspector who violates the provisions of this section shall incur a penalty not exceeding five hundred dollars and not less than two hundred dollars and shall forfeit his office. Inspector not to deal in article he inspects. Penalty.

12. Every chief inspector and every inspector shall, before acting as such, take and subscribe before a justice of the peace, an oath of office in the form or to the effect following:— Oath of inspector.

"I, A. B, do solemnly swear, that I will faithfully, truly "and impartially, to the best of my judgment, skill and Form of oath

"understanding, execute and perform the office of chief "inspector (*or* inspector) of timber or lumber; and that I "will not, directly or indirectly, by myself or by any other "person or persons, manufacture or prepare, deal, trade in "or sell or buy, except only for actual use by myself and "family, any timber or lumber such as I am appointed to "inspect, on my account, or upon the account of any other "person or persons, while I continue such chief inspector "(*or* inspector): So help me God."

Where to be filed.

13. The oaths taken by any examiner, chief inspector or inspector, under this Act, shall be transmitted to the Minister and retained by him, and any copy thereof certified by the Minister or the Commissioner of Inland Revenue shall be *prima facie* evidence of such oaths.

Security to be given.

14. Every chief inspector and every inspector shall, before acting as such, give security for the due performance of the duties of his office, in such sum as the Governor in Council directs, by bond to Her Majesty, with two sureties to the satisfaction of the Minister, under the provisions of the "*Act respecting Public Officers*;" and such bond shall avail to the Crown, and to all persons aggrieved by any breach of the conditions thereof; and such bond shall remain in the custody of the Secretary of State of Canada, and any copy thereof certified by him shall be *primâ facie* evidence of such bond, and of the contents thereof, and such copy shall be furnished when required on payment of a fee of one dollar:

Where bond shall be deposited.

Renewal in case specified.

2. In the event of the removal from Canada, or the declared or known insufficiency, or the death of any of the sureties of any chief inspector or inspector, such chief inspector or inspector, as the case may be, shall immediately procure sufficient sureties, and enter into a new bond, as required by this Act, and in default of his so doing his appointment shall become void.

Senior inspector to act in case of vacancy.

15. In the event of the death, resignation, dismissal or suspension of any chief inspector, the senior inspector in the inspection district shall perform all the duties of the chief inspector until his successor is appointed, or until such suspension ceases.

Inspector to act when required.

16. Every inspector shall hold himself in readiness, on all days except Sundays and holidays, to execute the duties of his office from daylight until dark; and for each neglect, refusal or delay, when not otherwise employed about the duties of his office, the inspector shall forfeit eighty dollars to the use of the person injured by such neglect, refusal or delay; and every inspector who is guilty of impropriety of conduct or who is found incompetent, may be suspended from office by the chief inspector, subject to an appeal to the board of examiners.

Penalty for default.

Suspension for cause.

REGULATIONS, CLASSIFICATION AND TARIFF OF FEES.

17. The Governor in Council may— Regulations may be made

(*a.*) Make regulations for carrying this Act into effect and as to the mode of inspection and all matters incidental thereto and prescribe penalties not exceeding *fifty dollars* for any contravention of such regulations;

(*b.*) Establish a tariff of fees for the inspection and re-inspection hereinafter provided for: Tariff of fees

2. The board of examiners in each inspection district shall, whenever directed by the Minister so to do, determine the classification of timber and lumber for the district for which they are appointed, but such classification shall be subject to the approval of the Governor in Council, and shall only have force and effect as approved or modified and approved by him: Classification. To be subject to approval.

3. Such regulations, classification and tariff of fees shall be published in four successive issues of the *Canada Gazette*, and upon completion of such publication shall have like force and effect as if herein enacted: Publication and its effect.

4. Until regulations, a classification and a tariff of fees are established in manner aforesaid in the inspection district, the regulations, classification and tariff of fees in respect of culling, inspecting or measuring timber or lumber in force in such district, at the time of the coming into force of this Act, shall be the regulations and classification in force and the tariff of fees payable under this Act. Temporary provision.

INSPECTION AND RE-INSPECTION.

18. Nothing in this Act shall oblige any person to cause any timber or lumber to be inspected, but if inspected it shall be subject to the provisions of this Act and the regulations made thereunder, and shall not be branded or marked as inspected unless the said provisions and regulations have been in all respects complied with, in respect to such timber or lumber. Inspection not compulsory.

19. All inspection fees shall be paid by the person requiring the inspection to the inspector, for his own use and benefit, before the delivery of the bill of inspection or specification: Payment of fees.

2. Inspectors shall be paid their fees upon the timber or lumber inspected by them by privilege and preference over all other creditors, and shall have a special lien upon such timber or lumber for such fees. Lien for fees.

20. Every bill of inspection or specification shall be made out in duplicate by the inspector, who shall deliver one copy to the person requiring the inspection and shall transmit the other copy to the chief inspector. Bill of inspection or specification.

21. Whenever any timber or lumber is sold subject to inspection, the person applying for such inspection shall be By whom fees shall be paid.

entitled to reimbursement of the cost of inspection from the vendor, if such applicant is not himself the vendor, unless an express stipulation to the contrary is made at the time of the sale or of the agreement to submit to inspection ; and such agreement to submit to inspection shall imply a warranty that the timber or lumber in question is of the quality for which it is sold, and that all the requirements of this Act and of the regulations made thereunder have been complied with as to such timber or lumber, unless it is otherwise expressly stipulated.

Warranty.

Re-inspection may be demanded.

Proceedings in such case.

22. If any dispute arises between the buyer or seller and the inspector, the person considering himself aggrieved by such inspection may require a re-inspection ; and in such case the inspector and the person requiring the re-inspection may each choose an inspector duly appointed under this Act, and the two inspectors so chosen shall name a third ; or if the dispute arises between the buyer and seller, the person by whom the first inspector was chosen may choose one other inspector, and the other party two other inspectors ; and if either party to the dispute in either of the above cases fails to choose an inspector or inspectors, as the case may be, within two days, the chief inspector shall make the appointment :

Re-inspection.

2. In either of the above cases the three inspectors so chosen shall re-inspect the timber or lumber with respect to which the dispute arose and their decision or the decision of any two of them shall be final :

Appeal to chief inspector.

3. Or in either of the above cases the person considering himself aggrieved may appeal to the chief inspector, who shall thereupon appoint a disinterested and duly qualified inspector ; and such inspector shall re-inspect the timber or lumber and report the result of such re-inspection to the chief inspector, whose decision, upon such report, shall be final :

Payment of expenses.

4. In every such case the person requiring the re-inspection shall pay the expense thereof in the first instance, but if the original inspection is not thereby confirmed, he may recover the amount so paid from the first inspector :

Inspector to conform to decision

5. Whenever upon re-inspection the original inspection is not confirmed, the first inspector shall at once conform to the decision given upon re-inspection, and shall brand, stamp or mark the timber or lumber of the quality or condition ascertained by the decision aforesaid and shall grant a bill of inspection or specification in accordance with such decision.

Books and documents open to inspection.

23. The measurement books, and all other public documents in the custody of the chief inspector or any inspector shall be open to the perusal of the seller or buyer of timber or lumber, with reference to any transactions between them, and to the perusal of any other person interested therein.

24. Every inspector may register with the chief inspector and may, with his approval, thereupon use any private mark which he adopts in lieu of his initials. Private marks.

OFFENCES AND PENALTIES.

25. Every person who, with fraudulent intention— Offences in relation to inspection.

(*a.*) Alters, effaces or obliterates wholly or partially, or causes to be altered, effaced or obliterated any inspector's brands or marks, on any timber or lumber which has undergone inspection, or—

(*b.*) Counterfeits any such brand or mark, or brands, impresses or otherwise marks on any such timber or lumber any mark purporting to be the mark of any inspector, either with the proper marking instruments of such inspector or with counterfeit imitations thereof, or—

(*c.*) Not being an inspector of timber or lumber, brands or marks any timber or lumber with the inspector's marks, or gives any bill of inspection or specification purporting to be a bill of inspection or specification under the provisions of this Act, of any such timber or lumber,—

Shall incur a penalty of one hundred dollars. Penalty.

26. Every person who, being in the employ of any inspector,— Offences by persons employed.

(*a.*) Hires or lends the marks or marking instruments of his employer to any person, or—

(*b.*) Connives at or is privy to any fraudulent evasion of this Act or of any regulations made thereunder with respect to any such marks as aforesaid,—

Shall incur a penalty of one hundred dollars. Penalty.

27. Every inspector who— Offences by inspectors.

(*a.*) Inspects or brands or marks any timber or lumber out of the inspection district for which he is appointed, or—

(*b.*) Hires out or lends his marking instruments to any person, or—

(*c.*) Gives any bill of inspection or specification without having personally performed the inspection, or any wilfully false or untrue bill of inspection or specification, or—

(*d.*) Connives at or is privy to any fraudulent evasion of this Act or of the regulations made thereunder,—

Shall, for each such offence, incur a penalty not exceeding two hundred dollars and not less than fifty dollars, and shall forfeit his office, and be disqualified from ever after holding the same. Penalty.

28. Every person not thereunto authorized under this Act, who in any manner whatever assumes the title or office of inspector, or issues any bill of inspection or specification purporting to establish the quality of any timber or lumber Assuming title of inspector, &c.

under the provisions of this Act, shall for every such offence incur a penalty not exceeding one hundred dollars.

Recovery of penalties under $100.

29. Every penalty and forfeiture imposed under this Act, or under any regulation made under it, not exceeding one hundred dollars, shall be recoverable by any inspector or by any other person suing for the same in a summary way before any two justices of the peace under the "*Act respecting summary proceedings before Justices of the Peace*," and shall, in default of payment, be levied by warrant of distress, issued by such justices, against the goods and chattels of the offender, and in default of payment or sufficient distress, the offender shall be liable to imprisonment for any term not exceeding one month:

And above that amount.

2. If such penalty or forfeiture exceeds one hundred dollars, it may be sued for and recovered by any such inspector or other person, in any court having jurisdiction in civil cases to the amount, and may be levied by execution, as in case of debt, and in default of payment or sufficient distress, the offender shall be liable to imprisonment for any term not exceeding three months:

Application.

3. Every such penalty shall belong to Her Majesty for the public uses of Canada.

Limitation of time for action.

30. Every action brought against any person for anything done under this Act or the regulations made thereunder or contrary to the provisions of this Act or of such regulations shall be commenced within six months next after the right to bring such action accrued, and not afterwards; and the defendant therein may plead the general issue, and that the same was done under this Act, or under such regulations, and may give this Act or such regulations and the special matter in evidence at any trial thereof; and if it appears so to have been done, then the judgment shall be for the defendant; and if the plaintiff is non-suited or discontinues his action after the defendant has appeared, or if judgment is given against the plaintiff, the defendant shall recover treble costs and have the like remedy for the same as defendants have in other cases.

Costs if plaintiff is non-suited, &c.

LUMBER MANUFACTURERS.

Registration of manufacturers.

Registration fee.

[**31.** Every manufacturer of timber or lumber shall on or before the first day of March in each year register his name in the office of the chief inspector of the inspection district and shall pay to the chief inspector a registration fee of ten dollars, except in the case of manufacturers whose annual output is less than one million feet, board measure, or its equivalent, each of whom shall pay a registration fee of two dollars.]

Return of manufacture to be made.

32. Every manufacturer of timber or lumber shall transmit to the chief inspector of the inspection district before the first day of March in each year, a statement made up to the thirty-first day of December next preceding and containing the following details:—

The quantity, in tons of forty cubic feet, of square timber made ;

The quantity, in tons of forty cubic feet, of square timber brought down ;

The number of saw logs produced ;
do do purchased ;
do do which reached the mill ;

(Stating the slides or other public works through which such square timber or saw logs passed) ;

The number of saw logs sawn ;

The quantities of timber or lumber produced during the year, designating as nearly as possible the proportion of each class of timber or lumber so produced :

Verification of statement.

2. Such statement shall be verified by the oath of the manufacturer or of some person in his employment cognizant of the facts, which oath any justice of the peace or commissioner for taking affidavits is hereby authorized to administer :

Penalty for default.

3. Every manufacturer of timber or lumber who neglects to furnish such statement within the time fixed by this section shall incur a penalty of one dollar for each day during which such neglect continues.

Rate to be paid by manufacturer.

[**33.** Every manufacturer of timber or lumber shall at the time of making such statement pay to the chief inspector a sum equal to one-fifth of one cent for every thousand feet, board measure, or its equivalent, of timber or lumber manufactured by him, except square timber, and a sum of one-tenth of one cent for each ton of forty cubic feet of square timber manufactured by him.]

Application of moneys received.

As to Ontario and Quebec.

Annuities to retired cullers.

[**34.** The chief inspector shall pay over to the Minister of Finance and Receiver General all moneys received by him under the next preceding section and for registration fees, to form a fund, together with any moneys granted by Parliament for the purpose, for defraying the expenses of carrying this Act into effect; and out of the moneys so paid over in respect of the inspection districts of Ontario and Quebec, and any moneys granted by Parliament for the purposes of this Act, in respect of the said districts, the Governor in Council may grant annuities, not exceeding two hundred dollars per annum in each case, to such cullers as are in receipt of annuities under the provisions of "*The Cullers' Act*," or who are not appointed inspectors and whose services are dispensed with, at the time when this Act comes into force.]

REPEAL.—COMING INTO FORCE OF ACT.

Acts repealed.

35. From and after the coming into force of this Act in any of the inspection districts hereinbefore mentioned the Acts and parts of Acts set forth in the schedule hereto

shall be repealed to the extent in the said schedule mentioned, in so far as the same are in force in the inspection district or districts as to which this Act is brought into force by proclamation as hereinafter provided.

Commencement of Act.

36. The foregoing provisions of this Act shall not have force or effect until a day to be named by the Governor General by his proclamation, except that boards of examiners may be appointed, examinations held and certificates granted, and regulations, classifications of timber or lumber and tariffs of fees made in accordance with the foregoing provisions at any time after the passing hereof: Provided always, that the Governor General may, by proclamation, declare this Act to be in force from a day therein mentioned as respects any one or more of the inspection districts hereinbefore mentioned only, and may, from time to time, by a subsequent proclamation, declare it to be in force from another day as respects any other or others of such inspection districts; and the said provisions shall have force and effect according to the terms of such proclamation or proclamations.

May be proclaimed in one or more districts.

SCHEDULE.

Chapter.	Title of Act.	Extent of Repeal.
Revised Statutes of Canada, Chapter 103.	An Act respecting the culling and measuring of lumber in the Provinces of Ontario and Quebec.	The whole, except Section 41.
Revised Statutes of Nova Scotia (third series), Chapter 85.	Of the regulation and inspection of provisions, lumber, fuel and other merchandise.	Sections 95 to 114, both inclusive.
Revised Statutes of New Brunswick, Chapter 64.	Of rules and regulations	The paragraph numbered "Thirty-first," of Section 1.
Revised Statutes of New Brunswick, Chapter 96.	Of the survey and exportation of lumber.	The whole.
Act of the Legislature of the Province of New Brunswick, 25th Victoria, Chapter 18.	An Act to amend Chapter 96 of the Revised Statutes, "Of the survey and exportation of lumber."	do

No. 113.

3rd Session, 6th Parliament, 52 Vi

BILL.

An Act respecting the ins
timber and lumber

Received and read a first time,
March, 1889.
Second reading, Tuesday, 19th

Mr. C

OTTAWA:
For the Queen's Printer,
—
A. Sénécal, Superintendent of
—
1889.

No. 114] **BILL.** [1889.

An Act to incorporate the Title and Mortgage Guarantee Company of Canada.

WHEREAS the persons whose names are hereinafter mentioned have, by their petition, prayed to be incorporated for the purpose of carrying on a guarantee business 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.

Incorporation.

1.

together with such persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of "The Title and Mortgage Guarantee Company of Canada," hereinafter called the Company. Corporate name.

Powers.

2. The Company may make and enter into contracts with any person for the purpose of guaranteeing him against any loss or damages by reason of any defect in any title in or to any real property, situated within the Dominion of Canada, in which he has any right or interest, and may also guarantee any person against loss or damage by reason of the failure or the part of any person to make repayment, in whole or in part, to him of any loan or advance, or to make payment of the interest thereon, and the Company may issue its guarantee policies in such form as it determines.

Capital stock.

Increase thereof.

3. The capital stock of the Company shall be five hundred thousand dollars, divided into shares of one hundred dollars each ; after the whole amount of the capital stock has been subscribed for the Company may increase the capital stock to an amount not exceeding dollars ; provided that such increase and the amount thereof has been first sanctioned by two-thirds of the votes at a special general meeting of the shareholders duly called for the purpose of considering the same,—at which meeting share-

holders representing at least two-thirds in the value of the original stock are present in person or represented by proxy.

Provisional directors and their powers.

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 and receive payment 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 shall withdraw the same for the purposes only of the Company.

First meeting of shareholders.

5. So soon as one hundred thousand dollars of the capital stock of the Company have been subscribed and that amount paid into a chartered bank in Canada, the provisional directors shall call a meeting of the shareholders of the Company at the place where the head office is situated, at such time as they think proper,—at which meeting the shareholders who have paid at least ten per centum on the amount of stock subscribed for by them shall elect directors ; and no person shall be elected or continue a director unless he is a shareholder owning at least shares of stock and has paid all calls due thereon.

Election of directors.

Qualification of director.

Annual general meeting.

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

Election of directors.

7. At such meeting the subscribers of the capital stock assembled who have paid all call due on their shares shall choose persons to be directors of the Company, a majority of whom shall be a quorum.

Head office.

8. The head office of the Company shall be in

Safety vaults.

9. The Company may also establish safety vaults in connection with its offices and places of business, for the purpose of receiving and caring for and guaranteeing against loss, jewellery, bullion and other movable property deposited with it for safe keeping:

Charges for use thereof.

2. The Company may charge such premium for taking care of the property so deposited with them as the persons contracting with the Company agree to pay.

Real estate.

10. The Company may hold such real estate and property as it acquires by the foreclosure of any mortgage, hypothec or lien, or by having paid any claim upon such property to any person contracting with the Company, and may sell and dispose of the same ; provided that all real estate so acquired shall be sold and disposed of within seven years after it has been so acquired, otherwise it shall resort to the previous owner or to his heirs or assigns.

11. "*The Companies Clauses Act*," except sections thirty-eight and thirty-nine thereof, shall extend and apply to the Company hereby incorporated, and shall form part of this Act, in so far as the same is not inconsistent with any of the provisions hereinbefore contained. R.S.C., c. 118 to apply.

No. 114.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL.

An Act to incorporate the Title and Mortgage Guarantee Company of Canada.

Received and read first and second times and referred to Banking Committee, Monday, 18th March, 1889.

(PRIVATE BILL.)

Sir DONALD SMITH.

OTTAWA:
For the Queen's Printer, &c.
—
A. SENÉCAL, Superintendent of Printing.
—
1889.

No. 116.] **BILL.** [1889.

An Act respecting the Harbor of Belleville, in the Province of Ontario.

Preamble.

WHEREAS it is expedient to make better provision for the improvement and management of the harbor of Belleville, in the Province of Ontario: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Boundaries of harbor.

1. The harbor of Belleville shall, for the purposes of this Act, comprise so much of the waters of the Bay of Quinté as is included in the following boundaries:—commencing at a point when the boundary between the townships of Sidney and Thurlow meets the waters of the Bay of Quinté, thence easterly along the Bay of Quinté and the mouth of the Moira River, following high water mark, to the line forming the east limit of lot number seven in the first concession of the township of Thurlow, thence southerly along an imaginary line forming a prolongation of such last mentioned line, to a distance of half a mile from high water mark, thence westerly to a point on an imaginary line forming a prolongation of the said boundary between the townships of Sidney and Thurlow, and half a mile from high water mark, thence northerly along the said imaginary line to the place of beginning.

Who shall be harbor commissioners.

2. The Mayor of the City of Belleville, for the time being, and two persons appointed from time to time by the Governor in Council, shall be commissioners under this Act to have the superintendence of the harbor and harbor master of the port of Belleville.

Harbor master may be appointed.

3. The harbor commissioners so appointed, or a majority of them may from time to time appoint a fit and proper person to be harbor master for the said port of Belleville, and such harbor master may be paid out of the harbor dues hereinafter mentioned such salary not exceeding six hundred dollars per annum, as the harbor commissioners, with the approval of the Minister of Marine and Fisheries, direct.

Control of commissioners and harbor master.

4. The commissioners and harbor master appointed under this Act shall be under the control of the Minister of Marine and Fisheries, to whom they shall respectively furnish a report in writing and on oath, on or as soon as possible after the thirty-first day of December in each year, of their doings in office, and of the moneys received and expended by them.

Rules and regulations may be made.

5. The said commissioners may, from time to time, with the consent of the Governor in Council, make, repeal or amend rules and regulations defining the rights, powers and duties of the harbor master of the said port, and the use, management and government of the said harbor; and by such rules and regulations they may impose reasonable penalties, not in any case exceeding one hundred dollars, for any breach of such rules and regulations, with, in the case of continuing breach thereof, a further penalty not exceeding ten dollars, for every twelve hours during which such breach continues, but so that no such rule or regulation shall impose a minimum penalty; and every breach of any such rule or regulation shall be deemed an offence against this Act, and every such penalty shall be held to be a penalty imposed by this Act.

Buoys and beacons.

6. The said commissioners shall place and maintain the necessary buoys and beacons in and for the said harbor.

Collection of dues.

7. The harbor master shall collect the rates and dues hereinafter mentioned, and shall prosecute every person who violates any rule or regulation made under this Act and the harbor commissioners shall see that such prosecutions are brought and effectively conducted.

Rates and dues may be imposed.

8. The harbor commissioners may impose, levy and collect on all goods, wares, merchandise and chattels shipped on board or landed from any vessel or other craft within the limits of the harbor, and upon logs, timber, pine, cedar and railway ties passing down the River Moira through or into the harbor, or placed in the waters of the harbor in any manner whatsoever, and on all vessels or craft entering the harbor, the rates and dues set forth in the schedule to this Act; and until payment of such rates and dues the harbor commissioners shall have a lien on the goods, wares, merchandise and chattels, in respect of which such rates and dues are payable, and may detain the same, as also the vessel on which they are shipped or from which they are landed, and likewise any vessel or craft liable for the payment of any rates and dues under this Act, until the same are paid in full; and the lien in this section mentioned may be enforced by sale, after reasonable notice, by public auction of the article in respect of which the rates or dues have not been paid, ten days after such rates and dues have become payable:

Lien for payment.

Sale.

Tariff may be changed.

2. The harbor commissioners, with the consent of the Governor in Council, may, from time to time, vary or add to the tariff of rates and dues set forth in the schedule to this Act, but no such variation or addition shall have force or effect until it has been published in the *Canada Gazette*.

Expenditure of revenue.

9. The harbor commissioners shall expend so much of the moneys collected by the harbor master as hereinbefore provided, as remains after the payment of the salary of the harbor master and after making provision in respect of the payment of the principal and interest of any loan effected

under the provisions of the next following section and defraying the necessary expenses of the maintenance and repairs of the said harbor, buoys, beacons and other appurtenances, in improving the said harbor and its appurtenances, in such manner and according to such plan as may be suggested by them, and approved by the Minister of Marine and Fisheries.

Loan may be raised.

10. The harbor commissioners from time to time, with the approval of the Governor in Council, may raise money by way of loan from any person to any amount not exceeding in the whole the sum of twenty thousand dollars to be used for the purpose of improving the said harbor and may give their bonds or debentures or other securities therefor, payable at any time not exceeding twenty years, with interest thereon at a rate not exceeding six per centum per annum; which said bonds or debentures or other securities shall be a charge upon and payable out of the revenues of the said harbor after payment of the salary of the harbor master.

Certain rights saved.

11. Nothing in this Act contained shall affect any existing contract or agreement heretofore entered into by the corporation of the city of Belleville, in respect of the use of the said harbor or any booms therein, but the harbor commissioners holding office under this Act shall be substituted for the said corporation as respects the said contracts or agreements.

Repeal; 33 V., c. 46; 42 V., c. 51.

12. The Act passed in the thirty-third year of Her Majesty's reign, chaptered forty-six and intituled "*An Act to authorize the town of Belleville to impose and collect harbor dues, and for other purposes*" and the Act passed in the forty-second year of Her Majesty's reign, chapter fifty-one, amending the said Act, are hereby repealed.

SCHEDULE.

	Cents.
Flour and oatmeal, per brl	1
Corn meal, per 100 lbs	2
Grain, per bushel	$0\frac{1}{3}$
Salt, per brl	2
Plaster and water lime, per brl	4
Beer, brandy, wines, vinegar, coal oil or benzine, per brl	3
Pot and pearl ash, per brl	5
Fish, per brl	2
Fruit (green) per brl.	2
Fruits, baskets and boxes, each	2
Potatoes and other roots, per bushel	$0\frac{1}{2}$
Lumber, per M	5
Logs, each	$0\frac{7}{16}$
Floats, each	1
Railway ties, each	$0\frac{1}{4}$
Jots, each	$0\frac{1}{4}$

Cedar posts, 14 ft. long, each	0⅛
do over 14 ft. long, each	0⅜
Square timber, per stick	5
Shingles, per M	3
Staves, per M	10
Bolts, per cord	10
Wood, per cord	5
Laths, per bundle	0⅛
Brick, per M	5
Cut or dressed stone, per ton	5
Pork and beef, per brl	3
Butter and lard, per firkin or tub	0½
Cheese, per box	0½
Reaping and threshing machines, each	50
Smut machines and fanning mills, each	12½
Wool and sheep skins, per ton	25
Bran, shorts and canaille, per ton	25
Nails, bar, wrought, scrap, hoop, pig and railway iron, steel, castings, tin, Canada boiler plate, crockery, pitch, resin, rags, grindstones, sugar, molasses, syrups, dry fish, coal, salt in bags and all other merchandise not herein mentioned, per ton	10
Furniture, per cart load	10
Buggies, sleighs, waggons, each	25
Fruit and ornamental trees, per bundle	5
do do per box	20
Horses, each	25
Horned cattle, each	12½
Sheep and swine, each	4
Steamers over seventy-five tons, each time of calling	50
Schooners and barges, under seventy-five tons, each time of calling	25
Schooners and barges from seventy-five to one hundred tons, each time of calling	50
Schooners and barges over one hundred tons, each time of calling	75
Marble and plaster stone, per ton	6

No. 116.

3rd Session, 6th Parliament, 52 Victori

BILL.

An Act respecting the Harbor of ville, in the Province of Ontar

Received and read first time, Thursda March, 1889.
Second reading, Friday, 22nd March,

Mr. Tup

OTTAWA:
For the Queen's Printer, &c.
—
A. Sénécal, Superintendent of Prin
—
1889.

No. 117.] **BILL.** [1889.

An Act further to amend "The Customs Act," chapter thirty-two of the Revised Statutes.

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

Short title.

1. This Act may be cited as "*The Customs Amendment Act*, 1889."

Interpretation. R.S.C., c. 32. 51 V., c. 14.

2. In this Act the expression "first cited Act" means "*The Customs Act*," chapter thirty-two of the Revised Statutes, and the expression "secondly cited Act" means the Act amending the same passed in the fifty-first year of Her Majesty's reign, and chaptered fourteen.

Section 33 repealed; new section.

3. Section thirty-three of the first cited Act is hereby repealed and the following substituted therefor:—

No importation at certain times.

"**33.** No goods shall be imported into Canada in any vehicle, otherwise than in a railway carriage, nor on the person, between sunset and sunrise on any day, nor at any time on a Sunday or a statutory holiday, except under a written permit from a collector of Customs and under the supervision of an officer of Customs:

Report to be made on arrival.

"2. The person in charge of any vehicle other than a railway carriage, arriving by land in any place in Canada and containing goods, whether any duty is payable on such goods or not, and the person in charge of any such vehicle so arriving, if the vehicle or its fittings, furnishings or appurtenances, or the animals drawing the same, or their harness or tackle, is or are liable to duty, and every person whosoever so arriving in Canada from any port or place out of Canada, on foot or otherwise, and having with him or in his charge or custody, any goods, whether such goods are dutiable or not, shall come to the Custom house nearest to the point at which he crossed the frontier line or to the station of the officer of Customs nearest to such point, if such station is nearer thereto than any Custom house, before unlading or in any manner disposing of the same, and there make a report in writing to the collector or proper officer of Customs, stating the contents of each and every package and parcel of such goods, and the quantities and values of the same; and shall also then truly answer all questions respecting such goods or packages,

Questions to be answered.

and the vehicle, fittings, furnishings and appurtenances and animals, and the harness or tackle appertaining thereto, as the said collector or proper officer of Customs requires of him, and shall then and there make due entry of the same, in accordance with the law in that behalf:

Forfeiture for contravention.

"3. All goods imported contrary to the provisions of this section and the vehicle in which the same are imported, and every vehicle in respect of which any contravention of this section has been committed, together with the fittings, furnishings and appurtenances, and the animals and the harness or tackle appertaining thereto, in which or by means of which such goods have been imported, shall be forfeited and may be seized and dealt with accordingly; and if the articles so forfeited or any of them are not found, the owner at the time of importation and the importer and every other person who has been in any way connected with the importation of such articles, who in any manner contravenes any of the provisions of this section, shall forfeit a sum equal to the value of the articles and shall be further liable, on summary conviction, to the penalties provided by section one hundred and ninety-two of this Act."

Penalty if forfeited goods are not found.

Section 61 repealed; new section.

4. Section sixty-one of the first cited Act as amended by section thirteen of the secondly cited Act is hereby repealed and the following substituted therefor:—

Cost of inland transportation, &c., to be deemed part of value.

"**61.** In determining the value for duty of goods, there shall be added to the fair market value, at the time of exportation, of the quantity so exported and imported in the principal markets of the country from whence the same have been imported into Canada, the cost of inland transportation, shipment and transhipment, with all the expenses included, from the place of growth, production or manufacture, whether by land or water, to the vessel in which shipment is made, either *in transitû* or direct to Canada, subject to such regulations as are made by the Governor in Council: Provided, that in case of any dispute respecting the proper amount of such inland transportation charges, the Minister of Customs may determine the same, and his decision shall be final in that respect:

Proviso: in case of dispute.

As to parts of manufactured article.

"2. When parts of any manufactured article are imported into Canada, each such part shall be charged with the same rate of duty as the finished article, on a proportionate valuation, and when the duty chargeable thereon is specific, or specific and *ad valorem*, an average rate of *ad valorem* duty, equal to the specific or specific and *ad valorem* duty so chargeable, shall be ascertained and charged upon such parts of the manufactured article."

Section 62 repealed; new section.

5. Section sixty-two of the first cited Act is hereby repealed and the following substituted therefor:—

Regulations for insuring

"**62.** The Governor in Council shall, from time to time, establish such regulations, not inconsistent with law, as are

required to secure a just, faithful and impartial appraisal of all goods imported into Canada, and just and proper entries of the fair market value thereof, and of the weights, measures or other quantities thereof, as each case requires; and such regulations, whether general or special, so made by the Governor in Council, shall have the full force and authority of law; and the appraisers of Canada and every one of them, and every person who acts as such appraiser, or the collector of Customs, as the case may be, shall by all reasonable ways and means in his or their power, ascertain, estimate and appraise the true and fair market value (any invoice or affidavit thereto to the contrary notwithstanding), of the goods at the time of exportation and in the principal markets of the country whence the same have been imported into Canada, and the proper weights, measures or other quantities, and the fair market value of every of them, as the case requires."

fair valuation.

Duty of appraisers.

6. The section substituted for section sixty-four of the first cited Act by section fourteen of the secondly cited Act is hereby repealed and the following substituted therefor —

Section 64 repealed; new section.

"**64.** The fair market value of goods shall be taken to include the amount of any drawback which has been allowed by the Government of any other country, also the amount of consideration or money value of any special arrangement between the exporter and the importer or between any persons interested therein because of the exportation or intended exportation of such goods or the right to territorial limits for the sale or use thereof, and also the amount or money value of any so-called royalty, rent or charge for use of any machine or goods of any description, which the seller or proprietor does or would usually charge thereon when the same are sold or leased or rented for use in the country whence they have been exported to Canada. When the amount of such drawback, consideration, money value, royalty, rent or charge for use has been deducted from the value of such goods, on the face of the invoice under which entry is to be made, or is not shown thereon, the collector of Customs or proper officer shall add the amount of such deduction, drawback, consideration, money value, royalty, rent or charge for use, and cause to be paid the lawful duty thereon."

What shall be deemed fair market value.

Drawback, &c., to be added.

7. The following is hereby enacted as section seventy of the first cited Act in the place of section seventy thereof repealed by section forty-nine of the secondly cited Act:

New section 70.

"**70.** Whenever it appears to any Dominion appraiser or to the Board of Customs that any goods have been erroneously appraised or allowed entry at an erroneous valuation by any appraiser or collector acting as such, or that any of the foregoing provisions of this Act respecting the value at which goods shall be entered for duty have not been complied with, such Dominion appraiser or such Board may make a fresh appraisement or valuation, and

Appraisement may be reviewed.

may require an amended entry and payment of the additional duty, if any, on such goods or a refund of a part of the duty paid, as the case requires, under the valuation or appraisement so made, subject in case of dissatisfaction on the part of the importer to all the provisions of the six sections of this Act next following."

Section 89 repealed; new section.

8. Section eighty-nine of the first cited Act is hereby repealed and the following substituted therefor:

Goods to be warehoused.

"**89.** Goods entered as to be warehoused, landed to be warehoused, or entered and examined to be re-warehoused shall be immediately thereafter transported to and placed in the designated warehouse; but if after any goods have been duly entered, or landed to be warehoused, or entered and examined to be re-warehoused, and before the same can be actually deposited in the warehouse, the importer further enters the same or any part for home use or for exportation as from the warehouse, the goods so entered shall be considered as warehoused or re-warehoused, as the case may be, although not actually deposited in the warehouse, and may be delivered and taken for home use or for exportation."

If entered for use or exportation.

Section 108 repealed; now section.

9. Section one hundred and eight of the first cited Act is hereby repealed and the following substituted therefor:

Information may be required to be given.

"**108.** The Governor in Council may, by regulations from time to time made in that behalf, require such further information with regard to the description, quantity, quality and value of goods exported from Canada, or removed from one port to another in Canada, or in transit through Canada, to be given to the proper officer of the Customs, in the report and entry of such goods outwards or otherwise, as he deems requisite for statistical or other purposes, whether such goods are exported or removed or transported by sea, land or inland navigation."

Section 150 repealed; new section.

10. Section one hundred and fifty of the first cited Act is hereby repealed and the following substituted therefor:—

Computation of time of importation.

"**150.** Whenever on the levying of any duty, or for any other purpose, it becomes necessary to determine the precise time of the importation or exportation of any goods, or of the arrival or departure of any vessel, such importation, if made by sea, coastwise or by inland navigation in any decked vessel, shall be deemed to have been completed from the time the vessel in which such goods were imported, came within the limits of the port at which they ought to be reported, and if made by land, or by inland navigation in any undecked vessel, then from the time such goods were brought within the limits of Canada; and the exportation of any goods from Canada shall be deemed to have been commenced from the time of the legal shipment of such goods for exportation, after due entry outwards, in any decked vessel, or from the time the goods were carried beyond the limits of Canada, if the exportation is by land

And of exportation.

or in any undecked vessel; and the date of exportation in a decked vessel of any goods to Canada from any port or place out of Canada shall be deemed and taken to be the date at which such goods actually left such port or place out of Canada for their destination in Canada, which date may be established by the production of the clearance of the vessel from such port or place out of Canada, or the oath of the master as to the date of sailing, if such sailing was subsequent to the date of the clearance; and the time of the arrival of any vessel in a Canadian port shall be deemed to be the time at which the report of such vessel was, is or ought to have been made; and the time of the departure of any vessel from a Canadian port to be the time of the last clearance of such vessel on the voyage on which she departed."

Time of arrival.

Time of departure.

11. The section substituted by section thirty-four of the secondly cited Act for section one hundred and eighty-seven of the first cited Act is hereby amended by adding the following sub-section thereto:—

Section 187 amended.

"3. Any sum or sums of money so deposited shall, unless the same is or are released as in the next preceding sub-section provided, become the property of Her Majesty for the public uses of Canada, subject to the provisions of section one hundred and ninety-one of this Act; and no proceedings against the Crown for the recovery thereof shall be instituted except within six months from the date of the deposit thereof; and in any such proceedings the burden of proof that the goods in respect of which such deposit was made had been duly entered and that all the provisions of this Act had been complied with and that no penalty or forfeiture had accrued in respect thereof shall lie upon the person seeking recovery of the sum or sums so deposited and not upon the Crown."

Moneys not released to belong to the Crown.

Burden of proof.

12. Section two hundred and thirty-four of the first cited Act is hereby repealed and the following substituted therefor:—

Section 234 repealed; new section.

"**234.** All vessels, vehicles, goods and other things seized as forfeited under this Act or any other law relating to Customs, or to trade or navigation, shall be placed in the custody of the nearest collector, and secured by him, or if seized by any officer in charge of a revenue vessel shall be retained on board thereof until her arrival in port, and shall be deemed and taken to be condemned, without suit, information or proceedings of any kind, and may be sold; and all moneys paid to or deposited with any officer of Customs in lieu of any things seized, or as the ascertained value of any things liable to seizure and forfeiture, shall likewise be deemed and taken to be condemned, without suit, information or proceedings of any kind; unless the person in whose possession or custody they were seized, or the owner thereof, or the person paying or depositing any moneys as aforesaid, or some person on his behalf, within one month from the day of seizure, payment or deposit gives notice in

Forfeiture of articles seized.

And of moneys deposited in lieu thereof.

Notice of intention to claim.

writing to the seizing officer or other chief officer of the Customs at the nearest port, that he claims or intends to claim the same; and the burden of proof that such notice was duly given in any case shall lie upon the person so claiming."

Burden of proof.

13. Section two hundred and thirty-five of the first cited Act is hereby repealed and the following substituted therefor:—

Section 235 repealed; new section.

"**235.** Proceedings for the condemnation of the things seized or any moneys paid or deposited in lieu thereof or as the ascertained value of things liable to seizure, may be commenced and prosecuted to judgment, whether notice as provided in the next preceding section has or has not been given."

Want of notice not to stay proceedings.

No. 117.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL.

An Act further to amend "The Customs Act," chapter thirty-two of the Revised Statutes.

Received and read first time, Thursday, 21st March, 1889.
Second reading Friday, 22nd March, 1889.

Mr. BOWELL.

OTTAWA:
For the Queen's Printer, &c.
A. SENÉCAL, Superintendent of Printing.
1889.

No. 118.] **BILL.** [1889

An Act to authorize the granting of Pensions to members of the North-West Mounted Police Force.

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 Mounted Police Pension Act*, 1889." Short title.

2. In this Act :— Interpretation.

(*a.*) The expression "constable" means and includes any member of the North-West Mounted Police Force other than a commissioned officer ;

(*b.*) The expression "the force" means the North-West Mounted Police Force.

3. Subject to the provisions of this Act, every constable who became a member of the force on or after the twenty-third day of May, one thousand eight hundred and seventy-three, or who becomes a member of the force after the passing of this Act :— Constables who shall be entitled to pensions.

(*a.*) If he has completed not less than twenty-five years' service, shall be entitled to retire and receive a pension for life ;—and

(*b.*) If he has completed not less than fifteen years' service, and is incapacitated for the performance of his duty by infirmity of mind or body, shall be entitled to retire and receive a pension for life ;

But any constable who receives a pension under this section before he has completed twenty-five years' service shall be subject to return to service, as provided by this Act, if he ceases to be incapacitated. Return to service.

4. The pension to a constable on retirement shall be according to the following scale ; that is to say :— Scale of pensions.

(*a.*) If he has completed fifteen but less than twenty-one years' service, an annual sum equal to one-fiftieth of his annual pay for every completed year of service ;

(*b.*) If he has completed twenty-one but less than twenty-five years' service, an annual sum equal to twenty-fiftieths of his annual pay with an addition of two-fiftieths of his

annual pay for every completed year of service above twenty years ;

(*c.*) If he has completed twenty-five years service, an annual sum equal to thirty-fiftieths of his annual pay with an addition of one-fiftieth of his annual pay for every completed year of service above twenty-five years, so, however, that the pension shall not exceed two-thirds of his annual pay at his retirement.

Computation of time of service.

5. For the purpose of estimating any pension under this Act :—

(*a.*) If the service has not been continuous, the period or periods during which such service has been interrupted shall not be counted ;

(*b.*) The annual pay of a constable at the date of retirement shall be deemed to be the average annual amount of pay, exclusive of extra pay or allowances, received by him during the three years next preceding such retirement, and not the annual amount actually received by him at that date.

Report and certificate justifying pension.

6. No pension shall be granted to any constable unless a board composed of three officers, the rank of one of whom shall be not less than that of Superintendent, has certified to his length of service and conduct, and that other evidence has been adduced before it which justifies the granting of a pension under this Act.

Constable may be required to retire.

7. When any constable who became a member of the force on or after the twenty-third day of May, one thousand eight hundred and seventy-three, or who becomes a member of the force after the passing of this Act, has completed a service of twenty-five years, the Commissioner may, with the approval of the Governor in Council, require him to retire upon the terms as to pension prescribed by this Act.

Certificate of medical board.

8. Before a pension is granted to a constable, who after having served for less than twenty-five years, retires on the ground of his being incapacitated by infirmity of mind or body for the discharge of his duty, a medical board composed of the senior surgeon of the force and two other legally qualified medical practitioners shall certify that such constable is so incapacitated, and that the incapacity is likely to be permanent, and afterwards, until the power under this Act of requiring the constable to serve again ceases, he shall, when required, furnish satisfactory evidence certified by a legally qualified medical practitioner that such incapacity continues :

If incapacity ceases.

2. In the event of such incapacity ceasing before the expiration of such time as would, together with the period of service prior to his retirement, make up a period of twenty-five years, the constable shall be liable to serve again in the force, and if before the expiration of the said time, he declines so to serve, or if when serving again he neglects

to perform his duty satisfactorily, being in a competent state of health, he shall forfeit his pension :

Retirement after renewed service.

3. A constable so serving again shall be entitled to retire at the same time as he would be entitled to do if the time which elapsed between his retirement and the renewal of his service were service, but the time so elapsed shall not be reckoned as service in calculating his pension on his retirement :

Failure or refusal to be examined.

4. If a constable fails or refuses, when required, to be examined by a legally qualified medical practitioner, the Commissioner shall have the same power of requiring such constable to serve again, and, with the approval of the Governor in Council, of declaring forfeited the pension of such constable, as he would have under this section, if satisfied by the evidence of a legally qualified medical practitioner that the incapacity of such constable had ceased.

Contributory negligence, &c.

9. When a pension is granted to a constable on account of infirmity of mind or body, and such infirmity is certified by a medical board constituted as in the next preceding section mentioned, to have been brought about or been contributed to by his own default, or by his vicious habits, and such constable is entitled under this Act to a pension of a fixed amount, the Governor in Council may grant to him a less amount of pension than the said fixed amount to which he would otherwise have been entitled.

Forfeiture in cases specified.

10. A pension under this Act shall be granted only upon condition that it becomes forfeited, and may be withdrawn in any of the following cases :—

(*a.*) If the grantee is convicted of any indictable offence ; or

(*b.*) If the grantee knowingly associates with thieves or suspected persons ; or

(*c.*) If the grantee refuses to give to the police any information and assistance in his power for the detection of crime, for the apprehension of criminals, or for the suppression of any disturbance of the public peace.

Obtaining pensions by false pretences.

11. Every constable who obtains any pension under this Act by any false representation or false evidence, or by personation, or by malingering or feigning disease or infirmity, or by maiming or injuring himself, or causing himself to be maimed or injured, or otherwise producing disease or infirmity, or by any other fraudulent conduct, is liable to imprisonment, with or without hard labor, for a period not exceeding twelve months, or to a fine not exceeding one hundred dollars, and shall forfeit the pension obtained :

Penalty.

Procedure summary.

2. Any offence against this section may be prosecuted and any penalty imposed by it may be recovered, in a summary manner under "*The Summary Convictions Act.*"

No. 118.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL.

An Act to authorize the granting of Pensions to members of the North-West Mounted Police Force.

Received and read first time, Thursday, 21st March, 1889.
Second reading, Friday, 22nd March, 1889.

Sir JOHN A. MACDONALD.

OTTAWA:
For the Queen's Printer, &c.
A. SENÉCAL, Superintendent of Printing.
1889.

No. 120.] **BILL.** [1889

An Act to amend Chapter eleven of the Revised Statutes, intituled: "An Act respecting the Senate and House of Commons."

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

Sections 32 and 33 of R.S. C., c. 11 repealed; new provision.

1. Sections thirty-two and thirty-three of the "*Act respecting the Senate and House of Commons*" are hereby repealed and the following two sections are substituted therefor:—

Sums granted to Her Majesty for the purposes of this Act.

"**32.** There is hereby granted to Her Majesty, out of any unappropriated moneys forming part of the Consolidated Revenue Fund of Canada, an annual sum sufficient to enable Her Majesty to pay the amount of the sessional allowances hereinbefore mentioned.

How expended as to House of Commons.

"**33.** All moneys expended under this Act, in respect of the House of Commons, shall be expended and accounted for in the same manner as moneys for defraying the contingent expenses of the House of Commons are to be expended and accounted for under chapter thirteen of the Revised Statutes, intituled: '*An Act respecting the House of Commons*," as amended by any subsequent Act.

And as to the Senate.

"2. Credits for all sums voted by Parliament and payable in respect of allowances to members of the Senate as hereinbefore provided and in respect of other expenditure for the service of the Senate shall issue from time to time; and such credits shall issue on one of the banks of Canada in favor of the clerk of the Senate and the assistant accountant of the Senate, or such other persons as the Speaker of the Senate from time to time designates for the purpose; and the said clerk shall from time to time apply for such credits as he deems necessary, by an order signed by him."

No. 120.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL.

An Act to amend Chapter eleven of the Revised Statutes, intituled: "An Act respecting the Senate and House of Commons."

Received and read a first time, Friday, 22nd March, 1889.
Second reading, Tuesday, 25th March, 1889.

Sir JOHN THOMPSON.

OTTAWA:
For the Queen's Printer, &c.
—
A. SENÉCAL, Superintendent of Printing.
—
1889.

No. 127.] **BILL** [1889

An Act in reference to the Western Counties Railway.

Preamble.

WHEREAS by an Act of the Parliament of Canada passed in the session held in the fiftieth and fifty-first years of Her Majesty's reign, chapter twenty-five, intituled: "*An Act to confirm a certain agreement between Her Majesty and the Western Counties Railway Company and for other purposes,*" a sum not exceeding five hundred thousand dollars was voted to Her Majesty for the purpose of carrying into effect the agreement in the said Act mentioned; and whereas it is provided by the said Act that, in the event of failure on the part of the company to carry out their agreement, the said amount might be applied by the Government for the construction of the railway in the said agreement mentioned; and whereas the Western Counties Railway Company has failed to complete the railway between Annapolis and Digby in the said Act mentioned, and has otherwise failed to carry out the agreement by the said Act confirmed, and the said sum of five hundred thousand dollars is therefore now available for the building of the said railway by the Government, or otherwise: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Construction of railway.

1. The Minister of Railways and Canals is hereby authorized out of the said appropriation of five hundred thousand dollars to build and complete the railway between Annapolis and Digby in the said Act mentioned, and to take all such proceedings therefor as may be necessary under the provisions of "*The Government Railways Act*" or "*The Expropriation Act,*" or any Acts amending the same.

R.S.C., cc. 38 and 39.

No. 127.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL.

An Act in reference to the Western Counties Railway.

Received and read first time, Thursday, 28th March, 1889.
Second reading, Friday, 29th March, 1889.

SIR JOHN THOMPSON.

OTTAWA:
For the Queen's Printer, &c.
—
A. SENÉCAL, Superintendent of Printing.
—
1889.

No. 128.] **BILL.** [1889.

An Act to provide for the conveyance of certain lands to British Columbia.

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

Certain lands may be transferred to B.C.

1. The Governor in Council may, out the lands known as "The Canadian Pacific Railway Belt," in the Province of British Columbia, transfer to such province lands not to exceed forty-five thousand and thirty-seven acres in extent, for the purpose of enabling the Government of British Columbia to make valid certain titles and interests which it has heretofore purported to create therein.

C

No. 128.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL.

An Act to provide for the conveyance of certain lands to British Columbia.

Received and read first time, Friday, 29th March, 1889.
Second reading, Monday, 1st April, 1889.

Mr. DEWDNEY.

OTTAWA:
For the Queen's Printer, &c.

A. SENÉCAL, Superintendent of Printing.

1889.

No. 129.] **BILL.** [1889

An Act to amend "The Fisheries Act," chapter ninety-five of the Revised Statutes.

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

Section 8 of R.S.C., c. 95, amended.

1. Subsection five of section eight of "*The Fisheries Act*" is hereby repealed and the following substituted therefor:—

Use of nets and other apparatus.

"5. The use of nets or other apparatus for the capture of salmon shall be confined to tidal waters, and any fishery officer may determine the length and place of each net or other apparatus used in any of the waters of Canada; Provided, that no one shall fish for or catch salmon with swing nets in any of the waters of Canada."

No swing nets.

No. 129.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL.

An Act to amend "The Fisheries Act," chapter ninety-five of the Revised Statutes.

Received and read first time, Friday, 29th March, 1889.
Second reading, Monday, 1st April, 1889.

Mr. TUPPER.

OTTAWA:
For the Queen's Printer, &c.
A. SENÉCAL, Superintendent of Printing.
1889.

No. 130.] **BILL.** [1889.

An Act further to amend "The Steamboat Inspection Act," chapter seventy-eight of the Revised Statutes.

WHEREAS it is expedient that the Governor in Council should be empowered to direct that the provisions of "*The Steamboat Inspection Act*" shall apply to steam vessels registered elsewhere than in Canada, but plying between any port or place in Canada and any port or place out of Canada, and further to amend the said Act as hereinafter provided: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. R.S.C., c. 78.

1. Section five of the said Act is hereby amended by adding the following subsection thereto:— Section 5 amended.

"2. Notwithstanding anything contained in section three of this Act, the Governor in Council may direct that any steamboat or class of steamboats registered elsewhere than in Canada, but plying between any port or place in Canada and any port or place out of Canada, shall be subject to the provisions hereof." Application of Act.

2. The Governor in Council may make rules and regulations from time to time respecting the testing of boilers and all matters connected with the construction and working thereof; and such rules and regulations, after publication in the *Canada Gazette*, shall have like force and effect as if herein enacted; and from and after such publication sections nineteen and twenty of the said Act shall be repealed. Regulations for testing may be made.

3. Section forty-one of the said Act is hereby amended by adding the following subsection thereto:— Section 41 amended.

"15. Whenever any engineer proves to the satisfaction of the Minister of Marine and Fisheries that he has, without fault on his part, lost or been deprived of any certificate, the Minister may, upon payment of one-half the fee charged for the original certificate, cause a copy or duplicate of the original certificate to be made out, signed as aforesaid, and delivered to him." If certificate is lost.

4. Sections fifty-one and fifty-two of the said Act are hereby repealed and the following substituted therefor:— Sections 51 and 52 repealed; new sections.

"**51.** The master or owner of any steamboat, in which a greater number of passengers than that allowed by her cer- Penalty if more than the lawful num-

ber are carried.

tificate are, at any time, carried, or in respect of which no certificate authorizing the carriage of passengers has been granted and in which passengers are carried, is guilty of an offence against this Act, and shall, for each such offence, incur a penalty not exceeding five hundred dollars and not less than fifty dollars.

Or allowed to be carried.

"**52.** The master or person in charge for the time being of any steamboat who, wilfully or negligently at any time, allows to be carried on board such steamboat, a greater number of passengers than that permitted by her certificate, or who carries any passengers on board of any steamboat in respect of which no certificate authorizing the carriage of passengers has been granted, is guilty of a misdemeanor, and liable to a fine not exceeding five hundred dollars and not less than one hundred dollars, or to two years' imprisonment, or to both."

Section 61 amended.

5. Section sixty-one of the said Act is hereby amended by adding the following subsection thereto :—

Limitation of time.

"2. Any information or complaint in respect of any offence against the provisions of this Act may, whenever the prosecution, suit or proceeding is instituted under the "*Act respecting summary proceedings before Justices of the Peace*," be laid or made within twelve months of the time when the matter of the information or complaint arose."

No. 130.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL.

An Act further to amend "The Steamboat Inspection Act," chapter seventy-eight of the Revised Statutes.

Received and read first time, Friday, 29th March, 1889.
Second reading, Monday, 1st April, 1889.

Mr. TUPPER.

OTTAWA:
For the Queen's Printer, &c.
—
A. SENÉCAL, Superintendent of Printing.
—
1889.

No. 136.] **BILL.** [1889.

An Act to consolidate and amend the Acts respecting the North-West Territories.

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

SHORT TITLE.

Short title.

1. This Act may be cited as "*The North-West Territories Act*, 1889." R. S. C., c. 50, s. 1.

INTERPRETATION.

Interpretation.

2. In this Act, unless the context otherwise requires,—

"Territories."

(*a.*) The expression "Territories" means the North-West Territories, as defined in this Act;

"Lieutenant Governor."

(*b.*) The expression "The Lieutenant Governor" means the Lieutenant Governor of the North-West Territories;

"Supreme Court."

(*c.*) The expression "Supreme Court" means the Supreme Court of the North-West Territories;

"Intoxicating liquor."

(*d.*) The expression "intoxicating liquor" means and includes all spirits, strong waters, spirituous liquors, wines, fermented or compounded liquors or intoxicating fluids;

"Intoxicant."

(*e*) The expression "intoxicant" includes opium or any preparation thereof, and any other intoxicating drug or substance, and tobacco or tea mixed, compounded or impregnated with opium, or with any other intoxicating drug, spirit or substance, and whether the same or any of them is liquid or solid. R. S. C., c. 50, s. 2, *part*.

GOVERNMENT AND LEGISLATION.

Territories defined.

3. The Territories formerly known as "Rupert's Land" and "the North-West Territory" shall, with the exception of such portions thereof as form the Province of Manitoba and the District of Keewatin, continue to be called and known as the North-West Territories, and such Territories are hereby described as follows:—All that portion of the Dominion of Canada which is bounded as follows, that is to say, beginning at the point of intersection of the western boundary of the Province of Manitoba and the international boundary line dividing Canada from the United States; thence westerly along the said international boundary line to the line of the watershed divid-

Boundaries.

ing the waters flowing into the Pacific Ocean from those flowing into the Arctic Sea or Hudson's Bay; thence north-westerly, following upon the said line of watershed to the meridian of one hundred and twenty degrees of longitude west of Greenwich; thence due north along the said meridian to the parallel of sixty degrees of north latitude; thence westerly following upon the said parallel of latitude to the point where the latter intersects the international boundary line dividing Canada from the Territory of the United States known as Alaska; thence along the said international boundary to the meridian of one hundred and forty-one degrees of longitude west of Greenwich; thence due north, along the said meridian to the northern boundary of Canada; thence easterly following upon the said northern boundary of Canada to the meridian of one hundred degrees of longitude west of Greenwich; thence due south following upon the said meridian to the eighteenth correction line in the system of Dominion Lands Surveys; thence easterly along the said correction line to the western shore of the Nelson River; thence southerly following the western shore of the Nelson River and of Lake Winnipeg to the northern boundary of the Province of Manitoba; thence westerly, along the said northern boundary to the western boundary of the said Province; thence southerly, following upon the said western boundary, to the point of beginning. R. S. C., c. 50, s. 3 *and new.*

Lieutenant Governor.

4. There shall be for the Territories an officer called the Lieutenant Governor, appointed by the Governor in Council, by instrument under the Great Seal of Canada, who shall hold office during pleasure:

His powers.

2. The Lieutenant Governor shall administer the Government, under instructions from time to time given him by the Governor in Council, or by the Secretary of State of Canada. R. S. C., c. 50, s. 4.

Administrator.

5. The Governor in Council may, from time to time, appoint an Administrator to execute the office and functions of the Lieutenant Governor during his absence, illness or other inability. R. S. C., c. 50, s. 5.

Oaths to be taken.

6. Every Lieutenant Governor or Administrator so appointed shall, before assuming the duties of his office, take and subscribe before the Governor General, or before some person duly authorized to administer such oaths, an oath of allegiance, and an oath of office similar to those required to be taken by a Lieutenant Governor under "*The British North America Act*, 1867." R. S. C., c. 50, s. 6.

Seat of Government.

7. The seat of Government of the Territories shall be fixed, and may, from time to time, be changed by the Governor in Council. R. S. C., c. 50, s, 9.

Laws of England on July 15, 1870, in force in

8. Subject to the provisions of this Act, the laws of England relating to civil and criminal matters, as the same existed on the fifteenth day of July, in the year of our Lord

one thousand eight hundred and seventy, shall be in force in the Territories, in so far as the same are applicable to the Territories, and in so far as the same have not been, or are not hereafter repealed, altered, varied, modified, or affected by any Act of the Parliament of the United Kingdom applicable to the Territories, or of the Parliament of Canada, or by any ordinance of the Lieutenant Governor in Council, or Legislative Assembly. R. S. C., c. 50, s. 11. Territories with certain exceptions.

9. All laws and ordinances in force in the Territories, and not repealed by or inconsistent with this Act, shall remain in force until it is otherwise ordered by the Parliament of Canada, or by the Governor in Council, or by the Legislative Assembly, under the authority of this Act. R. S. C, c. 50, s. 12. Laws in force continued.

10. The Legislative Assembly for the North-West Territories shall have the powers and shall perform the duties formerly vested in and performed by the Council of the North-West Territories, and shall be composed of twenty-two members elected to represent the electoral districts set forth in the schedule A to this Act, and of legal experts, not exceeding three in number, appointed by the Governor in Council: Powers and duties of the Legislative Assembly; of whom composed.

2. Such legal experts shall retain their seats for the whole term of the Legislative Assembly in the course of which they are appointed; they may take part in the debates and shall have the like privileges as the elected members of the Legislative Assembly, except that they shall not be entitled to vote: Legal experts.

3. Any judge of the Supreme Court of the North-West Territories may be appointed as such legal expert and may receive the sessional allowance hereinafter mentioned, notwithstanding anything contained in section forty-seven of this Act: Judges may be appointed as such.

4. In each session of the Legislative Assembly there shall be allowed to each member attending such session the sum of five hundred dollars, and to each legal expert likewise attending the same two hundred and fifty dollars, together with his actual travelling expenses, payable out of the Consolidated Revenue Fund of Canada; but such sessional allowance shall be subject to a proportionate reduction for any days on which any such member or legal expert does not attend a sitting of the Legislative Assembly during the session thereof; and the amount of such reduction and also of the travelling expenses above mentioned shall be ascertained in such manner as the Governor in Council prescribes. 51 V., c. 19, s. 2. Compensation of members.

11. Every Legislative Assembly shall continue for three years from the date of the return of the writs for choosing the same and no longer; and the first session thereof shall be called at such time as the Lieutenant Governor appoints. 51 V., c. 19, s. 3. Duration of Assembly.

Limit of time for session.

12. There shall be a session of the Legislative Assembly at least once in every year, so that twelve months shall not intervene between the last sitting of the Assembly in one session and its first sitting in another session; and such Assembly shall sit separately from the Lieutenant Governor, and shall present bills passed by it to the Lieutenant Governor for his assent, who may approve or reserve the same for the assent of the Governor General. 51 V., c. 19, s. 4.

Proceedings at elections.

13. Until the Legislative Assembly otherwise provides, as it may do, the law in force therein at the time of the passing of this Act relating to the election of members thereof shall, subject to the provisions of this Act, apply to such elections. 51 V., c. 19, s. 5.

Issue of writs.

14. The Lieutenant Governor shall, when occasion requires, cause writs to be issued by the Clerk of the Legislative Assembly, in such form and addressed to such returning officers as he thinks fit. 51 V., c. 19, s 6.

Who may vote.

15. The persons qualified to vote at an election for the Legislative Assembly, shall be the male British subjects, by birth or naturalization (other than unenfranchised Indians), who have attained the full age of twenty-one years, who have resided in the North-West Territories for at least the twelve months, and in the electoral district for at least the three months, respectively, immediately preceding the time of voting. 51 V., c. 19, s 7.

Who eligible.

16. Any British subject by birth or naturalization shall be eligible for nomination and election:

Deposit at nomination.

2. No nomination at any election shall be valid and acted upon unless at or before the time of nomination a sum of one hundred dollars is deposited in the hands of the returning officer, and the receipt of the returning officer shall, in every case, be sufficient evidence of the payment herein mentioned:

How applied.

3. The sum so deposited shall be returned to the person by whom the deposit was made in the event of the candidate, by or on whose behalf it was so deposited, being elected or of his obtaining a number of votes at least equal to one-half the number of votes polled in favor of the candidate elected,—otherwise it shall belong to Her Majesty for the public uses of the Territories; and the sum so paid and not returned as herein provided, shall be applied by the returning officer towards the payment of the election expenses, and an account thereof shall be rendered by him to the Lieutenant Governor. 51 V, c. 19, s 8.

Oath to be taken by members.

17. Elected members of the Legislative Assembly shall take and subscribe, before the Lieutenant Governor, or before such person as is designated by the Governor in Council, the following oath of allegiance:—

"I, A. B., do swear that I will be faithful and bear true allegiance to Her Majesty, her heirs and successors." 51 V., c. 19, s. 9.

18. A majority of the members of the Legislative Assembly, including the members appointed by the Governor in Council, shall form a quorum for the transaction of business. 51 V , c. 19, s, 10. Quorum.

19. The Legislative Assembly, on its first assembling after a general election, shall proceed with all practicable speed to elect one of its elected members to be Speaker : Election of speaker.

2. In case of a vacancy happening in the office of Speaker by death, resignation or otherwise, the Legislative Assembly shall proceed, with all practicable speed, to elect another of its elected members to be Speaker : Vacancy in that office.

3. The Speaker shall preside at all meetings of the Legislative Assembly : Speaker to preside.

4. Until the Legislative Assembly otherwise provides, in case of the absence for any reason of the Speaker from the chair of the Assembly for forty-eight consecutive hours, the Assembly may elect another of its members to act as Speaker, and the member so elected shall, during the continuance of such absence of the Speaker, have and execute all the powers, privileges and duties of Speaker. 51 V., c. 19, s. 11. Provision in case of absence.

20. Questions arising in the Legislative Assembly shall be decided by a majority of voices other than that of the Speaker, and when the voices are equal, but not otherwise, the Speaker shall have a vote. 51 V., c. 19, s. 12. Majority to decide.

21. The Lieutenant Governor shall select from among the elected members of the Legislative Assembly four persons to act as an advisory council on matters of finance, who shall severally hold office during pleasure ; and the Lieutenant Governor shall preside at all sittings of such advisory council and have a right to vote as a member thereof, and shall also have a casting vote in case of a tie. 51 V., c. 19, s. 13. Advisory Council to be appointed.

22. The Legislative Assembly shall not adopt or pass any vote, resolution, address or bill for the appropriation of any part of the public revenue, or of any tax or impost, to any purpose that has not been first recommended to the Assembly by message of the Lieutenant Governor in the session in which such vote, resolution, address or bill is proposed. 51 V., c. 19, s. 14. Money votes be first recommended.

23. The Speaker of the Legislative Assembly shall receive a salary of five hundred dollars per annum, payable out of the Consolidated Revenue Fund of Canada. 51 V., c. 19, s. 15. Salary of speaker.

24. The Governor in Council may appoint a Clerk of the Legislative Assembly, who shall act as and perform the duties of secretary to the Lieutenant Governor, and who shall take before the Lieutenant Governor the oath of alle- Clerk of Assembly.

Oaths to be taken.

giance, and such oath of office as the Governor in Council prescribes. 51 V., c. 19, s. 16, *part*.

Powers of Assembly.

25. The Legislative Assembly shall, subject to the provisions of this Act, or of any other Act of the Parliament of Canada in force in the Territories, have power to make ordinances for the Government of the North-West Territories in relation to the classes of subjects next hereinafter mentioned, that is to say :—

Taxation.

(1.) Direct taxation within the Territories in order to the raising of a revenue for territorial or municipal purposes ;

Offices and officers.

(2.) The establishment and tenure of territorial offices, and the appointment and payment of territorial officers ;

Prisons.

(3.) The establishment, maintenance and management of prisons in and for the Territories ;

Municipal institutions.

(4.) Municipal institutions in the Territories, subject to any legislation of the Parliament of Canada heretofore or hereafter enacted ;

Licenses.

(5.) Shop, saloon, tavern, auctioneer and other licenses, in order to the raising of a revenue for territorial or municipal purposes ;

Incorporation of companies.

(6.) The incorporation of companies with territorial objects, with the following exceptions :

Exceptions.

(*a*.) Such companies as cannot be incorporated by a Provincial Legislature ;

(*b*.) Railway, tramway, steamboat, canal, transportation, telegraph and telephone companies ;

(*c*.) Insurance companies ;

Marriage

(7.) The solemnization of marriage in the Territories ;

Civil rights.

(8.) Property and civil rights in the Territories ;

Administration of justice.

(9.) The administration of justice in the Territories, including the constitution, organization and maintenance of territorial courts of civil jurisdiction, including procedure therein, but not including the power of appointing any judicial officers ;

Enforcement of ordinances.

(10.) The imposition of punishment by fine, penalty or imprisonment for enforcing any territorial ordinances ;

Local matters.

(11.) Generally all matters of a merely local or private nature in the Territories :

Powers limited.

2. Nothing in this section contained gives or shall be construed to give to the Legislative Assembly any greater powers in respect to the subjects therein mentioned than are given to Provincial Legislatures under the provisions of section ninety-two of "*The British North America Act*, 1867," in respect to the similar objects therein mentioned. *New.*

Ordinances respecting education.

26. The Legislative Assembly shall pass all necessary ordinances in respect to education; but it shall therein always be provided, that a majority of the ratepayers of any district or portion of the Territories, or of any less portion or subdivision thereof, by whatever name the same is known, may establish such schools therein as they think fit, and make the necessary assessment and collection of rates therefor; and also that the minority of the ratepayers therein, whether Protestant or Roman Catholic, may establish separate schools therein,—and in such case, the ratepayers establishing such Protestant or Roman Catholic separate schools shall be liable only to assessments of such rates as they impose upon themselves in respect thereof;

Majority schools.

Minority schools.

as to ordinances.

2. The power to pass ordinances, conferred upon the Legislative Assembly by this section is hereby declared to have been vested in the Lieutenant Governor and Legislative Assembly, in accordance with the Statutes for the time being in force from the seventh day of May, one thousand eight hundred and eighty. R S C., c. 50, s. 14.

Ordinances respecting juries.

27. The Legislative Assembly may, from time to time, make ordinances in respect to the mode of calling juries, other than grand juries, in criminal as well as civil cases, and when and by whom and the manner in which they may be summoned or taken, and in respect to all matters relating to the same. R.S.C., c. 50, s. 16.

Disallowance of ordinances.

28. An authentic copy of every ordinance shall be transmitted by mail to the Secretary of State within thirty days after its passing; and if the Governor in Council, at any time within one year after its receipt by the Secretary of State, thinks fit to disallow the ordinance, such disallowance, when signified by the Secretary of State to the Lieutenant Governor, shall annul the ordinance from and after the date of such signification; and all ordinances so made, and all Orders in Council disallowing any ordinances so made, shall be laid before both Houses of Parliament as soon as conveniently may be after the making and enactment thereof respectively. R.S.C., c. 50, s. 17.

Submission to Parliament.

WILLS.

Wills may be made.

29. Every person may devise, bequeath or dispose of by will, executed in manner hereinafter mentioned, all real and personal property to which he is entitled either at law or in equity, at the time of his death, and which, if not so devised, bequeathed or disposed of, would devolve upon his heir-at-law, or upon his executor or administrator. R.S.C,, c. 50, s. 26.

Testator must be of age.

30. No will made by any person under the age of twenty-one years shall be valid. R.S.C., c. 50, s. 27.

Execution of wills.

31. No will shall be valid unless it is in writing, and executed in manner hereinafter mentioned, that is to say:— it shall be signed at the foot or end thereof, by the testator,

or by some other person in his presence, and by his direction; and such signature shall be made or acknowledged by the testator, in the presence of two or more witnesses present at the same time; and such witnesses shall attest and shall subscribe the will in the presence of the testator, but no form of attestation shall be necessary. R.S.C., c. 50, s. 28.

No further publication.

32. Every will executed in manner hereinbefore required shall be valid without any other publication thereof. R.S.C., c. 50, s. 29.

Subsequent incompetency of witness.

33. If any person who attests the execution of a will, is at the time of the execution thereof, or at any time afterwards, incompetent to be admitted as a witness to prove the execution thereof, such will shall not, on that account, be invalid. R.S.C., c. 50, s. 30.

Executor may be witness.

34. No person shall, on account of his being an executor of a will, be incompetent to be admitted as a witness to prove the execution of such will, or as a witness to prove the validity or invalidity thereof. R.S.C., c. 50, s. 31.

Devise to witness to be void but witness may prove execution.

35. If any person attests the execution of any will, to whom, or to whose wife or husband, any beneficial devise or legacy affecting any real or personal property (other than a charge for the payment of a debt) is thereby given, such devise or legacy shall, so far only as concerns such person attesting the execution of such will, or the wife or husband of such person, or any person claiming under such person, wife or husband, be null and void, and such person so attesting shall be admitted to prove the execution of such will, or the validity or invalidity of such will, notwithstanding such devise or legacy. R.S.C., c. 50, s. 32.

Revocation of wills and codicils.

36. No will or codicil, or any part thereof, shall be revoked otherwise than by marriage or by another will or codicil executed in manner hereinbefore required, or by some writing declaring an intention to revoke the same and executed in the manner in which a will is hereinbefore required to be executed, or by the burning, tearing, or otherwise destroying the same, by the testator, or by some person in his presence and by his direction, with the intention of revoking the same. R.S.C., c. 50, s. 33.

How a will shall be construed.

37. Every will shall be construed with reference to the real and personal property affected by it, to speak and take effect as if it had been executed immediately before the death of the testator, unless a contrary intention appears by the will. R.S.C., c. 50, s. 34.

When fee simple shall pass.

38. If any real property is devised to any person without any words of limitation, such devise shall be construed to pass the fee simple, or other the whole estate or interest which the testator had power to dispose of by will, in such real property, unless a contrary intention appears by the will. R.S.C., c. 50, s. 35.

39. All the wages and personal earnings of a married woman, and any acquisitions therefrom, and all proceeds or profits from any occupation or trade which she carries on separately from her husband, or derives from any literary, artistic or scientific skill, and all investments of such wages, earnings, moneys or property, shall be free from the debts or disposition of the husband, and shall be held and enjoyed by such married woman, and disposed of without her husband's consent, as fully as if she were a *feme sole*, and no order for protection shall be necessary in respect of any such earnings or acquisitions; and the possession, whether actual or constructive, of the husband, of any personal property of any married woman, shall not render the same liable for his debts. R.S C., c. 50, s. 36. Her own earnings to belong to her. No order necessary.

40. A married woman may make deposits of money in her own name in any savings or other bank, and withdraw the same by her own cheque; and any receipt or acquittance of such depositor shall be a sufficient discharge to any such bank. R.S.C., c 50, s. 37. Deposits in bank.

41. Nothing hereinbefore contained in reference to moneys deposited or investments by any married woman, shall, as against any creditor of the husband, give validity to any deposit or investment of moneys of the husband made in fraud of such creditors; and any money so deposited or invested may be followed as if this Act had not been passed. R.S.C., c. 50, s. 38. Fraudulent investment not valid.

42. A husband shall not, by reason of any marriage, be liable for the debts of his wife contracted before marriage, but the wife shall be liable to be sued therefor, and any property belonging to her for her separate use shall be liable to satisfy such debts as if she had continued unmarried; and a husband shall not be liable for any debts of his wife in respect of any employment or business in which she is engaged on her own behalf, or in respect of any of her own contracts R.S C., c. 50, s. 39. Debts of wife before and after marriage.

43. A married woman may maintain an action in her own name for the recovery of any wages, earnings, money and property, declared by this Act or which is hereafter declared to be her separate property, and shall have, in her own name, the same remedies, both civil and criminal, against all persons whomsoever for the protection and security of such wages, earnings, money and property, and of any chattels or other her separate property, for her own use, as if such wages, earnings, money, chattels and property belonged to her as an unmarried woman; and any married woman may be sued or proceeded against separately from her husband in respect of any of her separate debts, engagements, contracts or torts, as if she were unmarried. R. S. C., c. 50, s. 40. Suits by and against a married woman.

Supreme court continued.

44. The Supreme Court of record of original and appellate jurisdiction, now existing under the name of "The Supreme Court of the North-West Territories," is hereby continued under the name aforesaid. R. S. C., c. 50, s. 41.

Constitution of court.

45. The Supreme Court shall consist of five judges, who shall be appointed by the Governor in Council, by letters patent under the Great Seal and the Governor in Council may appoint one of such judges the Chief Justice of the Court. R. S. C., c. 50, s. 42, *amended.*

Who may be appointed judge.

46. Any person may be appointed a judge of the court who is or has been a judge of a Superior Court of any Province of Canada, or a barrister or advocate of at least ten years' standing at the bar of any such Province, or of the Territories. R. S. C., c. 50, s. 43.

No other office of emolument to be held.

47. No judge of the court shall, except as in this Act provided, hold any other office of emolument under the Government of Canada, or of any Province thereof, or of the Territories. R. S. C., c. 50, s. 44, *amended.*

Residence.

48. Each judge of the court shall reside at such place in the Territories as the Governor in Council, in the commission to such judge, or by Order in Council, directs. R. S. C., c. 50, s. 45.

Tenure of office.

49. The judges of the court shall hold office during good behavior, but shall be removable by the Governor General, on address of the Senate and House of Commons of Canada. R. S. C., c. 50, s. 46.

Oath to be taken.

50. Every judge shall, previously to entering upon the duties of his office as such judge, take an oath in the form following:—

Form of oath.

"I, , do solemnly and sincerely promise and "swear that I will duly and faithfully, and to the best of "my skill and knowledge, execute the powers and trusts "reposed in me as one of the judges of the Supreme Court "of the North-West Territories, So help me God:"

How administered.

2. Such oath shall be administered by the Lieutenant Governor or by a judge of the court. R. S. C., c. 50, s. 47.

Jurisdiction within the Territories, civil and criminal.

51. The court shall, within the Territories, and for the administration of the laws for the time being in force within the Territories, possess all such powers and authorities as by the law of England are incident to a superior court of civil and criminal jurisdiction; and shall have, use and exercise all the rights, incidents and privileges of a court of record and all other rights, incidents and privileges, as fully to all intents and purposes as the same were on the fifteenth day of July, one thousand eight hundred and seventy, used, exercised and enjoyed by any of Her Majesty's superior

courts of common law, or by the Court of Chancery, or by the Court of Probate in England,—and shall hold pleas in all and all manner of actions, causes and suits, as well criminal as civil, real, personal and mixed,—and shall proceed in such actions, causes and suits by such process and course as are provided by law, and as tend with justice and despatch to determine the same,—and shall hear and determine all issues of law, and shall also hear and (with or without a jury as provided by law) determine all issues of fact joined in any such action, cause or suit, and give judgment thereon and award execution thereof in as full and as ample a manner as might at the said date be done in Her Majesty's Court of Queen's Bench, Common Bench or, in matters which regard the Queen's revenue (including the condemnation of contraband or smuggled goods) by the Court of Exchequer, or by the Court of Chancery or the Court of Probate in England. R. S. C., c 50, s. 48.

Sittings in banc.

52. The court shall sit in banc at the seat of government of the Territories at such time as the Lieutenant Governor appoints: the Chief Justice or in his absence the senior judge present shall preside, and any three judges of the court shall constitute a quorum. R. S. C., c. 50, s. 49.

Quorum.

Jurisdiction in banc.

53. The court sitting in banc shall hear and determine all applications for new trials, all questions or issues of law, all questions or points in civil or criminal cases reserved for the opinion of the court, all appeals or motions in the nature of appeals, all petitions and all other motions, matters or things whatsoever which are lawfully brought before it. R. S. C., c. 50, s. 50.

Appeals.

Judicial districts.

54. The Governor in Council may, at any time, by proclamation, divide the Territories into judicial districts, and give to each such district an appropriate name, and in like manner, from time to time, alter the limits and extent of such districts. R. S. C., c. 50, s. 51.

Territorial jurisdiction of judge.

55. Every judge of the court shall have jurisdiction throughout the Territories, but shall usually exercise the same within the district to which he is assigned by the Governor in Council, and in all causes, matters and proceedings, other than such as are usually cognizable by a court sitting in banc and not by a single judge of said court, shall have and exercise all the powers, authorities and jurisdiction of the court, including the power of revising, amending, quashing and otherwise dealing with any proceeding, order or conviction had, taken or made by a justice of the peace, or other magistrate within the Territories. R. S. C., c 50, s. 52, *amended*.

Powers of single judge.

56. Whenever, under any Act in force in the Territories, any power or authority is to be exercised, or anything is to be done by a judge of a court, such power or authority shall, in the Territories, be exercised or such thing shall be done by a judge of the Supreme Court, unless any other pro-

vision is made in that behalf by such Act. R. S. C., c. 50, s. 53.

Judges to replace the former stipendiary magistrates.

57. The judges of the Supreme Court shall have all the powers, authority and jurisdiction vested in the stipendiary magistrates of the Territories on the second day of June, one thousand eight hundred and eighty-six; and wherever in any Act of the Parliament of Canada relating to the Territories, the words "stipendiary magistrate" or "stipendiary magistrates" are used, the same shall mean a judge or the judges of the Supreme Court, as the case may be. R. S. C., c. 50, s. 54.

Sittings, where held.

58. Sittings of the Supreme Court, which shall be presided over by a judge of the court, shall be held in each judicial district at such times and places as the Lieutenant Governor appoints. R. S. C., c. 50, s. 55.

Sheriffs and clerks.

59. For each judicial district the Governor in Council may appoint a sheriff and a clerk of the court and may name the place at which such sheriff and clerk, respectively, shall reside and keep an office; and the clerk of the district within which the seat of Government of the Territories is situate, shall be registrar of the court sitting in banc; and each sheriff and clerk shall appoint a deputy or deputies at such places within the district and with such powers as are from time to time determined by an ordinance of the Legislative Assembly. R. S. C., c. 50, s. 56, *amended.*

Seal of the court.

60. Each clerk of the court shall use such a seal for sealing processes issued out of the court in the district for which he is appointed as the Lieutenant Governor approves. R. S. C., c. 50, s. 57.

Bond to be given by sheriff.

61. Before entering on the duties of his office every sheriff appointed under the provisions of this Act shall give security by bond, or by guarantee of some guarantee company approved by the Governor in Council, in the sum of two thousand dollars, and every clerk shall give the like security in the sum of one thousand dollars. R. S. C., c. 50, s. 58.

Salary and fees of sheriff.

62. Each sheriff shall be paid a yearly salary of five hundred dollars, and such fees as the Lieutenant Governor prescribes. R S.C., c. 50, s. 59.

Fees of clerk.

63. Each clerk shall be paid such fees as the Lieutenant Governor prescribes. R.S C., c. 50, s. 60.

Sheriffs and clerks to be officers of the court generally.

64. Every sheriff and clerk shall be an officer of the Supreme Court generally, and not merely of the judges sitting or acting in his district, and shall obey the lawful orders of the said court and of the judges thereof, in whatever district such orders are made, provided anything is required to be done under them by the sheriff or clerk in his district. R.S.C., c. 50, s. 62.

65. The Lieutenant Governor may, subject to any orders made in that behalf, from time to time, by the Governor in Council, issue orders to the North-West Mounted Police force, in aid of the administration of civil and criminal justice, and for the general peace, order and good government of the Territories. R.S.C., c. 50, s. 63. Disposal of North-West Mounted Police Force.

66. The Governor in Council may appoint justices of the peace for the Territories or for any portion thereof and may from time to time appoint one or more district magistrates, with jurisdiction throughout the Territories, or for such portion of the Territories as the Governor in Council orders; any district magistrate so appointed shall *ex officio* be a justice of the peace and shall have all the powers and duties that now are or are hereafter, by any Act of the Parliament of Canada or by any ordinance of the Legislative Assembly, vested in or assigned to any two or more justices of the peace: Appointment of justices of the peace and district magistrates.

2. No person shall be a justice of the peace, or act as such, who has not in his actual possession, for his own use and benefit, an absolute interest in real estate of lands in the Territories of the value of at least one thousand two hundred dollars, over and above what will satisfy and discharge all encumbrances affecting the same, and over and above all rents and charges payable out of or affecting the same: Qualification.

3. Every justice of the peace, before he takes upon himself to act as a justice of the peace, shall take and subscribe the oath following, before some justice of the peace, or before any person appointed by the Lieutenant Governor to administer oaths and declarations, that is to say: Oath to be taken.

"I, A. B., do swear, that I truly and *bona fide* have to and "for my own proper use and benefit such an estate as quali- "fies me to act as a justice of the peace for the district (*or* "*as the case may be*) of to wit (*mention* "*nature of estate, and if land, describe it*) and that the same "is lying and being (*or* is issuing out of lands, tenements, "and hereditaments, situate) within the township (*or* in "the several townships, *or as the case may be*) of "So help me God:" Form of oath.

4. Any justice of the peace, in lieu of the oath of office heretofore taken by justices of the peace, may take the oath following, and the same may be taken before any other justice of the peace, or before any person appointed by the Lieutenant Governor to administer oaths and declarations, that is to say: Oath of office.

"I, A. B., of the , in the district of " , (*or as the case may be*) do swear that I will "well and truly serve our Sovereign Lady Queen Victoria "in the office of justice of the peace, and that I will do "right to all manner of people, after the laws and usages "of these Territories, without fear or favor, affection or ill "will: So help me God:" Form of oath.

When to be filed.

5. Every oath of qualification, and every oath of office or allegiance taken by a justice of the peace, shall forthwith after the same is taken be transmitted or delivered by the Justice of the Peace to the clerk of the Legislative Assembly, and shall be filed in his office;

Delivery of copy.

Evidence.

6. The Clerk of the Legislative Assembly shall, upon demand, forthwith deliver a true and attested copy of any such oath in writing to any person paying the sum of twenty cents for the same; which copy being produced as evidence on the trial of any action under this Act, shall have the same force and effect as the record of the oath would have if produced;

Penalty for acting if not qualified.

7. When not otherwise provided, any person who acts as justice of the peace in and for any district or place in the Territories without having taken and subscribed the oath of qualification set forth to in subsection three of this section, or without being qualified according to the true intent and meaning of this Act, shall for every such offence forfeit the sum of one hundred dollars, and one moiety of such penalty shall belong to Her Majesty, and the other moiety to such person as sues for the same, and such penalty shall be recoverable with full costs, by action in any court having competent jurisdiction in the district or place wherein the offence has been committed; and in every such action the burden of proof of his qualification shall be upon the defendant. *New.*

ADMINISTRATION OF CRIMINAL LAW.

Procedure in criminal cases.

67. The procedure in criminal cases shall, subject to any Act of the Parliament of Canada, conform as nearly as may be to the procedure existing in like cases in England, on the fifteenth day of July, in the year one thousand eight hundred and seventy; but no grand jury shall be summoned or sit in the Territories. R.S.C., c. 50, s. 65.

No grand jury.

Powers as to certain offences.

68. Every judge of the Supreme Court shall have and exercise the powers of a justice of the peace, or of any two justices of the peace, under any laws or ordinances in force in the Territories,—and may also hear and determine any charge against any person for any criminal offence alleged to have been committed in the Territories, when the accused is charged,—

Larceny, &c.

(*a.*) With having committed or attempted to commit larceny, embezzlement, or obtaining money or property by false pretences, or feloniously receiving stolen property, in any case in which the value of the whole property alleged to have been stolen, embezzled, obtained or received, does not, in the opinion of such judge, exceed two hundred dollars; or—

Aggravated assault.

(*b.*) With having committed an aggravated assault, by unlawfully and maliciously inflicting upon any other person, either with or without a weapon or instrument, any grievous bodily harm, or by unlawfully and maliciously wounding any other person; or—

(*c.*) With having committed an assault upon any female whomsoever, or upon any male child whose age does not in the opinion of the judge, exceed fourteen years; and when such assault, if upon a female, does not, in his opinion, amount to an assault with intent to commit a rape; or— Assault on a female, &c.

(*d.*) With having escaped from lawful custody or committed prison breach, or assaulted, obstructed, molested or hindered any judge, justice of the peace, commissioned officer of police, constable, bailiff or other peace officer or officer of customs or excise, or other officer, in the lawful performance of his duty, or with intent to prevent the performance thereof: Escape from custody.

2. The charge in every such case, shall be tried in a summary way, and without the intervention of a jury. R.S.C., c. 50, s. 66. Summary trial.

69. In all other criminal cases the judge, with the intervention of a jury of six, may try any charge against any person or persons for any crime, but in any such case the accused may, with his own consent, be tried by a judge, in a summary way, and without the intervention of a jury. R.S.C., c. 50, s. 67. In other cases, trial by jury.

70. The courts of the judge or judges and justices of the peace, as the case may be, sitting on any such trials, shall be open public courts. R. S. C., c. 50, s. 68. Trial to be in open court.

71. The judge shall, upon every such trial, take, or cause to be taken down in writing, full notes of the evidence and other proceedings thereat; and all persons tried as aforesaid shall be admitted, after the close of the case for the prosecution, to make full answer and defence by counsel, attorney or agent R. S. C., c. 50, s. 69. Notes of evidence. Defence by counsel.

72. Every justice of the peace or other magistrate holding a preliminary investigation into any criminal offence which may not be tried under the provisions of "*The Summary Convictions Act*," shall immediately after the conclusion of such investigation transmit to the clerk of the court for the judicial district in which the charge was made all informations, examinations, depositions, recognizances, inquisitions, and papers connected with such charge, and the clerk of the court shall notify the judge thereof: Transmission of records to clerk of the court.

2. Whenever any person charged with being guilty of any offence triable before a judge of the Supreme Court, with or without a jury, is committed to gaol for trial, the sheriff or other person in charge of such gaol shall, within twenty-four hours, notify the judge of the judicial district in writing that such prisoner is so confined, stating his name and the nature of the charge preferred against him, whereupon, with as little delay as possible, the judge shall cause the prisoner to be brought before him for trial, either with or without a jury as the case requires. *New.* Judge to be notified of committal. Speedy trial.

Sentence of death to be reported.

73. When any person is convicted of a capital offence and is sentenced to death, the judge shall forward to the Minister of Justice full notes of the evidence, with his report upon the case; and the execution shall be postponed, from time to time, by the judge, if found necessary, until such report is received and the pleasure of the Governor General thereon is communicated to the Lieutenant Governor. R. S. C., c. 50, s 70.

Stay of execution.

Peremptory challenges by accused.

74. Any person arraigned for treason or felony may challenge peremptorily and without cause, any number of jurors not exceeding six; and every peremptory challenge beyond that number shall be void:

By the Crown.

2. The Crown may peremptorily challenge any number of jurors not exceeding four:

Challenges for cause.

3. Challenges for cause shall be the same as are provided for under "*The Criminal Procedure Act*." R. S. C., c. 50, s. 72.

If the list of jurors is exhausted.

75. If, by reason of challenges or otherwise, the number of jurors summoned for the trial is exhausted, the judge shall direct some constable or other person to summon, by word of mouth, from among the bystanders or from the neighborhood, such number of persons as are necessary to make up a jury,—the persons so summoned being subject to challenge as those summoned by the judge in the first instance; and the like proceedings shall be repeated, if necessary, until a jury is obtained, competent to try the case; and any person summoned, as hereby provided, to serve as a juror, who makes a default or refuses to serve as such juror, without lawful excuse to the satisfaction of the judge, may be fined by him a sum not exceeding ten dollars, and committed to prison until such fine is paid. R. S. C., c. 50, s 73.

Tales.

Fine for non-attendance.

Witness failing to attend guilty of contempt.

76. Any person duly summoned or subpœnaed, whether on behalf of the prisoner or against him, to attend and give evidence on any such trial, shall be bound to attend on the day appointed for the same, and shall remain in attendance throughout the whole trial; and if he fails so to attend, he shall be deemed guilty of contempt of court, and may be proceeded against therefor. R. S. C., c. 50, s. 74.

Proceedings in such case.

77. Upon proof to the satisfaction of the judge, of the serving of subpœna on any witness who fails to attend, and upon such judge being satisfied that the presence of such witness before him is indispensable to the ends of justice, he may, by his warrant, cause the said witness to be apprehended and forthwith brought before him to give evidence and to answer for his contempt; and such witness may be detained on such warrant, with a view to secure his presence as a witness, or may be released on recognizance, with or without sureties, conditioned for his appearance to give evidence as therein mentioned, and to answer for his contempt; or the judge may, in a summary manner, examine and dispose of the charge of contempt against the said

witness, who if found guilty thereof, may be fined or imprisoned, or both,—such fine not to exceed one hundred dollars, and such imprisonment to be with or without hard labor, and not to exceed the term of ninety days. R. S. C., c. 50, s. 75. Fine and imprisonment.

78. Returns of all trials and proceedings, civil and criminal, shall be made to the Lieutenant Governor in such form and at such times as he directs. R. S. C., c. 50, s. 76. Returns to Lieutenant Governor.

79. The Governor in Council may, from time to time, by proclamation, declare that the ten sections next preceding, or any of them, shall be repealed from and after the date named in such proclamation. R. S. C., c. 50, s. 77. Governor in Council may by proclamation repeal certain sections.

80. If imprisonment for any term not less than two years is awarded in any case, the convict may be ordered to be imprisoned in any gaol or penitentiary in the Territories, or to be conveyed to the penitentiary in the Province of Manitoba on the warrant of the judge; and whenever any convict or accused person is ordered to be conveyed to the penitentiary in Manitoba, any constable or other person in whose charge he is to be so conveyed, may hold and convey him, or re-take him in case of an escape; and the warden of the penitentiary in Manitoba may detain and deal with him, in the said Province, as if such penitentiary was within the Territories, or as if the said convict or accused person had been ordered to be conveyed to such penitentiary by some competent court or authority in the said Province. R. S. C., c. 50, s. 78. Where convict may be imprisoned. Conveyance of prisoners. Duties and powers of warden.

81. If it is impossible or inconvenient, in the absence or remoteness of any gaol or other place of confinement, to carry out any sentence of imprisonment, any judge, or justice of the peace, may sentence any person convicted before him, to be placed and kept in the custody of the North-West Mounted Police force, with or without hard labor; and any police guard house or guard room in the Territories shall be a penitentiary, gaol, or place of confinement for all purposes. 50-51 V., c. 28, s 1. Prisoner may be detained in custody of N. W. M. Police.

82. The Governor in Council may cause to be erected in any part or parts of the Territories any building or buildings, or enclosure or enclosures, for the purpose of a penitentiary, gaol or lock-up, for the confinement of prisoners charged with the commission of any offence, or sentenced to any punishment therein; and confinement or imprisonment therein shall be held lawful and valid, whether under sentence of imprisonment in a penitentiary, gaol or other place of confiment. R. S. C., c. 50, s. 80. Erection of places of detention.

CORONERS AND INQUESTS.

83. The Indian Commissioner for the Territories, the judges of the Supreme Court, the commissioner and assistant commissioner of the North-West Monted Police, and Who shall be coroners.

such other persons as the Lieutenant Governor from time to time appoints, shall be coroners in and for the Territories. R. S. C., c. 50, s. 82.

When inquests may be held.

84. Except as hereinafter provided, no inquest shall be held upon the body of any deceased person by any coroner, unless it has been made to appear to such coroner that there is reason to believe that the deceased died from violence or unfair means, or by culpable or negligent conduct either of himself or of others, under such circumstances as require investigation, and not through mere accident or mischance. R. S. C., c. 50, s. 83.

Deceased prisoners.

85. Upon the death of any prisoner, the gaoler or officer in charge of the gaol wherein such prisoner dies shall immediately give notice to the nearest resident coroner, and such coroner shall proceed forthwith to hold an inquest upon the body. R. S. C., c. 50, s. 84.

Number of jury.

86. It shall not be necessary in any case that a coroner's jury shall exceed six persons, but in every case of an inquest six jurors must agree in order to render the verdict valid. R. S. C., c. 50, s. 85.

Powers of coroners.

87. Coroners shall have the same powers to summon witnessess and to punish them for disobeying a summons to appear or for refusing to be sworn or to give evidence, as are enjoyed by justices of the peace. R. S. C., c. 50, s. 86.

Fees.

88. The fees of coroners, jurors and witnessess attending criminal trials and inquests may be fixed, from time to time, by the Governor in Council, and paid in such manner as he directs. R. S. C., c. 50, s. 87.

PROHIBITION OF INTOXICANTS.

Intoxicants not to be manufactured, &c., without permission.

89. No intoxicating liquor or intoxicant shall be manufactured, compounded or made in the Territories, except by special permission of the Governor in Council; nor shall any intoxicating liquor or intoxicant be imported or brought into the Territories from any Province of Canada, or elsewhere, or be sold, exchanged, traded or bartered, or had in possession therein, except by special permission, in writing, of the Lieutenant Governor:

Customs and excise laws to apply.

2. Intoxicating liquors or intoxicants imported or brought from any place out of Canada into the Territories, by special permission, in writing, of the Lieutenant Governor, shall be subject to the customs and excise laws of Canada. R. S. C., c. 50, s. 92.

Return of permissions.

90. The Lieutenant Governor shall make an annual return, up to the thirty-first day of December in each year, of the number of such permissions so given by him, and the quantity and nature of the intoxicating liquors and intoxicants in each case, to the Minister of the Interior, who shall lay the same before Parliament. R. S. C., c. 50, s. 93.

Forfeiture of liquor or intoxicant.

91. If any such intoxicating liquor or intoxicant is manufactured or made in the Territories, or is imported or brought into the Territories, or is sold, exchanged, traded or bartered, in violation of the provisions of this Act, such liquor or intoxicant shall be forfeited, and may be seized by any officer of the customs or excise, or by any constable or other duly qualified person wheresoever found; and any judge of the Supreme Court, or justice of the peace, on complaint made before him, may, on the evidence of one credible witness that the provisions of this Act have been violated in respect thereof, order such intoxicating liquor or intoxicant so seized to be forthwith destroyed; or if such liquor or intoxicant has not been seized, such judge or justice of the peace, on complaint as aforesaid, may issue a search warrant, as in cases of stolen goods, and upon the same being found, may cause them to be forthwith destroyed; and the still, machinery, keg, barrel, case, box, package or receptacle whence or in which any intoxicating liquor or intoxicant has been manufactured, imported or made, sold, exchanged, traded or bartered, and as well that in which the original supply was contained as the vessel wherein any portion of such original supply was supplied as aforesaid, and the remainder of the contents thereof, if such still, machinery, barrel, keg, case, box, package, receptacle or vessel aforesaid, respectively, can be identified, may be seized by any officer of the customs or excise or by any constable or other duly qualified person, wheresoever found within the Territories; and any judge of the Supreme Court, or justice of the peace, may, on complaint before him, and on the evidence of one credible witness, that the provisions of this Act have been violated in respect thereof, declare such intoxicating liquor or intoxicant, still, machinery, vessel or receptacle forfeited, and cause the same to be forthwith destroyed; and the person in whose possession any of them are found, shall incur a penalty not exceeding two hundred dollars and not less than fifty dollars, with costs; and a moiety of such penalty shall belong to the informer, and the other moiety thereof shall belong to Her Majesty for the public uses of Canada. R. S. C., c. 50, s. 94.

Search warrant may be granted.

Still, machinery and receptacle may be seized.

And forfeited.

Penalty and application thereof.

Forfeiture of vehicles and cattle.

2. Every vehicle on which any such intoxicating liquor or intoxicant is imported or conveyed into or through or over any portion of the Territories, contrary to the provisions of this Act, shall, together with the horses or other cattle employed in drawing any such vehicle as aforesaid, be forfeited to Her Majesty and may be seized and dealt with accordingly. 51 V., c. 19, s. 18.

Penalty for manufacturing, &c., without permission.

92. Every person who manufactures, makes, compounds, imports, sells, exchanges, trades or barters any intoxicating liquor or intoxicant, or in whose possession or on whose premises any intoxicating liquor or intoxicant of any kind is or has been, except by special permission as aforesaid, shall incur a penalty not exceeding two hundred dollars and not less than fifty dollars,—a moiety of which penalty shall belong to the informer. R. S. C., c. 50, s. 95.

Penalty for having articles exchanged for intoxicants in possession.

93. Every person who knowingly has in his possession any article, chattel, commodity or thing purchased, acquired, exchanged, traded or bartered, either wholly or in part, for any intoxicating liquor or intoxicant, shall, for each offence, incur a penalty not exceeding two hundred dollars and not less than fifty dollars,—a moiety of which penalty shall belong to the informer. R. S. C., c. 50, s. 96.

Forfeiture of things accessory to offence.

94. Every article, chattel, commodity or thing in the purchase, acquisition, exchange, trade or barter of which the consideration, either wholly or in part, is any intoxicating liquor or intoxicant, shall be forfeited to Her Majesty, and shall be seized, as hereinbefore provided in respect to any receptacle of any intoxicating liquor or intoxicant. R. S. C., c. 50, s. 97.

Penalty for refusing to assist constable.

95. Every person who refuses or neglects to aid any constable, sub-constable, or other duly authorized person in the execution of any act or duty required under any of the six sections next preceding, or who knowingly refuses to give information, or gives false information in respect to any matter arising therefrom, shall incur a penalty not exceeding two hundred dollars and not less than fifty dollars,—a moiety of which penalty shall belong to the informer. R. S. C., c. 50, s. 98.

Recovery of penalties.

96. Every penalty incurred under any of the seven sections next preceding shall be recoverable, with costs, on summary conviction, on the evidence of one credible witness, before any judge of the Supreme Court or justice of the peace, who shall, on payment of such penalty and costs, pay the informer his share thereof; and in case of non-payment of the penalty and costs immediately after conviction, the convicting judge or justice of the peace may, in his discretion, levy the same by distress and sale, and may commit the person who is so convicted and makes default to any common gaol or house of correction or lock-up house for a term not exceeding six months, with or without hard labor, unless the said penalty and costs are sooner paid; and upon conviction for a subsequent offence, the offender shall be liable to a penalty not exceeding four hundred dollars and not less than two hundred dollars, payable and recoverable as in this section provided, and, in the discretion of the convicting judge or justice of the peace, to imprisonment with or without hard labor in any common gaol or house of correction or lock-up house for a further term not exceeding six months. R. S. C., c. 50, s. 99.

Penalty for a subsequent offence.

Conviction, &c, not invalid for want of form.

97. No seizure, prosecution, conviction or commitment under this Act shall be invalid for want of form, so long as the same is according to the true intent and meaning of this Act. R. S C., c. 50, s. 100.

SALE OF ARMS AND AMMUNITION.

Interpretation.

98. In this section,—

"Improved arm."

(*a.*) The expression "improved arm" means and includes all arms except smooth bore shot guns;

(*b.*) The expression "ammunition" means fixed ammunition or ball cartridge : "Ammunition."

2. Every person who, in the Territories,—

(*a.*) Without the permission in writing (the burden of proof of which shall be on such person) of the Lieutenant Governor, or of a commissioner appointed by him to give such permission, has in his possession or sells, exchanges, trades, barters or gives to, or with any person, any improved arm or ammunition ; or— Supplying arms and ammunition without a permit ;—

(*b.*) Having such permission, sells, exchanges, trades, barters or gives any such arm or ammunition to any person not lawfully authorized to possess the same,— Or to unauthorized persons ;

Shall, on summary conviction before a judge of the Supreme Court or two justices of the peace, be liable to a penalty not exceeding two hundred dollars, or to imprisonment for any term not exceeding six months, or to both : To be offences, and how punishable.

3. All arms and ammunition which are in the possession of any person, or which are sold, exchanged, traded, bartered or given to or with any person in violation of this section, shall be forfeited to the Crown, and may be seized by any constable or other peace officer ; and any judge of the Supreme Court or justice of the peace may issue a search warrant to search for and seize the same, as in the case of stolen goods : Search for and seizure of arms and ammunition sold contrary to this section.

4. The Governor in Council may, from time to time, make regulations respecting,— Regulations by Governor in Council.

(*a.*) The granting of permission to sell, exchange, trade, barter, give or possess arms or ammunition ; Permits for arms, &c.

(*b.*) The fees to be taken in respect thereof ; Fees.

(*c.*) The returns to be made respecting permissions granted ; and— Returns.

(*d.*) The disposition to be made of forfeited arms and ammunition : Disposition.

5. The provisions of this section respecting the possession of arms and ammunition shall not apply to any officer or man of Her Majesty's forces, of the Militia force, or of the North-West Mounted Police force : Proviso.

6. The Governor in Council may, from time to time, declare by proclamation that upon and after a day therein named this section shall be in force in the Territories, or in any place or places therein in such proclamation designated ; and upon and after such day but not before, the provisions of this section shall take effect and be in force accordingly : Section may be proclaimed in force at any place in N.W.T.

7. The Governor in Council may, in like manner, from time to time, declare this section to be no longer in force in any such place or places, and may again, from time to time, declare it to be in force therein : And proclamation may be revoked.

To be judicially noticed.

8. All courts, judges and justices of the peace shall take judicial notice of any such proclamation. R. S. C., c. 50, s. 101.

LUNATICS.

Removal of lunatics in custody, by order of Lt. Governor.

99. Whenever, under any law or ordinance in force in the Territories, any insane person or criminal lunatic is kept in custody until the pleasure of the Lieutenant Governor is known, or until such person is discharged by law, the Lieutenant Governor may cause such person to be removed to and confined in any asylum or place of confinement, from time to time, designated for that purpose by the Governor in Council, and the superintendent or warden of such asylum or place of confinement shall receive such person and detain him therein until the pleasure of the Lieutenant Governor is known, or until such person is discharged by law:

Removal of lunatics confined before date specified.

2. The Lieutenant Governor of the Province of Manitoba may cause any insane person or criminal lunatic who came from the Territories and who was confined in a temporary lunatic asylum on the twentieth day of July, one thousand eight hundred and eighty-five, to be removed to the Manitoba lunatic asylum; and the superintendent of the said asylum or the superintendent of such temporary lunatic asylum, as the case may be, shall detain every such person committed to his keeping until the pleasure of the Lieutenant Governor is known, or until such person is discharged by law. 49 Vic., c. 50, s 103.

Recapture of lunatics escaping from confinement.

100. If any insane person or criminal lunatic confined in such asylum or place of confinement under this Act, escapes therefrom, any of the officers or servants thereof, or any other person or persons, at the request of such officers or servants, or any of them, may, within forty-eight hours after such escape, if no warrant has been issued, and within one month after such escape, if a warrant in the form in the schedule B to this Act has been issued by the superintendent or warden of such asylum or place of confinement in that behalf, retake such escaped person and return him thereto; and he shall remain in custody therein under the authority by virtue of which he was detained prior to such escape. R. S. C., c. 50, s. 104.

Manitoba to be indemnified for care of lunatics from N.W.T.

101. The Minister of the Interior may, subject to the approval of the Governor in Council, make such arrangements with the Lieutenant Governor of Manitoba as seem reasonable, as to the compensation to be made by Canada to that Province for the care and maintenance of persons detained in the Manitoba lunatic asylum, or in such temporary asylum as aforesaid. R. S. C., s. 50, c. 105.

SALARIES OF OFFICERS.

Salaries of officers.

102. There shall be payable out of the Consolidated Revenue Fund of Canada, the following sums annually, that is to say:—

To the Lieutenant Governor, not exceeding.. .....$7,000
To the clerk of the Legislative Assembly, who shall also act as and perform the duties of secretary to the Lientenant Governor, not exceeding..... 2,000

Together with such sums of money as are, from time to time, fixed by the Governor in Council, in respect of their travelling allowances. R. S. C., c. 50, s. 106;—51 V., c. 19, s. 16, *part.* Travelling allowances.

ROAD ALLOWANCES.

103. All road allowances in townships now or hereafter surveyed and subdivided in the Territories, and all road allowances set out on block lines now or hereafter surveyed in the Territories, the plans of survey whereof have been duly approved, shall be subject to the direction, management and control of the Lieutenant Governor for the public use of the Territories. R. S. C., c. 50, s. 107. Control of road allowances.

104. On the Government of Canada receiving notice from the Lieutenant Governor of the particular thoroughfares or public travelled roads or trails in the Territories which existed as such prior to the subdivision of the land into sections, and which the Lieutenant Governor desires to have transferred to the Territories, the Governor in Council may pass an order directing the same to be forthwith surveyed by a Dominion land surveyor, and thereafter may transfer each such thoroughfare, public travelled road or trail, according to the plan and description thereof, to the Lieutenant Governor, subject to any rights acquired under patents for any lands crossed thereby : Certain roads may be surveyed and transferred.

2. The width of such highways shall be one chain or sixty-six feet; and in making the survey, the surveyor shall make such changes in the location of the thoroughfare, public travelled road or trail, as he finds necessary for improving such highway, without, however, altering its main direction: Width. Necessary changes.

3. The unpatented land forming part of any highway transferred under this Act to the Territories shall be the property thereof, the legal title thereto remaining in the Crown for the public uses of the Territories, but no such highway shall be closed up, or its direction varied, or any part of the land occupied by it sold or otherwise alienated, without the consent of the Governor in Council. R. S. C., c. 50, s. 108, *and new*. Title to such roads.

GENERAL PROVISIONS.

105. Whenever in any Act of the Parliament of Canada in force in the Territories, any officer is designated for carrying on any duty therein mentioned, and there is no such officer in the Territories, the Lieutenant Governor may order by what other person or officer such duty shall be performed,—and anything done by such person or officer, under such order, shall be valid and lawful in the premises; or if it is in any such Act ordered that any document or thing Provision when there are no such officers as are designated in Act of Parliament.

shall be transmitted to any officer, court, territorial division or place, and there is then in the Territories no such officer, court or territorial division or place, the Lieutenant Governor may order to what officer, court or place such transmission shall be made, or may dispense with the transmission thereof. R.S.C., c. 50, s. 109.

English or French language may be used.

106. Either the English or the French language may be used by any person in the debates of the Legislative Assembly of the Territories and in the proceedings before the courts; and both those languages shall be used in the records and journals of the Assembly; and all ordinances made under this Act shall be printed in both those languages. R.S.C., c. 50, s. 110.

Certain printed copies of laws, &c., to be evidence.

107. Any copy of any proclamation or order made by the Governor in Council or the Lieutenant Governor, or ordinance made by the Legislative Assembly, as the case may be, printed in the *Canada Gazette*, or purporting to be printed by the Queen's Printer for Canada, or by the printer to the Government of the North-West Territories, shall be *primâ facie* evidence of such proclamation or order, and of the fact that it is in force. R.S.C., c. 50, s. 111, *amended*.

APPLICATION OF ACTS TO TERRITORIES.

Application of Acts of Canada.

108. Every Act of the Parliament of Canada, except in so far as otherwise provided in any such Act, and, except in so far as the same is, by its terms, applicable only to one or more of the Provinces of Canada, or in so far as any such Act is, for any reason, inapplicable to the Territories, shall, subject to the provisions of this Act, apply and be in force in the Territories:

Governor in Council may extend Acts to the Territories.

2. The Governor in Council may by proclamation, from time to time, direct that any Act of the Parliament of Canada, or any part or parts thereof, or any one or more of the sections of any one or more of any such Acts not then in force in the Territories, shall be in force in the Territories generally, or in any part or parts thereof mentioned in such proclamation. R.S.C., c. 50, s. 112.

Certain cases may be continued under former Acts.

109. Notwithstanding the repeal of section eighty-eight of "*The North-West Territories Act*, 1880," as amended by section six of the Act forty-seventh Victoria, chapter twenty-three, and by section six of the Act passed in the session held in the forty-eighth and forty-ninth years of Her Majesty's reign, chapter fifty-one, any case in which before the eighteenth day of February in the year, one thousand eight hundred and eighty-seven, any step or proceeding was taken towards the institution or prosecution of an appeal to the Court of Queen's Bench of the Province of Manitoba, may be proceeded with and continued to judgment under the said section as so amended, and the said Court of Queen's Bench shall have the same jurisdiction in respect thereof as if the said section had not been repealed. 50-51 V. c. 28, s. 2.

110. Notwithstanding anything in this Act contained the Legislative Assembly may, by ordinance, repeal the provisions of sections twenty-nine to forty-three, both inclusive, and of sections eighty-nine to ninety-seven, also both inclusive, of this Act, and substitute the same or other provisions in lieu thereof; and notwithstanding anything contained in sections fifty-nine, sixty and sixty-one of this Act, may make ordinances in relation to the powers, duties and obligations of the officers therein mentioned, and of their deputies and of the security to be given for the effectual discharge of their respective duties, and for all matters connected therewith : Certain provisions may be repealed by legislative assembly and ordinances made.

2. Provided however, that no change shall be made by the said Legislative Assembly in the existing law as to intoxicating liquors in the North-West Territories, nor shall any such legislation as is provided in this section in relation to the granting of licenses for the sale of intoxicating liquors or to the importation, manufacture, possession, barter, sale or disposal thereof be passed, until the dissolution of the present Legislative Assembly has afforded the inhabitants of the North-West Territories an opportunity to express their opinion as to the nature of the legislation on this subject which shall thereafter have effect. *New.* As to sale of intoxicating liquor.

REPEAL.

111. Chapter fifty of the Revised Statutes of Canada, intituled, "*An Act respecting the North-West Territories,*" the Act passed in the session held in the fiftieth and fifty-first years of Her Majesty's reign, chapter twenty-eight, intituled, "*An Act to amend the North-West Territories Act,*" and the Act passed in the fifty-first year of Her Majesty's reign, chapter nineteen, intituled, "*An Act to amend the Revised Statute of Canada, chapter fifty, respecting the North-West Territories,*" are hereby repealed. Repeal; R.S. C., c. 50;—50-51 V., c. 28;—51 V., c. 19.

SCHEDULE A.

1. The electoral district of Moosomin shall consist of that portion of the provisional district of Assiniboia bounded on the east by the western boundary of the Province of Manitoba, on the north by the sixth base line, being the line between townships twenty and twenty-one in the Dominion lands system of survey, on the south by the line between townships nine and ten, and on the west by the second meridian in the Dominion lands system of survey; and such electoral district shall return one member. Moosomin.

2. The electoral district of Wallace shall consist of that portion of the provisional district of Assiniboia bounded on the east by the western boundary of the Province of Manitoba, on the north by the ninth correction line, in the Dominion lands system of survey, being the northern boundary of the provisional district of Assiniboia, on the south by the line between townships twenty and twenty-one, being the sixth base line, and on the west by the line between ranges seven and eight, west of the second meridian in the Wallace.

Dominion lands system of survey ; and such electoral district shall return one member.

Whitewood. 3. The electoral district of Whitewood shall consist of that portion of the provisional district of Assiniboia bounded on the north by the sixth base line, on the south by the line between townships nine and ten, on the east by the second meridian in the Dominion lands system of survey, and on the west by the line between ranges six and seven, all west of the said second meridian; and such electoral district shall return one member.

Souris. 4. The electoral district of Souris shall consist of that portion of the provisional district of Assiniboia bounded on the south by the forty-ninth parallel of latitude, being the international boundary line, on the east by the western boundary of the Province of Manitoba, on the west by the line between ranges ten and eleven, and on the north by the line between townships nine and ten, all west of the second meridian in the Dominion lands system of survey; and such electoral district shall return one member

Wolseley. 5. The electoral district of Wolseley shall consist of the territory bounded as follows:—Commencing at the point where the line between townships nine and ten is intersected by the line between ranges six and seven in the Dominion lands system of survey, thence due north along the line between ranges six and seven to its intersection with the sixth base line, thence due west following the sixth base line to its intersection with the line between ranges seven and eight, thence due north along the line between ranges seven and eight to its intersection with the northern boundary of the provisional district of Assiniboia, being the ninth correction line in the Dominion lands system of survey, thence due west along the said ninth correction line to its intersection with the line between ranges ten and eleven, thence due south along the line between ranges ten and eleven to its intersection with the line forming the north boundary of township nine, in the Dominion lands system of survey, thence due east following the north boundary of the said township nine to the place of beginning, being the line between ranges six and seven, west of the second meridian in the Dominion lands system of survey; and such electoral district shall return one member.

South Qu'Appelle. 6. The electoral district of South Qu'Appelle shall consist of that portion of the provisional district of Assiniboia bounded on the south by the international boundary line, on the east by the line between ranges ten and eleven, on the north by the line between townships nineteen and twenty, and on the west by the line between ranges sixteen and seventeen, all west of the second meridian in the Dominion lands system of survey; and such electoral district shall return one member.

North Qu'Appelle. 7. The electoral district of North Qu'Appelle, shall consist of that portion of the provisional district of Assiniboia bounded on the south by the line between townships nine-

teen and twenty, on the east by the line between ranges ten and eleven, on the north by the ninth correction line, being the northern boundary of the provisional district of Assiniboia, and on the west by the line between ranges sixteen and seventeen, all west of the second meridian in the Dominion lands system of survey; and such electoral district shall return one member.

North Regina. 8. The electoral district of North Regina shall consist of that portion of the provisional district of Assiniboia bounded on the east by the line between ranges sixteen and seventeen, on the south by a line drawn through the centre of the track of the main line of the Canadian Pacific Railway, on the north by the ninth correction line, being the northern boundary of the provisional district of Assiniboia, and on the west by the line between ranges twenty-three and twenty-four, all west of the second meridian in the Dominion lands system of survey; and such electoral district shall return one member.

South Regina. 9. The electoral district of South Regina shall consist of that portion of the provisional district of Assiniboia bounded on the south by the forty-ninth parallel of latitude or the international boundary line, on the east by the line between ranges sixteen and seventeen, on the north by a line drawn through the centre of the track of the main line of the Canadian Pacific Railway, and on the west by the line between ranges twenty-three and twenty-four, all west of the second meridian in the Dominion lands system of survey; and such electoral district shall return one member.

Moose Jaw. 10. The electoral district of Moose Jaw shall consist of that portion of the provisional district of Assiniboia bounded on the east by the line between ranges twenty-three and twenty-four, west of the second meridian, on the west by the line between ranges six and seven, west of the third meridian, on the south by the international boundary line or forty-ninth parallel of latitude, and on the north by the ninth correction line, all in the Dominion lands system of survey; and such electoral district shall return one member.

Medicine Hat. 11. The electoral district of Medicine Hat shall consist of that portion of the provisional district of Assiniboia lying to the west of the line between ranges six and seven, west of the third meridian in the Dominion lands system of survey; and such electoral district shall return one member.

McLeod. 12. The electoral district of McLeod shall consist of that portion of the provisional district of Alberta bounded on the east by the western boundary of the provisional district of Assiniboia, on the west by the eastern boundary of the Province of British Columbia, on the south by the international boundary line, and on the north by the fifth base line in the Dominion lands system of survey; and such electoral district shall return one member.

Calgary.

13. The electoral district of Calgary shall consist of that portion of the provisional district of Alberta bounded on the south by the fifth base line, and on the north, commencing at the point where the eastern boundary of the district of Alberta intersects the seventh correction line, being the northern boundary of township twenty-six, range eleven, west of the fourth meridian, in the Dominion lands system of survey, thence due west along the seventh correction line to its intersection with the line between ranges four and five, west of the fifth meridian, thence south along the line between ranges four and five, west of the fifth meridian in the Dominion lands system of survey, to its intersection with the line between townships twenty-three and twenty-four, thence following the line between townships twenty-three and twenty-four due west to the western boundary of the provisional district of Alberta; and such electoral district shall return two members.

Red Deer.

14. The electoral district of Red Deer shall consist of that portion of the provisional district of Alberta bounded on the south by the electoral district of Calgary before described, and on the north by the twelfth correction line, in the Dominion lands system of survey; and such electoral district shall return one member.

Edmonton.

15. The electoral district of Edmonton shall consist of that portion of the provisional district of Alberta bounded on the north by the northern boundary of the said provisional district, and on the south by the twelfth correction line in the Dominion lands system of survey; and such electoral district shall return two members.

Battleford.

16. The electoral district of Battleford shall consist of that portion of the provisional district of Saskatchewan lying west of the line between ranges eleven and twelve, west of the third meridian in the Dominion lands system of survey; and such electoral district shall return one member.

Prince Albert.

17. The electoral district of Prince Albert shall consist of that portion of the provisional district of Saskatchewan bounded on the west by the line between ranges eleven and twelve, west of the third meridian in the Dominion lands system of survey, on the north by the northern boundary of the provisional district of Saskatchewan, and on the south by a line described as follows:—commencing at the point where the north boundary of township forty-seven intersects the line between ranges eleven and twelve, west of the third meridian in the Dominion lands system of survey, thence due east following the north boundary of township forty-seven to its intersection with the line between ranges one and two, west of the said third meridian, thence following a line drawn easterly to the point where the north boundary of township forty-seven, range twenty-three, west of the second meridian in the Dominion lands system of survey, intersects the line between ranges twenty-three and twenty-four, west of the said second meridian, thence due east following the northern boundary

of township forty-seven, to its intersection with the eastern boundary of the provisional district of Saskatchewan; and such electoral district shall return two members.

Batoche.

18. The electoral district of Batoche shall consist of that portion of the provisional district of Saskatchewan lying to the south of the line between townships forty-seven and forty-eight, and bounded on the west by the line between ranges eleven and twelve, west of the third meridian in the Dominion lands system of survey, and on the east by the said third meridian; and such electoral district shall return one member.

Kinistino.

19. The electoral district of Kinistino shall consist of all that portion of the provisional district of Saskatchewan lying to the east of the third meridian in the Dominion lands system of survey, and bounded on the north by the southern boundary of the electoral district of Prince Albert before described; and such electoral district shall return one member. 51 V., c. 19, schedule.

SCHEDULE B.

Warrant to Retake Escaped Patient.

Form of warrant.

Manitoba Lunatic Asylum (*or as the case may be*)

To and all or any of the peace officers, in the *County* (*or as the case may be*) of

Whereas, on the day of last past, being within one month from the date hereof, A B., an insane person confined in the Manitoba Lunatic Asylum (*or as the case may b*), of which I, am superintendent (*or* warden), did escape from the said asylum (*or as the case may be*):

These are therefore to authorise and command you, or any of you, the said constables or peace officers, in Her Majesty's name, at any time within one month from the date of the said escape, to retake the said A. B., and safely convey him to this asylum (*or as the case may be*) and deliver him into my charge.

Given under my hand and seal this day of in the year at , in the county aforesaid.

(*Signature.*) [L.S.]
Superintendent.

R. S. C., c. 50, schedule.

No. 136.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL.

An Act to consolidate and amend the Acts respecting the North-West Territories.

Received and read first time, Monday, 15th April, 1889.
Second reading, Tuesday, 16th April, 1889.

Mr. DEWDNEY.

OTTAWA:
For the Queen's Printer, &c.

A. SENÉCAL, Superintendent of Printing.

1889.

No. 137] **BILL.** [1889.

An Act further to amend "The General Inspection Act," chapter ninety-nine of the Revised Statutes

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

1. Subsection two of section six of "*The General Inspection Act*" is hereby repealed and the following substituted therefor:— Section 6 of R.S.C., c 99, amended

"2. Any deputy inspector, except a deputy inspector of grain, may engage in the purchase and sale of articles inspected by him; but whenever such deputy inspector inspects any article in which he has a direct or an indirect pecuniary interest, he shall brand such article under his name as branded thereon with the words, 'deputy inspector and owner.'" When deputy inspector may deal in article he inspects.

2. Section eight of the said Act is hereby amended by striking out the words "except an inspector of grain" in the first line of the said section. Section 8 amended.

3. Section forty-five of the said Act is hereby repealed and the following substituted therefor:— Section 45, repealed; new section.

"**45.** One or more members, not exceeding two, of each of the boards of examiners of applicants for the office of inspectors of wheat and other grain, for the cities of Quebec, Montreal, Toronto, Hamilton, London, Ottawa, Halifax and St. John, N.B., shall meet together in the city of Toronto between the fifteenth day of August and the first day of October in each year, for the purpose of choosing samples of grain of the various grades, to be the standards in respect of grain, grown east of Port Arthur, by which the inspectors of grain throughout Canada shall be governed, as respects such grain, in the work of inspection; and such standards shall be chosen and approved by the said examiners, or a majority of them present at such meeting,—notice of which shall be given by the Council of the Board of Trade of Toronto: Uniform standard of grain

"2. In the absence of the representative of any board or boards of examiners herein mentioned, such representatives as are present in the said city of Toronto, and representing not less than three of the places herein mentioned, shall proceed to establish the Dominion standards for the grain hereinbefore mentioned; and if the requisite number of repre- If proper number of examiners are not present.

sentatives are not present on or before the first day of October, or if from any other cause the board hereby constituted fails to assemble or to establish the standards hereinbefore mentioned, then such standards shall be established by such means as the Governor in Council directs:

As to grain grown west of Port Arthur.

"3. The standards in respect of grain grown west of Port Arthur shall be chosen by a board of nine persons annually appointed by the Governor in Council, five of whom shall be a quorum; such board shall be elected from the boards of examiners of applicants for the office of inspectors of wheat and other grain and from the duly appointed grain inspectors, which examiners and inspectors are resident at Port Arthur or west thereof; and such persons shall meet at such time and place as the Governor in Council appoints; and by the standards so chosen, the inspectors of grain, throughout Canada, shall be governed in the work of inspection as respects grain grown west of Port Arthur."

Section 65 amended

4. The paragraph of section sixty-five of the said Act lettered (*a.*) is hereby repealed and the following substituted therefor:—

"(*a.*) The sum of twenty cents for every hundred pounds of pot or pearl ashes by him so inspected."

Section 31 further amended.

5. Section thirty-one of the said Act, as amended by section two of the Act passed in the session held in the fiftieth and fifty-first years of Her Majesty's reign and chaptered thirty-six, is hereby amended by inserting between the ninth and tenth lines thereof the words "That of a fifth quality by the word——'Fine.'"

No. 137.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL.

An Act further to amend "The General Inspection Act," chapter ninety-nine of the Revised Statutes.

Received and read first time, Monday, 15th April, 1889.
Second reading, Tuesday, 16th April, 1889.

Mr. COSTIGAN

OTTAWA:
For the Queen's Printer, &c.
A. SENÉCAL, Superintendent of Printing.
1889.

No. 138.] **BILL.** [1889

An Act respecting a loan therein mentioned to certain Mennonite Immigrants.

Preamble.

WHEREAS in the year one thousand eight hundred and seventy-five a loan of one hundred thousand dollars was authorized by Parliament to be made to aid members of the Mennonite community in settling in the Province of Manitoba, such loan to be secured by bonds entered into by responsible members of the said community resident in the Province of Ontario; and whereas an aggregate amount of ninety-six thousand four hundred dollars was advanced accordingly at varying dates and in varying amounts on the security aforesaid, such advances to bear interest at six per cent., and to be funded four years after date, and repayments afterwards to be made annually in sums calculated at the rate of six per cent. compound interest, to extinguish the debt in six annual instalments; and whereas in consequence of serious reverses encountered by the Mennonites who were placed on lands in the Province of Manitoba by means of the advances aforesaid, forbearance on the part of the Government was prayed for, and was granted; and whereas subsequently repayments to the extent of one hundred and seventeen thousand four hundred and twenty-seven dollars and thirty-one cents, were made on account of the said loan and interest up to the eighteenth day of May, one thousand eight hundred and eighty-eight; and it appearing that the members of the said community who became security for the said loan were unable, in consequence of the reverses aforesaid, and other drawbacks to the prosperity of certain Mennonite settlers, to make further collections from the latter, and that therefore payment in full, if enforced, would have to be made by the members of the said community in the Province of Ontario, who became security for the payment of the loan and interest; and whereas, in view of the facts, and also in consideration of the said Mennonites of Ontario having managed at their own charge a complicated and important colonization, it appeared to be just that they should be granted some relief in the premises, and that the interest on all sums advanced as aforesaid and bearing interest at six per cent., compound interest, should be calculated at four per cent. simple interest, and that the sum appearing to be due in respect of the said advances, calculated in accordance with such latter rate, should be received as full payment of principal and interest; and whereas the Governor in Council has accepted the sum of twelve thousand nine hundred and fifty-nine dollars and twenty-two cents as

payment on such basis, and it is expedient to confirm such acceptance: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Agreement and discharge confirmed.

1. The acceptance by the Governor in Council of the sum lastly mentioned in full payment and discharge of the advances mentioned in the preamble and made to the Mennonite community and members thereof, and of all interest thereon, is hereby confirmed.

No. 138.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL.

An Act respecting a loan therein mentioned to certain Mennonite Immigrants.

Received and read first time, Monday, 15th April, 1889.
Second reading, Tuesday, 16th April, 1889.

Mr. Carling.

OTTAWA:
For the Queen's Printer, &c.
A. Senécal, Superintendent of Printing.
1889.

No. 139] **BILL.** [1889.

An Act further to amend "The Inland Revenue Act" chapter thirty-four of the Revised Statutes.

WHEREAS it is expedient further to amend "*The Inland Revenue Act*," chapter thirty-four of the Revised Statutes, as hereinafter set forth: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. R.S.C., c. 34.

1. Subsection two of section seventy-four of "*The Inland Revenue Act*" is hereby repealed and the following substituted therefor:— Section 74 amended.

"2. For the purposes of this section, any judge of the Court of Queen's Bench, in the Province of Manitoba, shall have jurisdiction over the district of Keewatin, and shall grant a writ of assistance for use therein, in like manner and with like effect as he might grant such writ for use in the Province of Manitoba." Jurisdiction in Keewatin.

2. Section one hundred and thirteen of the said Act is hereby amended by adding the following subsection thereto:— Section 113 amended.

"4. Any information or complaint in respect of any offence against the provisions of this Act or any other law relating to the Inland Revenue, may, whenever the prosecution, suit or proceeding is instituted under the "*Act respecting summary proceedings before Justices of the Peace*," be laid or made within twelve months of the time when the matter of the information or complaint arose." Limitation of time.

3. The paragraph of section one hundred and ninety-four of the said Act, lettered (*c.*) is hereby repealed, and the following substituted therefor:— Section 194 amended.

"(*c.*) The quantity by weight of malt taken from the kilns, and also such other particulars relative to quantity in the various stages of its manufacture as are required by departmental regulations." Computation of quantity of malt.

4. Subsection two of section one hundred and ninety-five of the said Act is hereby repealed and the following substituted therefor:— Section 195 amended.

"2. For comparing the gauges of grain or leguminous seeds required by this Act, a "malt measure" is hereby established, which shall be a vessel, the capacity of which is one thousand cubic inches:" "Malt measure."

2. Subsection five of the said section one hundred and ninety-five is hereby repealed and the following substituted therefor:—

Quantity chargeable with duty.

"5. The quantity of malt removed from any kiln and chargeable with duty, shall be the quantity determined by weighing, and shall be stated in all books and returns made under this Act in pounds."

Section 204 amended.

5. The paragraphs of section two hundred and four of the said Act lettered (*b.*) and (*c.*) are hereby repealed and the following substituted therefor:—

Gauging after steeping.

"(*b.*) The maltster or his agent shall also gauge the grain or leguminous seeds while in the cistern, after the process of steeping has been completed and immediately after the water has been drawn therefrom; and the result of such gauging shall be entered in the book provided for that purpose by the maltster or his agent, and shall be used for computing the quantity of malt manufactured, as herein provided;

Weighing.

"(*c.*) The malt taken from the kiln after it has been dried, and the process of manufacture completed, shall be weighed by or in the presence of the proper officer of excise; and the quantity so ascertained shall be immediately entered in the book or books provided for that purpose, in pounds, by the maltster or his agent, who shall attest every such entry by his signature. The gauge of the malt removed from the kiln may also be taken whenever deemed necessary by an officer of Inland Revenue, and such gauge may be used as a basis for computing the duty."

Use of gauge.

Section 205 repealed; new section.

6. Section two hundred and five of the said Act, as amended by section six of the Act passed in the fifty-first year of Her Majesty's reign and chaptered sixteen, is hereby repealed and the following substituted therefor:—

Computing duty.

"**205.** In comparing the results of the gaugings, weighings and computations, the following proportions shall form the basis of calculation:—

When wetted.

"(*a.*) One hundred and twenty-five malt measures by gauge of barley or other grain, properly saturated with water for the purpose of malting or in the couch, shall be deemed to be equivalent to one hundred malt measures by gauge of dry barley or other grain, or to one hundred and seven malt measures by gauge of dry malt;

Proportion of barley, &c., to malt.

"(*b.*) One hundred pounds of barley or other grain weighed into the cistern shall, without any allowance for skimmings, be held to be equal to not less than seventy-five pounds of malt taken from the kiln, and so in proportion for every greater or less quantity;

Quantity for duty.

"(*c.*) The quantity upon which the duty shall be computed, shall be that of the malt on its removal from the kiln; but whenever the quantity computed from any other gauging or weighing, or series of gaugings or weighings, is

greater than the quantity weighed from the kiln, then that computation which yields the largest quantity shall be the quantity for duty; and whenever the difference between the results of the gaugings or weighings, taken as aforesaid, exceeds seven per cent., the return of the quantity of grain placed in steep shall be deemed to have been a fraudulent return, and the maltster shall be liable to all the penalties for making fraudulent or false returns; When return shall be deemed fraudulent.

"(*d.*) Malt shall be weighed when removed from the kiln, and no less quantity than the whole contents of one kiln shall be placed in the warehouse or taken for use ex-manufactory at any one time." Removal from kiln.

7. Section two hundred and eight of "*The Inland Revenue Act*" is hereby repealed and the following substituted therefor:— Section 208 repealed; new section.

"**208.** The duty imposed upon malt shall be finally computed and charged when it is removed from the kiln, and an account thereof shall then be entered in the stock books kept under this Act, which shall be balanced on the first day of each month for the month next preceding that day, but the duty shall be collected whenever any malt is taken for consumption either ex-warehouse or ex-manufactory; and the duty shall, when the malt has been placed in warehouse, be collected on the full quantity of malt entered on the warehouse books as having been placed in such warehouse, notwithstanding any deficiency that may arise or be discovered during its delivery or removal therefrom." Final computation of duty.

8. The paragraph of section two hundred and fifteen of the said Act lettered (*c.*) is hereby repealed and the following substituted therefor:— Section 215 amended.

"(*c.*) The quality of malt, in pounds, malted or made and removed from the kiln on each day during the preceding month."

9. Section two hundred and thirty-four of the said Act, as amended by section eight of the Act passed in the fifty-first year of Her Majesty's reign and chaptered sixteen, is hereby repealed and the following substituted therefor:— Section 234 repealed; new section.

"**234.** There shall be imposed, levied and collected on goods manufactured in bond within Canada, the following duties of excise, which shall be paid to the collector of Inland Revenue, as by this Act provided, that is to say:— Duties of excise.

"All goods manufactured in bond shall, if taken out of bond for consumption in Canada, be subject to duties of excise equal to the duties of customs to which they would be subject if imported from the United Kingdom and entered for consumption in Canada; and whenever any article not the produce of Canada, upon which the duty of excise would be levied if produced in Canada, is taken into a bonded manufactory, the difference between the duty of excise to which it would be so liable, and the customs duty which would On goods manufactured in bond.

be levied on such article, if so imported and entered for consumption, shall be paid as a duty of excise when it is taken into the bonded manufactory; but in the case of spirits to be used for any chemical or manufacturing purpose only, the foregoing provisions of this section may be varied, in whole or in part, by the Governor in Council, provided that no increase of duties shall accrue therefrom:

Variation authorized as to spirits.

Proviso: as to certain articles.

"Provided always, that the undermentioned articles, when manufactured in bond, shall, when entered for consumption in Canada, be subject to the following duties of excise, and to no other, that is to say—

Vinegar.

"Vinegar containing six per cent. of acetic acid, the strength to be determined by such tests as are established by Order in Council,—and so in proportion for any greater or less strength - on every gallon or less quantity than a gallon, four cents;

Spirits used for purposes specified.

"Spirits used in any bonded manufactory in the production of ether and of such other chemical compositions as are determined by the Governor in Council—for every gallon of the strength of proof, by Sikes' hydrometer,—and so in proportion for any greater or less strength, and for any less quantity than a gallon—fifteen cents:"

Coming into force of section.

2. The said section, as so amended, shall relate back to and be deemed to have had force and effect as from the twenty-second day of May, one thousand eight hundred and eighty-eight.

Section 238 amended.

10. Section two hundred and thirty-eight of "*The Inland Revenue Act*" is hereby amended by adding the following sub-section thereto:—

Remission of duty as respects vinegar.

"2. The Minister of Inland Revenue may remit the duty on malt used in the manufacture of vinegar, under the supervision of the Department of Inland Revenue, in a manufactory where no other article than malt is used in the manufacture thereof, and where no other article than vinegar is produced."

Section 241 repealed; new section.

11. Section two hundred and forty-one of the said Act is hereby repealed and the following substituted therefor:—

Quarterly account of stock.

"**241.** On the first day of each of the months of October, January, April, and July, the Inspector of Inland Revenue shall cause to be taken an accurate account of the quantity of each of the articles entered for use in the bonded manufactories under his survey, then in stock, as well as the quantity in process of manufacture; and whenever it appears to his satisfaction,—

"(*a.*) That the articles made in any bonded manufactory have been made in conformity with the law;

"(*b.*) That the conditions of the license have been complied with as to the proportion of each article used and produced; and

"(*c.*) That the quantities of the several articles then on hand, together with the quantities lawfully taken for use in the manufacturing of the articles for which the license is granted, truly represent the whole quantity of the articles entered into the manufactory, as shown by the returns made, and accounts kept in accordance with the law, and the regulations made in that behalf;

"The collector shall certify the quantity of each article so taken for use, and the account, with the manufacturer's bond, shall be credited with the quantities so certified; but— Certificate of collector.

"2. When the quantity of any article found in stock is less than that which, with the quantity lawfully taken for use and accounted for, would be equivalent to the whole quantity of such article taken into the manufactory, the bonded manufacturer shall forthwith pay the amount of duty for which the quantity so deficient would have been liable if entered for consumption from a regular bonding warehouse, and the duty so collected shall be held to be a duty of excise, and shall be collected and accounted for as such: Duty to be paid on short stock.

"3. When it is ascertained by the quarterly stock-taking that the standard of production established by or under this Act has not been reached by any bonded manufacturer, the duty on the quantity of spirits equivalent to the deficiency so determined shall become due and payable within six days of the close of each quarter: When payable.

"4. No article or commodity shall be brought into any bonded manufactory other than those enumerated in the approved formula furnished to the Department of Inland Revenue when the application for license is made; and such formula shall specify only such articles and in such proportions as the Department of Inland Revenue sees fit to permit: What may be taken into manufactory.

"5. Every bonded manufacturer who brings or allows to be brought into his manufactory, or upon whose licensed premises there is at any time found any article or commodity other than those enumerated in his formula submitted to and approved by the Department of Inland Revenue, is guilty of a misdemeanor and shall incur a penalty of two hundred dollars; and all articles and commodities found on the premises wherein any such offence is or has been committed shall be forfeited to the Crown and shall be seized by any officer of Inland Revenue and dealt with accordingly." Penalty for contravention. Forfeiture.

12. The provisions in the three sections next following shall come into force and take effect on the first day of July now next and not before. When following provisions shall come into force.

13. The paragraphs of section two hundred and forty-seven of the said Act lettered (*g.*) and (*h.*) are hereby repealed and the following substituted therefor:— Section 247 amended.

"Caution label."

"(*g.*) The expression "caution label" means and includes the notice required by the provisions of this Act to be attached to certain packages hereinafter described, containing tobacco or cigars;

"Cigarette."

"(*h.*) The expression "cigarette" means any description of cigarette made of cut tobacco, and wrapped with paper or one single thickness of leaf tobacco, or of a description identical with a sealed sample, approved by departmental regulations in that behalf and deposited in the office of the collector of Inland Revenue for the division in which such cigarettes are manufactured, or where any such cigarettes are imported."

Section 258 amended.

14. The last seven lines of subsection one of section two hundred and fifty-eight of the said Act, as amended by section nine of the Act passed in the fifty-first year of Her Majesty's reign and chaptered sixteen,—relating to the duty on cigarettes—are hereby repealed and the following substituted therefor:—

Duty on cigarettes.

"On cigarettes, whether the product of foreign or of domestic leaf tobacco, weighing not more than three pounds per thousand, one dollar and fifty cents per thousand;

"On cigarettes, whether the product of foreign or domestic leaf tobacco, weighing more than three pounds per thousand, six dollars per thousand."

Section 260 amended.

15. The paragraphs of section two hundred and sixty of the said Act lettered (*b.*) and (*c.*) are hereby repealed and the following substituted therefor:—

Packages of fine cut and other kinds of tobacco.

"(*b.*) All fine-cut chewing tobacco and all other kinds of tobacco not otherwise provided for, in packages containing one-twentieth, one-sixteenth, one-twelfth, one-tenth, one-eighth, one-fifth, one-fourth, or one-half of one pound or one pound—except that fine-cut chewing tobacco, when of a quality and description identical with a sealed sample approved by departmental regulations in that behalf, and deposited in the office of the collector of Inland Revenue for the division in which the tobacco is manufactured or where any such tobacco is imported, may, at the option of the manufacturer or importer, be put up in wooden packages containing five or ten pounds each;

Of cut and granulated tobacco, &c.

"(*c.*) All cut and granulated tobacco other than fine-cut chewing, all shorts, the refuse of fine-cut chewing tobacco, which has passed through a riddle of thirty-six meshes to the square inch, and all refuse scraps, cuttings and sweepings of tobacco, in packages containing one-twentieth, one-sixteenth, one-twelfth, one-tenth, one-eighth, one-fifth, one-fourth, or one-half of one pound or one pound each: "

2. The paragraph of the said section two hundred and sixty lettered (*e*) is hereby repealed and the following substituted therefor:—

Of cigarettes.

"(*e.*) All cigarettes, in packages containing ten, twenty, fifty or one hundred cigarettes each."

No. 139.

3rd Session, 6th Parliament, 52 Victoria, 1889

BILL.

An Act further to amend "The Inland Revenue Act" chapter thirty-four of the Revised Statutes.

Received and read first time, Monday, 15th April, 1889.
Second reading, Tuesday, 16th April, 1889.

Mr. Costigan.

OTTAWA:
For the Queen's Printer, &c.
A. Senécal, Superintendent of Printing
1889.

No. 141.] **BILL.** [1889

An Act to amend the Act respecting the Rocky Mountains Park of Canada.

Preamble.

WHEREAS it is expedient to prevent conflict of jurisdiction between the Government of the North-West Territories and the Government of Canada, in respect of the management of the Rocky Mountains Park of Canada, and also to provide for the settlement of claims to or upon the land comprised within the limits of the said park: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Jurisdiction as to Rocky Mountains Park.

1. The tract of land set apart under the "*Act respecting the Rocky Mountains Park of Canada*," as a public park and pleasure ground, under the name of the Rocky Mountains Park of Canada, shall not be subject to the jurisdiction of the Government of the North-West Territories or of its Legislature or laws, in any matter or thing respecting which the Governor in Council is by the said Act authorized to make regulations and in respect of which any regulation or regulations are made thereunder.

How claims land in the Park shall be decided.

2. In the event of any claim being made to or in respect of any part of the lands comprised within the limits of the said park, acquired or held before the passing of the Act setting apart the said park, and such claim being ascertained to be well founded, after due investigation thereof by the Department of Justice, or by any competent court to which the same may be referred, such claim may be settled and adjusted by the payment of the value thereof or of the land claimed, to be determined in the manner provided by law for the valuation of land required for public works; or the land in respect of which such claim is made and found valid, may be conveyed to the claimant at a price and upon terms and conditions to be determined by the Governor in Council.

No. 141.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL.

An Act to amend the Act respecting the Rocky Mountains Park of Canada.

Received and read first time, Thursday, 18th April, 1889.
Second reading, Saturday, 20th April, 1889.

Mr. DEWDNEY.

OTTAWA:
For the Queen's Printer, &c.
A. SENÉCAL, Superintendent of Printing.
1889.

No. 142] **BILL.** [1889.

An Act to amend "The Cullers' Act," chapter one hundred and three of the Revised Statutes.

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

Section 4 of R.S.C., c. 103 amended.

1. Sub-section two of section four of "*The Cullers' Act*" is hereby repealed.

Section 18 repealed, new section

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

Who may be appointed culler.

"**18.** No person shall be appointed as a culler unless he has obtained a certificate of qualification in the manner prescribed in this Act."

Section 32 amended.

3. The paragraph of section thirty-two of the said Act lettered (*b*) is hereby repealed and the following substituted therefor:—

Reduction of number, and annuities.

"(*b*) For reducing the number of cullers to be employed and for granting annuities, not exceeding two hundred dollars in each case, to such of the cullers as are incapable, by reason of age, infirmity or otherwise of pursuing their business of culling, or whose services are no longer required:"

2. The paragraph of the said section thirty-two lettered (*f*) is hereby repealed and the following substituted therefor:—

Change of classification.

"(*f*) For changing the classification of the qualities of timber or lumber as set forth in this Act, such modified classification to have force and effect from and after the publication in the *Canada Gazette* of the Order in Council making the same"

Section 42 amended.

4. Sub-section one of section forty-two of the said Act is hereby repealed and the following substituted therefor:—

Inspection not compulsory, except as specified.

"**42.** Nothing in this Act shall make it compulsory to have any article of lumber measured, culled or assorted, under this Act, except that all square and wany timber shipped for exportation by sea, shall be either measured,

culled or counted, at the option of the persons interested, by a licensed culler, under the control and superintendence of the supervisor or deputy; and the owner or shipper of such timber by whom, or the proprietor or lessee of the premises from which such timber is unlawfully shipped, shall incur a penalty equal to the market value of any timber so unlawfully shipped."

No. 142.

3rd Session, 6th Parliament, 52 Victoria, 18

BILL.

An Act to amend "The Cullers' Act," chapter one hundred and three of the Revised Statutes.

Received and read first time, Thursday, 18th April, 1889.
Second reading, Saturday, 20th April, 1889.

MR. COSTIGAN.

OTTAWA:
For the Queen's Printer, &c.
A. SENÉCAL, Superintendent of Printing
1889.

No. 143.] **BILL.** [1889.

An Act to authorize the conveyance to the Quebec Skating Club of certain Ordnance Lands in the City of Quebec.

Preamble.

WHEREAS the lands hereinafter mentioned and described are part of the property mentioned in "*The British North America Act*, 1867," as Ordnance Property, and are included as such in the schedule to the Revised Statute respecting Ordnance and Admiralty Lands, belonging partly to Class One and partly to Class Two mentioned in the latter Act; and whereas the Quebec Skating Club, a body corporate and politic, have applied for a free grant of the said lands; and whereas the building heretofore occupied by the said club as a skating rink is situated on a plot of Ordnance land on the north side of St. Louis Street, Quebec, outside the main wall of the city, which was sold to the city under authority of an Order in Council of the twenty-first day of March, one thousand eight hundred and seventy-seven, and it appears that, from a military point of view, that building is situated too near the fortification walls; and whereas the said club have undertaken, in the event of their receiving such grant to remove the said building, and propose to erect on the lands applied for a building suitable and which will be available for public exhibition purposes, and it is represented that the Government of the Province of Quebec has offered to the said club a grant of five thousand dollars to aid in the construction of such a building; and whereas it is expedient that such grant should be made, subject to such conditions as the Governor in Council deems proper or advisable: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

A free grant of certain lands may be made.

1. The Governor in Council may make a free grant of the lands hereinafter mentioned to the Quebec Skating Club, their successors and assigns, namely all and singular that certain parcel or tract of land situate, lying and being in the City of Quebec and Province of Quebec, being composed of a piece of land on the north-east side of First Street and of parts of lots numbers 171, 172, 173, 174, 176, 177, 178 and 179 and of parts of First Street and of First Avenue, according to a plan of proposed sub-division of Cove Field, the property of the Government of Canada, made in the year one thousand eight hundred and seventy-six by P. A. Tremblay, Provincial Land Surveyor, and of record in the Department of the Interior, Ottawa, which parcel or tract of land may be more particularly described

Description.

as follows: Commencing at the northerly corner of lot number 171 at the intersection of the south-western limit of First Street by the north-western boundary of the said lot number 171, thence south-westerly along the aforesaid boundary of lot number 171 a distance of thirty-seven and a-half feet, thence south-easterly, on a course parallel to the south-western limit of First Street a distance of three hundred feet more or less to the south-eastern boundary of lot number 179, thence north-easterly, following upon the aforesaid boundary of lot number 179 and the prolongation thereof a distance of one hundred and fifty feet, thence north-westerly on a course parallel to the north-eastern limit of First Street a distance of three hundred feet more or less to the point of intersection by the prolongation of the north-western boundary of lot number 171, thence south-westerly, along the said prolongation of the said boundary of lot number 171, a distance of one hundred and twelve and a-half feet more or less to the point of commencement, containing by admeasurement forty-five thousand square feet, be the same more or less,—or of such interest therein as Her Majesty has or may have for the use of Canada.

Extent.

Conditions.

2. The said grant shall be subject to such provisions and conditions as the Governor in Council deems proper and advisable.

No. 143.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL.

An Act to authorize the conveyance to the Quebec Skating Club of certain Ordnance Lands in the City of Quebec.

Received and read first time, Saturday, 20th April, 1889.
Second reading, Monday, 22nd April, 1889.

Mr. DEWDNEY.

OTTAWA:
For the Queen's Printer, &c.
A. SENÉCAL, Superintendent of Printing.
1889.

No. 144.] **BILL.** [1889

An Act relating to Ocean Steamship Subsidies.

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

Subsidy for service to Australia and New Zealand.

1. The Governor in Council may grant to any individual or company a subsidy not exceeding the sum of twenty-five thousand pounds sterling per annum, to assist in establishing an effective fortnightly steamship service between British Columbia and the Australian colonies and New Zealand, or such proportion thereof as may be decided on by the Governor in Council to assist in establishing a monthly service with the said countries, such subsidy to be granted for such term of years, not exceeding ten, and on such conditions as the Governor in Council considers expedient.

And to China and Japan.

2. The Governor in Council may grant to any individual or company, to whom there is granted by the Government of the United Kingdom the aid hereinafter mentioned, a subsidy not exceeding the sum of fifteen thousand pounds sterling per annum, for a monthly steamship service, or a subsidy not exceeding the sum of twenty-five thousand pounds sterling per annum, for a fortnightly steamship service, between British Columbia and China and Japan, such subsidy to be granted for such term of years and on such conditions as the Governor in Council considers expedient: Provided always, that during such term the Government of the United Kingdom g. ants to such individual or company a subsidy of not less than forty-five thousand pounds sterling per annum for the monthly service, or of not less than seventy-five thousand pounds sterling per annum for the fortnightly service above mentioned.

Proviso.

Service between Canada and United Kingdom.

3. The Governor in Council may enter into a contract for a term not exceeding ten years with any individual or company, for the performance of a fast weekly steamship service between Canada and the United Kingdom, making connection with a French port, on such terms and conditions as to the carriage of mails and otherwise as the Governor in Council deems expedient, for a subsidy not exceeding the sum of five hundred thousand dollars a year.

No. 144.

3rd Session, 6th Parliament, 52 Victoria, 1889.

BILL.

An Act relating to Ocean Steamship Subsidies.

Received and read a first time, Monday, 22nd April, 1889.
Second reading, Tuesday, 23rd April, 1889.

Mr. FOSTER.

OTTAWA:
For the Queen's Printer, &c.
A. SENÉCAL, Superintendent of Printing.
1889.

No. 150.] **BILL.** [1889.

Acte modifiant les Statuts revisés, chapitre cent trente-huit, concernant les juges des cours provinciales.

SA Majesté, par et avec l'avis et le consentement du Sénat et de la Chambre des Communes du Canada, décrète ce qui suit :—

1. L'article quatre de l'*Acte concernant les juges des cours provinciales*, tel que modifié par l'acte passé en la cinquante-unième année du règne de Sa Majesté, sous le chapitre trente-huit, est par le présent modifié de nouveau en en retranchant les neuvième, dixième et onzième lignes, et les remplaçant par ce qui suit :— S.R.C., c. 138, art. 4 modifié.

"Treize juges puînés de la dite cour, dont le domicile est fixé à Montréal ou à Québec (non compris le juge du district de Terrebonne), chacun.....$5,000 par année.'

2. L'article onze du dit acte est par le présent modifié en en retranchant la vingt-neuvième ligne et la remplaçant par ce qui suit :— Art. 11 modifié.

"Les juges des cours de comté de Caribou, New-Westminster, Yale et Nanaïmo, chacun..... $2,400 par année."

No. 150.

3e Session, 6e Parlement, 52 Victoria, 1889.

BILL.

Acte modifiant les Statuts revisés, chapitre cent trente-huit, concernant les juges des cours provinciales.

Reçu et lu, une première, deuxième et troisième fois, et passé, mardi, 30 avril 1889.

M. THOMPSON.

OTTAWA:
Pour l'Imprimeur de la Reine, etc.
—
A. SENÉCAL, Surintendant des Impressions.
—
1889.

BILL.

An Act to make further provision respecting inquiries concerning Public Matters.

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

S. 2 of R.S.C., c. 114 repealed; new provision.

1. Section two of chapter one hundred and fourteen of the Revised Statutes, intituled: "*An Act respecting inquiries concerning public matters*," is hereby repealed and the following sections substituted in lieu thereof:—

Witnesses may be compelled to give evidence.

"**2.** Such commissioners shall have the same power to enforce the attendance of such witnesses, and to compel them to give evidence as is vested in any court of record in civil cases.

No exemption on ground of self-crimination.

"**3.** No witness examined before such commissioners or before any commissioners appointed by the Lieutenant Governor in Council of any province of Canada to conduct any inquiry into and concerning the good government of such province, or the conduct of any part of the public business thereof, or the administration of justice therein, shall be excused from answering any question put to him on the ground that the answer thereto may criminate or tend to criminate himself; but no evidence so taken shall be admissible against any such witness in any criminal proceeding, except in the case of a witness accused of having given false evidence at any such inquiry or of having procured, or attempted or conspired to procure, the giving of such evidence."

3rd Session, 6th Parliament, 52 Victoria, 18

A

BILL.

An Act to make further provision respecting inquiries concerning Public Matters.

Received and read first time, Friday, 1st February, 1889.
Second reading, Tuesday, 5th February, 1889.

Hon. Mr. ABBOTT

OTTAWA:
For the Queen's Printer, &c.
—
A. SENÉCAL, Superintendent of Printing.
—
1889.

BILL.

An Act respecting corrupt practices in Municipal affairs.

Preamble.

WHEREAS it is expedient to make provision for the prevention of bribery and other offences in connection with municipal affairs: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Interpretation.

1. In this Act the expression "municipal council" includes the municipal governing body of every county, union of counties, township, city, town, village, parish and municipality, having corporate powers in any Province of Canada.

Unduly influencing member to vote.

2. Every person who, directly or indirectly,—

(*a.*) Makes any offer, proposal, gift, loan, promise or agreement to pay or give any money or other material compensation or consideration to any member of a municipal council, whether the same is to enure to his own advantage or to the advantage of any other person, for the purpose of inducing such member either to vote or to abstain from voting at any meeting of the council of which he is a member or at any meeting of a committee of such council, in favor of or against any measure, motion, resolution, or question submitted to such council or committee; or

Or to procure or prevent any vote, &c.

(*b.*) Makes any offer, proposal, gift, loan, promise or agreement to pay or give any money or other material compensation or consideration to any member or to any officer of a municipal council for the purpose of inducing him to aid in procuring or preventing the passing of any vote or the granting of any contract or advantage in favor of any person whomsoever; or

Unduly influencing officer of municipality.

(*c.*) Makes any offer, proposal, gift, loan, promise or agreement to pay or give any money or other material compensation or consideration to any officer of a municipal council for the purpose of inducing him to perform or abstain from performing, or to aid in procuring or preventing the performance of any official act whatsoever; or

Accepting any offer, &c.

(*d.*) Being a member or officer of a municipal council, accepts or consents to accept any such offer, proposal, gift, loan, promise, agreement, compensation or consideration as is in this section before mentioned; or in consideration thereof, votes or abstains from voting in favor of or against

any measure, motion, resolution or question or performs or abstains from performing any official act; or

Deterring by threats, &c.

(*e*) Attempts by any threat, deceit, suppression of the truth or other unlawful means to influence any member of a municipal council in giving or withholding his vote in favor of or against any measure, motion, resolution or question, or in not attending any meeting of the municipal council of which he is a member, or of any committee thereof; or

The same.

(*f*.) Attempts by any such means as in the next preceding paragraph mentioned, to influence any member or any officer of a municipal council to aid in procuring or preventing the passing of any vote or the granting of any contract or advantage in favor of any person whomsoever, or to perform or abstain from performing or to aid in procuring or preventing the performance of any official act whatsoever;

Penalty.

Is guilty of a misdemeanor and liable to a fine not exceeding *one thousand* dollars and not less than *one hundred* dollars, and to imprisonment for a term not exceeding two years and not less than one month, and in default of payment of such fine, to imprisonment for a further term not exceeding six months.

Time for prosecution limited.

3. No prosecution under the provisions of this Act shall be commenced except within three years from the commission of the offence.

3rd Session, 6th Parliament, 52 Victoria, 1889.

B

BILL.

An Act respecting corrupt practices in Municipal Affairs.

Received and read first time, Friday, 1st February, 1889.
Second reading, Tuesday, 5th February, 1889.

Hon. Mr. ABBOTT.

OTTAWA:
For the Queen's Printer, &c.
A. SENÉCAL, Superintendent of Printing.
1889.

BILL.

An Act relating to Bills of Lading.

Preamble.

WHEREAS by the custom of merchants, a bill of lading of goods being transferable by endorsement the property in the goods may thereby pass to the endorsee, but nevertheless all rights in respect of the contract contained in the bill of lading continue in the original shipper or owner, and it is expedient that such rights should pass with the property: And whereas it frequently happens that the goods in respect of which bills of lading purport to be signed have not been laden on board, and it is proper that such bills of lading in the hands of a *bona fide* holder for value should not be questioned by the master or other person signing the same, on the grounds of the goods not having been laden as aforesaid; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Rights vested in consignee or endorsee.

1. Every consignee of goods named in a bill of lading, and every endorsee of a bill of lading to whom the property in the goods therein mentioned passes upon or by reason of such consignment or endorsement, shall have and be vested with all such rights of action and be subject to all such liabilities in respect of such goods as if the contract contained in the bill of lading had been made with himself.

Certain rights saved.

2. Nothing in this Act contained shall prejudice or affect any right of stoppage *in transitu*, or any right of an unpaid vendor under the Civil Code of Lower Canada, or any right to claim freight against the original shipper or owner, or any liability of the consignee or endorsee by reason or in consequence of his being such consignee or endorsee, or of his receipt of the goods by reason or in consequence of such consignment or endorsement.

Bill of lading to be evidence of shipment.

3. Every bill of lading in the hands of a consignee or endorsee for valuable consideration representing goods to have been shipped on board a vessel or train shall be conclusive evidence of such shipment as against the master or other person signing the same, notwithstanding that such goods or some part thereof may not have been so shipped, unless such holder of the bill of lading has actual notice at the time of receiving the same that the goods had not in fact been laden on board or unless such bill of lading has a stipulation to the contrary: Provided, that the master or

How person liable may exonerate himself.

other person so signing may exonerate himself in respect of such misrepresentation by showing that it was caused without any default on his part, and wholly by the fault of the shipper, or of the holder, or of some person under whom the holder claims.

3rd Session, 6th Parliament, 52 Victoria, 1889.

C

BILL.

An Act relating to Bills of Lading.

Received and read first time, Friday, 1st February, 1889.
Second reading, Tuesday, 5th February, 1889.

Hon. Mr. ABBOTT.

OTTAWA:
For the Queen's Printer, &c.
A. SENÉCAL, Superintendent of Printing.
1889.

BILL.

An Act to amend "The Railway Act."

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

1. Notwithstanding anything in section fourteen of "*The Railway Act*," all railway companies under the jurisdiction of the Parliament of Canada shall make and keep in repair all fences, roads, drains, ditches and water courses, and shall be subject to all municipal regulations and provisions in respect thereof, in or for lands belonging to or held by the Company, and shall be subject to any regulations as to damages or to any charges, public, municipal or local, as the case may be, in any county, parish or township in Canada through which the railway passes, unless exempted from such regulations or charges by the special Act of Incorporation. And the Company may, in default or contravention thereof, be prosecuted therefor by the officer or officers of any municipality, or by anyone suffering damages by the non-performance of any railway company of its duties and liabilities under this Act, before any court of competent jurisdiction in any province of Canada within the jurisdiction of which such fence, road, drain, ditch or water course is situated. And the service of the summons, writ or warrant upon any clerk or officer in charge of the section of the railway within the said jurisdiction, or at the nearest depot of the railway, shall be good service upon the Company for the purposes of this Act. 51 V., c. 29, s. 14.

Railways to make and repair fences, roads, drains, &c., and to be subject to municipal regulations in respect thereof.

Subject to damages for contravention or neglect.

Summons, &c., how served.

2. Whenever it is decided by any municipal council of a county, township or parish in Canada, or by any inhabitant thereof, to construct a drain or ditch for the purpose of draining their lands, and the drain or ditch is to cross the railway lands and railway of any company, and the railway company has had due notice served on it of the intention to construct such drain or ditch, which notice may be served as provided in the next preceding section for the service of a summons, writ or warrant, and has been furnished with plans and specifications, prepared by a civil engineer or provincial land surveyor, of that part or portion of the drain or ditch to be constructed across the company's lands and railway, and with an estimate, also so prepared, of the cost of constructing the said drain or ditch across its property, and if the estimated cost does not exceed the sum of four hundred dollars, the railway company shall, after the expiration of a reasonable time, construct that part

Those portions of drains and ditches crossing railway lands to be built by the company if under $400 in estimated cost.

or portion of the said drain or ditch across or under its lands and railway of the same size and dimensions as specified on the plans and specifications furnished to the company.

Provision for arbitration in case of disagreement as to cost.

3. If the municipality or person proposing to construct the drain or ditch and the railway company do not agree upon their respective portions or amounts of the cost of construction of the drain or ditch across the company's lands and railway, and if the whole cost of construction does not exceed the sum of four hundred dollars, as estimated by a civil engineer or provincial land surveyor, then such municipality or person may tender the railway company the sum that they think is fair and just as their portion of the cost of construction of the drain or ditch across the railway company's lands and railway, and if the railway company does not accept the amount tendered then the amount that each shall pay or bear shall be decided by arbitration, and any amount awarded by the arbitrator, or arbitrators, to be paid the railway company shall be a charge on the lands drained, and shall be collectible as a judgment of any court of competent jurisdiction for the amount awarded to the company for the construction of the drain or ditch, and the judgment or award of the arbitrator, or arbitrators shall be final under this Act, and there shall be no appeal from their judgment or award.

Award final.

Procedure as to arbitration.

4. The appointment of an arbitrator, or arbitrators, and the mode of procedure under this Act as to arbitration shall be, as nearly as may be, in the same manner as provided in "*The Railway Act*" from section one hundred and forty-six to subsection one of section one hundred and sixty-one inclusive.

3rd Session, 6th Parliament, 52 Vic

D

BILL.

An Act to amend "The Rail

Received and read first time, W
6th February, 1889.
Second reading, Wednesday, 20th
1889.

Honorable Mr. McC

OTTAWA:
For the Queen's Printer, &
A. SENÉCAL, Superintendent of P
1889.

BILL.

An Act to amend "The Railway Act."

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

Railway to maintain drains, &c., for its own lands.

1. Notwithstanding anything in section fourteen of "*The Railway Act*," it shall be the duty of every railway company under the jurisdiction of the Parliament of Canada, and without any such contribution as is hereinafter referred to, to maintain and keep in repair all necessary drains, ditches, and water courses in existence at the passing of this Act, in and for lands belonging to or held by such Company.

Provision for drainage across railways of lands not belonging to the railway.

2. Whenever the municipal council of any county, township, parish, or other municipality in Canada, either of its own motion or on the application of any inhabitant thereof, determines that it is necessary to construct a drain or ditch for the purpose of draining lands in the municipality across the lands and railway of any railway company, such drain or ditch shall, subject to the conditions hereinafter provided, be made and maintained across the line of such railway and lands, and on equitable terms to be settled as hereinafter provided.

Notice to the railway company.

3. Such council, hereinafter referred to as the applicant, may serve upon the Company, by leaving the same with any officer in charge of the nearest station, a notice in writing of such decision, together with a description of the lands outside the railway to be benefitted by the proposed drainage, which notice shall be accompanied by plans and specifications prepared and certified by a civil engineer or provincial land surveyor, of that part or portion of the drain or ditch to be constructed across the Company's lands and railway, and with an estimate also so prepared and certified, of the cost of constructing and maintaining the said drain or ditch across its property, and if the estimated cost of such construction does not exceed the sum of four hundred dollars, the Railway Company shall, after the expiration of a reasonable time, construct that part or portion of the said drain or ditch across its lands and railway of the same size and dimensions as are specified on the plans and specifications furnished as aforesaid. unless it disputes in the manner hereinafter mentioned the propriety of the proposed work, or the correctness of such notice, plan, specification or estimate, in which case the dispute shall be enquired into and finally determined in the manner hereinafter provided.

Requisites of notice.

Railway company to construct drains costing less than $400.

Exception.

Provision for disagreement in certain cases.

4. If neither the applicant nor the Company give notice of dispute as in the next section of this Act provided for, and if the Company and the applicant do not agree as to whether the railway is to be benefitted by the proposed drainage, or, if benefitted, as to what contribution the applicant should pay towards the construction and maintenance of the work, and if the whole cost of construction does not exceed the sum of four hundred, dollars as estimated by a civil engineer or provincial land surveyor as aforesaid, then the applicant may tender the Railway Company the sum that the applicant thinks is fair and just as its portion of the said cost of construction and may offer to bear afterwards such proportion of the maintenance as it may think just and fair, and if the Railway Company does not accept the amount so tendered, or if it disputes that the offer is for the proper proportion of future maintenance, then the proportion of the cost of construction and maintenance, or of either as the case may be, that each shall pay or bear, or the question whether it shall be borne altogether by the applicant, shall

To be decided by arbitration.

be decided by arbitration, and any amount or amounts awarded by the arbitrator or arbitrators to be paid to the Railway Company in respect of such construction or maintenance, shall from time to time be collectable from the applicant as a judgment of a court of competent jurisdiction

Award how enforced.

for the amount or amounts so awarded to the Company, or if the award determines upon the proportion of the cost of construction or maintenance payable by the applicant, without mentioning the amount, then such proportion shall be recoverable before any court of competent jurisdiction, and the judgment or award of the arbitrator or arbitrators shall have the same force and effect and be as binding and conclusive as if it had been made by arbitrators concerning the expropriation of land under "*The Railway Act*," and the

Mode of arbitration.

appointment of an arbitrator or arbitrators and the mode of procedure under this Act as to arbitration, shall be, as nearly as may be, in the same manner as provided in "*The Railway Act*," from section hundred and forty-six to the first sub-section of section one hundred and sixty-one inclusive, which last sub-section shall apply without regard to the amount of the award.

Other disputes to be settled by Railway Committee.

5. If any dispute, other than concerning the respective proportions of contribution which are to be settled by arbitration as aforesaid, shall arise between the applicant and the company, either in regard to the safety or suitability of the place designated for the work or the sufficiency or correctness of any plans, specifications or estimate, or the propriety of the proposed work, or the manner in which the same is to be maintained, or otherwise, the party disputing may, within thirty days after receipt of such plans, specifi-

Notice, how given.

cations or estimate, give notice in writing of the objections to the other party and to the Minister of Railways, and thereupon the Minister or the Railway Committee of the

Inspection of locality.

Privy Council may cause an inspection of the locality to be made by such person as he or they may appoint, and the dispute may be enquired into on the spot by such proceedings as he or they may direct, after which the Railway

Committee may make such order in the premises as they shall deem fit and proper, which order shall finally determine such dispute. Order of Railway Committee final.

6. Every railway company shall be subject to all general municipal regulations, not inconsistent with this Act, respecting the maintenance and repair of drains, ditches and water-courses in any county, parish, township, or other municipality in Canada through which the railway passes, unless exempted therefrom by the special Act of incorporation. Railways to be subject to general municipal regulations as to drains, &c. Exception.

7. Every notice given by the applicant shall contain a post office address within the Dominion of Canada to which notices intended for the applicant may be addressed, and any notice to be given to the applicant shall be sufficiently given if posted by registered letter in any post office of the Dominion of Canada directed to the address so given. Notices by and to applicant.

8. The provisions of "*The Railway Act*" with respect to drainage shall continue to apply to all cases not provided for by this Act. Proviso, as to application of "The Railway Act."

3rd Session, 6th Parliament, 52 Victoria, 1889.

D

BILL.

An Act to amend "The Railway Act."

(*Reprinted as proposed to be amended by the Sub-Committee of The Select Committee of the Senate on Railways, Telegraphs and Harbors.*)

Honorable Mr. McCallum.

OTTAWA:
For the Queen's Printer, &c.
—
A. Senécal, Superintendent of Printing.
—
1889.

BILL.

An Act to permit the Conditional Release of First offenders in certain cases.

Preamble.

WHEREAS it is expedient to make provision for cases where the reformation of persons convicted of first offences may, by reason of the offender's youth or the trivial nature of the offence, be brought about without imprisonment: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Interpretation. "Court."

1. In this Act the expression "court" means and includes any superior court of criminal jurisdiction, any "Judge" or "Court of General Sessions of the Peace" within the meaning of "*The Speedy Trials Act*" as amended, and any "Magistrate" within the meaning of "*The Summary Trials Act.*"

In cases specified release of prisoner may be directed.

2. In any case in which a person is convicted before any court of larceny or false pretences, or any other offence punishable with not more than two years' imprisonment, and no previous conviction is proved against him, if it appears to the court before whom he is so convicted, that, regard being had to the youth, character, and antecedents of the offender, to the trivial nature of the offence, and to any extenuating circumstances under which the offence was committed, it is expedient that the offender be released on probation of good conduct, the court may, instead of sentencing him at once to any punishment, direct that he be released on his entering into a recognizance, with or without sureties, and during such period as the court directs, to appear and receive judgment when called upon, and in the meantime to keep the peace and be of good behaviour:

Recognizance.

Payment of costs.

2. The court may, if it thinks fit, direct that the offender shall pay the costs of the prosecution, or some portion of the same, within such period and by such instalments as the court directs.

If conditions of recognizance are not observed.

Warrant.

3. If a court having power to deal with the offender in respect of his original offence, or any justice of the peace, is satisfied by information on oath that the offender has failed to observe any of the conditions of his recognizance, such court or justice of the peace, may issue a warrant for his apprehension:

Proceedings thereupon.

2. An offender, when apprehended on any such warrant, shall, if not brought forthwith before the court having power to sentence him, be brought before the justice issuing such warrant or before some other justice in and for the same territorial division, and such justice shall either re-

Remand.

mand him by warrant until the time at which he was required by his recognizance to appear for judgment, or until the sitting of a court having power to deal with his

Bail.

original offence, or admit him to bail with a sufficient surety conditioned on his appearing for judgment:

Subsequent proceedings.

3. The offender when so remanded may be committed to a prison, either for the county or place in or for which the justice remanding him acts, or for the county or place where he is bound to appear for judgment; and the warrant of remand shall order that he be brought before the court before which he was bound to appear for judgment, or to answer as to his conduct since his release.

Requirements previous to release.

4. The court, before directing the release of an offender under this Act, shall be satisfied that the offender or his surety has a fixed place of abode or regular occupation in the county or place for which the court acts, or in which the offender is likely to live during the period named for the observance of the conditions.

3rd Session, 6th Parliament, 52 Victoria, 1889.

E

BILL.

An Act to permit the Conditional Release of First offenders in certain cases.

Received and read first time, Thursday 21st February, 1889.
Second reading, Monday, 25th February, 1889.

The Honourable
Mr. ABBOTT.

OTTAWA:
For the Queen's Printer, &c.
A. SENÉCAL, Superintendent of Printing.
1889.

BILL.

An Act for the relief of William Henry Middleton.

Preamble.

WHEREAS William Henry Middleton, of the City of Ottawa, in the County of Carleton, in the Province of Ontario, gentleman, hath, by his petition, humbly set forth that he duly married Mary Froude Middleton (formerly Mary Froude Wise) on the third day of November, one thousand eight hundred and eighty-six, at the said City of Ottawa, according to the rites and ceremonies of the Church of England; that the said marriage was by license; that after the solemnization of the said marriage he and the said Mary Froude Middleton elected their matrimonial domicile at the said City of Ottawa, and lived together and cohabited together in the said City of Ottawa until the fifteenth day of October, one thousand eight hundred and eighty-seven, when the said Mary FroudeMiddleton left the said matrimonial domicile and deserted her said husband and went to the United States of America, where she was joined by one Charles Fenwick William Hamilton who had previously lived at the said City of Ottawa, at the Town of St. Albans, in the State of Vermont, one of the United States of America aforesaid; that the said Mary Froude Middleton and the said Charles Fenwick William Hamilton travelled together in the said United States of America and stayed at various places therein together; that the said Mary Froude Middleton committed adultery with the said Charles Fenwick William Hamilton, in the said United States of America and elsewhere; that, shortly after the said Mary Froude Middleton deserted her said husband as aforesaid, he learned, as the fact was, and is, that the said Mary Froude Middleton had frequently committed adultery with the said Charles Fenwick William Hamilton, between the said third day of November, one thousand eight hundred and eighty-six, and the said fifteenth day of October, one thousand eight hundred and eighty-seven; that there has been no issue of the said marriage between him and the said Mary Froude Middleton; that ever since the fifteenth day of October, one thousand eight hundred and eighty-seven, he has lived separate and apart from the said Mary Froude Middleton and has not cohabited with her, and that he has not in any way condoned the adultery committed by the said Mary Froude Middleton, and that no collusion or connivance exists between him and the said Mary Froude Middleton to obtain a dissolution of the said marriage; and whereas the said William Henry Middleton has made proof of the facts above recited; and whereas the said William Henry Middleton has humbly prayed that the said mar-

riage between him and the said Mary Froude Middleton may be dissolved and be declared henceforth null and void to all intents and purposes whatsoever, and that it may be declared and enacted lawful for the said William Henry Middleton at any time hererfter to marry any other woman whom he might lawfully have married in case the said marriage had not been solemnized, and that it may be declared and enacted that, in the event of the said William Henry Middleton hereafter marrying, he and the woman he so marries and the issue, if any, of such marriage shall have and possess the same rights in every respect as if his marriage with the said Mary Froude Middleton had never been solemnized; and whereas it is expedient that the prayer of the said petitioner 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:—

His marriage dissolved.

1. The said marriage between the said William Henry Middleton and the said Mary Froude Middleton, his wife, is hereby dissolved, and shall henceforth be null and void to all intents and purposes whatsoever

He may marry again.

2. The said William Henry Middleton may, at any time hereafter, marry any other woman whom he might lawfully have married in case the said marriage had not been solemnized.

Rights of himself and issue in such case.

3. In the event of the said William Henry Middleton hereafter marrying, he and the woman whom he so marries, and the issue, if any, of any such marriage, shall have and possess the same rights in every respect as if his said marriage with the said Mary Froude Middleton had never been solemnized.

3rd Session, 6th Parliament, 52 Victori

F

BILL.

An Act for the relief of William Middleton.

Received and read first time, Frida February, 1889.
Second reading, Tuesday, 12th Marc

Hon. Mr. CLE

OTTAWA:
For the Queen's Printer, &c.
A. SENÉCAL, Superintendent of Pri
1889.

BILL.

An Act for the relief of William Gordon Lowry.

Preamble.

WHEREAS William Gordon Lowry, of the Township of Huntley, in the County of Carleton and Province of Ontario, yeoman, has, by his petition, humbly set forth in effect that on the twelfth day of September, in the year of our Lord one thousand eight hundred and eighty-seven, at Carp Village, in the said Township of Huntley, he was married, by license, to Florence Moorhead, of the said Township of Huntley, spinster, according to the rites and ceremonies of the Canada Presbyterian Church; that there has been no issue of said marriage; that on or about the first day of October, one thousand eight hundred and eighty-seven, the said Florence Lowry (formerly Florence Moorhead) deserted her said husband and has not since resided with the said William Gordon Lowry; that after the said Florence Lowry deserted him as aforesaid, he, the said William Gordon Lowry, discovered, as the fact was, that the said Florence Lowry had been leading an irregular life, and had committed adultery with a person named in the evidence on or about the first day of November, one thousand eight hundred and eighty-seven, and on divers occasions before and subsequent to said last mentioned date; and whereas the said William Gordon Lowry has humbly prayed that the said marriage may be dissolved so as to enable him to marry again, and that such further relief may be afforded him as may be deemed meet; and whereas the said William Gordon Lowry has proved the allegations of his said petition and has established the adultery above-mentioned, and it is expedient that the prayer of his 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:—

His marriage dissolved.

1. The said marriage between William Gordon Lowry and Florence Lowry, his wife, is hereby dissolved, and shall henceforth be null and void to all intents and purposes whatsoever.

He may marry again.

2. The said William Gordon Lowry may at any time hereafter marry any woman whom he might lawfully marry in case the said marriage with the said Florence Lowry had not been solemnized.

Rights of him and his issue in such case.

3. In the event of the said William Gordon Lowry hereafter marrying, he and the woman whom he so marries and the issue if any of any such marriage shall have and possess the same rights in every respect as if his said marriage with the said Florence Lowry had never been solemnized.

3rd Session, 6th Parliament, 52 Victoria, 1889.

G

BILL.

An Act for the relief of William Gordon Lowry.

Received and read a first time, Friday, 22nd February, 1889.
Second reading, Tuesday, 12th March, 1889.

Hon Mr. CLEMOW.

OTTAWA:
For the Queen's Printer, &c.
A. SENÉCAL, Superintendent of Printing.
1889.

BILL.

An Act for the relief of Bennett Rosamond.

Preamble.

WHEREAS Bennett Rosamond, of the town of Almonte, in the County of Lanark and Province of Ontario, manufacturer, has, by his petition, humbly set forth that on the twenty-fourth day of August, one thousand eight hundred and fifty-two, he was lawfully married to Adair M. Rosamond, then Adair M. Roy, and such marriage was duly solemnized at Smith's Falls, in the County of Lanark, according to the rites of the then United Church of England and Ireland; that the said Bennett Rosamond and Adair M. Rosamond cohabited together as husband and wife until on or about the twentieth day of April, one thousand eight hundred and fifty-nine, and there was issue of the said marriage three children, two of whom still survive; that at the last mentioned date the said Bennett Rosamond discovered, as the fact was, that the said Adair M. Rosamond had been living an irregular life, and had been committing adultery with a certain person named in the evidence, and the said Bennett Rosamond thereupon separated from the said Adair M. Rosamond and has ever since continued to live apart from her; that recently the said Bennett Rosamond has ascertained that shortly after the said separation the said Adair M. Rosamond committed adultery with a certain other person named in the evidence; and whereas the said Bennett Rosamond has humbly prayed that the said marriage may be dissolved so as to enable him to marry again, and that he may have such further relief afforded him as may be deemed meet; and whereas the said Bennett Rosamond has proved the allegations in his said petition, and has established the adultery above mentioned, and it is expedient that the prayer of his 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:—

His marriage dissolved.

1. The marriage between the said Bennett Rosamond and the said Adair M. Rosamond, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

He may marry again.

2. The said Bennett Rosamond may, at any time hereafter, contract matrimony with any other woman whom he might lawfully marry in case the said first mentioned marriage with the said Adair M. Rosamond had not been solemnized.

Rights of him and his issue in such case.

3. In case of the said Bennett Rosamond marrying any woman whom it would have been lawful for him to marry if he and the said Adair M Rosamond had not intermarried, and of there being any issue born to him of such subsequent marriage, the said issue so born shall be and the same are hereby declared to be, to all intents and purposes, legitimate, and the right of them, the said issue, and each of them, and their respective heirs, as respects their and each of their capacity to inherit, have, hold, enjoy and transmit all and all manner of property, real or personal, of any nature or kind whatsoever, shall be and remain the same as they would have been, to all intents and purposes whatsoever, if the marriage between the said Bennett Rosamond and Adair M. Rosamond had not been solemnized.

3rd Session, 6th Parliament, 52 Victoria, 1889.

H

BILL.

An Act for the relief of Bennett Rosamond.

Received and read first time, Friday, 22nd February, 1889.
Second reading, Tuesday, 12th March, 1889.

Hon. Mr. CLEMOW.

OTTAWA:
For the Queen's Printer, &c.
—
A. SENÉCAL, Superintendent of Printing.
—
1889.

BILL.

An Act for the relief of Arthur Wand.

Preamble.

WHEREAS Arthur Wand, of the city of Montreal, in the District of Montreal, in the Province of Quebec, contractor, has, by his petition, humbly set forth in effect that on the seventeenth day of July, in the year of our Lord one thousand eight hundred and eighty-three, at the city of Montreal, in the Province of Quebec, he was married to Jennie Darrach, formerly of the said city of Montreal but now of the city of New York, in the State of New York, one of the United States of America; that there has been no living issue of said marriage; that on or about the twelfth day of September, one thousand eight hundred and eighty-five, the said Jennie Darrach deserted her said husband and has not since resided with the said Arthur Wand; that shortly after the said Jennie Darrach deserted him as aforesaid, he, the said Arthur Wand, discovered, as the fact was, that the said Jennie Darrach had been leading an irregular life, and had committed adultery with a person named in the evidence on or about the twenty-eighth day of July, one thousand eight hundred and eighty-five, and on divers occasions subsequent to said last mentioned date; and whereas the said Arthur Wand has humbly prayed that the said marriage may be dissolved so as to enable him to marry again, and that such further relief may be afforded him as may be deemed meet; and whereas the said Arthur Wand has proved the allegations of his said petition and has established the adultery above-mentioned, and it is expedient that the prayer of his 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:—

His marriage dissolved.

1. The said marriage between Arthur Wand and Jennie Darrach, his wife, is hereby dissolved and shall henceforth be null and void to all intents and purposes whatsoever.

He may marry again

2. The said Arthur Wand may at any time hereafter marry any woman whom he might lawfully marry in case the said marriage with the said Jennie Darrach had not been solemnized.

Rights of him and his issue in such case.

3. In the event of the said Arthur Wand hereafter marrying, he and the woman whom he so marries and the issue if any of any such marriage shall have and possess the same rights in every respect as if his said marriage with the said Jennie Darrach had not been solemnized.

His wife's matrimonial rights forfeited.

4. The said Jennie Darrach is hereby declared to have forfeited all her matrimonial rights which she acquired in consequence of her said marriage with the said Arthur Wand.

3rd Session, 6th Parliament, 52 Victoria, 1889.

I

BILL.

An Act for the relief of Arthur Wand.

Received and read a first time, Friday, 22nd February, 1889.
Second reading, Tuesday, 12th March, 1889.

Hon. Mr. CLEMOW.

OTTAWA:
For the Queen's Printer, &c.
—
A. SENÉCAL, Superintendent of Printing.
—
1889.

BILL.

An Act for the relief of George McDonald Bagwell.

Preamble.

WHEREAS George McDonald Bagwell, of the city of Hamilton, in the Province of Ontario, printer, has, by his petition, humbly set forth that on the sixth day of March, one thousand eight hundred and sixty-seven, he was lawfully married to Ella Alexine Louisa Bagwell, his present wife (then Ella Alexine Louisa Crane, spinster), and such marriage was duly solemnized at Ancaster, in the County of Wentworth, according to the rites of the Episcopal church; that the said George McDonald Bagwell and Ella Alexine Louisa Bagwell cohabited together as husband and wife until the ninth day of May, one thousand eight hundred and eighty-seven, and there was issue of the said marriage one child, to wit, Fannie Dell Rosina Bagwell; that on or about the said ninth day of May, one thousand eight hundred and eighty-seven, the said George McDonald Bagwell and Ella Alexine Louisa Bagwell agreed, by a deed of separation in writing, to live separate and apart, and the said George McDonald Bagwell has ever since continued to live apart from the said Ella Alexine Louisa Bagwell; that shortly after the said Ella Alexine Louisa Bagwell separated from him as aforesaid, he, the said George McDonald Bagwell, discovered, as the fact was, that the said Alexine Louisa Bagwell had been living an irregular life, and had, previous to such separation, been committing adultery with a certain person named in the evidence, and that she afterwards committed adultery with the same person in the city of Toronto, on the sixteenth day of May, one thousand eight hundred and eighty-seven; and whereas the said George McDonald Bagwell has humbly prayed that the said marriage may be dissolved so as to enable him to marry again, and that he may have such further relief afforded him as may be deemed meet; and whereas the said George McDonald Bagwell has proved the allegations in his said petition, and has established the adultery above mentioned, and it is expedient that the prayer of his said petition be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and the House of Commons of Canada, enacts as follows:—

His marriage dissolved.

1. The marriage between the said George McDonald Bagwell and the said Ella Alexine Louisa Bagwell, his wife, is hereby dissolved and shall be henceforth null and void to all intents and purposes whatsoever.

He may marry again.

2. The said George McDonald Bagwell may, at any time hereafter, contract matrimony with any other woman whom

he might lawfully marry, in case the said first mentioned marriage with the said Ella Alexine Louisa Bagwell had not been solemnized.

Rights of his issue in such case.

3. In case of the said George McDonald Bagwell hereafter marrying any woman whom it would have been lawful for him to marry if he and the said Ella Alexine Louisa Bagwell had not intermarried, and of there being any issue born to him of such subsequent marriage, the said issue, so born, shall be and are hereby declared to be to all intents and purposes legitimate, and the right of them, the said issue, and each of them, and their respective heirs, as respects their and each of their capacity to inherit, have, hold, enjoy and transmit all and all manner of property, real or personal, of any nature or kind whatsoever, shall be and remain the same as they would have been, to all intents and purposes whatsoever, if the marriage between the said George McDonald Bagwell and Ella Alexine Louisa Bagwell had not been solemnized.

3rd Session, 6th Parliament, 52 Victoria, 1889.

J

BILL.

An Act for the relief of George McDonald Bagwell.

Received and read a first time, Friday, 22nd February, 1889.
Second reading, Tuesday, 12th March, 1889.

Hon. Mr. TURNER.

OTTAWA:
For the Queen's Printer, &c.
A. SENÉCAL, Superintendent of Printing.
1889.

BILL.

An Act to amend Chapter one hundred and twenty-seven of the Revised Statutes, "An Act respecting Interest."

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

1. The second section of chapter one hundred and twenty-seven of the Revised Statutes of Canada, intituled: "*An Act respecting Interest*," is hereby repealed and the following section substituted therefor: R. S. C., c 127, s. 2, repealed, and new provision.

"**2.** Whenever interest is payable by the agreement of parties or by law, and no rate is fixed by such agreement or by law, the rate of interest shall be five per centum per annum." Five per cent. to be the rate of interest when not otherwise provided.

3rd Session, 6th Parliament, 52 Victoria, 1889.

K

BILL

An Act to amend Chapter one hundred and twenty-seven of the Revised Statutes, "An Act respecting Interest"

Received and read a first time, Tuesday, 12th March, 1889.
Second reading, Friday, 15th March, 1889.

Hon. Mr. POWER.

OTTAWA:
For the Queen's Printer, &c.
—
A. SENÉCAL, Superintendent of Printing.
—
1889.

BILL.

An Act respecting the collection of certain tolls and dues therein mentioned.

Preamble

WHEREAS it is expedient to transfer the control and management of the collection of slidage and boomage dues and of the collection of canal tolls, now assigned by law to the Minister of Inland Revenue, to the Minister of Public Works and to the Minister of Railways and Canals respectively: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons, enacts as follows:—

Part of R. S. C., c. 34, s. 5 repealed and new provision made.

1. The paragraph lettered (*e.*) of section five of "*The Inland Revenue Act*," chapter thirty-four of the Revised Statutes, is hereby repealed and the following substituted therefor:—

"*e.*) Of the administration of the laws affecting the culling, inspection and measurement of timber, masts, spars, deals and staves and other articles of a like nature:"

2. The paragraph lettered (*g.*) of the said section five is hereby repealed.

R. S. C., c. 36, s. 7, amended.

2. Section seven of "*The Public Works Act*," chapter thirty-six of the Revised Statutes, is hereby amended by adding the following sub-section thereto:—

"3. The Minister shall also have the control and management of the collection of slidage and boomage dues and of matters incident thereto, and of the officers and persons employed in that service."

R. S. C., c. 37, s. 6, amended.

3. Sub-section one of section six of the "*Act respecting the Department of Railways and Canals*," is hereby amended by adding the following words at the end of the said sub-section:—"and also of the collection of tolls on the public canals and of matters incident thereto, and of the officers and persons employed in that service."

Appropriations for the above services to remain in force.

4. Nothing in this Act contained shall in any way affect any appropriation made by Parliament during the present session in respect of the services to which this Act relates, but every such appropriation shall continue in force, under the control of the proper Minister, as if the transfers provided for by this Act had not taken place.

3rd Session, 6th Parliament, 52 Victoria, 1889.

L

BILL.

An Act respecting the collection of certain tolls therein mentioned.

Received and read first time, Tuesday, 12th March, 1889.
Second reading, Thursday, 14th March, 1889.

Hon. Mr. ABBOTT.

OTTAWA:
For the Queen's Printer, &c.
—
A. SENÉCAL, Superintendent of Printing.
—
1889.

BILL

An Act to amend "The Summary Trials Act."

Preamble.

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

R. S. C., c. 176, s. 6, repealed and new section substituted. Jurisdiction of magistrates absolute in all cases in certain parts of Canada.

1. Section six of the said Act is hereby repealed and the following is substituted in lieu thereof:—

"**6.** The jurisdiction of the magistrate under this Act, shall, in the Province of British Columbia, and in the District of Keewatin, be absolute without the consent of the person charged."

S. 13, *ibid* repealed and new section substituted. Proceedings when offender consents and pleads guilty.

2. Section thirteen of the said Act is hereby repealed and the following is substituted in lieu thereof:—

"**13.** If the person so charged consents to be tried by the magistrate, the magistrate shall then ask him whether he is guilty or not guilty of the charge, and if such person says that he is guilty, the magistrate shall then cause a plea of guilty to be entered upon the proceedings, and sentence him to the same punishment as he would have been liable to if he had been convicted upon indictment in the ordinary way."

3rd Session, 6th Parliament, 52 Victoria, 1889.

M

BILL.

An Act to amend "The Summary Trials Act."

Received and read first time, Wednesday, 13th March,, 1889
Second reading, Monday, 18th March, 1889.

Hon. Mr. ABBOTT.

OTTAWA:
For the Queen's Printer, &c.

A. SENÉCAL, Superintendent of Printing.

1889.

BILL.

An Act to amend "The Revised Statute respecting Interest."

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

1. Except as in the Revised Statute respecting interest or in this Act otherwise provided, every judgment debt shall bear interest at the rate of six per cent. per annum until the same is satisfied. R S C., c. 127, interest on judgment debts.

2. Unless it is otherwise ordered by the court, such interest shall be calculated from the time of the rendering of verdict or of giving the judgment, as the case may be, notwithstanding that the entry of judgment upon the verdict or upon the giving of the judgment shall have been suspended by any proceedings either in the same court or in appeal. From what time calculated.

3. In all cases in which a judgment is recovered upon any contract in or by which interest at a higher rate than six per cent. per annum has been lawfully agreed to be paid, then except as otherwise provided by the said Act, the amount recovered by such judgment shall bear interest at the rate agreed upon or at such less rate as the court directs. Rate of interest when contract recovered upon provides for more than six per cent.

4. Every judgment, decree, rule or order of any court whatsoever in any civil proceeding whereby any sum o money or any costs, charges or expenses shall be payable to any person shall have the effect of a judgment under this Act, and the amount payable thereunder shall be deemed to be a judgment debt within the meaning of section one of this Act. Judgment debts defined.

3rd Session, 6th Parliament, 52 Victoria, 1889.

N

BILL.

An Act to amend "The Revised Statute respecting Interest."

Received and read first time, Wednesday, 13th March, 1889.
Second reading, Monday, 18th March, 1889.

Hon. Mr. ABBOTT.

OTTAWA:
For the Queen's Printer, &c.

A. SENÉCAL, Superintendent of Printing.

1889.

BILL.

An Act to amend "The Summary Convictions Act," Chapter one hundred and seventy-eight of the Revised Statutes, and the Act amending the same.

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

51 V., c. 45, s. 6, repealed.

1. Section six of the Act passed in the fifty-first year of Her Majesty's reign, chaptered forty-five and intituled "*An Act to amend chapter one hundred and seventy-eight of the Revised Statutes of Canada, 'The Summary Convictions Act,'*" is hereby repealed.

R. S. C., c. 178, amended.

2. "*The Summary Convictions Act*" is hereby amended by adding the following section thereto immediately after section sixty-one :—

Fees.

"**61** A. The fees mentioned in the tariff (W) in the schedule to this Act and no others shall be and constitute the fees to be taken on proceedings before justices under this Act."

S. 66, *ibid*, amended.

3. Section sixty-six of the lastly cited Act is hereby amended by adding the following sub-section thereto :—

Apprehension of offender when beyond the limits of jurisdiction of magistrate committing.

"2. If upon the issue of a warrant of commitment under this section or any one of the four sections next following, the defendant cannot be found within the jurisdiction of the justice granting the warrant, then upon proof being made upon oath or affirmation of the handwriting of the justice granting the warrant, before any justice of any other territorial division within which the defendant is or is supposed to be, such justice shall thereupon make an indorsement (N. 3) on the warrant, signed by his hand, authorizing the execution of the warrant within the limits of his jurisdiction, by virtue of which warrant and indorsement the defendant may be apprehended accordingly and dealt with as the warrant directs."

Form (N 3) amended.

4. The form (N. 3) in the schedule to the said lastly cited Act is hereby amended by adding at the end of the title thereof the words "OR OF COMMITMENT."

Schedule amended.

5. The schedule to the said lastly cited Act is hereby amended by adding the following tariff of fees at the end thereof :—

TARIFF OF FEES

Fees to be taken by Justices of the Peace or their Clerks.

	$	cts.	
1. Information or complaint and warrant or summons	0	50	5
2. Warrant where summons issued in first instance	0	10	
3. Each necessary copy of summons or warrant	0	10	
4. Each summons or warrant to or for a witness or witnesses (only one summons on each side to be charged for in each case, which may contain any number of names. If the justice of the case requires it, additional summonses shall be issued without charge)	0	10	10
5. For every recognizance (only one to be charged in each case)	0	25	15
6. For hearing and determining case	0	50	
7. Where one justice alone cannot lawfully hear and determine the case, an additional fee for hearing and determining to be allowed to the associate justice.			20
8. For each warrant of distress or commitment	0	25	
9. For making up record of convictions or order where the same is ordered to be returned to sessions or on *certiorari*	1	00	
But in all cases which admit of a summary proceeding before a single justice and wherein no higher penalty than $20 can be imposed, there shall be charged for the conviction not be more than	0	50	25
10. For copy of any other paper connected with any case, and the minutes of the same if demanded, per folio of 100 words	0	10	30
11. For every bill of costs when demanded to be made out in detail	0	10	
(Items 10 and 11 to be chargeable only when there has been a conviction.)			35

Constables' Fees.

1. Arrest of each individual upon a warrant	1	50	
2. Serving summons	0	25	
3. Mileage to serve summons or warrant per mile one way necessarily travelled	0	10	40
4. Same mileage when service cannot be effected, but only upon proof of due diligence.			
5. Mileage taking prisoner to gaol, exclusive of disbursements necessarily expended in his conveyance	0	10	45
6. Attending justices on trial for each day necessarily employed in one or more cases, when not engaged more than four hours	1	00	
7. Attending justices on trial for each day necessarily employed in one or more cases, when engaged more than four hours	1	50	50

8. Mileage travelled to attend trial (when public conveyance can be taken, only reasonable disbursements to be allowed) 0 10
9. Serving warrant of distress and returning same.. 1 50
10. Advertising under warrant of distress..... 1 00
11. Travelling to make distress or to search for goods to make distress, when no goods are found, per mile..... 0 10
12. Appraisements, whether by one appraiser or more, 2 cents in the dollar on the value of the goods.
13. Commission on sale and delivery of goods, 5 cents in the dollar on the net produce of the goods.

3rd Session, 6th Parliament, 52 Victoria, 1889.

O

BILL.

An Act to amend "The Summary Convictions Act" and the Act amending the same.

Received and read a first time, Wednesday, 13th March, 1889.
Second reading, Monday, 18th March, 1889.

Hon. Mr. ABBOTT.

OTTAWA:
For the Queen's Printer, &c.
—
A. SENÉCAL, Superintendent of Printing.
—
1889.

BILL.

An Act respecting Expropriation of Lands.

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

SHORT TITLE.

1. This Act may be cited as "*The Expropriation Act.*" Short title.
R. S. C., c. 39, s. 1.

INTERPRETATION.

2. In this Act, unless the context otherwise requires,— Interpretation

(*a.*) The expression "Minister" means the head of the department charged with the construction and maintenance of the public work; "Minister."

(*b.*) The expression "department" means the department of the Government of Canada charged with the construction and maintenance of the public work; "Department."

(*c.*) The expression "superintendent" means the superintendent of the public work of which he has, under the Minister, the charge and direction; "Superintendent."

(*d.*) The expression "public work" or "public works" means and includes the dams, hydraulic works, hydraulic privileges, harbors, wharves, piers and works for improving the navigation of any water—the lighthouses and beacons—the slides, dams, piers, booms and other works for facilitating the transmission of timber—the roads and bridges, the public buildings, the telegraph lines, Government railways, canals, locks, fortifications and other works of defence, and all other property, which now belong to Canada, and also the works and properties acquired, constructed, extended, enlarged, repaired or improved at the expense of Canada, or for the acquisition, construction, repairing, extending, enlarging or improving of which any public money is voted and appropriated by Parliament, and every work required for any such purpose,—but not any work for which money is appropriated as a subsidy only; "Public Works."

(*e.*) The expression "conveyance" includes a "surrender" to the Crown; and any conveyance to Her Majesty, or to the Minister, or any officer of the department, in trust for or to the use of Her Majesty, shall be held to be a surrender; "Conveyance."

"Land." (*f.*) The expression "land" includes all granted or ungranted, wild or cleared, public or private lands, and all real property, messuages, lands, tenements and hereditaments of any tenure, and all real rights, easements, servitudes and damages, and all other things for which compensation is to be paid by Her Majesty under this Act;

"Lease." (*g.*) The expression "lease" includes any agreement for a lease. R. S. C., c. 39, s. 2.

POWER TO TAKE LAND, &c.

Powers of the Minister. **3.** The Minister may, by himself, his engineers, superintendents, agents, workmen and servants,—

Entering lands, &c. (*a.*) Enter into and upon any land to whomsoever belonging, and survey and take levels of the same, and make such borings, or sink such trial pits as he deems necessary for any purpose relative to the public work;

Taking possession. (*b.*) Enter upon and take possession of any land, real property, streams, waters and watercourses, the appropriation of which is, in his judgment, necessary for the use, construction, maintenance or repair of the public work, or for obtaining better access thereto;

Deposit and removal of materials. (*c.*) Enter with workmen, carts, carriages and horses upon any land, and deposit thereon soil, earth, gravel, trees, bushes, logs, poles, brushwood or other material found on the land required for the public work, or for the purpose of digging up, quarrying and carrying away earth, stones, gravel or other material, and cutting down and carrying away trees, bushes, logs, poles and brushwood therefrom, for the making, constructing, maintaining or repairing the public work;

Temporary roads. (*d.*) Make and use all such temporary roads to and from such timber, stones, clay, gravel, sand or gravel pits as are required by him for the convenient passing to and from the works during their construction and repair;

Drains. (*e.*) Enter upon any land for the purpose of making proper drains to carry off the water from the public work, or for keeping such drains in repair;

Changing course of streams, &c. (*f.*) Alter the course of any river, canal, brook, stream or watercourse, and divert or alter, as well temporarily as permanently, the course of any such rivers, streams of water, roads, streets or ways, or raise or sink the level of the same, in order to carry them over or under, on the level of, or by the side of, the public work, as he thinks proper;

Proviso. but before discontinuing or altering any public road, he shall substitute another convenient road in lieu thereof; and the land theretofore used for any road, or part of a road, so discontinued, may be transferred by the Minister to and shall thereafter become the property of the owner of the land of which it originally formed a part. R. S. C., c. 39, s. 3.

(*g.*) Divert or alter the position of any water-pipe, gas-pipe, sewer, drain, or any telegraph, telephone or electric light wire or pole. The Railway Act, s. 90, *j*.

Removal of fences adjoining any public work.

4. Whenever it is necessary, in the building, maintaining or repairing of the public work, to take down or remove any wall or fence of any owner or occupier of land or premises adjoining the public work, or to construct any back ditches or drains for carrying off water, such wall or fence shall be replaced as soon as the necessity which caused its taking down or removal has ceased; and after the same has been so replaced, or when such drain or back ditch is completed, the owner or occupier of such land or premises shall maintain such walls or fences, drains or back ditches, to the same extent as such owner or occupier might be by law required to do if such walls or fences had never been so taken down or removed, or such drains or back ditches had always existed. R. S. C., c. 39, s. 4.

Obligations of land owners.

Power to make sidings, &c., to land where materials are taken.

5. Whenever any gravel, stone, earth, sand or water is taken as aforesaid, at a distance from the public work, the Minister may lay down the necessary sidings, water pipes or conduits, or tracks over or through any land intervening between the public work and the land on which such material or water is found, whatever the distance is; and all the provisions of this Act, except such as relate to the filing of plans and descriptions, shall apply and may be used and exercised to obtain the right of way from the public work to the land on which such materials are situate; and such right may be acquired for a term of years, or permanently, as the Minister thinks proper; and the powers in this section contained may, at all times, be exercised and used in all respects, after the public work is constructed, for the purpose of repairing and maintaining the same. R. S. C., c. 39, s. 7.

And for maintaining the railway.

When whole lot can be more advantageously purchased than a part.

6. Whenever for the purpose of procuring sufficient lands for railway stations or gravel pits, or for constructing, maintaining and using the public work, any land may be taken under the provisions of this Act, and by purchasing the whole of any lot or parcel of land, of which any part may be taken under the said provisions, the Minister can obtain the same at a more reasonable price, or to greater advantage than by purchasing such part only as aforesaid, he may purchase, hold, use or enjoy the whole of such lot or parcel, and also the right of way thereto, if the same is separated from the public work, and may sell and convey the same, or any part thereof, from time to time, as he deems expedient; but the compulsory provisions of this Act shall not apply to the taking of any portion of such lot or parcel which is not, in the opinion of the Minister, necessary for the purposes aforesaid. R. S. C., c. 39, s 8.

Who may be employed to make surveys of land required.

7. The Minister may employ any person duly licensed or empowered to act as a surveyor for any Province in Canada, or any engineer, to make any survey, or establish any boundary and furnish the plans and descriptions of any

property acquired or to be acquired by Her Majesty for the public work; and such surveys, boundaries, plans and descriptions shall have the same effect as if the operations pertaining thereto or connected therewith had been performed by a land surveyor duly licensed and sworn in and for the Province in which the property is situate; and the

Boundaries.

boundaries of such properties may be permanently established by means of proper stone or iron monuments, planted by the engineer or surveyor so employed by the Minister, and shall be of the same effect, to all intents and purposes, as if such boundaries had been drawn and such monuments planted by a land surveyor duly licensed and sworn for the Province in which the property is situate; and such boun-

Effect of survey.

daries shall be held to be the true and unalterable boundaries of such property, provided they are so established and such monuments of iron or stone are planted, after due notice thereof has been given in writing to the proprietors of the land thereby affected, and that a *procès-verbal* or written description of such boundaries is approved and signed, in the presence of two witnesses, by such engineer or surveyor, on behalf of the Minister, and by the other person concerned; or that in case of the refusal of any person to approve or to sign the same, such refusal is recorded in such

Witnesses.

pr. cès-verbal or description; and provided such boundary marks or monuments are planted in the presence of at least one witness, who shall sign the said *proces-verbal* or descrip-

Proviso: formalities not obligatory.

tion; and provided also, that it shall not be incumbent on the Minister or those acting for him to have the boundaries established with the formalities in this section mentioned, but the same may be resorted to whenever he deems it necessary so to do. R. S. C, c. 39, s. 9.

THE EXPROPRIATION OF LANDS.

Proceedings for taking possession of lands.

8. Land taken for the use of Her Majesty shall be laid off by metes and bounds; and when no proper deed or conveyance thereof to Her Majesty is made and executed by the person having the power to make such deed or conveyance, or when a person interested in such land is incapable of making such deed or conveyance, or when, for any other reason, the Minister deems it advisable so to do, a plan and

Deposit of plan and description.

description of such land signed by the Minister, the deputy of the Minister or the secretary of the department, or by the superintendent of the public work, or by an engineer of the department, or by a land surveyor duly licensed and sworn in and for the Province in which the land is situate, shall be deposited of record in the office of the registrar of deeds for the county or registration division in which the land is situate, and such land, by such deposit, shall thereupon become and remain vested in Her Majesty. R. S. C., c. 9, s. 5, ss. 1.

Correction allowed.

9. In case of any omission, misstatement or erroneous description in such plan or description, a corrected plan and description may be deposited with like effect. R.S.C., c. 39, s. 5, ss. 2.

Deposit of plan of land now in possession of H. M.

10. A plan and description of any land at any time in the occupation or possession of Her Majesty and used for the purposes of any public work may be deposited at any time, in like manner and with like effect as herein provided, saving always the lawful claims to compensation of any person interested therein. R.S.C., c. 39, s. 5, ss. 4.

Attestation of plan deposited.

11. In all cases, when any such plan and description, purporting to be signed by the deputy of the Minister, or by the secretary of the department or by the superintendent of the public work, or by an engineer of the department, or by a land surveyor duly licensed as aforesaid, is deposited of record as aforesaid, the same shall be deemed and taken to have been deposited by the direction and authority of the Minister, and as indicating that in his judgment the land therein described is necessary for the purposes of the public work; and the said plan and description shall not be called in question except by the Minister or by some person acting for him or for the Crown. R.S.C., c. 39, s. 5., ss. 5.

Effect of certified copy.

12. A copy of any such plan and description, certified by the registrar of deeds, or his deputy, to be a true copy thereof, shall, without proof of the official character or handwriting of such registrar or deputy, be deemed and taken in all courts as *primâ facie* evidence of the original, and of the depositing thereof. R.S.C., c. 89, s. 5., ss. 6.

Notwithstanding decease of certifying officer.

13. A copy of any such plan and description, certified by the registrar of deeds, or by his deputy, as in the next preceding sub-section mentioned, shall be *primâ facie* evidence of the original and of the depositing thereof, although such registrar or deputy, at the time the same is so offered in evidence, is dead, or has resigned or has been removed from office. R.S.C., c. 89, s. 5, ss.7.

When Provincial Crown lands are taken.

14. If the land taken is Crown land, under the control of the Government of the Province in which such land is situate, a plan of such land shall also be deposited in the Crown Land Department of the Province. R.S.C., c. 39, s. 5, ss. 8.

AGREEMENTS AND CONVEYANCES.

Contracts on behalf of persons legally incapable to contract.

15. Any tenant entail for life, *grévé de substitution*, seigneur, guardian, tutor, curator, executor, administrator, master or person, not only for and on behalf of himself, his heirs, successors and assigns, but also for and on behalf of those whom he represents, whether infants, issue unborn, lunatics, idiots, *femes covert*, or other persons, seized, possessed or interested in any land or other property may contract and agree with the Minister for the sale of the whole or any part thereof, and may convey the same to the Crown; and may also contract and agree with the Minister as to the amount of compensation to be paid for any such land or property, or for damages occasioned thereto, by the construction of any public work, and give acquittance therefor. R. S. C, c. 39, s. 3, (*e*), and The Railway Act, s. 137.

Order authorizing conveyance.

16. In any case in which any such person has no right in law to sell or convey such land or property, or to give such acquittance, such person shall after due notice to the persons interested obtain an order of the Exchequer Court authorizing such sale, conveyance or acquittance. The Railway Act, s. 137.

Appointment of legal representative.

17. In any case in which there is no guardian or other person to represent any person under any such disability, the Exchequer Court may after due notice to the persons interested appoint a guardian or person to represent for the purposes hereof such person so under such disability, with authority to make such sale or conveyance, or to give such acquittance. (*New.*)

Disposal of compensation money.

18. The Court in making any order in the two sections next preceding mentioned shall give such directions as to the disposal, application or investment of such compensation money as it deems necessary to secure the interests of all persons interested therein. The Railway Act, s. 137.

Contracts under this Act valid.

19. Any contract or agreement made hereunder, and any conveyance or other instrument made or given in pursuance of such contract or agreement shall be good and valid to all intents and purposes whatsoever. 31 V. c. 12, s. 24. The Railway Act, s. 139.

Effect of contract made before deposit of plan.

20. Every such contract or agreement made before teh deposit of plans and description, and before the setting out and ascertaining of the land required for the public work, shall be binding at the price agreed upon for the same land, if it is afterwards so set out and ascertained within one year from the date of the contract or agreement, and although such land has, in the meantime, become the property of a third person. R. S. C., c. 39, s. 6.

Registration not necessary

21. No surrender, conveyance, agreement or award under this Act shall require registration or enrolment to preserve the rights of Her Majesty under it, but the same may be registered in the registry office of deeds for the place where the land lies, if the Minister deems it advisable. R. S. C., c. 39, s. 5, ss. 9.

WARRANT FOR POSSESSION.

Warrant for possession how issued and executed.

22. If any resistance or opposition is made by any person to the Minister, or any person acting for him, entering upon and taking possession of any lands, the judge of the Exchequer Court, or any judge of any superior court, may, on proof of the execution of a conveyance of such lands to Her Majesty, or agreement thereof, or of the depositing in the office of the registrar of deeds of a plan and description thereof as aforesaid, issue his warrant to the sheriff of the district or county within which such lands are situate directing him to put down such resistance or opposition, and to put the Minister, or some person acting for him, in possession thereof; and the sheriff shall take with him

sufficient assistance for such purpose, and shall put down such resistance and opposition, and shall put the Minister, or such person acting for him, in possession thereof; and shall forthwith make return to the Exchequer Court of such warrant, and of the manner in which he executed the same. The Railway Act, ss. 162, 164.

Return to be made to Exchequer Court.

COMPENSATION.

23. The compensation money agreed upon or awarded by the official arbitrators for any land or property acquired or taken for or injuriously affected by the construction of any public work shall stand in the stead of such land or property; and any claim to or incumbrance upon such land or property shall, as respects Her Majesty, be converted into a claim to such compensation money or to a proportionate amount thereof, and shall be void as respects any land or property so acquired or taken, which shall, by the fact of the taking possession thereof, or the filing of the plan and description, as the case may be, become and be absolutely vested in Her Majesty. R.S.C., c. 39, s. 11.

Compensation money to stand in lieu of land.

24. If the compensation money agreed for or adjudged does not exceed one hundred dollars, it may, in any Province, be paid to the person who, under this Act, can lawfully convey the land or property or agree for the compensation to be made in the case, saving always the rights of any other person to such compensation money as against the person receiving the same. R.S.C., c. 39, s. 16.

Payment when price does not exceed $100.

25. Every person who has any estate or interest in any land or property acquired or taken for, or injuriously affected by the construction of any public work, or who represents or is the husband of any such person, shall upon demand made therefor by or on behalf of the Minister furnish to the Minister a true statement showing the particulars of such estate and interest and of every charge, lien or incumbrance to which the same is subject, and of the claim made by such person in respect of such estate or interest. New. See 8 Vic. (U. K.) c. 18, s. 18. The Land Clauses Act.

Particulars of estate or interest in property to be declared upon demand.

26. In any case in which land or property is acquired or taken for or injuriously affected by the construction of any public work, the Attorney-General of Canada may cause to be exhibited in the Exchequer Court an information in which shall be set forth:—

Information by Attorney-General.

(*a.*) The date at which and the manner in which such land or property was so acquired, taken or injuriously affected;

Requisites.

(*b.*) The persons who, at such date, had any estate or interest in such land or property and the particular of such estate or interest and of any charge, lien or incumbrance to which the same was subject;

(*c.*) The sums of money which the Crown is ready to pay to such persons respectively, in respect of any such estate, interest, charge, lien, or incumbrance ;

(*d.*) Any other facts material to the consideration and determination of the questions insolved in such proceedings. New.

Effect of information.

27. Such information shall be deemed and taken to be the institution of a suit against the persons named therein, and shall conclude with a claim for such a judgment or declaration as in the opinion of the Attorney General the facts warrant. It shall be sworn in like manner as other informations and all proceedings in respect thereof or subsequent thereto shall be regulated by and shall conform as near as may be to the procedure in other cases instituted by information in such court. New.

Defences thereto.

28. Any person who is mentioned in any such information, or who afterwards is made or becomes a party thereto, may by his answer, exception or defence raise any question of fact or law incident to the determination of his rights to such compensation money, or any part thereof, or in respect of the sufficiency of such compensation money. New.

Claims to be adjudged on by the court.

Effect of proceedings.

29. Such proceedings shall, so far as the parties thereto are concerned, bar all claims to the compensation money or any part thereof, including any claim in respect of dower, or of dower not yet open, as well as in respect of all mortgages, hypothecs or incumbrances upon the land or property; and the court shall make such order for the distribution, payment or investment of the compensation money and for the securing of the rights of all persons interested, as to right and justice and according to the provisions of this Act and to law appertain. R. S. C., c. 39, s. 14.

INTEREST.

Rate of interest six per cent.

Proviso.

30. Interest at the rate of six per centum per annum may be allowed on such compensation money from the time when the land or property was acquired, taken or injuriously affected to the date when judgment is given ; but no person to whom has been tendered a sum equal to or greater than the amount to which the court finds him entitled shall be allowed any interest on such compensation money for any time subsequent to the date of such tender. See R. S. C, c. 39, s. 15.

Interest may be refused or diminished in certain cases.

31. If the court is of opinion that the delay in the final determination of any such matter is attributable in whole or in part to any person entitled to such compensation money or any part thereof, or that such person has not upon demand made therefor furnished to the Minister within a reasonable time a true statement of the particulars mentioned in section *twenty-five* it may be for the whole or any portion of the time for which he could otherwise be entitled to interest refuse to allow him interest, or it may allow the

ame at any rate less than six per centum per annum that to it appears just. New.

COSTS.

32. The costs of and incident to any proceedings hereunder shall be in the discretion of the Exchequer Court, which may direct that the whole or any part thereof to be paid by the Crown or by any party to such proceeding. R. S. C., c. 39, s. 15. Disposition of costs.

PAYMENT OF COMPENSATION OR COSTS.

33. The Minister of Finance and Receiver General may pay to any person, out of any unappropriated moneys, forming part of the Consolidated Revenue Fund of Canada, any sum to which under the judgment of the Exchequer Court, in virtue of the provisions of this Act, he is entitled as compensation money or costs. 50-51 V., c. 17, s. 2. Payment of compensation and costs.

LANDS VESTED IN HER MAJESTY.

34. All lands, streams, water-courses and property acquired for any public work shall be vested in Her Majesty and, when not required for the public work, may be sold or disposed of under the authority of the Governor in Council, and all hydraulic powers created by the construction of any public work, or the expenditure of public money thereon, shall be vested in Her Majesty, and any portion thereof not required for the public work may be sold or leased under the authority aforesaid; and any portion of the shore or bed of any public harbor vested in Her Majesty, as represented by the Government of Canada, not required for public purposes, may, on the joint recommendation of the Ministers of Public Works and of Marine and Fisheries, be sold or leased under the authority aforesaid; and the proceeds of all such sales and leases shall be accounted for as public money; but no such sale or lease shall prejudice or affect any right or privilege of any riparian owner. R. S. C, c. 39, s. 19. Lands acquired vested in Her Majesty. Shores and beds of public harbors may be sold, &c. Private rights saved.

35. Whenever in any Act authority is given by the appropriation of public money or otherwise to construct any bridge, wharf or other public work in any navigable water, such authority includes authority to interfere with the navigation of such water in such manner and to such extent as shall be approved by the Governor in Council, subject always to any provisions of any such Act for limiting such interference, and every bridge, wharf or other public work heretofore constructed with public money over navigable water, shall be and be deemed to be a lawful work or structure. Interference with navigation. Proviso. Certain works are "lawful works."

REPEAL, SAVING AND EXPLANATORY PROVISIONS.

36. This Act shall be substituted for the Revised Statutes, chapter thirty-nine, respecting the expropriation of lands which, with the Act fifty and fifty-one Victoria, chapter seventeen, in amendment thereof, is hereby repealed. R. S. C., c. 39 and 50-51 V., c. 17 repealed.

Continuance of proceedings had.

7. In any case in which the Minister has given to the registrar of the Exchequer Court the notice provided by the twelfth section of "*The Expropriation Act*" as contained in the said Act fifty and fifty-one Victoria, chapter seventeen, all proceedings may be continued as if this Act had not been passed.

Provision as to cases where no statement of claim has been filed.

38. If in any proceeding under the twelfth and thirteenth sections of "*The Expropriation Act*" as contained in the said Act fifty and fifty-one Victoria, chapter seventeen, no statement of claim was or is filed with the registrar on or before the day named in the notice given by such registrar, the amount of the compensation money mentioned in the Minister's notice shall in accordance therewith be declared sufficient compensation for the land or property acquired, taken or injuriously affected; and thereafter any person entitled to such compensation money, or any part thereof, may, on application to the court, supported by satisfactory proof of his right thereto, obtain a judgment of the court as in other cases that he is so entitled.

3rd Session, 6th Parliament, 52 Victoria, 1889.

P

BILL.

An Act respecting Expropriation of Lands.

Received and read first time, Wednesday, 13th March, 1889
Second reading, Monday, 18th March, 1889.

Hon. Mr. ABBOTT,

OTTAWA:
For the Queen's Printer, &c.
A. SENÉCAL, Superintendent of Printing.
1889.

BILL.

An Act to revive certain Regulations respecting Fisheries in Nova Scotia.

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

1. Notwithstanding anything in the Act passed in the thirty-eighth year of Her Majesty's reign, chaptered thirty-three, and intituled: "*An Act to amend the Fisheries Act*," or in the Act passed in the forty-ninth year of Her Majesty's reign, chaptered four, and intituled: "*An Act respecting the Revised Statutes of Canada*," or in Schedule A of the last mentioned Act, all regulations and orders made or adopted under and by virtue or in pursuance of chapter ninety-five of the Revised Statutes of Nova Scotia, Third Series, intituled: "*Of River Fisheries*," or under and by virtue or in pursuance of the Act of the Province of Nova Scotia, passed in the twenty-ninth year of Her Majesty's reign, chaptered thirty-six and intituled: "*An Act to amend chapter ninety-five of the Revised Statutes, 'Of River Fisheries,'*" not inconsistent with or with any regulation made under or by virtue of any Act of the Parliament of Canada, are hereby revived and confirmed and declared to be in force until amended or superseded by regulations made under "*The Fisheries Act*," chapter ninety-five of the Revised Statutes of Canada, or any Act amending the same: Provided always, that the powers and duties in the above named chapter and Act of Nova Scotia devolving on the Governor in Council under said Acts, shall vest in the Governor General of Canada in Council, and the powers and duties belonging to the General or Special Sessions and the grand jury, shall, as affects the making of any regulation or regulations, order or orders, be vested in the Governor General of Canada in Council, and as affecting the appointment and control of Fishery Inspectors or Wardens, and the declaring of exemptions, shall vest in the Minister of Marine and Fisheries; and any Fishery Officer or Officers appointed under "*The Fisheries Act*" shall fulfil the duties of Fishery Inspectors or Wardens, and exercise the functions which by the aforesaid chapter and Act of Nova Scotia attach to justices and sheriffs, for all the purposes of the aforesaid chapter and Act or any such regulation or regulations, order or orders.

38 V., c. 33.

49 V., c. 4.

Regulations and orders made under R.S., N.S. (3rd series) c. 95 or 29 V., c. 36 (N.S.) revived and confirmed until superseded by others under R.S.C., c. 95.

Proviso: as to exercise of powers and duties.

2. This Act shall not affect any action, suit, or other legal proceeding, civil or criminal, now pending. Saving clause.

3. All Acts and parts of Acts inconsistent with this Act are hereby repealed. Repeal.

3rd Session, 6th Parliament, 52 Victoria, 1889.

O

BILL.

An Act to revive certain Regulations respecting Fisheries in Nova Scotia.

Received and read a first time, Thursday, 21st March, 1889.
Second reading, Tuesday, 26th March, 1889.

Hon. Mr. POWER.

OTTAWA:
For the Queen's Printer, &c.
A. SENÉCAL, Superintendent of Printing.
1889.

BILL.

An Act further to amend "The Bank Act."

Preamble.

IN further amendment of "*The Bank Act*," Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

51 V., c. 27 repealed; new section.

1. The section substituted for section fifty-four of "The Bank Act," chapter one hundred and twenty of the Revised Statutes of Canada, by the Act passed in the fifty-first year of Her Majesty's reign and chaptered twenty-seven, is hereby repealed and the following substituted therefor :—

When warehouseman, etc., is also owner of the goods, warehouse receipt, etc., as valid as in other cases.

"**54.** If any person who grants a warehouse receipt or bill of lading is engaged in the calling, as his ostensible business, of keeper of a yard, cove, wharf or harbor, or of warehouseman, miller, saw-miller, maltster, distiller, manufacturer of timber, wharfinger, master of a vessel, or other carrier by land or by water, or by both, curer or packer of meat, tanner, manufacturer of or dealer in wool, cotton, hemp or flax, or purchaser of agricultural produce, and is at the same time the owner of the goods, wares and merchandise mentioned in such warehouse receipt or bill of lading, every such warehouse receipt or bill of lading, and the right and title of the bank thereto and to the goods, wares and merchandise mentioned therein, shall be as valid and effectual as if such owner, and the person making such warehouse receipt or bill of lading, were different persons."

R.S.C., c. 120, s. 56 repealed; new section.

2. Section fifty-six of "*The Bank Act*" is hereby repealed and the following substituted therefor :—

As to goods manufactured from articles pledged.

"**56.** If any miller, maltster, or packer or curer of pork, or manufacturer of deals, boards or other products of timber or lumber, grants a warehouse or cove receipt for any cereal grains, or hogs, or any saw-logs or square or wany timber, which are manufactured into flour or malt, pork, bacon or hams, or boards, deals or other products of timber or lumber, respectively, while held thereunder, such warehouse or cove receipt shall vest in any bank which is or becomes the lawful holder thereof, all the right and title to such manufactured article, which such bank acquired, under such warehouse or cove receipt, to the article described in such warehouse or cove receipt, and so manufactured; and the bank shall continue to hold the same and all such right and title, for the same purposes and upon the same conditions as those upon which it previously held such material."

3rd Session, 6th Parliament, 52 Victoria, 1889.

R

BILL.

An Act to amend "The Bank Act."

Received and read a first time, Thursday, 21st March, 1889.
Second reading, Tuesday, 26th March, 1889.

Hon. Mr. CLEMOW.

OTTAWA:
For the Queen's Printer, &c.
A. SENÉCAL, Superintendent of Printing.
1889.

BILL.

An Act to amend Chapter one hundred and forty-eight of the Revised Statutes of Canada, intituled "An Act respecting the improper use of Fire-arms and other weapons."

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

1. Section one of chapter one hundred and forty-eight of the Revised Statutes of Canada, intituled "*An Act respecting the improper use of fire-arms and other weapons*:" is hereby repealed and the following substituted therefor:— R.S.C., c. 148, s. 1 repealed; new section.

"**1.** Every one who has upon his person a pistol or air-gun without reasonable cause to fear an assault or other injury to his person or his family or property, or without having a certificate of exemption from the operation of this section, as hereinafter provided for, shall, on summary conviction before two justices of the peace, be liable to a penalty not exceeding dollars and not less than dollars, or to imprisonment for any term not exceeding months. Person carrying pistol or air gun.

2. If sufficient cause be shown upon oath to the satisfaction of any judge of a superior or county court, recorder, police magistrate, district magistrate, stipendiary magistrate, or magistrate having the powers of two justices of the peace, he may grant to the applicant therefor a certificate of exemption from the operation of this section within the limits of the territorial jurisdiction of such judge, recorder or magistrate, or within such part of such limits as he deems fit, for such period, not exceeding 3 months as he deems fit. Certificates of exemption from operation of this section may be granted.

3. Every such certificate so granted shall be in the form "A" in the schedule to this Act and shall be signed by the person granting it, and shall be, upon the trial of any offence, *primâ facie* evidence of its contents and of the signature of the person by whom it purports to be granted. Form of certificate.

4. When any such certificate is granted under the preceding provisions of this section, the person granting it shall forthwith make a return thereof to the clerk of the peace, or to any other the proper officer for receiving returns under the provisions of "*The Summary Convictions Act*" as to convictions made by justices of the peace of the county, district or place in which such certificate has been Returns to be made of certificates granted.

granted ; and in default of making such return the person granting the certificate shall be liable to a penalty of not more than dollars.

Governor in Council may suspend provisions as to certificates.

5. Whenever the Governor in Council deems it expedient in the public interest, he may by proclamation suspend the operation of the provisions of the first and second subsections of this section respecting certificates of exemption, or exempt from such operation any particular part of Canada, and in either case for such period, and with such exceptions as to the persons thereby affected, as he deems fit."

SCHEDULE.

FORM A.

I, the undersigned (*set forth the names, legal addition and territorial jurisdiction of the judge or magistrate*) hereby cert fy that (*name of person to whom the certificate is granted*) of the city of (*or town, village, or as the case may be*) of in the County (*or district or township, or as the case may be*) , (*state the legal addition or occupation of the person*), having shown sufficient cause upon oath to my satisfaction, I have, under the provisions of the first section of chapter one hundred and forty-eight of the Revised Statutes of Canada, intituled : "*An Act respecting the improper use of Fire-arms*," granted to the said (*names of person*) this Certificate of Exemption from the operation of the said section within the limits of (*here state particularly the limits to which the certificate is to apply*) for the period of from the day of A.D. 18 to the day of A.D. 18 .

Given under my hand at this day of A.D. 18 .

(*Signature*) A. B.
A judge of the High Court of Justice for Ontario (*or as the case may be.*)

3rd Session, 6th Parliament, 52 Vic

BILL.

An Act to amend chapter one and forty-eight of the Revise of Canada, intituled : "An A ing the improper use of Fire other weapons."

Received and read first time, Thu March, 1889.
Second reading, Wednesday, 27 1889.

Hon. M

OTTAWA:
For the Queen's Printer, d
A. SENÉCAL, Superintendent of
1889.

BILL.

An Act for better securing the safety of certain Fishermen.

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

Mariners compass, bread and water to be placed in fishing boats before setting out from vessels.

1. No dory, flat, whaler or other boat whatsoever shall be launched or shipped or set out from any vessel whatsoever for the purpose of fishing, or with intent that the same shall be used in fishing with hooks and lines, trawls or other similar appliances, or for the purpose of examining trawls, set lines or other appliances for fishing, unless there shall be placed in such boat and retained therein during absence from such vessel an accurate and serviceable mariners' compass, and unless there be placed in such boat at least one quart of drinking water and two pounds of bread for each man of the crew of such boat.

Master and owner of vessel liable.

Penalty.

2. The master and owner of every vessel, from which any boat is launched or shipped or sets out in contravention of the provisions of the preceding section, shall be guilty of an offence against "*The Fisheries Act*," chapter ninety-five of the Revised Statutes of Canada, and shall be liable for each offence to a penalty not exceeding one hundred dollars or to imprisonment for a term not exceeding two months.

To be construed with R.S.C., c. 95.

3. This Act shall be read and construed as one with "*The Fisheries Act.*"

3rd Session, 6th Parliament, 52 Victoria, 1889.

T

BILL.

An Act for better securing the safety of certain Fishermen.

Received and read first time, Friday, 22nd March, 1889.

Second reading, Wednesday, 27th March, 1889.

Hon. Mr. POWER.

OTTAWA:
For the Queen's Printer, &c.
A. SENÉCAL, Superintendent of Printing.
1889.

BILL.

An Act further to amend the Adulteration Act, chapter one hundred and seven of the Revised Statutes.

Preamble.

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

R.S.C., c. 107, sub-sec. 2 of s. 23, repealed and new sub-section.

1. Sub-section two of section twenty-three of "*The Adulteration Act*," is hereby repealed and the following substituted therefor:

Proviso: as to the knowledge of the offender, and the conditions under which he has purchased and sold an adulterated article.

"2. Provided that if the person accused proves to the court before which the case is tried that he had purchased the article in question as the same in nature, substance and quality as that demanded of him by the purchaser or inspector, and with a written warranty to that effect, which warranty is produced at the trial of the case, that he sold it in the same state as when he purchased it, and that he could not with reasonable diligence have obtained knowledge of its adulteration, he shall be discharged from the prosecution and shall be liable to pay the costs incurred by the prosecutor, unless he has given due notice to him that he will rely on the above defence, in which case he shall be liable only to the forfeiture provided by section twenty-one of this Act; but the evidence of such person shall be admissible on his own behalf only when it is corroborated by the evidence of an analyst, an inspector or some other disinterested person."

His evidence must be corroborated.

3rd Session, 6th Parliament, 52 Victoria, 1889.

U

BILL.

An Act further to amend The Adulteration Act, chapter one hundred and seven of the Revised Statutes.

Received and read a first time, Tuesday, 2nd April, 1889.
Second reading, Thursday, 4th April, 1889.

Hon. Mr. ABBOTT.

OTTAWA:
For the Queen's Printer, &c.
—
A. SENÉCAL, Superintendent of Printing.
—
1889.

BILL.

An Act to amend the Revised Statute respecting Escapes and Rescues.

Preamble.

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

R.S.C., c. 155, s. 9, amended.

1. Section nine of chapter one hundred and fifty-five of the Revised Statutes, intituled: "*An Act respecting Escapes and Rescues*," is hereby amended by adding the following sub-section thereto:—

Offender escaping from industrial school may be sent to reformatory.

"2. In the case of everyone who being sentenced to be detained in any industrial school escapes therefrom, the said justice of the peace or magistrate may, instead of remanding him to such school, send such offender to be detained in any reformatory prison or reformatory, for any term not exceeding five years."

3rd Session, 6th Parliament, 52 Victoria, 1889.

V

BILL.

An Act to amend the Revised Statute respecting Escapes and Rescues.

Received and read first time, Tuesday, 9th April, 1889.
Second reading, Thursday, 11th April, 1889.

Hon. Mr. ABBOTT.

OTTAWA:
For the Queen's Printer, &c.
—
A. SENÉCAL, Superintendent of Printing.
—
1889.

BILL.

An Act further to amend the several Acts relating to the Board of Trade of the City of Toronto.

Preamble.

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

47 V., c 46, s 9 amended.

As to limit of amount of real estate to be held.

1. Section nine of the Act passed in the forty-seventh year of Her Majesty's reign chaptered forty-six, intituled: "*An Act to amalgamate the Board of Trade of the City of Toronto and the Toronto Corn Exchange Association*," is hereby amended by striking out the words "two hundred and fifty thousand dollars" in the fifth and sixth lines thereof and inserting the words "five hundred thousand dollars."

3rd Session, 6th Parliament, 52 Victoria, 1889.

W

BILL.

An Act further to amend the several Acts relating to the Board of Trade of the City of Toronto.

Received and read first time, Thursday, 11th April, 1889.
Second reading, Friday, 12th April, 1889.

Hon. Mr. MACDONALD.
(Midland.)

OTTAWA:
For the Queen's Printer, &c.
—
A. SENÉCAL, Superintendent of Printing.
—
1889.

BILL.

An Act further to amend "The Dominion Lands Act."

Preamble.

WHEREAS it is expedient further to amend "*The Dominion Lands Act*" as hereinafter set forth: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows:—

R.S.C., c. 54, s. 11, repealed, new provision.

1. Clause eleven of the said Act is hereby repealed and the following substituted therefor:—

Width of townships on base lines.

"**11.** Except as herein otherwise provided, townships shall be given their prescribed width on the base lines hereinafter mentioned; and the meridians between townships shall be drawn across such bases, northward and southward, to the depth of two townships therefrom, that is to say, to the correction lines hereinafter mentioned:

Certain meridians how surveyed.

"2. The meridians between those townships situated between the International Boundary or first base line and the first correction line, shall be surveyed to the south from the said first correction line to the said International Boundary or first base line."

S. 15 repealed, new provision.

2. Clause fifteen of the said Act is hereby repealed and the following substituted therefor:

Allowances for deficiency or surplus.

"**15.** In the survey of a township, the deficiency or surplus, resulting from convergence of meridians, shall be allowed in the range of quarter-sections adjoining the west boundary of the township, and the north and south error in closing on the correction lines from the north or south shall be allowed in the ranges of quarter sections adjoining, and north or south respectively of, the said correction lines; excepting in the case of the north and south closings in those townships between the first correction line and the International Boundary or first base line, which error is to be left in the last quarter-section adjoining the said first base line; but the Governor in Council may order such deficiency or surplus, and such north and south error, or either of them, to be equally distributed among all the quarter-sections involved."

Exception.

Assigments and transfers, made before patent has issued, not null but may be declared so.

3. As respects every assignment or transfer of a homestead or a pre-emption right held or acquired under the said Act, in whole or in part, and every agreement to make any such assignment or transfer, made or entered into before the issue of patent and previous to the date of the passing of

this Act, no such assignment or transfer or agreement shall be null and void, nor shall any forfeiture accrue in respect thereof; but the Minister of the Interior may declare any such assignment or transfer or agreement to be null and void, and such forfeiture to have accrued, or either, and such declaration shall have force and effect as if herein enacted:

Proviso.

Provided, that no such declaration shall have force or effect in any case in which a patent for any homestead or pre-emption land has issued previous to the date of such declaration, unless the patent has issued through fraud, error or improvidence:

Saving clause.

2. Nothing in the next preceding subclause contained shall in any manner have force or effect as respects any lands in relation to which the subject matter of the said subclause has already been adjudicated upon, or is in question in any court of competent jurisdiction.

Certain acknowledgments of money advanced to settlers ratified.

4. Every acknowledgment entered into which purports to be so entered into in accordance with the provisions of clause forty-four of "*The Dominion Lands Act*," and which has been examined, verified and certified by a local agent or a homestead inspector, previous to the date of the passing of this Act, is hereby ratified and confirmed, notwithstanding any departure from the conditions of the said clause forty-four, and shall have force and effect as if no such departure had taken place:

Proviso as to nature of charge thereby created.

Provided however, that no such acknowledgment shall be deemed to create a charge in respect of any moneys advanced or paid for any purposes other than those for which an advance is authorized by the said clause forty-four, except the cost of materials for buildings, house furniture, breaking land on homestead, the entry fee for the homestead, and legal expenses not exceeding ten dollars:

Validation of acknowledgments examined by homestead inspectors.

2. Every acknowledgment entered into in pursuance of the said clause forty-four, and which has been submitted, with the proper vouchers in support thereof, to a homestead inspector, instead of a local agent, as provided by the said clause, and which has been examined, verified and certified by such inspector, and subsequently registered at the office of any local agent, or in the books of the Minister of the Interior, shall be valid and binding in like manner as if the same had been examined, verified and certified by a local agent, as provided by the said clause.

Subsection 2 of s. 44, repealed, new provision.

5. Subclause two of the said clause forty-four, as amended by clause six of chapter thirty-one of the Act passed in the session held in the fiftieth and fifty-first years of Her Majesty's reign, is hereby repealed, and the following substituted therefor:

Statement of expenses to be furnished to settler.

"2. If such plan or project is so sanctioned and such person or company thereupon places any settler upon a homestead, a statement of the expenses incurred by such person or company in paying the actual *bona fide* cost of the passage, of paying for the homestead entry, of providing for the subsistence of such settler and his family, of providing materials for buildings and of erecting buildings on

his homestead (to which purpose one-half of the advance may be devoted), of breaking land on such homestead, and of providing horses, cattle, house furniture, farm implements and seed grain for him, in which statement a sum not exceeding ten dollars for the cost of selecting the homestead, placing the settler thereon and legal expenses, and also an amount in money to cover interest on the amount advanced for a time to be agreed upon to enable such settler to obtain a return from the cultivation of such homestead, may be included, shall be furnished to such settler and shall also be submitted with proper vouchers in support thereof to the local agent, a homestead inspector or other agent appointed by the Minister of the Interior, and the local agent, inspector or other agent so appointed, shall examine and verify the same both by such vouchers and by an examination under oath of such settler and of such person or company or their representative, and shall certify the result of such verification by a writing upon such statement signed by him; and thereupon such settler shall make and execute an acknowledgment in writing of the amount so advanced to him and shall by such writing create a charge in the form L in the schedule to this Act upon such homestead for the amount of such advance, not exceeding the sum of six hundred dollars, and for the interest thereon at a rate not exceeding eight per cent. per annum: Provided always, that it shall be competent for the person or company proposing to make such advance to take at once from an intending settler, an acknowledgement in the form R in the schedule to this Act and that such acknowledgment shall operate as a charge upon the homestead for which such settler obtains entry, to the extent that is certified by the local agent, homestead inspector or other agent appointed by the Minister of the Interior, for any sum not exceeding six hundred dollars, and for the interest thereon at a rate not exceeding eight per cent per annum, upon presentation to him of vouchers or other satisfactory evidence that the advance for which a charge is proposed to be created has actually been made to the settler and that the settler has been actually placed on such homestead.

Verification of statement.

Settler to make acknowledgement.

Charge created.

Form.

Proviso.

Acknowledgment may be taken at once.

Charge created in such case.

6. Sub-clause three of clause forty-four aforesaid is hereby repealed and the following substituted therefor:—

Subsection 3 of s. 44, repealed, new provision.

"3. A duplicate of such acknowledgment and charge shall be deposited with the local agent, and thereafter the holder of such charge shall have the right to enforce payment of the amount so advanced and of the interest thereon by ordinary legal proceedings: Provided always, that the time to be fixed for the payment of the first instalment of interest upon such advance shall not be earlier than the first day of November in any year, nor shall it be within less than two years from the establishment of such settler upon such homestead; and provided also, that such settler shall not be bound to pay the capital of such advance, or any part thereof, within a less period than four years from the date of his establishment upon such homestead."

Deposit of duplicate

Holder's rights.

Payment of interest.

Payment of capital.

Section 129, repealed, new provision.

7. Clause one hundred and twenty-nine of the said Act is hereby repealed and the following substituted therefor :—

Boundaries under this Act are to be deemed the true ones.

"**129.** All boundary lines of townships, sections or legal subdivisions, towns or villages, and all boundary lines of blocks, gores and commons, all section lines and governing points, all limits of lots surveyed, as defined by mounds, posts or monuments, erected, placed or planted at the angles of any townships, towns, villages, sections or other legal subdivisions, blocks, gores, commons and lots or parcels of land under the authority of this Act or of the Governor in Council, shall, subject to the provisions hereinafter in this clause contained, be the true and unalterable boundaries of such townships, towns and villages, sections or other legal subdivisions, blocks, gores, commons and lots or parcels of land respectively, whether the same, upon admeasurement, are or are not found to contain the exact area or dimensions mentioned or expressed in any patent, grant or other instrument in respect of any such township, town, village, section or other legal subdivision, block, gore, common, lot or parcel of land:

Township survey may be cancelled.

"2. Whenever the Minister of the Interior has reason to believe that any gross irregularity or error has been made in the survey of any township surveyed under the authority of this Act, the Governor in Council, upon the recommendation of the Minister of the Interior, may direct that such survey shall be cancelled and a new survey made, and the said new survey shall be made accordingly :

Boundary marks in such case.

"3. In effecting any new survey as provided by the preceding subclause, all posts, mounds or other marks placed to mark the original survey which is to be corrected, may be removed, and the new posts, mounds or other marks placed to mark and define the new survey, shall become the original marks of such survey :

Amendment of plans.

"4. The plan of any survey performed under the provisions of this Act, and of record in the Department of the Interior, or any tracing or lithographed copy of the same, may be altered and amended so as to show any and all alterations made by a new survey effected as provided by this Act."

Form L repealed.

8. Form L in the Schedule to "*The Dominion Lands Act*" is hereby repealed and the following substituted therefor :—

New form.

"FORM L.

"*Acknowledgment and Charge.*

"I, the undersigned
holding as a homestead the quarter
of section Township
Range of the
Meridian, upon which I have been established since the
day of , 18 , hereby acknowledge
to have received from
as an advance under the provisions of "*The Dominion Lands Act*" and amendments thereto, in aid of my establishment

upon the said homestead, the sum of dollars as shown by the statement thereof as hereto annexed, certified by the
which sum of money I undertake to pay to the said his representatives or assigns in years from the day of 18 , as follows:—

with interest thereon from the day of , 18 , at the rate of eight per cent. per annum payable yearly on the day of in each year. the first instalment whereof will become due on the day of , 18 ; and as security for such payments I hereby create a first mortgage and charge upon the said homestead according to the provisions of the said Act and amendments thereto.

"I create the said mortgage and charge upon the condition that I am to have the privilege of paying off the said advance at any time prior to the expiration of the said years.

"In witness whereof the parties hereto have executed these presents in triplicate, this day of , 18 .

"Signed sealed and delivered in presence of } { L.S. }

"STATEMENT OF EXPENSES.

For cost of passage ..... $
do subsistence.....
do entry fee.....
do breaking land.....
do selecting land and placing settler thereon... .....
do legal expenses.....
do material for building and cost of erection .....
do horses and cattle ....
do house furniture ....
do farm implements .....
do seed grain .....
Interest on $, to 18 ."

9. The following is hereby added to the said schedule as Form R:—

"FORM R. Form R.

"*Acknowledgment and Charge.*

"I, the undersigned hereby acknowledge to have received the sum of dollars from as an advance under the provisions of "*The*

Dominion Lands Act" and amendments thereto, in aid of my establishment upon a homestead in Manitoba or the North-West Territories of Canada, which sum of money I undertake to pay to the said his representatives or assigns in years from the day of 18 , as follows:—

with interest thereon from the day of 18 , at the rate of per cent. per annum payable on the day of , in each year; the first instalment whereof will become due on the day of 18 , and as security for such payments I hereby undertake and agree that the homestead for which I shall obtain entry shall be charged with the said sum of money advanced to me, with interest thereon at a rate not exceeding eight per cent per annum, according to the said Act and amendments thereto. I create the said charge upon condition that I am to have the privilege of paying off the said advance at any time prior to the expiration of the said years.

"In witness whereof the parties hereto have executed these presents in triplicate, this day of , 18 .

Signed, sealed and delivered in presence of } { L.S. } „

3rd Session, 6th Parliament, 52 Victoria, 1889.

X

BILL.

An Act further to amend "The Dominion Lands Act."

Received and read first time, Thursday, 11th April, 1889.
Second reading, Monday, 15th April, 1889.

Hon. Mr. ABBOTT.

OTTAWA:
For the Queen's Printer, &c.
A. SENECAL, Superintendent of Printing.
1889.

BILL.

An Act to amend the Revised Statute respecting the North-West Mounted Police Force.

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

1. Section nine of chapter forty-five of the Revised Statutes of Canada, intituled: "*An Act respecting the North-West Mounted Police Force*," is hereby repealed and the following substituted therefor : — R.S.C., c. 45, s. 9, repealed, new provision.

"**9.** The commissioner and the assistant commissioner shall, respectively, have all the powers of two justices of the peace under this or any Act in force in the North-West Territories; and the superintendents, and such other officers as the Governor in Council approves, shall be *ex officio* justices of the peace; and every constable of the force shall be a constable in and for the whole of the North-West Territories, for carrying out any laws or ordinances in force therein; and every such commissioner, assistant commissioner, superintendent or other officer and every constable is hereby further empowered to exercise, in every Province of Canada, for the purpose of carrying out the criminal and other laws of Canada, like powers and to perform like duties, as are in this section assigned to him in respect of the North-West Territories." Powers of members of the force. In the N.-W. Territories. Elsewhere in Canada.

2. Sub-section one of section thirteen of the said Act is hereby amended by adding the following at the end of the paragraph thereof lettered (*d.*) : —" but it shall not be necessary in order to a constable's lawful entry into or search of any place in this sub-section mentioned, or to his right of seizure and destruction of such liquors or intoxicating drink as aforesaid, that he should before such entry or such seizure see any such liquor or intoxicating drink, or have any visible indication or evidence that liquor of any kind may be contained in or about the premises : " Subsection 1 of s. 13 amended. Entry and search for intoxicants.

2. The foregoing provisions of this section shall be deemed to be declaratory, and the section hereby amended shall be construed as if the said provisions had been incorporated therewith at the time of the passing of the Act hereby amended. Provisions. Declaratory.

3. Sub-section one of section twenty-four of the said Act is hereby repealed and the following substituted therefor :— Subsection 1 of s. 24 repealed

New provision.

Desertion, absence without leave, refusal to do duty.

Penalty.

Offender may be taken back to head quarters.

"**24.** Every member of the force who, having deserted, absented himself from his duties without leave, or refused to do duty therein, is found in any part of Canada other than the North-West Territories, whether the term for which he engaged to serve has or has not expired at the time of his being so found, shall, on conviction thereof, be liable to a fine not exceeding two hundred dollars and not less than one hundred dollars, and in default of payment of such fine to imprisonment for a term of six months, unless such fine is sooner paid,—or to imprisonment with hard labor for a term not exceeding twelve months and not less than six months,—or to both fine and imprisonment; or he may be delivered into the custody of a member of the force and taken back in custody to the headquarters thereof to be dealt with in accordance with the provisions of section eighteen of this Act."

Section 24 further amended.

4. The said section twenty-four is hereby further amended by adding the following sub-section thereto:—

"3. Every person who—

Persuading to desert.

"(*a.*) Persuades any man who is a member of, or who has engaged to serve in, the force to desert, or attempts to procure or persuade any such man to desert; or

Aiding in deserting.

"(*b.*) Knowing that any such man is about to desert, aids or assists him in deserting; or

Assisting deserter.

"(*c.*) Knowing that any such man is a deserter, conceals such man, or aids or assists him in concealing himself, or aids or assists in his rescue,

Penalty.

"Shall, on summary conviction, be liable to imprisonment, with or without hard labor, for a term not exceeding six months."

Section 25, amended.

5. Section twenty-five of the said Act is hereby amended by adding the following words at the end thereof: "except that any complaint may be made or information laid and proceedings may be had thereon at any time after the time when the matter of the complaint or information arose."

Complaint or information may be laid at any time.

Expiration of term of service not to abridge imprisonment.

6. Whenever a member of the force has been sentenced to imprisonment for any offence for which sentence of imprisonment may be adjudged under the Act hereby amended or under this Act, such term of imprisonment shall not be deemed to be abridged or to cease in consequence of the expiry, pending such term of imprisonment, of the term during which the offender had engaged to serve in the force.

3rd Session, 6th Parliament, 52 Vi

BILL.

Y

An Act to amend the Revis
respecting the North-Wes
Police Force.

Received and read first time, M
April, 1889.
Second reading, Wednesday, 17th

Hon. Mr.

OTTAWA:
For the Queen's Printer,
—
A. SENÉCAL, Superintendent of
—
1889.

House of Commons.

1 V

2 An Act to permit foreign vessels to aid vessels wrecked or disabled in Canadian waters.

3 An Act to make further provision as to the prevention of cruelty to animals, and to amend chapter one hundred and seventy-two of the Revised Statutes of Canada.

4 An Act further to amend the Revised Statutes, Chapter five, respecting the Electoral Franchise.

5 An Act relating to Bills of Exchange, Cheques, and Promissory Notes.

6 An Act to prevent the practice of fraud by tree pedlers and commission men in the sale of nursery stock.

7 An Act to admit vessels registered in the United States to wrecking, towing and coasting privileges in Canadian waters.

8 An Act to provide for the examination and licensing of persons having charge of stationary steam engines or other devices worked under pressure.

9 An Act to amend "The Railway Act."

10 An Act to amend chapter one hundred and twenty-seven of the Revised Statutes of Canada, intituled: "An Act respecting Interest."

11 An Act for the Prevention and Suppression of Combinations formed in restraint of Trade.

12 An Act to insure regular crossing facilities between the city of Quebec and the town of Lévis.

13 An Act to require the owners of elevators and hoists to guard against accidents.

14 An Act to incorporate the Alberta Railway and Coal Company.

15 An Act respecting the Kootenay and Athabasca Railway Company.

16 An Act to provide against frauds in the supplying of Milk to Cheese and Butter Manufactories.

17 An Act to make further provision respecting the Speedy Trial of certain indictable offences.

18 An Act to authorize the assessment of the salaries or incomes of persons in the service of Canada.

19 An Act to incorporate the Assiniboia, Edmonton and Unjiga Railway Company.

20 An Act to incorporate the Hawkesb. Lumber Company.

21 An Act respecting the New Brunswick and Prince Edward Railway Company, and to change the name of the Company to "The New Brunswick and Prince Edward Island Railway Company."

22 An Act to incorporate the Assets and Debenture Company of Canada.

23 An Act to incorporate the Ottawa and Montreal Boom Company.

24 An Act to incorporate the Dominion Life Assurance Company.

25 An Act to amend the Act incorporating the Boiler Inspection and Insurance Company of Canada.

26 An Act to amend the Act respecting Certificates to Masters and Mates of Ships, chapter seventy-three of the Revised Statutes.

27 An Act to amend "The Weights and Measures Act," chapter one hundred and four of the Revised Statutes.

28 An Act further to amend the Dominion Elections Act, chapter eight of the Revised Statutes of Canada.

29 An Act to amend chapter forty-one of the Revised Statutes, respecting the Militia and Defence of Canada.

30 An Act respecting the Baptist Convention of Ontario and Quebec.

31 An Act to incorporate the Red Deer Valley Railway and Coal Company.

32 An Act to incorporate the Victoria, and New Westminster Railway Company.

33 An Act to amend the Act to incorporate the Prescott County Railway Company, and to change the name of the Company to "The Central Counties Railway Company."

34 An Act to incorporate the Canadian General Trusts Company.

35 An Act respecting the Niagara Grand Island Bridge Company.

36 An Act to incorporate the St. Helen's Island Bridge Company.

37 An Act to amend the Act incorporating the Massawippi Junction Railway Company.

38 An Act to extend the jurisdiction of the Maritime Court of Ontario.

39 An Act respecting the Hamilton Central Railway Company.

40 An Act respecting the Lake Nipissing and James' Bay Railway Company, and to change the name of the Company to "The Nipissing and James' Bay Railway Company."

41 An Act to incorporate the Calgary, Alberta and Montana Railway Company.

42 An Act to amend the Act incorporating the Ontario Mutual Life Assurance Company.

43 An Act to incorporate the Ottawa, Morrisburg and New York Railway and Bridge Company.

44 An Act to incorporate the Canada Congregational Foreign Missionary Society.

45 An Act to revive and amend the Acts relating to the Saint Gabriel Levee and Railway Company.

46 An Act to amend the Act respecting Queen's College at Kingston.

47 An Act to amend the Act incorporating the Kingston, Smith's Falls and Ottawa Railway Company.

48 An Act to consolidate the borrowing powers of the Ontario Loan and Debenture Company and to authorize them to issue Debenture Stock.

49 An Act respecting the Alberta and Athabasca Railway Company, and to change the name of the Company to "The Great North-Western Railway Company."

50 An Act to amend the Act respecting the London Mutual Fire Insurance Company of Canada.

51 An Act respecting the Pontiac Pacific Junction Railway Company.

52 An Act to incorporate the Lac Seul Railway Company.

53 An Act for the protection of persons employed by contractors engaged in the construction of railways under Acts passed by the Parliament of Canada.

54 An Act to amend the Revised Statutes, chapter seventy-seven, respecting the Safety of Ships.

55 An Act respecting Rules of Court in relation to Criminal Matters.

56 An Act to place on the Free List articles of merchandise, the production of which are controlled by Trusts and Combinations.

57 An Act to incorporate the Cobourg, Northumberland and Pacific Railway Company.

58 An Act respecting the Berlin and Canadian Pacific Junction Railway Company.

59 An Act respecting the South Ontario Pacific Railway Company.

60 An Act respecting Steam Vessels to be used in connection with the Canadian Pacific Railway.

61 An Act to incorporate the Manitoba and South Eastern Railway Company.

62 An Act to incorporate the Lake Manitoba Railway and Canal Company.

63 An Act to enable the City of Winnipeg to utilize the Assiniboine River water power.

64 An Act respecting the St. Lawrence and Atlantic Junction Railway Company.

65 An Act respecting the Atlantic and North-West Railway Company.

66 An Act to ratify an Exchange of Land between the Ontario and Quebec Railway Company and the Land Security Company.

67 An Act to incorporate the "Assiniboine Water Power Company."

68 An Act respecting the Canadian Pacific Railway Company.

69 An Act respecting the Kingston and Pembroke Railway Company.

70 An Act to amend "The Dominion Controverted Elections Act."

71 An Act respecting corrupt practices in Municipal affairs.

72 An Act to make further provision respecting inquiries concerning Public Matters.

73 An Act to incorporate the North-Western Junction and Lake of the Woods Railway Company.

74 An Act to incorporate the Supreme Court of the Independent Order of Foresters.

75 An Act respecting the City of Quinté Bridge Company.

76 An Act respecting the incorporation of the Northern Pacific and Manitoba Railway Company.

77 An Act to further amend the Act incorporating the London and Canadian Loan and Agency Company, Limited.

78 An Act respecting the Wires of Telephone, Telegraph and Electric Light Companies in the City of Toronto.

79 An Act to incorporate the Union Railway Company.

80 An Act to incorporate the Dominion Mineral Company.

81 An Act to incorporate the Canadian Superphosphate Company.

82 An Act to amend the Act to incorporate the Winnipeg and North Pacific Railway Company.

83 An Act to incorporate the Ontario, Manitoba and Western Railway Company.

84 An Act to extend the provisions of the Extradition Act.

85 An Act to incorporate the Moose Jaw, Battleford and Edmonton Railway Company.

86 An Act to incorporate the Saskatchewan Railway and Mining Company.

87 An Act to amend the Act to incorporate the Quebec Board of Trade.

88 An Act to incorporate the Edmundston and Florenceville Railway Company.

89 An Act to amend the Charter of Incorporation of the Great North-West Central Railway Company.

90 An Act respecting the Kingston and Pembroke Railway Company and the Napanee, Tamworth and Quebec Railway Company.

91 An Act to permit the Conditional Release of First offenders in certain cases.

92 An Act relating to Bills of Lading.

93 An Act to amend "The Post Office Act," chapter thirty-five of the Revised Statutes of Canada.

94 An Act respecting Benevolent Societies.

95 An Act relating to the Supreme Court.

96 An Act to incorporate the Prince Edward Island and Continental Railway and Ferry Company.

97 An Act to amend chapter one hundred and seventy-nine of the Revised Statutes respecting recognizances.

98 An Act to amend "The Winding up Act" chapter one hundred and twenty-nine of the Revised Statutes.

99 [illegible] the Three Rivers and Western Railway Company.

100 An Act further to amend "The Civil Service Act," Chapter seventeen of the Revised Statutes.

101 An Act to amend "The Copyright Act," chapter sixty-two of the Revised Statutes.

102 An Act to amend Chapter one hundred and seventy-three of the Revised Statutes of Canada respecting Threats, Intimidation and other offences.

103 An Act further to amend the Act thirty-sixth Victoria, chapter sixty-one, respecting the Trinity House and Harbor Commissioners of Montreal.

104 An Act to amend Chapter ninety-five of the Revised Statutes, "The Fisheries Act."

105 An Act to amend the Supreme and Exchequer Courts Act.

106 An Act to amend the Civil Service Act.

107 An Act respecting the Wood Mountain and Qu'Appelle Railway Company.

108 An Act to amend chapter thirteen of the Revised Statutes, intituled, "An Act respecting the House of Commons."

109 An Act to amend the law respecting the Exchequer Court of Canada

110 An Act to repeal certain Acts relating to the Public Departments

111 An Act to amend chapter eleven of the Revised Statutes of Canada, intituled, "An Act respecting the Senate and House of Commons"

112 An Act respecting the Wires of Telephone, Telegraph and Electric Light Companies.

113 An Act respecting the inspection of timber and lumber.

114 An Act to incorporate the Title and Mortgage Guarantee Company of Canada.

115 An Act to amend "The Railway Act."

116 An Act respecting the Harbor of Belleville, in the Province of Ontario.

117 An Act further to amend "The Customs Act," chapter thirty-two of the Revised Statutes.

118 An Act to authorize the granting of Pensions to members of the North-West Mounted Police Force.

119 An Act for the relief of William Gordon Lowry.

120 An Act to amend Chapter eleven of the Revised Statutes, intituled: "An Act respecting the Senate and House of Commons."

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127 An Act in reference to the Western Counties Railway.

128 An Act to provide for the conveyance of certain lands to British Columbia.

129 An Act to amend "The Fisheries Act," chapter ninety-five of the Revised Statutes.

130 An Act further to amend "The Steamboat Inspection Act," chapter seventy-eight of the Revised Statutes.

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136 An Act to consolidate and amend the Acts respecting the North-West Territories.

137 An Act further to amend "The General Inspection Act," chapter ninety-nine of the Revised Statutes.

138. An Act respecting a loan therein mentioned to certain Mennonite Immigrants.

139. An Act further to amend "The Inland Revenue Act" chapter thirty-four of the Revised Statutes.

141. An Act to amend the Act respecting the Rocky Mountains Park of Canada.

142. An Act to amend "The Cullers' Act," chapter one hundred and three of the Revised Statutes.

143. An Act to authorize the conveyance to the Quebec Skating Club of certain Ordnance Lands in the City of Quebec.

144. An Act relating to Ocean Steamship Subsidies.

149

An Act to provide for the building and working of a line of railway from Harvey to Salisbury or Moncton, in the Province of New Brunswick.

150

An Act to amend the Revised Statutes, chapter one hundred and thirty-eight, respecting the Judges of Provincial Courts.

French Text.

Senate

A — An Act to make further provision respecting inquiries concerning Public Matters.

B — An Act respecting corrupt practices in Municipal Affairs.

C — An Act relating to Bills of Lading.

D — An Act to amend "The Railway Act."

E — An Act to permit the Conditional Release of First offenders in certain cases.

F — BILL.

An Act for the relief of William Henry Middleton.

G — An Act for the relief of William Gordon Lowry.

H — BILL.

An Act for the relief of Bennett Rosamond.

I — BILL.

An Act for the relief of Arthur Wand.

J — BILL.

An Act for the relief of George McDonald Bagwell.

K — An Act to amend Chapter one hundred and twenty-seven of the Revised Statutes, "An Act respecting Interest"

L — An Act respecting the collection of certain tolls therein mentioned.

M — An Act to amend "The Summary Trials Act."

N — An Act to amend "The Revised Statute respecting Interest."

O — An Act to amend "The Summary Convictions Act" and the Act amending the same.

P — An Act respecting Expropriation of Lands.

Q — An Act to revive certain Regulations respecting Fisheries in Nova Scotia.

R — An Act to amend "The Bank Act."

S — An Act to amend chapter one hundred and forty-eight of the Revised Statutes of Canada, intituled: "An Act respecting the improper use of Fire-arms and other weapons."

T — An Act for better securing the safety of certain Fishermen.

U — An Act further to amend The Adulteration Act, chapter one hundred and seven of the Revised Statutes.

V — An Act to amend the Revised Statute respecting Escapes and Rescues.

W — An Act further to amend the several Acts relating to the Board of Trade of the City of Toronto.

X — An Act further to amend "The Dominion Lands Act."

Y — An Act to amend the Revised Statute respecting the North-West Mounted Police Force.