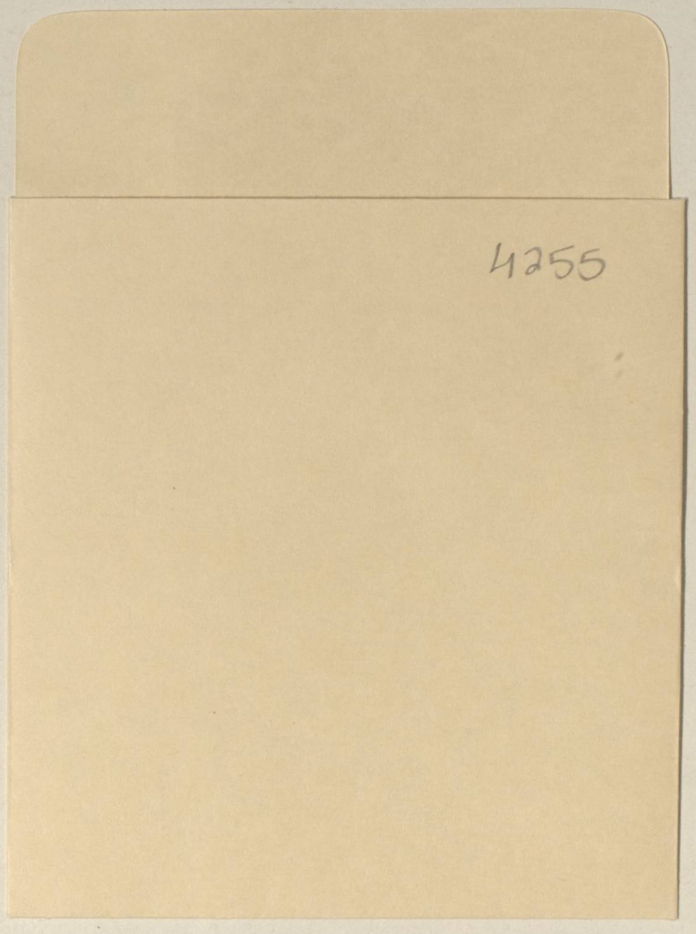
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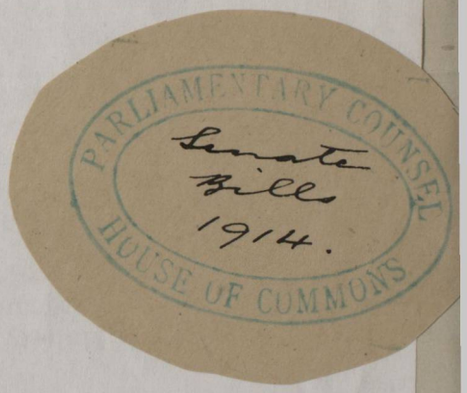
PARLIAMENTARY COUNSEL
Senate
Bills
1914.
HOUSE OF COMMONS

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL A.

An Act to amend The Railway Act with respect to the deposit of plans.

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

**1.** Section 158 of *The Railway Act*, chapter 37 of *The Revised Statutes*, is hereby amended by adding thereto the following as subsections 8, 9 and 10 respectively:— R.S., c. 37, s 158 amended.

"8. The company shall deposit the plan, profile and book of reference with the Board for sanction by the Board as hereinafter provided, and shall also deposit, in the office of the registrar of deeds for each district or county through which the railway is to pass, a copy thereof certified by the secretary of the company to be a true copy, or a copy so certified of such parts thereof as relate to that district or county. Deposit of plan, &c. for sanction by Board.

"9. The company shall give notice of such deposit and of the date at which application will be made to the Board for sanction of the plan, profile and book of reference. Notice.

"10. The notice shall be given by advertisement for a period of at least four weeks before the said date— Mode of notice.

(*a*) in each issue of *The Canada Gazette* during that period; and—

(*b*) in each district or county through which the railway is to pass, in each issue during that period of some newspaper published in that district or county, or, if there be no such newspaper, then in the official gazette of the province; and—

(*c*) when any such district or county is in the province of Quebec or in the province of Manitoba, the advertisement shall be in both the English and French languages.

**2.** Subsection 1 of section 159 of the said Act is hereby repealed and the following substituted therefor:— S. 159 amended.

Powers to Board to sanction plan &c.

"**159.** After such deposit and notice the Board, if satisfied with the plan, profile and book of reference, may sanction them."

S. 192 amended. Effect of deposit of sanctioned plan.

**3.** Section 192 of the said Act is hereby amended by inserting in the first line thereof after the word "reference" the words "as sanctioned by the Board."

3rd Session, 12th Parliament, 4 George V., 1914

THE SENATE OF CANADA.

# BILL

# A

An Act to amend The Railway Act with respect to the deposit of plans.

Received and read a first time

Wednesday, 21 January, 1914.

Second reading

Friday, 23 January, 1914.

Honourable Mr. CASGRAIN.

OTTAWA
Printed by C. H. PARMELEE
Printer to the King's most Excellent Majesty
1914

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

# BILL A.

## AS PASSED BY THE SENATE, 27th MARCH, 1914.

An Act to amend The Railway Act with respect to the deposit of plans.

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

**1.** Section 158 of *The Railway Act*, chapter 37 of *The Revised Statutes*, is hereby amended by adding thereto the following as subsections 8, 9 and 10 respectively:— R.S., c. 37, s 158 amended.

"8. The company shall deposit the plan, profile and book of reference with the Board for sanction by the Board as hereinafter provided, and shall also deposit, in the office of the registrar of deeds for each district or county through which the railway is to pass, a copy thereof certified by the secretary of the company to be a true copy, or a copy so certified of such parts thereof as relate to that district or county. Deposit of plan, &c. for sanction by Board.

"9. The company shall give notice of such deposit and of the date at which application will be made to the Board for sanction of the plan, profile and book of reference. Notice.

"10. The notice shall be given by advertisement for a period of at least four weeks before the said date— Mode of notice.

(*a*) in each issue of *The Canada Gazette* during that period; and—

(*b*) in each district or county through which the railway is to pass, in each issue during that period of some newspaper published in that district or county, or, if there be no such newspaper, then in the official gazette of the province; and—

(*c*) when any such district or county is in the province of Quebec or in the province of Manitoba, the advertisement shall be in both the English and French languages.

**2.** Subsection 1 of section 159 of the said Act is hereby repealed and the following substituted therefor:— S. 159 amended.

Powers to Board to sanction plan &c.

"**159.** After such deposit and notice the Board, if satisfied with the plan, profile and book of reference, may sanction them."

S. 192 amended.

Effect of deposit of sanctioned plan.

**3.** ection 192 of the said Act is hereby amended by inserting in the first line thereof after the word "reference" the words "as sanctioned by the Board."

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL B.

An Act respecting the Pollution of Navigable Waters.

Preamble.

WHEREAS it is expedient to make provision for the prevention of the pollution of navigable waters: Therefore, His 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 "the Minister" means the Minister of Agriculture.

Prohibition of placing sewage and other refuge matter in navigable waters, except according to regulations.

**2.** Every person is guilty of an offence against this Act and liable on summary conviction to the penalties hereinafter provided, who puts, or causes or permits to be put or to fall, flow, or to be carried into any navigable water, or into any other water any part of which is navigable or flows into any navigable water,—

(*a*) any solid or liquid sewage matter; or,

(*b*) any other solid matter which not being sewage, is poisonous, noxious, putrid, decomposing, refuse, or waste; or

(*c*) any liquid matter which not being sewage, is poisonous, noxious, putrid, decomposing, refuse or waste;

unless such matter, whether solid or liquid, is disposed of in accordance with regulations or orders made or permits granted under the authority of this Act.

Exception of private persons using public sewers.

2. A person, other than a municipal or sanitary authority, shall not be guilty of an offence under this section in respect of the passing of sewage matter into a drain communicating with any sewer belonging to or under the control of any municipal or sanitary authority, if he has the sanction of the municipal or sanitary authority for such passing.

Penalties. Corporations.

**3.** Every corporation convicted of an offence against this Act or of a violation of any regulation or order made or

permit granted under the authority of this Act shall be liable to a fine not exceeding five hundred dollars and an additional amount of fifty dollars for each day the offence continues.

Individuals.

2. Every person, other than a corporation, who is convicted of any such offence or violation shall be liable to a fine not exceeding fifty dollars and an additional amount of ten dollars for each day the offence continues, or to imprisonment not exceeding two months, or to both such fine and imprisonment.

Disposal of fines recovered.

3. All sums of money recovered under this section shall be paid into the Consolidated Revenue Fund of Canada and shall be applied in such manner as is by the Governor in Council deemed best adapted to promote the objects of this Act and to secure its due administration.

Regulations by Governor in Council.

**4.** The Governor in Council may make such regulations, general or special, as are requisite or expedient to carry out the purposes and intent of this Act; and the said regulations shall have force and effect as of and from the date of the publication thereof in *The Canada Gazette*.

Authorities and officers for enforcement of Act.

2. The Minister may appoint such officers as he deems necessary to carry out and enforce the provisions of this Act, and may also designate any existing board of health or sanitary authority, or other person, for such purposes.

Order and permits by Minister.

3. The Minister may make such orders and grant such permits as are provided for in such regulations.

Appeal from Minister's order, etc.

**5.** Any order or decision of the Minister under the regulations provided for in this Act shall be subject to an appeal to the superior court of original jurisdiction in the province in which such order or decision is to be enforced; and the said superior court shall have power to affirm, set aside or vary such order or decision; but pending the final determination of any such appeal the order or decision appealed from shall stand and be binding and the execution thereof shall not be stayed.

Form of appeal.

2. The appeal shall be in the form of a special case to be agreed upon by both parties, or their attorneys, and if they cannot agree, to be settled by a judge of the said superior court upon the application of one of the parties or his attorney.

Enforcement of orders.

**6.** The superior court of original jurisdiction in the province in which an offence against this Act has been committed or in which any order or decision given under this Act by the Minister or by the said superior court is to be enforced, may, by summary order, require any corporation,

municipality or person to abstain from the commission of such offence or to comply with such order or decision, and generally may give such directions for carrying such order or decision into effect as to the court seems meet.

Procedure in courts.

**7.** Subject to the provisions of this Act, and in so far as they are not incompatiable therewith, all enactments, rules and orders relating to proceedings in the superior courts of original jurisdiction in the several provinces or appeals thereto, shall apply to proceedings had or appeals taken under this Act in the same manner as if such proceedings or appeals related to a matter within the ordinary jurisdiction of the said courts.

Date and mode of operation of Act.

**8.** Sections 2 and 3 of this Act shall not come into operation as to any area, district or locality, until a date to be appointed by the Governor in Council by proclamation published in *The Canada Gazette* and in such other way as may be deemed advisable. Such proclamation shall also describe clearly such area, district or locality.

2. The Governor in Council may from time to time as he deems advisable issue proclamations published as aforesaid bringing the said sections 2 and 3 into operation as to additional areas, districts or localities.

3. Any proclamation issued under this Act may be revoked or amended from time to time, such revocation or amendment to be made known by proclamation published as aforesaid.

3rd Session, 12th Parliament, 4 George V., 1914

THE SENATE OF CANADA.

# BILL

# B

An Act respecting the Pollution of Navigable Waters.

Received and read a first time

Wednesday, 18th February, 1914.

Second reading

Friday, 20th February, 1914.

Honourable MR. BELCOURT.

OTTAWA
Printed by the King's Printer
1914

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

# BILL B.

## AS PASSED BY THE SENATE, 6th MARCH, 1914.

An Act respecting the Pollution of Navigable Waters

WHEREAS it is expedient to make provision for the prevention of the pollution of navigable waters: Therefore, His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

**1.** In this Act the expression "the Minister" means the Minister of Agriculture. Interpretation.

**2.** Every person is guilty of an offence against this Act and liable on summary conviction to the penalties hereinafter provided, who puts, or causes or permits to be put or to fall, flow, or to be carried into any navigable water, or into any other water any part of which is navigable or flows into any navigable water,— Prohibition of placing sewage and other refuse matter in navigable waters, except according to regulations.

(*a*) any solid or liquid sewage matter; or,

(*b*) any other solid matter which, not being sewage, is poisonous, noxious, putrid, decomposing, refuse, or waste; or

(*c*) any liquid matter which, not being sewage, is poisonous, noxious, putrid, decomposing, refuse or waste;

unless such matter, whether solid or liquid, is disposed of in accordance with regulations or orders made or permits granted under the authority of this Act.

2. A person, other than a municipal or sanitary authority, shall not be guilty of an offence under this section in respect of the passing of sewage matter into a drain communicating with any sewer belonging to or under the control of any municipal or sanitary authority, if he has the sanction of the municipal or sanitary authority for such passing. Exception of private persons using public sewers.

**3.** Every corporation convicted of an offence against this Act or of a violation of any regulation or order made or Penalties. Corporations.

permit granted under the authority of this Act shall be liable to a fine not exceeding five hundred dollars and an additional amount of fifty dollars for each day the offence continues.

Individuals.

2. Every person, other than a corporation, who is convicted of any such offence or violation shall be liable to a fine not exceeding fifty dollars and an additional amount of ten dollars for each day the offence continues, or to imprisonment not exceeding two months, or to both such fine and imprisonment.

Disposal of fines recovered.

3. All sums of money recovered under this section shall be paid into the Consolidated Revenue Fund of Canada and shall be applied in such manner as is by the Governor in Council deemed best adapted to promote the objects of this Act and to secure its due administration.

Regulations by Governor in Council.

**4.** The Governor in Council may make such regulations, general or special, as are requisite or expedient to carry out the purposes and intent of this Act; and the said regulations shall have force and effect as of and from the date of the publication thereof in *The Canada Gazette*.

Authorities and officers for enforcement of Act.

2. The Minister may appoint such officers as he deems necessary to carry out and enforce the provisions of this Act, and may also designate any existing board of health or sanitary authority, or other person, for such purposes.

Order and permits by Minister.

3. The Minister may make such orders and grant such permits as are provided for in such regulations.

Appeal from Minister's order, etc.

**5.** Any order or decision of the Minister under the regulations provided for in this Act shall be subject to an appeal to the superior court of original jurisdiction in the province in which such order or decision is to be enforced; and the said superior court shall have power to affirm, set aside or vary such order or decision; but pending the final determination of any such appeal the order or decision appealed from shall stand and be binding and the execution thereof shall not be stayed.

Form of appeal.

2. The appeal shall be in the form of a special case to be agreed upon by both parties, or their attorneys, and if they cannot agree, to be settled by a judge of the said superior court upon the application of one of the parties or his attorney.

Enforcement of orders.

**6.** The superior court of original jurisdiction in the province in which an offence against this Act has been committed or in which any order or decision given under this Act by the Minister or by the said superior court is to be enforced, may, by summary order, require any corporation,

municipality or person to abstain from the commission of such offence or to comply with such order or decision, and generally may give such directions for carrying such order or decision into effect as to the court seems meet.

Procedure in courts.

**7.** Subject to the provisions of this Act, and in so far as they are not incompatible therewith, all enactments, rules and orders relating to proceedings in the superior courts of original jurisdiction in the several provinces or appeals thereto, shall apply to proceedings had or appeals taken under this Act in the same manner as if such proceedings or appeals related to a matter within the ordinary jurisdiction of the said courts.

Date and mode of operation of Act.

**8.** Sections 2 and 3 of this Act shall not come into operation as to any area, district or locality, until a date to be appointed by the Governor in Council by proclamation published in *The Canada Gazette* and in such other way as may be deemed advisable. Such proclamation shall also describe clearly such area, district or locality.

2. The Governor in Council may from time to time as he deems advisable issue proclamations published as aforesaid bringing the said sections 2 and 3 into operation as to additional areas, districts or localities.

3. Any proclamation issued under this Act may be revoked or amended from time to time, such revocation or amendment to be made known by proclamation published as aforesaid.

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL C.

An Act to Incorporate The Atlin Railway Company.

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

Incorporation.

**1.** Charles W. Baker, of the city of Boston in the state of Massachusetts, one of the United States of America, Michael Kavanagh and George W. Mitchell, both of the city of Ottawa in the province of Ontario, Pierre Duryee of the city of Vancouver and R. E. Gosnell of the city of Victoria in the province of British Columbia, together with such persons as become shareholders in the company, are hereby incorporated under the name of "The Atlin Railway Company," hereinafter called "the Company." Name.

Declaratory.

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

Provisional directors.

**3.** The persons named in section 1 of this Act are constituted provisional directors of the Company.

Capital stock.

**4.** The capital stock of the Company shall be one million dollars. No one call thereon shall exceed ten per cent on the shares subscribed.

Head Office.

**5.** The head office of the Company shall be in the city of Vancouver.

Annual meeting.

**6.** The annual meeting of the shareholders shall be held on the second Tuesday in September.

Di

**7.** The number of directors shall be not less than five nor more than nine, one or more of whom may be paid directors.

Line of railway described.

**8.** The Company may lay out, construct and operate a line of railway, of a broad or narrow gauge, commencing at a point on the southern end of Atlin Lake, or at a point at or near the town of Atlin, and following a generally southerly direction, to a point on the Taku River, where the said river intersects the International Boundary.

Issue of securities.

**9.** The securities issued by the Company shall not exceed thirty thousand dollars per mile of the railway, and may be issued only in proportion to the length of railway constructed or under contract to be constructed.

3rd Session, 12th Parliament, 4 George V., 1914

THE SENATE OF CANADA.

# BILL

C

An Act to incorporate The Atlin Railway Company.

Received and read a first time

Thursday, 19th February, 1914.

Second reading

Tuesday, 24th February, 1914.

Honourable Mr. Davis.

OTTAWA
Printed by the King's Printer
1914

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL C.

**AS PASSED BY THE SENATE, 17th MARCH, 1914.**

An Act to Incorporate The Atlin Railway Company.

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

Incorporation.

**1.** Charles W. Baker, of the city of Boston in the state of Massachusetts, one of the United States of America, Michael Kavanagh and George W. Mitchell, both of the city of Ottawa in the province of Ontario, Pierre Duryee of the city of Vancouver and R. E. Gosnell of the city of Victoria in the province of British Columbia, together with such persons as become shareholders in the company, are hereby incorporated under the name of "The Atlin Railway Company," hereinafter called "the Company."

Name.

Declaratory.

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

Provisional directors.

**3.** The persons named in section 1 of this Act are constituted provisional directors of the Company.

Capital stock.

**4.** The capital stock of the Company shall be one million dollars. No one call thereon shall exceed ten per cent on the shares subscribed.

Head Office.

**5.** The head office of the Company shall be in the city of Vancouver.

Annual meeting.

**6.** The annual meeting of the shareholders shall be held on the second Tuesday in September.

Directors.

**7.** The number of directors shall be not less than five nor more than nine, one or more of whom may be paid directors.

Line of railway described.

**8.** The Company may lay out, construct and operate a line of railway, of the gauge of four feet eight and one half inches, commencing at a point on the southern end of Atlin Lake, or at a point at or near the town of Atlin, and following a generally southerly direction, to a point on the Taku River, where the said river intersects the International Boundary.

Issue of securities.

**9.** The securities issued by the Company shall not exceed forty-five thousand dollars per mile of the railway, and may be issued only in proportion to the length of railway constructed or under contract to be constructed.

Consent of municipalities.

**10.** The Company shall not construct or operate its railway along any highway, street or other public place without first obtaining the consent, expressed by by-law, of the municipality having jurisdiction over such highway, street or other public place, and if there be no such municipality, then without first obtaining the consent of the authority having jurisdiction over such highway, street or other public place, and upon the terms to be agreed upon with such municipality or such other authority.

Telegraphs and telephones.

R.S., c. 37.

**11.** The Company may, subject to the provisions of *The Railway Act*, construct and operate telegraph and telephone lines upon its railway, and establish offices for and undertake the transmission of messages for the public, and collect tolls therefor; and for the purposes of operating such lines, or exchanging or transmitting messages, may, subject to the provisions of *The Railway Act*, enter into contracts with any companies having telegraph or telephone powers, and may connect its own lines with the lines of, or may lease its own lines to, any such companies.

Tolls and charges.

2. No toll or charge shall be demanded or taken for the transmission of any message, or for leasing or using the telegraphs or telephones of the Company, until it has been approved of by the Board of Railway Commissioners for Canada, which may also revise such tolls and charges.

R.S., c. 126.

3. Part II of *The Telegraphs Act*, except such portions thereof as are inconsistent with *The Railway Act*, or with this Act, shall apply to the telegraphic business of the Company.

Acquisition, transmission and delivery of electric and other power.

**12.** For the purposes of its undertaking, and subject to the provisions of section 247 of *The Railway Act*, the Company may acquire, but not by expropriation, electric

or other power or energy, which may be transmitted and delivered to any place in the municipalities through which the railway is constructed; and may receive, transform, transmit, distribute and supply such power or energy in any form, and may dispose of the surplus thereof, and may collect rates and charges therefor, but no such rate or charge shall be demanded or taken until it has been approved of by the Board of Railway Commissioners for Canada, which may also revise such rates and charges.

Consent of municipalities as to telephones and telegraphs.

**13.** Nothing in this Act or in *The Telegraphs Act* shall authorize the Company to construct or operate any telegraph or telephone lines, or any lines for the purpose of distributing electricity for lighting, heating or motor purposes, or disposing of surplus power generated by the Company's works and not required for the undertaking of the Company, upon, along or across any highway or public place, without first obtaining the consent, expressed by by-law, of the municipality or other authority as provided in section 10 of this Act, having jurisdiction over such highway or public place, and upon terms to be agreed on with such municipality or such other authority, or to sell, dispose of or distribute power or energy within or for use within the limits of any municipality, without the consent, expressed by by-law, of such municipality.

Hotels.

**14.** The Company may, for the purposes of its undertaking, construct, acquire or lease buildings for hotels or restaurants along its railway and may carry on such business in connection therewith as tends to the comfort and convenience of the travelling public; and may lay out, manage and lease parks and summer pleasure resorts with the approval, expressed by by-law of the municipality having jurisdiction over the place in which such parks and summer pleasure resorts are situated and upon terms to be agreed upon with such municipalities.

Parks.

Vessels.

**15.** The Company may, for the purposes of its undertaking, construct, acquire, charter and navigate steam and other vessels for the conveyance of passengers, goods and merchandise; and may construct, acquire and dispose of wharfs, docks, elevators, warehouses, offices and other structures to be used to facilitate the carrying on of business in connection therewith, and may carry on the business of warehousemen and wharfingers; and charge wharfage and other dues for the use of any such property.

Wharfs, docks.

Warehousemen and wharfingers.

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL D.

An Act to amend The Criminal Code.

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

**1.** The paragraph substituted, by section 2 of chapter 9 of the statutes of 1909, for paragraph (*a*) of subsection 1 of section 207 of *The Criminal Code* is hereby repealed and the following is substituted for the said paragraph (*a*):— R.S. c. 147, s. 207 amended.

"(*a*) makes, manufactures, sells, exposes for sale or to public view, distributes, circulates, causes to be distributed or circulated, or has in his possession for sale, distribution or circulation— Obscene or immoral publications.

(i) any obscene book, pamphlet, newspaper, or other obscene printed, typewritten or otherwise written matter; or—

(ii) any picture, photograph, model or other object tending to corrupt morals; or—

(iii) without the authorization of a judge of a superior court or of the Attorney General of a province, any book, pamphlet, newspaper, or other printed, typewritten or otherwise written matter, containing any picture or photograph of a person accused of or condemned for any indictable offence or offence punishable upon summary conviction, or containing any picture or photograph of any assistant or accomplice of such person, or any picture or photograph of any instrument used by such person, assistant or accomplice; or—

(iv) any plate, film or other like device for the reproduction of any picture or photograph mentioned in sub-paragraphs (ii) and (iii) of this paragraph; or—"

3rd Session, 12th Parliament, 4 George V., 1914

THE SENATE OF CANADA.

# BILL

# D

An Act to amend The Criminal Code.

Received and read a first time

Friday, 20th February, 1914.

Second reading

Thursday, 26th February, 1914.

Honourable MR. CHOQUETTE.

OTTAWA
Printed by the King's Printer
1914

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL E.

An Act to incorporate The National Council of Women of Canada.

Preamble.

WHEREAS Rosaline Torrington and Emily Cummings, both of the city of Toronto, in the province of Ontario, the president and the corresponding secretary, respectively, of The National Council of Women of Canada, have by their petition represented that the said Council is a voluntary association which has hitherto been devoting itself to the betterment of the conditions of women and children throughout Canada, and that the said Council has thought it advisable that it should become incorporated so that the purposes for which it exists may be more completely and effectually carried out, and that the executive committee of the said Council has authorized them to present the said petition; and whereas by the said petition they pray that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

Name.

**1.** Rosaline Torrington and Emily Cummings, both of the said city of Toronto, together with such other women as, in accordance with the provisions of this Act, become associated with them in the work of the corporation hereby constituted are hereby consituted a corporation under the name of "The National Council of Women of Canada," hereinafter called "the Council."

Object.

**2.** The object of the Council shall be to unite in a Dominion federation, for the betterment throughout Canada of conditions pertaining to the family and the state, all societies and associations of women interested in philanthrophy, religion, education, literature, art or social reform.

Powers.

**3.** The Council may, for the said object—

(*a*) establish in any part of Canada, branches of the Council to be called Local Councils, which shall be formed of federations of local societies, institutions and associations;

(*b*) establish a federation with it of any nationally organized society of women formed of associations having branches in various parts of Canada, and having objects similar to that of the Council;

(*c*) carry on work through committees for the gathering and spreading of information as to conditions and requirements in various parts of Canada;

(*d*) inaugurate new movements when necessary for the well being of the community.

Membership.

**4.** The Council shall consist of—

(*a*) all persons who at the date of the passing of this Act are members in good standing of the voluntary association mentioned in the preamble of this Act, or of any branch thereof; and

(*b*) all persons who, under the provisions of the constitution and by-laws of the Council, become members thereof.

Constitution and standing orders.

**5.** In so far as they are not contrary to law, nor inconsistent with the provisions of this Act, the constitution and standing orders of the voluntary association at the date of the passing of this Act shall be, respectively, the constitution and standing orders of the Council until altered or amended in the manner prescribed by this Act.

Alteration.

2. The Council may from time to time alter or amend the said constitution and standing orders in any manner not contrary to law, nor inconsistent with the provisions of this Act.

Mode of alteration.

3. The constitution and standing orders shall not be altered or amended except at an annual meeting of the Council, nor unless notice of the proposed alteration or amendment has been sent to the executive committee at least three months before such meeting.

Constitutions of local councils.

**6.** The constitutions adopted by Local Councils must be in harmony with that of the National Council. Changes in the constitution of a local Council may be made at the annual meeting of such Local Council by a two-thirds vote of those present. Notice of the proposed changes must be sent to the executive committee of the Council two months, and to each society belonging to the Local Council, one month before such meeting.

Executive committee.

**7.** The affairs of the Council shall be managed by an executive committee which shall be composed of the honorary president, the advisory president, the president, the vice-presidents, the presidents of the local councils and nationally organized societies in affiliation, the corresponding secretary, the recording secretary, the treasurer, and the conveners of standing committees.

Annual general meeting.

**8.** There shall be held annually a general meeting of the Council at such place and time as the executive committee may determine. At every annual meeting a full statement of the affairs of the Council shall be presented by the executive committee, and the election of officers and conveners of standing committees shall take place.

Acquisition of real property.

**9.** The Council and every Local Council may, subject to provincial laws, acquire by purchase or lease such real property as is required for the actual use and occupation of the Council or Local Council, respectively, or to carry out the objects of the Council or of the Local Council, and may sell, lease, mortgage, or otherwise dispose thereof: Provided, however, that the annual value of the real estate held by the Council shall not exceed the sum of twenty thousand dollars, nor shall the annual value of the real estate held by any Local Council exceed the sum of ten thousand dollars.

Acquisition of assets of voluntary association.

**10.** The Council may acquire the assets, interests, rights, credits, effects and property, movable or immovable, of the voluntary association mentioned in the preamble of this Act, subject however to existing mortgages or liens, if any, thereon; and in case of such acquisition shall be liable for and subject to and shall pay, discharge, carry out and perform all debts, liabilities, obligations and contracts of the said voluntary association.

Liability.

**11.** The Council, each Local Council, and each nationally organized society federated with the Council shall be respectively liable only for its own debts and obligations.

3rd Session, 12th Parliament, 4 George V., 1914

THE SENATE OF CANADA

# BILL

# E

An Act to incorporate The National Council of Women of Canada.

Received and read a first time

Friday, 27th February, 1914.

Second reading

Wednesday, 4th March, 1914.

Honourable Mr. Kerr.

OTTAWA
Printed by the King's Printer
1914

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL E.

AS PASSED BY THE SENATE, 31st MARCH, 1914.

An Act to incorporate The National Council of Women of Canada.

Preamble.

WHEREAS Rosaline Torrington and Emily Cummings, both of the city of Toronto, in the province of Ontario, the president and the corresponding secretary, respectively, of The National Council of Women of Canada, have by their petition represented that the said Council is a voluntary association which has hitherto been devoting itself to the betterment of the conditions of women and children throughout Canada, and that the said Council has thought it advisable that it should become incorporated so that the purposes for which it exists may be more completely and effectually carried out, and that the executive committee of the said Council has authorized them to present the said petition; and whereas by the said petition they pray that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

Name.

**1.** Rosaline Torrington and Emily Cummings, both of the said city of Toronto, together with such other women as, in accordance with the provisions of this Act, become associated with them in the work of the corporation hereby constituted are hereby constituted a corporation under the name of "The National Council of Women of Canada," hereinafter called "the Council."

Object.

**2.** The object of the Council shall be to unite in a Dominion federation, for the betterment throughout Canada of conditions pertaining to the family and the state, all societies and associations of women interested in philanthrophy, religion, education, literature, art or social reform.

Powers.

**3.** The Council may, for the said object—

(*a*) establish, in any part of Canada, branches of the Council to be called Local Councils, which shall be formed of federations of local societies, institutions and associations;

(*b*) establish a federation with it of any nationally organized society of women formed of associations having branches in various parts of Canada, and having objects similar to that of the Council;

(*c*) carry on work through committees for the gathering and spreading of information as to conditions and requirements in various parts of Canada;

(*d*) inaugurate new movements when necessary for the well being of the community.

Membership.

**4.** The Council shall consist of—

(*a*) all persons who at the date of the passing of this Act are members in good standing of the voluntary association mentioned in the preamble of this Act, or of any branch thereof; and

(*b*) all persons who, under the provisions of the constitution and by-laws of the Council, become members thereof.

Constitution and standing orders.

**5.** In so far as they are not contrary to law, nor inconsistent with the provisions of this Act, the constitution and standing orders of the voluntary association at the date of the passing of this Act shall be, respectively, the constitution and standing orders of the Council until altered or amended in the manner prescribed by this Act.

Alteration.

2. The Council may from time to time alter or amend the said constitution and standing orders in any manner not contrary to law, nor inconsistent with the provisions of this Act.

Mode of alteration.

3. The constitution and standing orders shall not be altered or amended except at an annual meeting of the Council, nor unless notice of the proposed alteration or amendment has been sent to the executive committee at least three months before such meeting.

Constitutions of local councils.

**6.** The constitutions adopted by Local Councils must be in harmony with that of the National Council. Changes in the constitution of a local Council may be made at the annual meeting of such Local Council by a two-thirds vote of those present. Notice of the proposed changes must be sent to the executive committee of the Council two months, and to each society belonging to the Local Council, one month before such meeting.

**7.** The affairs of the Council shall be managed by an executive committee which shall be composed of the honorary president, the advisory president, the president, the vice-presidents, the presidents of the local councils and nationally organized societies in affiliation, the corresponding secretary, the recording secretary, the treasurer, and the conveners of standing committees. Executive committee.

**8.** There shall be held annually a general meeting of the Council at such place and time as the executive committee may determine. At every annual meeting a full statement of the affairs of the Council shall be presented by the executive committee, and the election of officers and conveners of standing committees shall take place. Annual general meeting.

**9.** The Council and every Local Council may, subject to provincial laws, acquire by purchase or lease such real property as is required for the actual use and occupation of the Council or Local Council, respectively, or to carry out the objects of the Council or of the Local Council, and may sell, lease, mortgage, or otherwise dispose thereof: Provided, however, that the annual value of the real estate held by the Council shall not exceed the sum of twenty thousand dollars, nor shall the annual value of the real estate held by any Local Council exceed the sum of ten thousand dollars. Acquisition of real property.

**10.** Subject to the limitations contained in section 9, the Council may acquire the assets, interests, rights, credits, effects and property, movable or immovable, of the voluntary association mentioned in the preamble of this Act, subject however to existing mortgages or liens, if any, thereon; and in case of such acquisition shall be liable for and subject to and shall pay, discharge, carry out and perform all debts, liabilities, obligations and contracts of the said voluntary association. Acquisition of assets of voluntary association.

**11.** The Council, each Local Council, and each nationally organized society federated with the Council shall be respectively liable only for its own debts and obligations. Liability.

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL F.

An Act to incorporate The United Empire Life Insurance Company of Canada.

WHEREAS the persons hereinafter named have by their petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

**1.** William O'Connor, M.A., actuary, of the town of Blenheim, in the province of Ontario; W. F. Sangster, insurance agent, Percy S. Greaves, broker and promoter, J. A. Courtice, real-estate agent, all of the city of Toronto, in the province of Ontario; and S. L. Fedder, LL.B., M.D., insurance manager, of the city of Cleveland, in the state of Ohio, one of the United States of America, together with such other persons as become shareholders in the Company, are hereby incorporated under the name of "The United Empire Life Insurance Company of Canada", hereinafter called "the Company".

Name.

Provisional directors.

**2.** The persons named in section 1 of this Act, shall be the provisional directors of the Company.

Capital stock.

**3.** The capital stock of the Company shall be one million dollars.

Subscription of stock before election of directors.

**4.** The amount to be subscribed before the general meeting for the election of directors is called shall be two hundred and fifty thousand dollars.

Subscription of stock before commencement of business.

**5.** The Company shall not commence business until two hundred and fifty thousand dollars of capital stock have been subscribed and one hundred thousand dollars paid thereon.

Head office.

**6.** The head office of the Company shall be in the city of Toronto, in the province of Ontario.

Business authorized.

**7.** The Company may make contracts of life insurance with any person, and may grant, sell or purchase life annuities and endowments depending upon the contingency of human life, and generally may carry on the business of life insurance in all its branches and forms.

1910, c. 32 to apply.

**8.** *The Insurance Act, 1910*, shall apply to the Company.

3rd Session, 12th Parliament, 4 George V., 1914

THE SENATE OF CANADA

# BILL

F

An Act to incorporate The United Empire Life Insurance Company of Canada.

Received and read a first time

Friday, 27th February, 1914.

Second reading

Wednesday, 4th March, 1914.

Honourable Mr. Derbyshire.

OTTAWA

Printed by the King's Printer

1914

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL G.

An Act for the relief of Gertrude Carmen Birks.

Preamble.

WHEREAS Gertrude Carmen Birks, presently residing at the city of Montreal, in the province of Quebec, wife of John Harold Birks, of the said city of Montreal, manufacturers' agent, has by her petition alleged, in effect, that they were lawfully married on the twenty-first day of November, A.D. 1911, at the city of Westmount, in the said province, she then being Gertrude Carmen Blakely, spinster; that the legal domicile of the said John Harold Birks was then and is now in Canada; that he committed adultery with Rose McMartin, at the city of Toronto, in the province of Ontario, in the month of January, A.D., 1913, and at the city of Montreal, in the province of Quebec, on divers occasions between the month of January and the end of the month of May, A.D. 1913; that she has not connived at nor condoned the said adultery; that there has been no collusion, directly or indirectly, between him and her in the proceedings for divorce; and whereas by her petition she has prayed for the passing of an Act dissolving her said marriage, authorizing her to marry again, and affording her such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

**1.** The said marriage between Gertrude Carmen Blakely and John Harold Birks, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Roght to marry again.

**2.** The said Gertrude Carmen Blakely may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said John Harold Birks had not been solemnized.

3rd Session, 12th Parliament, 4 George V., 1914

THE SENATE OF CANADA

# BILL

# G

An Act for the relief of Gertrude Carmen Birks.

Received and read a first time

Wednesday, 4th March, 1914.

Second reading

Friday, 6th March, 1914.

Honourable Mr. Pope.

OTTAWA
Printed by the King's Printer
1914

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

# BILL G.

**AS PASSED BY THE SENATE 11th MARCH, 1914.**

An Act for the relief of Gertrude Carmen Birks.

Preamble.

WHEREAS Gertrude Carmen Birks, presently residing at the city of Montreal, in the province of Quebec, wife of John Harold Birks, of the said city of Montreal, manufacturers' agent, has by her petition alleged, in effect, that they were lawfully married on the twenty-first day of November, A.D. 1911, at the city of Westmount, in the said province, she then being Gertrude Carmen Blakely, spinster; that the legal domicile of the said John Harold Birks was then and is now in Canada; that he committed adultery with Rose McMartin, at the city of Toronto, in the province of Ontario, in the month of January, A.D., 1913, and at the city of Montreal, in the province of Quebec, on divers occasions between the month of January and the end of the month of May, A.D. 1913; that she has not connived at nor condoned the said adultery; that there has been no collusion, directly or indirectly, between him and her in the proceedings for divorce; and whereas by her petition she has prayed for the passing of an Act dissolving her said marriage, authorizing her to marry again, and affording her such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

**1.** The said marriage between Gertrude Carmen Blakely and John Harold Birks, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Roght to marry again.

**2.** The said Gertrude Carmen Blakely may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said John Harold Birks had not been solemnized.

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL H.

An Act for the relief of Rose Ethel Freedman.

Preamble.

WHEREAS Rose Ethel Freedman, presently residing at the city of Montreal, in the province of Quebec, wife of Isidore Freedman, of the city of Westmount, in the said province, diamond merchant, has by her petition alleged, in effect, that on the fourteenth day of January, A.D. 1903, at the city of Ottawa, in the province of Ontario, she then being Rose Ethel Michaels, spinster, a minor; they were married without the consent of her parents; that on the third day of June, A.D. 1903, at the said city of Montreal, with the consent of her parents, she and the said Isidore Freedman went through a form of marriage; that the legal domicile of the said Isidore Freedman was at both those dates and is now in Canada; that at the city of New York in the state of New York, one of the United States of America, on or about the first day of June, A.D. 1913, he committed adultery with a woman whose name is unknown; that she has not connived at nor condoned the said adultery; that there has been no collusion, directly or indirectly, between him and her in the proceedings for divorce; and whereas by her petition she has prayed for the passing of an Act dissolving her marriage, authorizing her to marry again, and affording her such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canda, enacts as follows:—

Marriage dissolved.

**1.** The marriage between Rose Ethel Michaels and Isidore Freedman, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

**2.** The said Rose Ethel Michaels may at any time hereafter marry any man whom she might lawfully marry if the marriage with the said Isidore Freedman had not been solemnized.

3rd Session, 12th Parliament, 4 George V., 1914

THE SENATE OF CANADA.

# BILL

H

An Act for the relief of Rose Ethel Freedman.

Received and read a first time

Wednesday, 4th March, 1914.

Second reading

Friday, 6th March, 1914.

Honourable MR. DERBYSHIRE.

OTTAWA
Printed by the King's Printer
1914

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL H.

### AS PASSED BY THE SENATE, 11th MARCH, 1914.

An Act for the relief of Rose Ethel Freedman.

Preamble.

WHEREAS Rose Ethel Freedman, presently residing at the city of Montreal, in the province of Quebec, wife of Isidore Freedman, of the city of Westmount, in the said province, diamond merchant, has by her petition alleged, in effect, that on the fourteenth day of January, A.D. 1903, at the city of Ottawa, in the province of Ontario, she then being Rose Ethel Michaels, spinster, a minor, they were married without the consent of her parents; that on the third day of June, A.D. 1903, at the said city of Montreal, with the consent of her parents, she and the said Isidore Freedman went through a form of marriage; that the legal domicile of the said Isidore Freedman was at both those dates and is now in Canada; that at the city of New York in the state of New York, one of the United States of America, on or about the first day of June, A.D. 1913, he committed adultery with a woman whose name is unknown; that she has not connived at nor condoned the said adultery; that there has been no collusion, directly or indirectly, between him and her in the proceedings for divorce; and whereas by her petition she has prayed for the passing of an Act dissolving her marriage, authorizing her to marry again, and affording her such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canda, enacts as follows:—

Marriage dissolved.

**1.** The marriage between Rose Ethel Michaels and Isidore Freedman, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

**2.** The said Rose Ethel Michaels may at any time hereafter marry any man whom she might lawfully marry if the marriage with the said Isidore Freedman had not been solemnized.

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL I.

An Act respecting The Montreal and Lake Victoria Railway Company.

Preamble 1912, c. 122.

WHEREAS The Montreal and Lake Victoria Railway Company has, by its petition, prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Extension of time for construction.

**1.** The Montreal and Lake Victoria Railway Company may, within two years after the passing of this Act, commence the construction of its railway and expend fifteen per cent of the amount of its capital stock thereon, and may, within five years after the passing of this Act, complete the said railway and put it in operation; and if, within the said periods respectively, the said railway is not commenced and such expenditure is not so made, or the said railway is not completed and put in operation, the powers of construction conferred upon the said company by Parliament shall cease and be null and void as respects so much of the said railway as then remains uncompleted.

3rd Session, 12th Parliament, 4 George V., 1914

THE SENATE OF CANADA.

# BILL

# I

An Act respecting The Montreal and Lake Victoria Railway Company.

Received and read a first time

Wednesday, 4th March, 1914.

Second reading

Friday, 6th March, 1914.

Honourable Mr. Béique.

OTTAWA
Printed by the King's Printer
1914

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL I.

**AS PASSED BY THE SENATE 12th MARCH, 1914.**

An Act respecting The Montreal and Lake Victoria Railway Company.

WHEREAS The Montreal and Lake Victoria Railway Company has, by its petition, prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble 1912, c. 122.

**1.** The Montreal and Lake Victoria Railway Company may, within two years after the passing of this Act, commence the construction of its railway and expend fifteen per cent of the amount of its capital stock thereon, and may, within five years after the passing of this Act, complete the said railway and put it in operation; and if, within the said periods respectively, the said railway is not commenced and such expenditure is not so made, or the said railway is not completed and put in operation, the powers of construction conferred upon the said company by Parliament shall cease and be null and void as respects so much of the said railway as then remains uncompleted. Extension of time for construction.

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL J.

An Act to amend The Inspection and Sale Act.

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

R.S., c. 85 s. 2 amended. Division of Act.

**1.** Section 2 of *The Inspection and Sale Act*, chapter 85 of *The Revised Statutes, 1906*, is amended by striking out the fifth line thereof and substituting therefor the words "Part III applies exclusively to flour, meal and feed."

New section 149A. "Feed."

**2.** The said Act is amended by inserting the following section immediately after section 149:—

"**149A.** In this Part, 'feed' means and includes the feeds or mixed meals or other feeding products made from the entire grains of wheat, rye, barley, oats, Indian corn, buckwheat, or flaxseed or other feeding stuffs, and the bran and middlings from wheat, rye, oats, peas, Indian corn, buckwheat, flax or sugar beet."

S. 150 amended. Application of Part III.

**3.** Section 150 of the said Act is repealed and the following is substituted therefor:—

"**150.** This Part applies to flour, meal and feed imported into Canada, or manufactured or sold or offered for sale therein, and to the reinspection or reweighing of such flour, meal and feed at any place to which it is removed within Canada, whenever such reinspection or reweighing is declared by the Governor in Council to be necessary in the public interest."

S. 163 amended as to weight of flour, etc.

**4.** Section 163 of the said Act is repealed and the following is substituted therefor:—

"**163.** Every barrel and half-barrel of any article mentioned in this section shall contain, respectively, that net weight of the article which is shown in this subsection opposite the name of such article, that is to say—

In barrels and half-barrels.

| Description of Article. | Net Weight in Dominion Standard pounds. | |
|---|---|---|
| | Barrel. | Half-barrel |
| Flour | 196 | 98 |
| Meal | 196 | 98 |
| Rolled Oats | 180 | 90 |
| Rolled Wheat | 100 | 50 |

In wooden packages.

"2. When any such article is contained in a wooden package other than a barrel or a half-barrel, the net weight of the article contained in the package shall be taken to be the weight of the article.

In bags, etc

"3. When any such article is contained in a bag, sack or similar package, the gross weight of the bag, sack or package and of the article shall be taken to be the weight of the article.

Bags of feed

"4. A bag, sack or similar package of feed shall contain one hundred Dominion Standard pounds, gross weight, of feed."

S. 164 amended.

**5.** Section 164 of the said Act is repealed and the following is substituted therefor:—

Marking of barrels.

"**164.** Every barrel or half-barrel of flour, meal, rolled oats or rolled wheat, packed for sale, shall, by painting or branding on one end thereof, be plainly marked:—

(*a*) with the initials of the Christian name and the surname at full length of the packer or the person for whom such barrel or half-barrel is packed, and with the place of business of such packer or person; and

(*b*) with the quality and weight of the flour or meal therein contained; and

(*c*) with the tare of the barrel or half-barrel."

New section 164A.

**6.** The said Act is amended by inserting the following section immediately after section 164:—

Marking of bags and packages.

"**164A.** Every bag, sack or similar package of flour, meal, rolled oats, rolled wheat, or feed shall be plainly marked,—

"(*a*) with the initials of the Christian names and the surname at full length of the packer or person for whom such bag or package is packed, and with the place of business or such packer or person; and

"(*b*) with the gross weight of the bag, sack or package."

**7.** The said Act is amended by inserting the following section immediately after section 164A:— New section 164B.

"**164B.** The provisions of sections 164 and 164A of this Act shall not apply— Exceptions from provisions as to marking.

"(*a*) when flour, meal, rolled oats, rolled wheat or feed is, in the presence of the purchaser, weighed and put into the barrel, half-barrel, bag, sack, or other package; nor—

"(*b*) when any of those articles is sold for export out of Canada, if the purchaser requests that the marks, or any mark, required by the said sections be not put upon the barrel, half-barrel, bag, sack or other package."

**8.** Section 165 of the said Act is repealed and the following is substituted therefor:— S. 165 amended.

"**165.** All flour, meal, rolled oats, or rolled wheat, which is packed in barrels in Canada for sale, shall be packed in good and strong barrels or half-barrels, of seasoned oak, elm or other hardwood, basswood or other suitable timber. Requirements as to barrels.

"2. Such barrels and half-barrels shall be well made, well seasoned and sufficiently hooped, and the whole well secured by nails."

**9.** Section 166 of the said Act is amended by striking out the word "cask" in the second line thereof and substituting therefor the words " barrel, half-barrel, bag, sack or package." S. 166 amended. Verification of weight.

**10.** Section 167 of the said Act is amended by substituting for the words "or meal" in the second line thereof, the words " meal or feed." S. 167 amended. Proportion of every lot to be verified.

**11.** Section 170 of the said Act is amended by substituting for the words "or meal" in the third line thereof, the words "meal or feed", and by substituting for the words "barrels or half-barrels", in the fourth line thereof, the words "barrels, half-barrels, bags, sacks or other packages". S. 170 amended. Neglect to ascertain weight.

**12.** Section 172 of the said Act is amended by striking out the word "two" in the second line thereof and substituting therefor the word " ten." S. 172 amended. Penalty for not marking.

**13.** Section 173 of the said Act is amended by striking out the word "two" in the fourth line thereof and substituting therefor the word " ten." S. 173 amended. Under marking tare.

**14.** Section 175 of the said Act is amended by substituting for the word "cask" in the fourth line thereof the S. 175 amended.

Deficiency in weight.

words "barrel or half-barrel," and by adding at the end of the section the words: " The burden of proof shall be on the person offering the flour or meal for sale."

New section 175A.

**15.** The said Act is amended by inserting the following section immediately after section 175:—

Selling flour, etc., in bags, not properly marked.

"**175A.** Every person who sells, offers for sale, or has in his possession for sale, any bag, sack or similar package of flour, meal, rolled oats, rolled wheat or feed, which is not marked in accordance with the requirements of section 164A of this Act, shall be liable, on summary conviction, to a

Penalty.

penalty of one dollar for every bag, sack or package not so marked; without prejudice to the civil remedy of any person aggrieved for any damage sustained by him."

S. 177 amended.

**16.** Subsection 2 of section 177 of the said Act is repealed and the following is substituted therefor:—

Inspector's weekly statement.

"2. A duplicate of every such statement shall also be sent to the Department of Trade and Commerce at Ottawa."

S. 337 amended.

**17.** Section 337 of the said Act is repealed, and the following is substituted therefor:—

Weight of bushel of certain articles.

"**337.** A bushel of any article mentioned in this subsection shall mean, unless a bushel by measure is specially agreed upon, that number of Dominion Standard pounds of such article which is shown in this subsection opposite the name of such article:

| Description of Article. | Weight in Dominion Standard pounds. |
|---|---|
| Artichokes | 56 lbs. |
| Beans | 60 " |
| Beets | 50 " |
| Bituminouscoal | 70 " |
| Blue grass seed | 14 " |
| Carrots | 50 " |
| Castor beans | 40 " |
| Clover seed | 60 " |
| Hemp seed | 44 " |
| Lime | 70 " |
| Malt | 36 " |
| Onions | 50 " |
| Parsnips | 45 " |
| Potatoes | 60 " |
| Timothy seed | 48 " |
| Turnips | 50 " |

Weight of bag of certain articles.

"2. A bag of any article mentioned in this subsection shall contain that number of Dominion Standard pounds of such article which is shown in this subsection opposite the name of such article.

| Description of Article. | Weight in Dominion Standard pounds. |
|---|---|
| Artichokes | 84 lbs. |
| Beets | 75 " |
| Carrots | 75 " |
| Onions | 75 " |
| Parsnips | 65 " |
| Potatoes | 90 " |
| Turnips | 75 " |

**18.** Section 338 of the said Act is repealed, and the following is substituted therefor:— New s. 338.

"**338.** A barrel of potatoes shall mean, unless a barrel of specified size, kind or content by measure is specially agreed upon, one hundred and sixty-five Dominion Standard pounds of potatoes." Barrel of potatoes.

**19.** Section 356 of the said Act is repealed, and the following is substituted therefor:— S. 356 amended.

"**356.** Every person who sells or offers for sale by the bag any of the vegetables mentioned in subsection 2 of section 337 of this Act, shall, in case any bag of such vegetables sold or offered for sale by him does not contain at least the number of Dominion Standard pounds required by the said subsection, be liable, on summary conviction, to a penalty not exceeding twenty-five dollars for a first offence, and for each subsequent offence to a penalty not exceeding fifty dollars."

**20.** Chapter 15 of the statutes of 1911 is repealed. 1911, c. 15 repealed.

**21.** This Act shall come into force on the first day of September, one thousand nine hundred and fourteen. Commencement of Act.

3rd Session, 12th Parliament, 4 George V., 1914

THE SENATE OF CANADA

# BILL

# J

An Act to amend The Inspection and Sale Act.

Received and read a first time

Thursday, 5th March, 1914.

Second reading

Tuesday, 10th March, 1914.

Honourable Mr. Lougheed.

OTTAWA
Printed by the King's Printer
1914

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL J.

**AS PASSED BY THE SENATE 25th MARCH, 1914.**

An Act to amend The Inspection and Sale Act.

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

R.S., c. 85 s. 2 amended. Division of Act.

**1.** Section 2 of *The Inspection and Sale Act*, chapter 85 of *The Revised Statutes, 1906*, is amended by striking out the fifth line thereof and substituting therefor the words "Part III applies exclusively to flour, meal and feed."

New section 149A. "Feed."

**2.** The said Act is amended by inserting the following section immediately after section 149:—

"**149A.** In this Part, 'feed' means and includes the feeds or mixed meals or other feeding products made from the entire grains of wheat, rye, barley, oats, Indian corn, buckwheat, or flaxseed or other feeding stuffs, and the bran and middlings from wheat, rye, oats, peas, Indian corn, buckwheat, flax or sugar beet."

S. 150 amended. Application of Part III.

**3.** Section 150 of the said Act is repealed and the following is substituted therefor:—

"**150.** This Part applies to flour, meal and feed imported into Canada, or manufactured or sold or offered for sale therein, and to the reinspection or reweighing of such flour, meal and feed at any place to which it is removed within Canada, whenever such reinspection or reweighing is declared by the Governor in Council to be necessary in the public interest."

S. 163 amended as to weight of flour, etc.

**4.** Section 163 of the said Act is repealed and the following is substituted therefor:—

"**163.** Every barrel and half-barrel of any article mentioned in this section shall contain, respectively, that net weight of the article which is shown in this subsection opposite the name of such article, that is to say—

In barrels and half-barrels.

| Description of Article. | Net Weight in Dominion Standard pounds. | |
|---|---|---|
| | Barrel. | Half-barrel |
| Flour | 196 | 98 |
| Meal | 196 | 98 |
| Rolled Oats | 180 | 90 |
| Rolled Wheat | 100 | 50 |

In wooden packages.

"2. When any such article is contained in a wooden package other than a barrel or a half-barrel, the net weight of the article contained in the package shall be taken to be the weight of the article.

In bags, etc.

"3. When any such article is contained in a bag, sack or similar package, the weight of the contents thereof shall be taken to be the weight of the article.

Bags of feed.

"4. The weight of the contents of a bag, sack or similar package of feed shall be one hundred Dominion Standard pounds."

S. 164 amended.

**5.** Section 164 of the said Act is repealed and the following is substituted therefor:—

Marking of barrels.

"**164.** Every barrel or half-barrel of flour, meal, rolled oats or rolled wheat, packed for sale, shall, by painting or branding on one end thereof, be plainly marked:—

(*a*) with the initials of the Christian name and the surname at full length of the packer or the person for whom such barrel or half-barrel is packed, and with the place of business of such packer or person; or, where such barrel or half-barrel is packed by or for a copartnership or incorporated company, with the firm name of such copartnership or the corporate name of such company and with the place of business of such copartnership or company; and

(*b*) with the brand and weight of the flour or meal therein contained; and

(*c*) with the tare of the barrel or half-barrel."

New section 164A.

**6.** The said Act is amended by inserting the following section immediately after section 164:—

Marking of bags and packages.

"**164A.** Every bag, sack or similar package of flour, meal, rolled oats, rolled wheat, or feed shall be plainly marked,—

"(*a*) with the initials of the Christian names and the surname at full length of the packer or person for whom such bag or package is packed, and with the place of

business or such packer or person; or, where such bag, sack or other package is packed by or for a copartnership or incorporated company, with the firm name of such copartnership or the corporate name of such company and with the place of business of such copartnership or company; and

"(*b*) with the brand and the weight of the contents of the bag, sack or package;

"(*c*) The provisions of paragraph (*b*) as to brand shall not apply to feed, but the composition of the feed in each container shall be stated;

"(*d*) The foregoing provisions of this section shall not apply when the articles mentioned therein are, in the presence of the purchaser, weighed and put into the container, in quantities not to exceed two hundred pounds at any one time."

**7.** The said Act is amended by inserting the following section immediately after section 164A:— New section 164B.

"**164B.** The provisions of sections 164 and 164A of this Act shall not apply— Exceptions from provisions as to marking.

"(*a*) when flour, meal, rolled oats, rolled wheat or feed is, in the presence of the purchaser, and for his own use, weighed and put into the barrel, half-barrel, bag, sack, or other package; nor—

"(*b*) when any of those articles is sold for export out of Canada, if the purchaser requests that the marks, or any mark, required by the said sections be not put upon the barrel, half-barrel, bag, sack or other package."

**8.** Section 165 of the said Act is repealed and the following is substituted therefor:— S. 165 amended.

"**165.** All flour, meal, rolled oats, or rolled wheat, which is packed in barrels in Canada for sale, shall be packed in good and strong barrels or half-barrels, of seasoned oak, elm or other hardwood, basswood or other suitable timber. Requirements as to barrels.

"2. Such barrels and half-barrels shall be well made, well seasoned and sufficiently hooped, and the whole well secured by nails."

**9.** Section 166 of the said Act is amended by striking out the word "cask" in the second line thereof and substituting therefor the words " barrel, half-barrel, bag, sack or package." S. 166 amended. Verification of weight..

**10.** Section 167 of the said Act is amended by substituting for the words "or meal" in the second line thereof, the words " meal or feed." S. 167 amended. Proportion of every lot to be verified.

**11.** Section 170 of the said Act is amended by substituting for the words "or meal" in the third line thereof, the S. 170 amended.

Neglect to ascertain weight.

words "meal or feed", and by substituting for the words "barrels or half-barrels", in the fourth line thereof, the words "barrels, half-barrels, bags, sacks or other packages".

S. 172 amended. Penalty for not marking.

**12.** Section 172 of the said Act is amended by striking out the word "two" in the second line thereof and substituting therefor the word " ten."

S. 173 amended. Under marking tare.

**13.** Section 173 of the said Act is amended by striking out the word "two" in the fourth line thereof and substituting therefor the word " ten."

S. 175 amended.

Deficiency in weight.

**14.** Section 175 of the said Act is amended by substituting for the word "cask" in the fourth line thereof the words "barrel or half-barrel," and by adding at the end of the section the words: " The burden of proof shall be on the person offering the flour or meal for sale."

New section 175A.

Selling flour, etc., in bags, not properly marked.

**15.** The said Act is amended by inserting the following section immediately after section 175:—

"**175A.** Every person who sells, offers for sale, or has in his possession for sale, any bag, sack or similar package of flour, meal, rolled oats, rolled wheat or feed, which is not marked in accordance with the requirements of section 164A of this Act, shall be liable, on summary conviction, to a penalty of one dollar for every bag, sack or package not so marked; without prejudice to the civil remedy of any person aggrieved for any damage sustained by him."

Penalty.

S. 177 amended.

Inspector's weekly statement.

**16.** Subsection 2 of section 177 of the said Act is repealed and the following is substituted therefor:—

"2. A duplicate of every such statement shall also be sent to the Department of Trade and Commerce at Ottawa."

S. 337 amended.

Weight of bushel of certain articles.

**17.** Section 337 of the said Act is repealed, and the following is substituted therefor:—

"**337.** A bushel of any article mentioned in this subsection shall mean, unless a bushel by measure is specially agreed upon, that number of Dominion Standard pounds of such article which is shown in this subsection opposite the name of such article:

| Description of Article. | Weight in Dominion Standard pounds. |
|---|---|
| Artichokes | 56 lbs. |
| Beans | 60 " |
| Beets | 50 " |
| Bituminous coal | 70 " |
| Blue grass seed | 14 " |
| Carrots | 50 " |
| Castor beans | 40 " |
| Clover seed | 60 " |
| Hemp seed | 44 " |
| Lime | 70 " |
| Malt | 36 " |
| Onions | 50 " |
| Parsnips | 45 " |
| Potatoes | 60 " |
| Timothy seed | 48 " |
| Turnips | 50 " |

"2. A bag of any article mentioned in this subsection shall contain that number of Dominion Standard pounds of such article which is shown in this subsection opposite the name of such article. Weight of bag of certain articles.

| Description of Article. | Weight in Dominion Standard pounds. |
|---|---|
| Artichokes | 84 lbs. |
| Beets | 75 " |
| Carrots | 75 " |
| Onions | 75 " |
| Parsnips | 65 " |
| Potatoes | 90 " |
| Turnips | 75 " |

**18.** Section 338 of the said Act is repealed, and the following is substituted therefor:— New s. 338.

"**338.** A barrel of potatoes shall mean, unless a barrel of specified size, kind or content by measure is specially agreed upon, one hundred and sixty-five Dominion Standard pounds of potatoes." Barrel of potatoes.

**19.** Section 356 of the said Act is repealed, and the following is substituted therefor:— S. 356 amended.

"**356.** Every person who sells or offers for sale by the bag any of the vegetables mentioned in subsection 2 of section 337 of this Act, shall, in case any bag of such vegetables sold or offered for sale by him does not contain at least the number of Dominion Standard pounds required by the said subsection, be liable, on summary conviction, to a penalty not exceeding twenty-five dollars for a first offence, and for each subsequent offence to a penalty not exceeding fifty dollars."

**20.** Chapter 15 of the statutes of 1911 is repealed. 1911, c. 15 repealed.

**21.** This Act shall come into force on the first day of September, one thousand nine hundred and fourteen. Commencement of Act.

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL K.

An Act respecting certain patents of Thomas Leopold Willson.

Preamble.

WHEREAS Thomas Leopold Willson, of the city of Ottawa in the county of Carleton, province of Ontario, manufacturer, has by his petition represented that patents were granted to him by the Dominion of Canada as follows, to wit:—

Number 125530, granted May 10th, 1910, for improvement in methods of obtaining nitrogen and making compounds therefrom;

Number 125837, granted May 24th, 1910, for improvement in processes to obtain alkali metal compounds from minerals containing alkalies;

Number 139714, granted April 9th, 1912, for improvement in processes for separating phosphoric acid from natural phosphates;

Number 139715, granted April 9th, 1912, for improvement in processes for separating phosphoric acid from natural phosphates;

Number 141977, granted July 30th, 1912, for improvement in method of drying monocalcic phosphate and the like;

Number 144739, granted December 17th, 1912, for improvement in processes for separating phosphoric acids from natural phosphates;

Number 144890, granted December 24th, 1912, for improvement in methods of drying phosphate materials and the like;

Number 148482, granted June 10th, 1913, for improvement in method of manufacturing by-product from phosphate rock slag;

And whereas he has by his petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore, His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Authority for variation of conditions of manufacture.

**1.** Notwithstanding anything in *The Patent Act*, or in the patents mentioned in the preamble, the Commissioner of Patents may, within three months after the passing of this Act, receive petitions for the making of, and may make, orders that all or any of the said patents, instead of being subject to the conditions set forth in paragraph (*a*) of section 38 of *The Patent Act*, shall be subject to the conditions set forth in paragraphs (*a*), (*b*), (*c*), (*d*), of section 44 of *The Patent Act*.

R.S., c. 69; ss. 38, 44.

No lapse.

**2.** None of the said patents shall be deemed to have lapsed by reason of non-compliance by the patentee with the provisions of paragraph (*a*) of section 38 of *The Patent Act*; if however, any person has, in the period between the expiry of two years from the date of any of the said patents, and the twenty-seventh day of December, one thousand nine hundred and thirteen, commenced to construct, manufacture, use or sell in Canada, the invention covered by such patent, and if the patentee or his legal representatives have not, with respect to such patent, complied with the provisions of section 38 of *The Patent Act*, such person may continue to construct, manufacture, use or sell such invention in as full and ample a manner as if this Act had not been passed.

Certain rights saved.

3rd Session, 12th Parliament, 4 George V., 1914

THE SENATE OF CANADA.

BILL

K

An Act respecting certain patents of Thomas Leopold Willson.

Received and read a first time

Friday, 6th March, 1914.

Second reading

Wednesday, 11th March, 1914.

Honourable Mr. Belcourt.

OTTAWA
Printed by the King's Printer
1914

3rd Session 12th Parliament 4 George V., 1914

# THE SENATE OF CANADA.

## BILL K.

**AS PASSED BY THE SENATE, 25th MARCH, 1914.**

An Act respecting certain patents of Thomas Leopold Willson.

Preamble.

WHEREAS Thomas Leopold Willson, of the city of Ottawa in the county of Carleton, province of Ontario, manufacturer, has by his petition represented that he is the holder of certain patents issued under the Seal of the Patent Office of the Dominion of Canada, namely:—

Number 125530, granted May 10th, 1910, for improvement in methods of obtaining nitrogen and making compounds therefrom;

Number 125837, granted May 24th, 1910, for improvement in processes to obtain alkali metal compounds from minerals containing alkalies;

Number 139714, granted April 9th, 1912, for improvement in processes for separating phosphoric acid from natural phosphates;

Number 139715, granted April 9th, 1912, for improvement in processes for separating phosphoric acid from natural phosphates;

Number 141977, granted July 30th, 1912, for improvement in method of drying monocalcic phosphate and the like;

Number 144739, granted December 17th, 1912, for improvement in processes for separating phosphoric acids from natural phosphates;

Number 144890, granted December 24th, 1912, for improvement in methods of drying phosphate materials and the like;

Number 148482, granted June 10th, 1913, for improvement in method of manufacturing by-product from phosphate rock slag;

And whereas he has by his petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore, His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Authority for variation of conditions of manufacture.

**1.** Notwithstanding anything in *The Patent Act*, or in the patents mentioned in the preamble, the Commissioner of Patents may, within three months after the passing of this Act, receive petitions for the making of, and may make, orders that all or any of the said patents, instead of being subject to the conditions set forth in paragraph (*a*) of section 38 of *The Patent Act*, shall be subject to the conditions set forth in paragraphs (*a*), (*b*), (*c*), (*d*), of section 44 of *The Patent Act*.

R.S., c. 69; ss. 38, 44.

No lapse.

**2.** None of the said patents shall be deemed to have lapsed by reason of non-compliance by the patentee with the provisions of paragraph (*a*) of section 38 of *The Patent Act*; if however, any person has, in the period between the expiry of two years from the date of any of the said patents, and the twenty-seventh day of December, one thousand nine hundred and thirteen, commenced to construct, manufacture, use or sell in Canada, the invention covered by such patent, and if the patentee or his legal representatives have not, with respect to such patent, complied with the provisions of section 38 of *The Patent Act*, such person may continue to construct, manufacture, use or sell such invention in as full and ample a manner as if this Act had not been passed.

Certain rights saved.

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL L.

An Act respecting a certain patent of Rudolf Goldschmidt.

Preamble.

WHEREAS Rudolf Goldschmidt, of Darmstadt, Germany, has, by his petition represented that he is the owner of a patent, Number 123578, issued under the Seal of the Patent Office of Canada, on the first day of February, A.D., 1910, for method of producing electric currents, and has prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore, His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Authority for variation of conditions as to manufacture, etc., in Canada.

R.S., c. 69, s.s. 38, 44.

**1.** Notwithstanding anything in *The Patent Act*, or in the patent mentioned in the preamble, the Commissioner of Patents may receive a petition for and may make an order that the said patent, instead of being subject to the conditions set forth in paragraph (*a*) of section 38 of *The Patent Act*, shall be subject to the conditions set forth in paragraphs (*a*), (*b*), (*c*), and (*d*) of section 44 of *The Patent Act*; and the said patent shall not be held invalid by reason of the failure of the patentee to comply with the conditions of paragraph (*a*) of section 38 of *The Patent Act*.

Saving of rights acquired.

**2.** If any person has, in the period between the expiry of two years from the date of the said patent and the seventeenth day of January, A.D., 1914, commenced to construct, manufacture, use or sell in Canada, the invention covered by the said patent, such person may continue to construct, manufacture, use or sell such invention in as full and ample a manner as if this Act had not been passed.

3rd Session, 12th Parliament, 4 George V., 1914

THE SENATE OF CANADA

# BILL

# L

An Act respecting a certain patent of Rudolf Goldschmidt.

Received and read a first time

Friday, 6th March, 1914.

Second reading

Wednesday, 11th March, 1914.

Honourable Mr. Belcourt.

OTTAWA
Printed by the King's Printer
1914

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL L.

**AS PASSED BY THE SENATE, 25th MARCH, 1914.**

An Act respecting a certain patent of Rudolf Goldschmidt.

Preamble.

WHEREAS Rudolf Goldschmidt, of Darmstadt, Germany, has, by his petition represented that he is the owner of a patent, Number 123578, issued under the Seal of the Patent Office of Canada, on the first day of February, A.D., 1910, for method of producing electric currents, and has prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Authority for variation of conditions as to manufacture, etc., in Canada.

**1.** Notwithstanding anything in *The Patent Act*, or in the patent mentioned in the preamble, the Commissioner of Patents may, within three months after the passing of this Act, receive a petition for and may make an order that the said patent, instead of being subject to the conditions set forth in paragraph (*a*) of section 38 of *The Patent Act*, shall be subject to the conditions set forth in paragraphs (*a*), (*b*), (*c*), and (*d*) of section 44 of *The Patent Act*; and the said patent shall not be held invalid by reason of the failure of the patentee to comply with the conditions of paragraph (*a*) of section 38 of *The Patent Act*.

R.S., c. 69, s.s. 38, 44.

Saving of rights acquired

**2.** If any person has, in the period between the expiry of two years from the date of the said patent and the seventeenth day of January, A.D., 1914, commenced to construct, manufacture, use or sell in Canada, the invention covered by the said patent, such person may continue to construct, manufacture, use or sell such invention in as full and ample a manner as if this Act had not been passed.

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL M.

An Act respecting The Grand Trunk Railway Company of Canada and the Canada Atlantic Railway Company.

Preamble.

WHEREAS The Grand Trunk Railway Company of Canada and the Canada Atlantic Railway Company have severally by their respective petitions prayed that an Act be passed to ratify and confirm and make valid a certain agreement entered into by the said companies for the amalgamation or consolidation of the said companies into one company under the name of "The Grand Trunk Railway Company of Canada," and to give the said amalgamated company power to do such acts as are necessary to carry out the provisions of the said agreement in all respects; and whereas it is expedient to grant the prayer of the said petitions: Therefore His 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, unless the context otherwise requires, the words "the Company" shall mean the company created by the said amalgamation or consolidation, and the words "the said Companies" shall mean The Grand Trunk Railway Company of Canada and the Canada Atlantic Railway Company.

Short Title.

**2.** This Act may be cited as *The Grand Trunk and Canada Atlantic Amalgamation Act, 1914*.

Amalgamation ratified.

**3.** The agreement entered into by the said Companies, a copy of which is set forth in the schedule to this Act, is hereby ratified and confirmed and declared to be legal, valid, and binding in all respects whatsoever, as fully and completely as if the said agreement and each and every clause thereof were set out at length and enacted in this

Date.

Name.

Capital.

Act, and the said Companies are hereby amalgamated, and, from and after the coming into force of this Act, shall form and be one company, under the name of "The Grand Trunk Railway Company of Canada," upon the terms and conditions set out in the said agreement and in this Act, and with the capital mentioned in the said agreement; and the Company is hereby authorized and empowered to do whatever may be necessary to give full effect to the provisions of the said agreement.

Consolidated debenture stock.

**4.** In addition to the powers hereby conferred, the Company after the coming into force of this Act shall, as regards the creation and issue of consolidated debenture stock, have to their full extent the powers possessed by The Grand Trunk Railway Company of Canada at and before the coming into force of this Act.

Commencement of Act.

**5.** This Act shall not come into force and take effect unless and until it is submitted to a general meeting of The Grand Trunk Railway Company of Canada and to a general meeting of the Canada Atlantic Railway Company, and has been assented to and accepted by a majority of the votes of the persons present at such meetings respectively in person or represented by proxy and entitled to vote thereat, provided that notice of the intention to submit this Act at such meetings has been duly given.

Certificate of chairman.

2. The certificate of the chairman of each meeting shall be taken as sufficient evidence of the acceptance of this Act by such meeting. The said certificates shall be filed in the office of the Secretary of State of Canada, and notice of such filing shall be published by the Company in *The Canada Gazette*.

Evidence.

3. Copies of such certificates, certified by the Secretary of State of Canada, shall be taken and accepted in all courts of law as sufficient evidence of such acceptance.

## SCHEDULE.

THIS DEED made the ninth day of February, A.D. 1914.

BETWEEN:—

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

and,

Canada Atlantic Railway Company, hereinafter called the "Canada Atlantic," of the second part.

WHEREAS the capital of the Grand Trunk on the 31st day of December, 1913, hereinafter called "Grand Trunk Capital," is that shown in the first schedule hereto marked

"A," part one of which shows the amount of borrowed capital, hereinafter called "Grand Trunk Borrowed Capital," and part two the amount of share capital including guaranteed, preference and ordinary stocks and hereinafter called "Grand Trunk Share Capital";

AND WHEREAS the capital of the Canada At'antic on the 31st day of December, 1913, hereinafter called "Canada Atlantic Capital," is that shown in the second schedule hereto marked "B," Part one of which shows the amount of borrowed capital, hereinafter called "Canada Atlantic Borrowed Capital," and Part two, the amount of the preference shares and common or ordinary stock of the said Company, and hereinafter called "Canada Atlantic Share Capital";

AND WHEREAS the Grand Trunk has become and is now the owner of the whole of the (10,000) ten thousand shares of the par value of one hundred dollars each of the preference stock and (60,725) sixty thousand seven hundred and twenty-five shares out of a total outstanding issue of (62,000) sixty two thousand shares of the ordinary stock of the Canada Atlantic;

AND WHEREAS it would be greatly to the advantage of the Grand Trunk and the Canada Atlantic, and tend to economize and simplify the working and management of their respective railways, if the said two Companies were amalgamated into one United Company.

NOW THEREFORE THESE PRESENTS WITNESS that the said parties hereto have and they do hereby agree each with the other and declare in manner following that is to say:—

1. On and after the day upon which the Act confirming this agreement shall come into force (which day is in these presents called the date of union) the Grand Trunk and Canada Atlantic shall be and become united as one Company and one Corporation hereinafter referred to as the United Company.

2. The Corporate name of the United Company shall be The Grand Trunk Railway Company of Canada.

3. The United Company shall be invested with and shall have, hold and enjoy all the rights, franchises, powers, privileges and property and be responsible for all the liabilities of the Grand Trunk and Canada Atlantic, respectively, and any right, lien or claim which could be enforced by or against either of the said Companies may on and after the date of union be enforced by or against the United Company.

4. The borrowed capital of the United Company at the date of union shall consist of the "Grand Trunk borrowed capital" and the "Canada Atlantic borrowed capital" mentioned in the first parts of said Schedules "A" and "B" respectively.

5. For the purposes of this agreement and of the amalgamation of the said two Companies the Grand Trunk Share Capital as set out in part 2 of Schedule "A" shall be treated as converted into share capital of similar amounts and descriptions of the United Company but without imposing upon the Directors of the United Company any need to issue new certificates therefore, the certificates outstanding and existing at the date of union being respectively declared to be as valid and effective for all purposes as regards the United Company as they were before the date of Union as regards the Grand Trunk. In addition to the ordinary stock of the United Company into which the ordinary stock of the Grand Trunk is to be converted as above provided the Directors of the United Company shall to the extent necessary issue ordinary stock of that Company to the several holders of Canada Atlantic Share Capital who shall upon surrender of the Canada Atlantic certificates representing such capital be entitled to receive one dollar in the ordinary stock of the United Company for each dollar of the "Canada Atlantic Share Capital" (whether preference or ordinary) held by them, respectively, and the Grand Trunk Share Capital at the date of Union and the Canada Atlantic Share Capital so converted shall thereafter form the Share Capital of the United Company and the holders of Share Capital of the United Company shall be entitled to the same rights, privileges, priorities and dividends as the respective holders of Grand Trunk Share Capital were entitled to immediately prior to the date of union.

6. The earnings of the United Company shall be liable and applicable to discharge all debts and liabilities of the Grand Trunk and of the Canada Atlantic, respectively, in the same order and manner and to the same extent as the earnings of each of the said Companies shall be liable and applicable at the date of union

7. Any issues of share capital, which immediately prior to the date of union could be made by the Grand Trunk or by the Canada Atlantic under the powers conferred by the Acts relating to the Grand Trunk or to the Canada Atlantic or otherwise, may from time to time be made by the United Company, but unless and until duly authorized to that effect no issue of such share capital shall be made so as to raise the share capital of the United Company to an amount in the aggregate in excess of that to which the said Companies could have raised the same if these presents had not been made.

8. The number of directors of the United Company shall be ten, but the number may at any time be increased or re-

duced by the shareholders at any ordinary or special general meeting of the United Company.

9. The qualification for directors of the United Company shall be the same as that for directors of the Grand Trunk at the date of union.

10. Holders of Grand Trunk Share Capital to be treated as converted into Share Capital of the United Company as provided in clause five of these presents shall on the date of union confer have and thereafter while such holders shall continue to have the like power to vote at all general meetings of the United Company as immediately prior to the date of union they may have had to vote at meetings of the Grand Trunk and holders of Canada Atlantic Share Capital shall upon their holdings of such capital being exchanged for ordinary stock of the United Company as also provided in said Clause five have and thereafter while such holders shall continue to have the like power to vote at all meetings of the United Company, as other holders of the ordinary stock of the United Company.

11. Holders of Grand Trunk Borrowed Capital at the date of union (and also holders of any similar Capital issued after the date of union by the United Company under powers heretofore conferred upon the Grand Trunk) shall while such holders have and be entitled to exercise similar rights of voting at all Meetings of the United Company as holders of Grand Trunk Borrowed Capital now respectively possess.

12. The directors of the Grand Trunk in office on the date of union shall become and shall be the first directors of the United Company and shall continue as such directors and have the direction and control of the affairs of the United Company until their successors are duly elected as hereinafter provided. The directors of the Canada Atlantic shall go out of office on the date of union. The first election of directors of the United Company shall as specified in Clause 14 take place in the month of March or April next following the date of union and thereafter the election of directors shall take place at meetings of the United Company to be held in the month of March or April in each year as the directors shall from time to time by resolution direct.

13. The quorum of the directors of the United Company shall be from time to time fixed by the directors.

14. Of the first directors of the said United Company so constituted as aforesaid, one-third as nearly as may be, to be determined by ballot among the whole body of directors unless they otherwise agree, shall go out of office at the ordinary general meeting which shall be held in the month of March or April 1915 and in the like manner

one-third of the whole as nearly as may be, to be determined unless they otherwise agree by ballot among the other first directors mentioned above, shall go out of office at the ordinary general meeting which may be held in the month of March or April 1916 and the remaining first directors of the United Company shall go out of office at the ordinary general meeting of the United Company which shall be held in the month of March or April 1917 and in each instance the places of the retiring directors shall be filled by an equal number of qualified holders of capital of the United Company. At the first ordinary general meeting held in the year next after the whole of the said first directors shall have gone out of office and in each succeeding year one-third of the directors, being those who have been longest in office, shall go out of office and their places shall be filled in like manner, but every Director going out of office may (if duly qualified) be re-elected and after re-election shall with reference to going out of office by rotation be considered as a new Director. Should at any time the number of Directors not be divisible by three, the Directors shall determine what number as nearly one-third as may be, are to go out of office the intention being that the whole number of Directors shall go out of office every three years; Provided however that if at any meeting the vacancies then occurring in the office of Director shall not be filled, the outgoing Directors, if willing to act, shall be deemed re-elected and shall continue in office.

15. The first ordinary general meeting of the United Company shall be held at such time in the month of March or April next following the date of union, and at such place in London, England, as the directors may appoint. General meetings of the United Company, whether ordinary or special shall be held in London, England. Notice of each general meeting of the United Company shall be published at least once in the Canada Gazette not less than fourteen days before the holding of the meeting, and such notice shall be sufficient without furthur or other notice.

16. On or immediately after the date of union the directors of the United Company shall appoint two auditors resident in Canada and two auditors resident in England who shall hold office until the first ordinary general meeting of the United Company thereafter. At such first ordinary general meeting, two auditors resident in Canada and two auditors resident in England shall be appointed; of the auditors so appointed one resident in Canada and one resident in England to be determined in the first nstance by ballot between the Canadian and English

auditors, respectively, unless they agree amongst themselves, and afterwards by seniority of election shall go out of office at each subsequent general meeting at which directors go out of office, and at such general meeting an Auditor resident in Canada and an Auditor resident in England shall be elected to fill the place of those retiring. Any auditor going out of office may be re-elected and after re-election shall in reference to outgoing be deemed newly elected, and if no auditors be elected, the outgoing auditors shall continue in office, and be deemed re-elected. In the event of any vacancy in the position of auditor occurring by death or otherwise, the directors may fill up such vacancy until the next ordinary general meeting of the United Company.

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

18. The "net earnings" of the United Company shall mean the surplus of the earnings and revenue from all sources of the United Company, after discharging the working expenses thereof, and "Working expenses" shall mean and include all expenses of maintenance and renewals of the railways and of the stations, buildings, ferries, works and conveniences of all kinds belonging thereto and of the rolling and other stock and movable plant used in the working thereof, interest on borrowed capital, and all such tolls, rents, percentages of receipts, interest guaranteed or annual sums as at the date of union the Grand Trunk or Canada Atlantic is or as the United Company may thereafter become liable for or as may be payable in respect of railways, elevators, warehouses, wharves or other property of any kind at the date of union leased to or held by the Grand Trunk or the Canada Atlantic or thereafter leased to or held by the United Company; all moneys payable under traffic or working or other arrangements entered into by the Grand Trunk of the Canada Atlantic or by any Company heretofore amalgamated with the Grand Trunk with any other corporation, company or person, all moneys payable in respect of the hire of rolling stock (as defined in the Railway Act) let to the Grand Trunk or Canada Atlantic prior to the date of union or to the United Company after the union; all sums payable in the adjustment of traffic balances or by way of rent, charges or interest upon the purchase money (or any portion thereof) of lands purchased or rented by or otherwise acquired for the purposes of or held by the United Company, and not

paid for or not fully paid for; all outlay on revenue account made in the purchase or manufacture of engines, cars or other rolling stock of any description, with the necessary appliances and works required therewith; all expenses of or incidental to the working of the railways and the traffic thereon, including stores, consumable articles and supplies, and all necessary repairs and supplies to rolling stock owned or in use by the United Company; all rates, taxes, insurance and compensation for accidents or losses; all salaries and wages of persons employed in and about the working of the railways and the traffic thereon; all contributions to superannuation, provident, insurance, pension and other like funds; all secretarial, office, management, and establishment expenses, including directors fees, agency, legal, medical and other like expenses of every nature; all costs and expenses of and incidental to the compliance by the United Company with any order of the Board of Railway Commissioners for Canada, or of any Board which may hereafter be duly constituted by the Parliament of Canada for the regulation of railways, and generally all such charges if any not above otherwise specified as in the case of English railway companies are usually carried to the debit of revenue as distinguished from capital account, Provided, however, that nothing herein contained shall give to the proprietors, mortgagees or bondholders of any railway, elevator, warehouse, wharf, or other property leased to or held by the Grand Trunk or by the Canada Atlantic at the date of union, or leased to or held by the United Company thereafter, any further or other rights against the United Company, its property or earnings, than such proprietors, mortgagees or bondholders respectively have under the lease, mortgage, bond, agreement or guarantee upon which their rights are based, and that any money paid under a guarantee shall, if and when repaid, be applied as nearly as may be in the manner in which it would have been applied had no payment under the guarantee been made. Provided further that sums equal to twenty per cent of the traffic interchanged between what were formerly known as the Wellington, Grey and Bruce Railway and the Great Western Railway as defined in the agreements between the Wellington, Grey and Bruce Railway Company and the Great Western Railway Company, shall to the extent only and for the purposes in the said agreements mentioned and defined continue to be applied by the United Company as provided in the said agreements.

19. The net earnings of the United Company shall until otherwise duly authorized be applied in such manner as may be directed by the Statutes affecting the Grand Trunk.

20. All books, vouchers and documents of the Grand Trunk and Canada Atlantic shall on the date of union be transferred to and belong to the United Company, and the registers of holders of borrowed capital and share capital of the said companies shall continue to be kept as registers of the United Company, with such variations in the certificates and otherwise as may from time to time be ordered by the directors of the United Company.

21. Subject to the proviso in this article contained, the directors of the United Company shall wind up the affairs of the Grand Trunk and Canada Atlantic to the date of union, and finally balance the books of the said companies to that date, and all moneys due or standing to the credit of either of the said companies on the date of union shall be paid and applied by the directors of the United Company to the purposes for and in the manner to which they would have been applicable if these presents had not been made. Provided that for the purposes of such winding up and in order to simplify the settlement of the accounts, the receipts and payments shall be treated as if the first day of January, 1914, were in fact the date of union.

22. The directors of the United Company shall have power to, and may, from time to time, make by-laws or pass resolutions not inconsistent with the laws of Canada and the provisions of these presents for the management and disposition of the stock, property and business affairs of the United Company, and for the appointment of all officers, employees and artificers and for prescribing their duties.

23. All officers and employees of the Grand Trunk and the Canada Atlantic respectively shall on the union become officers and employees of the United Company at the salaries or wages and upon and subject to the terms upon which they were previously employed by the Grand Trunk or by the Canada Atlantic as the case may be.

24. All Acts of any Provincial Legislature (as defined by The Railway Act) or of any Parliament of the Dominion of Canada relating to the Grand Trunk and Canada Atlantic respectively, in force at the date of union shall, except as otherwise provided or as by these presents expressly varied, apply to and have effect with respect to the United Company, but generally except as aforesaid, the United Company shall continue to be carried on and managed, and all by-laws rules and regulations of the Grand Trunk in use on the date of union shall have effect and until changed or altered by the United Company or the directors thereof, shall be binding upon all the officers, agents and employees of the United Company and all others affected thereby, as if the

United Company were the same Company as the Grand Trunk, and as if the whole undertaking of the United Company had been originally the undertaking of the Grand Trunk. Provided that in case of any inconsistency or conflict between the provisions of any Act of any such Provincial Legislature or Parliament relating to the Grand Trunk, and of any Act of any such Provincial Legislature or Parliament relating to the Canada Atlantic, the provisions of the Act relating to the Grand Trunk shall prevail.

25. In order to carry out the conversion of the share capital of the Canada Atlantic into ordinary stock of the United Company the Parliament of Canada shall be asked in the Act confirming this agreement to authorize the United Company to create and issue ordinary stock of the said company to the extent necessary for the purposes aforesaid.

26. This agreement is subject to confirmation by an Act of the Parliament of the Dominion of Canada and unless such Act is obtained by the first day of October, 1914, or such later date as may be agreed on between the Companies parties hereto shall be void.

IN WITNESS WHEREOF the respective parties hereto have hereunto set their respective corporate seals on the day and year first above written.

Signed sealed and delivered in the presence of

THE GRAND TRUNK RAILWAY COMPANY OF CANADA.

By

G. Haddock.

E. J. Chamberlain,
*President.*

[SEAL]

CANADA ATLANTIC RAILWAY COMPANY,

By

G. Haddock,

E. J. Chamberlain,
*President.*

Frank Scott,
*Secretary.*

[SEAL]

"A."

GRAND TRUNK RAILWAY COMPANY.

| Description. | Rate of Interest. | Amount. |
|---|---|---|
| PART 1. | | |
| *Borrowed Capital.* | | |
| Second Mortgage Equipment Bonds | 6% | $ 1,815,266 67 |
| 3rd. Preference Bonds Northern Railway | 6% | 71,053 33 |
| Wellington Grey & Bruce Rly. Bonds | Various. | 335,800 00 |
| 5½% Bonds. Great Western (Matured) not paid off | | 486 67 |
| Midland Ry. Sectional Bonds (Matured) not paid off | | 1,946 67 |
| Midland Ry. Consolidated (Matured) not paid off | | 8,273 33 |
| Debenture Stock Grand Trunk | 5% | 20,782,491 67 |
| " " Great Western | 5% | 13,252,322 67 |
| " " Grand Trunk | 4% | 112,538,406 00 |
| " " Northern Railway | 4% | 1,499,979 67 |
| | | $ 150,306,026 68 |
| PART II. | | |
| *Share Capital.* | | |
| 4% Guaranteed Stock | | $ 60,833,333 32 |
| First Preference Stock | | 16,644,000 00 |
| Second Preference Stock | | 12,312,666 67 |
| Third Preference Stock | | 34,884,535 43 |
| Ordinary Stock | | 109,363,053 40 |
| | | $ 234,037,588 82 |

Montreal, February 5th, 1914.

W. H. ARDLEY,
General Auditor.

"B."

CANADA ATLANTIC RAILWAY.

| Description. | Rate of Interest. | Amount. | Held by G.T. Ry. | Held by Public. |
|---|---|---|---|---|
| PART I | | | | |
| Borrowed Capital First Mortgage... | 4% | $16,000,092 00 | ..... | $16,000,092 00 |
| PART II. | | | | |
| *Share Capital.* | | | | |
| Capital Stock..... | ..... | 6,200,000 00 | 6,072,500 00 | 127,500 00 |
| Preference Stock... | ..... | 1,000,000 00 | 1,000,000 00 | ..... |
| | | $ 7,200,000 00 | $ 7,072,500 00 | $ 127,500 00 |

Montreal, February 5th, 1914.

W. H. ARDLEY,
General Auditor.

3rd Session, 12th Parliament, 4 George V., 1914

THE SENATE OF CANADA.

# BILL

M

An Act respecting The Grand Trunk Railway Company of Canada and the Canada Atlantic Railway Company.

Received and read a first time

Wednesday, 11th March, 1914.

Second reading

Friday, 13th March, 1914.

Honourable MR. THOMPSON.

OTTAWA
Printed by the King's Printer
1914

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL M.

### AS PASSED BY THE SENATE, 2nd APRIL, 1914.

An Act respecting The Grand Trunk Railway Company of Canada and the Canada Atlantic Railway Company.

Preamble.

WHEREAS The Grand Trunk Railway Company of Canada and the Canada Atlantic Railway Company have severally by their respective petitions prayed that an Act be passed to ratify and confirm and make valid a certain agreement entered into by the said companies for the amalgamation or consolidation of the said companies into one company under the name of "The Grand Trunk Railway Company of Canada," and to give the said amalgamated company power to do such acts as are necessary to carry out the provisions of the said agreement in all respects; and whereas it is expedient to grant the prayer of the said petitions: Therefore His 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, unless the context otherwise requires, the words "the Company" shall mean the company created by the said amalgamation or consolidation, and the words "the said Companies" shall mean The Grand Trunk Railway Company of Canada and the Canada Atlantic Railway Company.

Short Title.

**2.** This Act may be cited as *The Grand Trunk and Canada Atlantic Amalgamation Act, 1914.*

Amalgamation ratified

**3.** The agreement entered into by the said Companies, a copy of which is set forth in the schedule to this Act, is hereby ratified and confirmed and declared to be legal, valid, and binding in all respects whatsoever, as fully and completely as if the said agreement and each and every clause thereof were set out at length and enacted in this

Date. Act, and the said Companies are hereby amalgamated, and, from and after the coming into force of this Act,

Name. shall form and be one company, under the name of "The Grand Trunk Railway Company of Canada," upon the terms and conditions set out in the said agreement and

Capital. in this Act, and with the capital mentioned in the said agreement; and the Company is hereby authorized and empowered to do whatever may be necessary to give full effect to the provisions of the said agreement.

Consolidated debenture stock. **4.** In addition to the powers hereby conferred, the Company after the coming into force of this Act shall, as regards the creation and issue of consolidated debenture stock, have to their full extent the powers possessed by The Grand Trunk Railway Company of Canada at and before the coming into force of this Act.

Commencement of Act. **5.** This Act shall not come into force and take effect unless and until it is submitted to a general meeting of The Grand Trunk Railway Company of Canada and to a general meeting of the Canada Atlantic Railway Company, and has been assented to and accepted by a majority of the votes of the persons present at such meetings respectively in person or represented by proxy and entitled to vote thereat, provided that notice of the intention to submit this Act at such meetings has been duly given.

Certificate of chairman. 2. The certificate of the chairman of each meeting shall be taken as sufficient evidence of the acceptance of this Act by such meeting. The said certificates shall be filed in the office of the Secretary of State of Canada, and notice of such filing shall be published by the Company in *The Canada Gazette*.

Evidence. 3. Copies of such certificates, certified by the Secretary of State of Canada, shall be taken and accepted in all courts of law as sufficient evidence of such acceptance.

## SCHEDULE.

THIS DEED made the ninth day of February, A.D. 1914.

BETWEEN:—

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

and,

Canada Atlantic Railway Company, hereinafter called the "Canada Atlantic," of the second part.

WHEREAS the capital of the Grand Trunk on the 31st day of December, 1913, hereinafter called "Grand Trunk Capital," is that shown in the first schedule hereto marked

"A," part one of which shows the amount of borrowed capital, hereinafter called "Grand Trunk Borrowed Capital," and part two the amount of share capital including guaranteed, preference and ordinary stocks and hereinafter called "Grand Trunk Share Capital";

AND WHEREAS the capital of the Canada At'antic on the 31st day of December, 1913, hereinafter called "Canada Atlantic Capital," is that shown in the second schedule hereto marked "B," Part one of which shows the amount of borrowed capital, hereinafter called "Canada Atlantic Borrowed Capital," and Part two, the amount of the preference shares and common or ordinary stock of the said Company, and hereinafter called "Canada Atlantic Share Capital";

AND WHEREAS the Grand Trunk has become and is now the owner of the whole of the (10,000) ten thousand shares of the par value of one hundred dollars each of the preference stock and (60,725) sixty thousand seven hundred and twenty-five shares out of a total outstanding issue of (62,000) sixty two thousand shares of the ordinary stock of the Canada Atlantic;

AND WHEREAS it would be greatly to the advantage of the Grand Trunk and the Canada Atlantic, and tend to economize and simplify the working and management of their respective railways, if the said two Companies were amalgamated into one United Company.

NOW THEREFORE THESE PRESENTS WITNESS that the said parties hereto have and they do hereby agree each with the other and declare in manner following that is to say:—

1. On and after the day upon which the Act confirming this agreement shall come into force (which day is in these presents called the date of union) the Grand Trunk and Canada Atlantic shall be and become united as one Company and one Corporation hereinafter referred to as the United Company.

2. The Corporate name of the United Company shall be The Grand Trunk Railway Company of Canada.

3. The United Company shall be invested with and shall have, hold and enjoy all the rights, franchises, powers, privileges and property and be responsible for all the liabilities of the Grand Trunk and Canada Atlantic, respectively, and any right, lien or claim which could be enforced by or against either of the said Companies may on and after the date of union be enforced by or against the United Company.

4. The borrowed capital of the United Company at the date of union shall consist of the "Grand Trunk borrowed capital" and the "Canada Atlantic borrowed capital" mentioned in the first parts of said Schedules "A" and "B" respectively.

5. For the purposes of this agreement and of the amalgamation of the said two Companies the Grand Trunk Share Capital as set out in part 2 of Schedule "A" shall be treated as converted into share capital of similar amounts and descriptions of the United Company but without imposing upon the Directors of the United Company any need to issue new certificates therefore, the certificates outstanding and existing at the date of union being respectively declared to be as valid and effective for all purposes as regards the United Company as they were before the date of Union as regards the Grand Trunk. In addition to the ordinary stock of the United Company into which the ordinary stock of the Grand Trunk is to be converted as above provided the Directors of the United Company shall to the extent necessary issue ordinary stock of that Company to the several holders of Canada Atlantic Share Capital who shall upon surrender of the Canada Atlantic certificates representing such capital be entitled to receive one dollar in the ordinary stock of the United Company for each dollar of the "Canada Atlantic Share Capital" (whether preference or ordinary) held by them, respectively, and the Grand Trunk Share Capital at the date of Union and the Canada Atlantic Share Capital so converted shall thereafter form the Share Capital of the United Company and the holders of Share Capital of the United Company shall be entitled to the same rights, privileges, priorities and dividends as the respective holders of Grand Trunk Share Capital were entitled to immediately prior to the date of union.

6. The earnings of the United Company shall be liable and applicable to discharge all debts and liabilities of the Grand Trunk and of the Canada Atlantic, respectively, in the same order and manner and to the same extent as the earnings of each of the said Companies shall be liable and applicable at the date of union

7. Any issues of share capital, which immediately prior to the date of union could be made by the Grand Trunk or by the Canada Atlantic under the powers conferred by the Acts relating to the Grand Trunk or to the Canada Atlantic or otherwise, may from time to time be made by the United Company, but unless and until duly authorized to that effect no issue of such share capital shall be made so as to raise the share capital of the United Company to an amount in the aggregate in excess of that to which the said Companies could have raised the same if these presents had not been made.

8. The number of directors of the United Company shall be ten, but the number may at any time be increased or re-

duced by the shareholders at any ordinary or special general meeting of the United Company.

9. The qualification for directors of the United Company shall be the same as that for directors of the Grand Trunk at the date of union.

10. Holders of Grand Trunk Share Capital to be treated as converted into Share Capital of the United Company as provided in clause five of these presents shall on the date of union have and thereafter while such holders shall continue to have the like power to vote at all general meetings of the United Company as immediately prior to the date of union they may have had to vote at meetings of the Grand Trunk and holders of Canada Atlantic Share Capital shall upon their holdings of such capital being exchanged for ordinary stock of the United Company as also provided in said Clause five have and thereafter while such holders shall continue to have the like power to vote at all meetings of the United Company, as other holders of the ordinary stock of the United Company.

11. Holders of Grand Trunk Borrowed Capital at the date of union (and also holders of any similar Capital issued after the date of union by the United Company under powers heretofore conferred upon the Grand Trunk) shall while such holders have and be entitled to exercise similar rights of voting at all Meetings of the United Company as holders of Grand Trunk Borrowed Capital now respectively possess.

12. The directors of the Grand Trunk in office on the date of union shall become and shall be the first directors of the United Company and shall continue as such directors and have the direction and control of the affairs of the United Company until their successors are duly elected as hereinafter provided. The directors of the Canada Atlantic shall go out of office on the date of union. The first election of directors of the United Company shall as specified in Clause 14 take place in the month of March or April next following the date of union and thereafter the election of directors shall take place at meetings of the United Company to be held in the month of March or April in each year as the directors shall from time to time by resolution direct.

13. The quorum of the directors of the United Company shall be from time to time fixed by the directors.

14. Of the first directors of the said United Company so constituted as aforesaid, one-third as nearly as may be, to be determined by ballot among the whole body of directors unless they otherwise agree, shall go out of office at the ordinary general meeting which shall be held in the month of March or April 1915 and in the like manner

one-third of the whole as nearly as may be, to be determined unless they otherwise agree by ballot among the other first directors mentioned above, shall go out of office at the ordinary general meeting which may be held in the month of March or April 1916 and the remaining first directors of the United Company shall go out of office at the ordinary general meeting of the United Company which shall be held in the month of March or April 1917 and in each instance the places of the retiring directors shall be filled by an equal number of qualified holders of capital of the United Company. At the first ordinary general meeting held in the year next after the whole of the said first directors shall have gone out of office and in each succeeding year one-third of the directors, being those who have been longest in office, shall go out of office and their places shall be filled in like manner, but every Director going out of office may (if duly qualified) be re-elected and after re-election shall with reference to going out of office by rotation be considered as a new Director. Should at any time the number of Directors not be divisible by three, the Directors shall determine what number as nearly one-third as may be, are to go out of office the intention being that the whole number of Directors shall go out of office every three years; Provided however that if at any meeting the vacancies then occurring in the office of Director shall not be filled, the outgoing Directors, if willing to act, shall be deemed re-elected and shall continue in office.

15. The first ordinary general meeting of the United Company shall be held at such time in the month of March or April next following the date of union, and at such place in London, England, as the directors may appoint. General meetings of the United Company, whether ordinary or special shall be held in London, England. Notice of each general meeting of the United Company shall be published at least once in the Canada Gazette not less than fourteen days before the holding of the meeting, and such notice shall be sufficient without furthur or other notice.

16. On or immediately after the date of union the directors of the United Company shall appoint two auditors resident in Canada and two auditors resident in England who shall hold office until the first ordinary general meeting of the United Company thereafter. At such first ordinary general meeting, two auditors resident in Canada and two auditors resident in England shall be appointed; of the auditors so appointed one resident in Canada and one resident in England to be determined in the first instance by ballot between the Canadian and English

auditors, respectively, unless they agree amongst themselves, and afterwards by seniority of election shall go out of office at each subsequent general meeting at which directors go out of office, and at such general meeting an Auditor resident in Canada and an Auditor resident in England shall be elected to fill the place of those retiring. Any auditor going out of office may be re-elected and after re-election shall in reference to outgoing be deemed newly elected, and if no auditors be elected, the outgoing auditors shall continue in office, and be deemed re-elected. In the event of any vacancy in the position of auditor occurring by death or otherwise, the directors may fill up such vacancy until the next ordinary general meeting of the United Company.

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

18. The "net earnings" of the United Company shall mean the surplus of the earnings and revenue from all sources of the United Company, after discharging the working expenses thereof, and "Working expenses" shall mean and include all expenses of maintenance and renewals of the railways and of the stations, buildings, ferries, works and conveniences of all kinds belonging thereto and of the rolling and other stock and movable plant used in the working thereof, interest on borrowed capital, and all such tolls, rents, percentages of receipts, interest guaranteed or annual sums as at the date of union the Grand Trunk or Canada Atlantic is or as the United Company may thereafter become liable for or as may be payable in respect of railways, elevators, warehouses, wharves or other property of any kind at the date of union leased to or held by the Grand Trunk or the Canada Atlantic or thereafter leased to or held by the United Company; all moneys payable under traffic or working or other arrangements entered into by the Grand Trunk or the Canada Atlantic or by any Company heretofore amalgamated with the Grand Trunk with any other corporation, company or person, all moneys payable in respect of the hire of rolling stock (as defined in the Railway Act) let to the Grand Trunk or Canada Atlantic prior to the date of union or to the United Company after the union; all sums payable in the adjustment of traffic balances or by way of rent, charges or interest upon the purchase money (or any portion thereof) of lands purchased or rented by or otherwise acquired for the purposes of or held by the United Company, and not

paid for or not fully paid for; all outlay on revenue account made in the purchase or manufacture of engines, cars or other rolling stock of any description, with the necessary appliances and works required therewith; all expenses of or incidental to the working of the railways and the traffic thereon, including stores, consumable articles and supplies, and all necessary repairs and supplies to rolling stock owned or in use by the United Company; all rates, taxes, insurance and compensation for accidents or losses; all salaries and wages of persons employed in and about the working of the railways and the traffic thereon; all contributions to superannuation, provident, insurance, pension and other like funds; all secretarial, office, management, and establishment expenses, including directors fees, agency, legal, medical and other like expenses of every nature; all costs and expenses of and incidental to the compliance by the United Company with any order of the Board of Railway Commissioners for Canada, or of any Board which may hereafter be duly constituted by the Parliament of Canada for the regulation of railways, and generally all such charges if any not above otherwise specified as in the case of English railway companies are usually carried to the debit of revenue as distinguished from capital account, Provided, however, that nothing herein contained shall give to the proprietors, mortgagees or bondholders of any railway, elevator, warehouse, wharf, or other property leased to or held by the Grand Trunk or by the Canada Atlantic at the date of union, or leased to or held by the United Company thereafter, any further or other rights against the United Company, its property or earnings, than such proprietors, mortgagees or bondholders respectively have under the lease, mortgage, bond, agreement or guarantee upon which their rights are based, and that any money paid under a guarantee shall, if and when repaid, be applied as nearly as may be in the manner in which it would have been applied had no payment under the guarantee been made. Provided further that sums equal to twenty per cent of the traffic interchanged between what were formerly known as the Wellington, Grey and Bruce Railway and the Great Western Railway as defined in the agreements between the Wellington, Grey and Bruce Railway Company and the Great Western Railway Company, shall to the extent only and for the purposes in the said agreements mentioned and defined continue to be applied by the United Company as provided in the said agreements.

19. The net earnings of the United Company shall until otherwise duly authorized be applied in such manner as may be directed by the Statutes affecting the Grand Trunk.

20. All books, vouchers and documents of the Grand Trunk and Canada Atlantic shall on the date of union be transferred to and belong to the United Company, and the registers of holders of borrowed capital and share capital of the said companies shall continue to be kept as registers of the United Company, with such variations in the certificates and otherwise as may from time to time be ordered by the directors of the United Company.

21. Subject to the proviso in this article contained, the directors of the United Company shall wind up the affairs of the Grand Trunk and Canada Atlantic to the date of union, and finally balance the books of the said companies to that date, and all moneys due or standing to the credit of either of the said companies on the date of union shall be paid and applied by the directors of the United Company to the purposes for and in the manner to which they would have been applicable if these presents had not been made. Provided that for the purposes of such winding up and in order to simplify the settlement of the accounts, the receipts and payments shall be treated as if the first day of January, 1914, were in fact the date of union.

22. The directors of the United Company shall have power to, and may, from time to time, make by-laws or pass resolutions not inconsistent with the laws of Canada and the provisions of these presents for the management and disposition of the stock, property and business affairs of the United Company, and for the appointment of all officers, employees and artificers and for prescribing their duties.

23. All officers and employees of the Grand Trunk and the Canada Atlantic respectively shall on the union become officers and employees of the United Company at the salaries or wages and upon and subject to the terms upon which they were previously employed by the Grand Trunk or by the Canada Atlantic as the case may be.

24. All Acts of any Provincial Legislature (as defined by The Railway Act) or of any Parliament of the Dominion of Canada relating to the Grand Trunk and Canada Atlantic respectively, in force at the date of union shall, except as otherwise provided or as by these presents expressly varied, apply to and have effect with respect to the United Company, but generally except as aforesaid, the United Company shall continue to be carried on and managed, and all by-laws rules and regulations of the Grand Trunk in use on the date of union shall have effect and until changed or altered by the United Company or the directors thereof, shall be binding upon all the officers, agents and employees of the United Company and all others affected thereby, as if the

United Company were the same Company as the Grand Trunk, and as if the whole undertaking of the United Company had been originally the undertaking of the Grand Trunk. Provided that in case of any inconsistency or conflict between the provisions of any Act of any such Provincial Legislature or Parliament relating to the Grand Trunk, and of any Act of any such Provincial Legislature or Parliament relating to the Canada Atlantic, the provisions of the Act relating to the Grand Trunk shall prevail.

25. In order to carry out the conversion of the share capital of the Canada Atlantic into ordinary stock of the United Company the Parliament of Canada shall be asked in the Act confirming this agreement to authorize the United Company to create and issue ordinary stock of the said company to the extent necessary for the purposes aforesaid.

26. This agreement is subject to confirmation by an Act of the Parliament of the Dominion of Canada and unless such Act is obtained by the first day of October, 1914, or such later date as may be agreed on between the Companies parties hereto shall be void.

IN WITNESS WHEREOF the respective parties hereto have hereunto set their respective corporate seals on the day and year first above written.

Signed sealed and delivered in the presence of

THE GRAND TRUNK RAILWAY COMPANY OF CANADA.

By

G. Haddock.

E. J. Chamberlin,
*President.*

[SEAL]

CANADA ATLANTIC RAILWAY COMPANY,

By

G. Haddock,

E. J. Chamberlin,
*President.*

Frank Scott,
*Secretary.*

[SEAL]

"A."

GRAND TRUNK RAILWAY COMPANY.

| Description. | Rate of Interest. | Amount. |
|---|---|---|
| PART 1. | | |
| *Borrowed Capital.* | | |
| Second Mortgage Equipment Bonds | 6% | $ 1,815,266 67 |
| 3rd. Preference Bonds Northern Railway | 6% | 71,053 33 |
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| 5½% Bonds. Great Western (Matured) not paid off | ..... | 486 67 |
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| " " Great Western | 5% | 13,252,322 67 |
| " " Grand Trunk | 4% | 112,538,406 00 |
| " " Northern Railway | 4% | 1,499,979 67 |
| | | $ 150,306,026 68 |
| PART II. | | |
| *Share Capital.* | | |
| 4% Guaranteed Stock | ..... | $ 60,833,333 32 |
| First Preference Stock | ..... | 16,644,000 00 |
| Second Preference Stock | ..... | 12,312,666 67 |
| Third Preference Stock | ..... | 34,884,535 43 |
| Ordinary Stock | ..... | 109,363,053 40 |
| | | $ 234,037,588 82 |

Montreal, February 5th, 1914.

W. H. ARDLEY,
General Auditor.

"B."

CANADA ATLANTIC RAILWAY.

| Description. | Rate of Interest. | Amount. | Held by G.T. Ry. | Held by Public. |
|---|---|---|---|---|
| PART I | | | | |
| Borrowed Capital First Mortgage... | 4% | $16,000,092 00 | ..... | $16,000,092 00 |
| PART II. | | | | |
| *Share Capital.* | | | | |
| Capital Stock..... | ..... | 6,200,000 00 | 6,072,500 00 | 127,500 00 |
| Preference Stock... | ..... | 1,000,000 00 | 1,000,000 00 | ..... |
| | | $ 7,200,000 00 | $ 7,072,500 00 | $ 127,500 00 |

Montreal, February 5th, 1914.

W. H. ARDLEY,
General Auditor.

M—12

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL N.

An Act resqecting The Rainy River Radial Railway Company.

WHEREAS a petition has been presented praying that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— 1910, c. 152. 1912, c. 141.

**1.** The Rainy River Radial Railway Company may, within two years after the passing of this Act, commence the construction of its railway and expend fifteen per cent of the amount of its capital stock thereon, and may, within five years after the passing of this Act, complete the said railway and put it in operation; and if, within the said periods respectively, the said railway is not commenced and such expenditure is not so made, or the said railway is not completed and put in operation, the powers of construction conferred upon the said company by Parliament shall cease and be null and void as respects so much of the said railway as then remains uncompleted. Extension of time for construction.

**2.** Chapter 141 of the statutes of 1912 is hereby repealed. Former time limit repealed.

3rd Session, 12th Parliament, 4 George V., 1914

THE SENATE OF CANADA

# BILL

# N

An Act respecting The Rainy River Radial Railway Company.

Received and read a first time

Wednesday, 11th March, 1914

Second reading

Friday, 13th March, 1914.

Honourable Mr. Watson.

OTTAWA
Printed by the King's Printer
1914

141

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL N.

### AS PASSED BY THE SENATE, 27th MARCH, 1914.

An Act respecting The Rainy River Radial Railway Company.

WHEREAS a petition has been presented praying that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— 1910, c. 152. 1912, c. 141.

**1.** The Rainy River Radial Railway Company may, within two years after the passing of this Act, commence the construction of its railway and expend fifteen per cent of the amount of its capital stock thereon, and may, within five years after the passing of this Act, complete the said railway and put it in operation; and if, within the said periods respectively, the said railway is not commenced and such expenditure is not so made, or the said railway is not completed and put in operation, the powers of construction conferred upon the said company by Parliament shall cease and be null and void as respects so much of the said railway as then remains uncompleted. Extension of time for construction.

**2.** Chapter 141 of the statutes of 1912 is hereby repealed. Former time limit repealed.

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL O.

An Act respecting The Pacific, Trans-Canada and Hudson Bay Railway Company.

WHEREAS a petition has been presented praying that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— 1912, c. 134.

**1.** The Pacific, Trans-Canada and Hudson Bay Railway Company may, within two years after the passing of this Act, commence the construction of its railway and expend fifteen per cent of the amount of its capital stock thereon, and may, within five years after the passing of this Act, complete the said railway and put it in operation; and if, within the said periods respectively, the said railway is not commenced and such expenditure is not so made, or the said railway is not completed and put in operation, the powers of construction conferred upon the said company by Parliament shall cease and be null and void as respects so much of the said railway as then remains uncompleted.

3rd Session, 12th Parliament, 4 George V., 1914

THE SENATE OF CANADA.

# BILL

()

An Act respecting The Pacific, Trans-Canada and Hudson Bay Railway Company.

Received and read a first time

Thursday, 12th March, 1914.

Second reading

Tuesday, 17th March, 1914.

Honourable MR. DAVIS.

OTTAWA
Printed by the King's Printer
1914

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL O.

**AS PASSED BY THE SENATE 27th MARCH, 1914.**

An Act respecting The Pacific, Trans-Canada and Hudson Bay Railway Company.

WHEREAS a petition has been presented praying that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— 1912, c. 134.

**1.** The Pacific, Trans-Canada and Hudson Bay Railway Company may, within two years after the passing of this Act, commence the construction of its railway and expend fifteen per cent of the amount of its capital stock thereon, and may, within five years after the passing of this Act, complete the said railway and put it in operation; and if, within the said periods respectively, the said railway is not commenced and such expenditure is not so made, or the said railway is not completed and put in operation, the powers of construction conferred upon the said company by Parliament shall cease and be null and void as respects so much of the said railway as then remains uncompleted.

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL P.

An Act for the relief of Ella Rose Morris.

Preamble.

WHEREAS Ella Rose Morris, presently residing at Horley, county of Surrey, England, wife of Frank Haden Morris, of the city of Edmonton, in the province of Alberta, has by her petition alleged, in effect, that they were lawfully married on the fifth day of January, A.D. 1903, in the parish of Saint Mary-le-Bone, in the county of London, England, she then being Ella Rose Boyd, spinster; that the legal domicile of the said Frank Haden Morris was then in England and is now in Canada; that since the month of April, A.D. 1912, he has on divers occasions committed adultery; that she has not connived at nor condoned the said adultery; that there has been no collusion, directly or indirectly, between him and her in the proceedings for divorce; and whereas by her petition she has prayed for the passing of an Act dissolving her said marriage, authorizing her to marry again, and affording her such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Marriage dissolved

**1.** The said marriage between Ella Rose Boyd and Frank Haden Morris, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

**2.** The said Ella Rose Boyd may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Frank Haden Morris had not been solemnized.

3rd Session, 12th Parliament, 4 George V., 1914

THE SENATE OF CANADA.

# BILL

# P

An Act for the relief of Ella Rose Morris.

Received and read a first time

Thursday, 12th March, 1914.

Second reading

Tuesday, 17th March, 1914.

Honourable MR. DERBYSHIRE.

OTTAWA
Printed by the King's Printer
1914

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL P.

**AS PASSED BY THE SENATE, 18th MARCH, 1914.**

An Act for the relief of Ella Rose Morris.

Preamble.

WHEREAS Ella Rose Morris, presently residing at Horley, county of Surrey, England, wife of Frank Haden Morris, of the city of Edmonton, in the province of Alberta, has by her petition alleged, in effect, that they were lawfully married on the fifth day of January, A.D. 1903, in the parish of Saint Mary-le-Bone, in the county of London, England, she then being Ella Rose Boyd, spinster; that the legal domicile of the said Frank Haden Morris was then in England and is now in Canada; that since the month of April, A.D. 1912, he has on divers occasions committed adultery; that she has not connived at nor condoned the said adultery; that there has been no collusion, directly or indirectly, between him and her in the proceedings for divorce; and whereas by her petition she has prayed for the passing of an Act dissolving her said marriage, authorizing her to marry again, and affording her such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Marriage dissolved

**1.** The said marriage between Ella Rose Boyd and Frank Haden Morris, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

**2.** The said Ella Rose Boyd may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Frank Haden Morris had not been solemnized.

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL Q.

An Act for the relief of Alicia Hill.

Preamble.

WHEREAS Alicia Hill, presently residing at the city of Toronto, in the province of Ontario, wife of George Erastus Hill, formerly of the said city of Toronto, dentist, has by her petition alleged, in effect, that they were lawfully married on the second day of June, A.D. 1896, at the city of Brantford, in the said province, she then being Alicia Wilson, spinster; that the legal domicile of the said George Erastus Hill was then in Canada; that on divers occasions during the year A.D. 1912, he committed adultery; that she has not connived at nor condoned the said adultery; that there has been no collusion, directly or indirectly, between him and her in the proceedings for divorce; and whereas by her petition she has prayed for the passing of an Act dissolving her said marriage, authorizing her to marry again, and affording her such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

**1.** The said marriage between Alicia Wilson and George Erastus Hill, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

**2.** The said Alicia Wilson may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said George Erastus Hill had not been solemnized.

3rd Session, 12th Parliament, 4 George V., 1914

THE SENATE OF CANADA

# BILL

# Q

An Act for the relief of Alicia Hill.

Received and read a first time

Thursday, 12th March, 1914.

Second reading

Tuesday, 17th March, 1914.

Honourable Mr. Derbyshire.

OTTAWA
Printed by the King's Printer
1914

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL Q.

**AS PASSED BY THE SENATE, 18th MARCH, 1914.**

An Act for the relief of Alicia Hill.

Preamble.

WHEREAS Alicia Hill, presently residing at the city of Toronto, in the province of Ontario, wife of George Erastus Hill, formerly of the said city of Toronto, dentist, has by her petition alleged, in effect, that they were lawfully married on the second day of June, A.D. 1896, at the city of Brantford, in the said province, she then being Alicia Wilson, spinster; that the legal domicile of the said George Erastus Hill was then in Canada; that on divers occasions during the year A.D. 1912, he committed adultery; that she has not connived at nor condoned the said adultery; that there has been no collusion, directly or indirectly, between him and her in the proceedings for divorce; and whereas by her petition she has prayed for the passing of an Act dissolving her said marriage, authorizing her to marry again, and affording her such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

**1.** The said marriage between Alicia Wilson and George Erastus Hill, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

**2.** The said Alicia Wilson may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said George Erastus Hill had not been solemnized.

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL R.

An Act respecting a patent of John Rodger Arnoldi.

Preamble.

WHEREAS Johanna Arnoldi, of the city of Toronto, in the province of Ontario, widow and executrix of the last will and testament of John Rodger Arnoldi, of the same place, mechanical engineer, has by her petition represented that she is the beneficial owner of patent number sixty-nine thousand and sixty-two, issued under the seal of the Patent Office of Canada and dated the nineteenth day of October, 1900, for improvements in exhaust ventilators, and has prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Power to Commissioner of Patents for extension of Patent.

**1.** Notwithstanding anything in *The Patent Act*, or in the patent mentioned in the preamble, the Commissioner of Patents may receive from the said Johanna Arnoldi an application for a certificate of payment of further fees, and the usual fees for the remainder of the term of eighteen years from the date thereof, and may grant and issue to the said Johanna Arnoldi the certificate of payment of further fees provided for by *The Patent Act*, and an extension of the term of duration of the said patent, in as full and ample a manner as if the application therefor had been duly made and the fees paid within twelve years from the date of the issue of the said patent.

Certain rights saved.

**2.** If any person has, in the period between the expiry of twelve years from the date of the said patent, and the thirty-first day of January, nineteen hundred and fourteen, commenced to construct, manufacture, use or sell in Canada the invention covered by the said patent, such person may continue to construct, manufacture, use or sell the said invention in as full and ample a manner as if this Act had not been passed.

3rd Session, 12th Parliament, 4 George V., 1914

THE SENATE OF CANADA.

# BILL

# R

An Act respecting a Patent of John Rodger Arnoldi.

Received and read a first time

Friday, 13th March, 1914.

Second reading

Wednesday, 18th March, 1914.

Honourable Mr. Kerr.

OTTAWA
Printed by the King's Printer
1914

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL R.

**AS PASSED BY THE SENATE, 31st MARCH, 1914.**

An Act respecting a patent of John Rodger Arnoldi.

Preamble.

WHEREAS Johanna Arnoldi, of the city of Toronto, in the province of Ontario, widow and executrix of the last will and testament of John Rodger Arnoldi, of the same place, mechanical engineer, has by her petition represented that she is the beneficial owner of patent number sixty-nine thousand and sixty-two, issued under the seal of the Patent Office of Canada and dated the nineteenth day of October, 1900, for improvements in exhaust ventilators, and has prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Power to Commissioner of Patents for extension of Patent.

**1.** Notwithstanding anything in *The Patent Act*, or in the patent mentioned in the preamble, the Commissioner of Patents may, within three months after the passing of this Act, receive from the said Johanna Arnoldi an application for a certificate of payment of further fees, and the usual fees for the remainder of the term of eighteen years from the date thereof, and may grant and issue to the said Johanna Arnoldi the certificate of payment of further fees provided for by *The Patent Act*, and an extension of the term of duration of the said patent, in as full and ample a manner as if the application therefor had been duly made and the fees paid within twelve years from the date of the issue of the said patent.

Certain rights saved.

**2.** If any person has, in the period between the expiry of twelve years from the date of the said patent, and the thirty-first day of January, nineteen hundred and fourteen, commenced to construct, manufacture, use or sell in Canada the invention covered by the said patent, such person may continue to construct, manufacture, use or sell the said invention in as full and ample a manner as if this Act had not been passed.

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL S.

An Act for the the relief of Eliza Jane McLaughlin.

Preamble.

WHEREAS Eliza Jane McLaughlin, presently residing at the city of Toronto, in the province of Ontario, wife of Frederick McLaughlin, formerly of the city of Kingston, in the said province, baker, has by her petition alleged, in effect, that they were lawfully married on the twenty-sixth day of January, A.D. 1897, at the said city of Kingston, she then being Eliza Jane Burke, spinster; that the legal domicile of the said Frederick McLaughlin was then in Canada; that since the year 1901 he has on divers occasions committed adultery; that she has not connived at nor condoned the said adultery; that there has been no collusion, directly or indirectly, between him and her in the proceedings for divorce; and whereas by her petition she has prayed for the passing of an Act dissolving her said marriage, authorizing her to marry again, and affording her such other relief as is deemed meet; and whereas the said allegations have been proved and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

**1.** The said marriage between Eliza Jane Burke and Frederick McLaughlin, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

**2.** The said Eliza Jane Burke may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Frederick McLaughlin had not been solemnized.

3rd Session, 12th Parliament, 4 George V., 1914

THE SENATE OF CANADA.

# BILL

S

An Act for the relief of Eliza Jane McLaughlin.

Received and read a first time

Friday, 13th March, 1914.

Second reading

Wednesday, 18th March, 1914.

Honourable Mr. Talbot.

OTTAWA
Printed by the King's Printer
1914

# THE SENATE OF CANADA.

## BILL S.

**AS PASSED BY THE SENATE 19th MARCH, 1914.**

An Act for the the relief of Eliza Jane McLaughlin.

WHEREAS Eliza Jane McLaughlin, presently residing at the city of Toronto, in the province of Ontario, wife of Frederick McLaughlin, formerly of the city of Kingston, in the said province, baker, has by her petition alleged, in effect, that they were lawfully married on the twenty-sixth day of January, A.D. 1897, at the said city of Kingston, she then being Eliza Jane Burke, spinster; that the legal domicile of the said Frederick McLaughlin was then in Canada; that since the year 1901 he has on divers occasions committed adultery; that she has not connived at nor condoned the said adultery; that there has been no collusion, directly or indirectly, between him and her in the proceedings for divorce; and whereas by her petition she has prayed for the passing of an Act dissolving her said marriage, authorizing her to marry again, and affording her such other relief as is deemed meet; and whereas the said allegations have been proved and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

**1.** The said marriage between Eliza Jane Burke and Frederick McLaughlin, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever. Marriage dissolved.

**2.** The said Eliza Jane Burke may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Frederick McLaughlin had not been solemnized. Right to marry again.

3rd Session, 12th Parliament, 4 George V., 1914

THE SENATE OF CANADA.

# BILL

S

An Act for the relief of Eliza Jane McLaughlin.

Received and read a first time

Friday, 13th March, 1914.

Second reading

Wednesday, 18th March, 1914.

Honourable Mr. Talbot.

OTTAWA
Printed by the King's Printer
1914

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

# BILL T.

An Act respecting The Sterling Life Assurance Company of Canada.

WHEREAS a petition has been presented praying that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— 1912, c. 154.

**1.** Notwithstanding anything in section 78 of *The Insurance Act, 1910*, or in the Act, chapter 154 of the statutes of 1912, incorporating The Sterling Life Assurance Company of Canada, the said chapter shall be deemed not to have expired and ceased to be in force after the eleventh day of March, 1914, but to have continued and to be in force, for all purposes thereof whatsoever, until the twelfth day of March, 1916; and the Minister of Finance may, at any time not later than the eleventh day of March, 1916, and subject to all other provisions of *The Insurance Act, 1910*, grant to that company the license necessary for carrying on business. Extension of time for obtaining license. 1910, c. 32.

**2.** If the company has not obtained the said license before the twelfth day of March, 1916, the said chapter 154 shall then expire and cease to be in force thereafter, except for the sole purpose of winding up the company's business, but otherwise shall remain in full force and effect for all purposes thereof whatsoever. Effect of license.

3rd Session, 12th Parliament, 4 George V., 1914

THE SENATE OF CANADA.

# BILL

# T

An Act respecting The Sterling Life Assurance Company of Canada.

Received and read a first time

Tuesday, 17th March, 1914.

Second reading

Thursday, 19th March, 1914.

Honourable Mr. Talbot.

OTTAWA
Printed by the King's Printer
1914

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL T.

An Act respecting The Sterling Life Assurance Company of Canada.

WHEREAS a petition has been presented praying that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— 1912, c. 154.

**1.** Notwithstanding anything in section 78 of *The Insurance Act, 1910,* or in the Act, chapter 154 of the statutes of 1912, incorporating The Sterling Life Assurance Company of Canada, the said chapter shall be deemed not to have expired and ceased to be in force after the eleventh day of March, 1914, but to have continued and to be in force, for all purposes thereof whatsoever, until the twelfth day of March, 1916; and the Minister of Finance may, at any time not later than the eleventh day of March, 1916, and subject to all other provisions of *The Insurance Act, 1910,* grant to that company the license necessary for carrying on business. Extension of time for obtaining license. 1910, c. 32.

**2.** If the company has not obtained the said license before the twelfth day of March, 1916, the said chapter 154 shall then expire and cease to be in force thereafter, except for the sole purpose of winding up the company's business, but otherwise shall remain in full force and effect for all purposes thereof whatsoever. Effect of license.

3rd Session, 12th Parliament, 4 George V., 1914

THE SENATE OF CANADA.

# BILL

# T

An Act respecting The Sterling Life Assurance Company of Canada.

Received and read a first time

Tuesday, 17th March, 1914.

Second reading

Thursday, 19th March, 1914.

Honourable MR. TALBOT.

OTTAWA
Printed by the King's Printer
1914

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL T.

**AS PASSED BY THE SENATE, 26th MARCH, 1914.**

An Act respecting The Sterling Life Assurance Company of Canada.

WHEREAS a petition has been presented praying that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— 1912, c. 154.

**1.** Notwithstanding anything in section 78 of *The Insurance Act, 1910*, or in the Act, chapter 154 of the statutes of 1912, incorporating The Sterling Life Assurance Company of Canada, the said chapter shall be deemed not to have expired and ceased to be in force after the eleventh day of March, 1914, but to have continued and to be in force, for all purposes thereof whatsoever, until the twelfth day of March, 1915; and the Minister of Finance may, at any time not later than the eleventh day of March, 1915, and subject to all other provisions of *The Insurance Act, 1910*, grant to that company the license necessary for carrying on business. Extension of time for obtaining license 1910, c. 32.

**2.** If the company has not obtained the said license before the twelfth day of March, 1915, the said chapter 154 shall then expire and cease to be in force thereafter, except for the sole purpose of winding up the company's business, but otherwise shall remain in full force and effect for all purposes thereof whatsoever. Effect of license.

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL U.

An Act respecting W. C. Edwards and Co., Limited.

WHEREAS W. C. Edwards and Co., Limited, have by their petition prayed that it may be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— 1892, c. 72. 1901, c. 98.

**1.** Section 7 of chapter 72 of the Statutes of 1892 is hereby repealed and the following is substituted therefor:— 1892, c. 72, s. 7 amended.

"**7.** If authorized by bylaw, sanctioned by a vote of not less than two-thirds in value of the subscribed stock of the Company represented at a general meeting duly called for considering the by-law, the directors may from time to time:— Borrowing powers.

(*a*) borrow money upon the credit of the Company; On credit.

(*b*) limit or increase the amount to be borrowed; Amount.

(*c*) issue bonds, debentures or other securities of the Company for sums not less than one hundred dollars each, and pledge or sell the same for such sums and at such prices as may be deemed expedient: Provided that such bonds, debentures or other securities may be for sums not less than twenty pounds sterling, five hundred francs, or four hundred marks, or for sums not less than the nearest equivalent in round figures of other money to one hundred dollars in Canadian currency; Issue of bonds, etc.

(*d*) hypothecate, mortgage, or pledge the real or personal property of the Company, or both, to secure any such bonds, debentures or other securities, and any money borrowed for the purposes of the Company. Security on property.

"2. Nothing in this section contained shall limit or restrict the borrowing of money by the Company on bills of exchange or promissory notes made, drawn, accepted, or endorsed by or on behalf of the Company." Bills of exchange and promissory notes.

S. 2 amended

**2.** Section 2 of the said chapter 72 is hereby amended by inserting immediately after subsection 5 thereof, the following as subsection 5*a*:—

Subsection 5*a* added.

"5*a*. And also, for the purposes of its undertaking and subject to the provisions of section 247 of *The Railway Act*, the Company may manufacture or acquire, but not by expropriation, electric and other power or energy, and receive, transform, transmit, distribute and supply such power or energy in any form, and dispose of the surplus thereof, and collect rates and charges therefor; but no such rate or charge shall be demanded or taken until it has been approved of by the Board of Railway Commissioners for Canada, which may also revise such rates and charges.

Powers as to electricity, etc.

Rates. Municipal consent as to lines on highways.

"Provided that nothing in this subsection shall authorize the Company to construct or operate any lines for the purpose of distributing electricity for lighting, heating or motor purposes, or disposing of surplus power generated by the Company's works and not required for the undertaking of the Company, upon, along or across any highway or public place, without first obtaining the consent expressed by by-law of the municipality having jurisdiction over such highway or public place, and upon terms to be agreed on with such municipality, or to sell, dispose of or distribute power or energy within or for use within the limits of any municipality, without the consent, expressed by by-law, of such municipality."

And as to sale, etc., of power.

3rd Session, 12th Parliament, 4 George V., 1914

THE SENATE OF CANADA.

# BILL

U

An Act respecting W. C. Edwards and Co., Limited.

Received and read a first time

Tuesday, 17th March, 1914.

Second reading

Thursday, 19th March, 1914.

Honourable Mr. Béique.

OTTAWA
Printed by the King's Printer
1914

[**Bill sent down from the Senate, and reprinted as amended and reported by the Miscellaneous Private Bills Committee.**]

[*Additions are placed between square brackets. Omissions are indicated by asterisks.*]

# SENATE BILL U.

**PASSED BY SENATE, MARCH 26, 1914.**

# HOUSE OF COMMONS BILL 132.

An Act respecting W. C. Edwards and Co., Limited.

WHEREAS W. C. Edwards and Co., Limited, have by their petition prayed that it may be enacted a hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— 1892, c. 72. 1901, c. 98.

**1.** Section 7 of chapter 72 of the statutes of 1892 is hereby repealed and the following is substituted therefor:— 1892, c. 72, s. 7 amended.

"**7.** If authorized by by-law, sanctioned by a vote of not less than two-thirds in value of the subscribed stock of the Company represented at a general meeting duly called for considering the by-law, the directors may from time to time:— Borrowing powers.

(*a*) borrow money upon the credit of the Company; On credit.

(*b*) limit or increase the amount to be borrowed; Amount.

(*c*) issue bonds, debentures or other securities of the Company for sums not less than one hundred dollars each, and pledge or sell the same for such sums and at such prices as may be deemed expedient: Provided that such bonds, debentures or other securities may be for sums not less than twenty pounds sterling, five hundred francs, or four hundred marks, or for sums not less than the nearest equivalent in round figures of other money to one hundred dollars in Canadian currency; Issue of bonds, etc.

(*d*) hypothecate, mortgage, or pledge the real or personal property of the Company, or both, to secure any such bonds, debentures or other securities, and any money borrowed for the purposes of the Company. Security on property.

Bills of exchange and promissory notes.

"2. Nothing in this section contained shall limit or restrict the borrowing of money by the Company on bills of exchange or promissory notes made, drawn, accepted, or endorsed by or on behalf of the Company."

S. 2 amended.

**2.** Section 2 of the said chapter 72 is hereby amended by inserting immediately after subsection 5 thereof, the following as subsection 5*a*:—

Subsection 5*a* added.

"5*a*. And also, for the purposes of its undertaking [*] the Company may manufacture or acquire, but not by expropriation, electric and other power or energy, and receive, transform, transmit, distribute and supply such power or energy in any form, and dispose of the surplus thereof, and collect rates and charges therefor; [*] [Provided always that the rights, powers and privileges hereby conferred upon the Company to distribute, sell and dispose of electrical energy for light, heat and power, when exercised outside the property of the Company, shall be subject to all provincial and municipal laws and regulations in that behalf; and provided also that in any province where there is no provincial authority to regulate the rates and charges for light, heat and power, such rates and charges shall be subject to the approval of the Board of Railway Commissioners for Canada, which may revise the same from time to time; and] provided further that nothing in this subsection shall authorize the Company to construct or operate any lines for the purpose of distributing electricity for lighting, heating or motor purposes, or disposing of surplus power generated by the Company's works and not required for the undertaking of the Company, upon, along or across any highway or public place, without first obtaining the consent expressed by by-law of the municipality having jurisdiction over such highway or public place [pursuant to any provincial laws relating to the passing of such by-laws] and upon terms to be agreed on with such municipality." [*]

Powers as to electricity, etc.

Rates.

Municipal consent as to lines on highways.

And as to sale, etc., of power.

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL U.

**AS PASSED BY THE SENATE, 26th MARCH, 1914.**

An Act respecting W. C. Edwards and Co., Limited.

WHEREAS W. C. Edwards and Co., Limited, have by their petition prayed that it may be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— 1892, c. 72. 1901, c. 98.

**1.** Section 7 of chapter 72 of the Statutes of 1892 is hereby repealed and the following is substituted therefor:— 1892, c. 72, s. 7 amended.

"**7.** If authorized by by-law, sanctioned by a vote of not less than two-thirds in value of the subscribed stock of the Company represented at a general meeting duly called for considering the by-law, the directors may from time to time:— Borrowing powers.

(*a*) borrow money upon the credit of the Company; On credit.

(*b*) limit or increase the amount to be borrowed; Amount.

(*c*) issue bonds, debentures or other securities of the Company for sums not less than one hundred dollars each, and pledge or sell the same for such sums and at such prices as may be deemed expedient: Provided that such bonds, debentures or other securities may be for sums not less than twenty pounds sterling, five hundred francs, or four hundred marks, or for sums not less than the nearest equivalent in round figures of other money to one hundred dollars in Canadian currency; Issue of bonds, etc.

(*d*) hypothecate, mortgage, or pledge the real or personal property of the Company, or both, to secure any such bonds, debentures or other securities, and any money borrowed for the purposes of the Company. Security on property.

"2. Nothing in this section contained shall limit or restrict the borrowing of money by the Company on bills of exchange or promissory notes made, drawn, accepted, or endorsed by or on behalf of the Company." Bills of exchange and promissory notes.

S. 2 amended

**2.** Section 2 of the said chapter 72 is hereby amended by inserting immediately after subsection 5 thereof, the following as subsection 5*a*:—

Subsection 5*a* added.

"5*a*. And also, for the purposes of its undertaking and subject to the provisions of section 247 of *The Railway Act*, the Company may manufacture or acquire, but not by expropriation, electric and other power or energy, and receive, transform, transmit, distribute and supply such power or energy in any form, and dispose of the surplus thereof, and collect rates and charges therefor; but no such rate or charge shall be demanded or taken until it has been approved of by the Board of Railway Commissioners for Canada, which may also revise such rates and charges.

Powers as to electricity, etc.

Rates.

"Provided that nothing in this subsection shall authorize the Company to construct or operate any lines for the purpose of distributing electricity for lighting, heating or motor purposes, or disposing of surplus power generated by the Company's works and not required for the undertaking of the Company, upon, along or across any highway or public place, without first obtaining the consent expressed by by-law of the municipality having jurisdiction over such highway or public place, and upon terms to be agreed on with such municipality, or to sell, dispose of or distribute power or energy within or for use within the limits of any municipality, without the consent, expressed by by-law, of such municipality."

Municipal consent as to lines on highways.

And as to sale, etc., of power.

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL V.

An Act for the relief of Lenore Power.

Preamble

WHEREAS Lenore Power, presently residing at the town of Cobourg, in the province of Ontario, wife of Reginald John Manley Power, of the village of Waseca, in the province of Saskatchewan, rancher, has by her petition alleged, in effect, that they were lawfully married on the eleventh day of July, A.D. 1906, at the said town of Cobourg, she then being Lenore Dennis, spinster; that the legal domicile of the said Reginald John Manley Power was then and is now in Canada; that on divers occasions in and since the year 1912 he has committed adultery; that she has not connived at nor condoned the said adultery; that there has been no collusion, directly or indirectly, between him and her in the proceedings for divorce; and whereas by her petition she has prayed for the passing of an Act dissolving her said marriage, authorizing her to marry again, and affording her such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

**1.** The said marriage between Lenore Dennis and Reginald John Manley Power, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again

**2.** The said Lenore Dennis may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Reginald John Manley Power had not been solemnized.

3rd Session, 12th Parliament, 4 George V., 1914

THE SENATE OF CANADA

# BILL

# V

An Act for the relief of Lenore Power.

Received and read a first time

Wednesday, 18th March, 1914.

Second reading

Friday, 20th March, 1914.

Honourable MR. DERBYSHIRE.

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1914

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL V.

**AS PASSED BY THE SENATE 24th MARCH, 1914.**

An Act for the relief of Lenore Power.

Preamble

WHEREAS Lenore Power, presently residing at the town of Cobourg, in the province of Ontario, wife of Reginald John Manley Power, of the village of Waseca, in the province of Saskatchewan, rancher, has by her petition alleged, in effect, that they were lawfully married on the eleventh day of July, A.D. 1906, at the said town of Cobourg, she then being Lenore Dennis, spinster; that the legal domicile of the said Reginald John Manley Power was then and is now in Canada; that on divers occasions in and since the year 1912 he has committed adultery; that she has not connived at nor condoned the said adultery; that there has been no collusion, directly or indirectly, between him and her in the proceedings for divorce; and whereas by her petition she has prayed for the passing of an Act dissolving her said marriage, authorizing her to marry again, and affording her such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

**1.** The said marriage between Lenore Dennis and Reginald John Manley Power, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again

**2.** The said Lenore Dennis may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Reginald John Manley Power had not been solemnized.

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL W.

An Act for the relief of Walter James Liscombe.

Preamble. WHEREAS Walter James Liscombe, of the city of Toronto, in the province of Ontario, theatre manager, has by his petition alleged, in effect, that on the sixteenth day of September, A.D. 1903, at the said city of Toronto, he was lawfully married to Florence May Perry, that she was then of the said city of Toronto, a spinster; that his legal domicile was then and is now in Canada; that on divers occasions during the year 1913 she committed adultery; that he has not connived at nor condoned the said adultery; that there has been no collusion, directly or indirectly, between him and her in the proceedings for divorce; and whereas by his petition he has prayed for the passing of an Act dissolving his said marriage, authorizing him to marry again, and affording him such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved. **1.** The said marriage between Walter James Liscombe and Florence May Perry, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again. **2.** The said Walter James Liscombe may at any time hereafter marry any woman he might lawfully marry if the said marriage with the said Florence May Perry had not been solemnized.

3rd Session, 12th Parliament, 4 George V., 1914

THE SENATE OF CANADA.

# BILL

# W

An Act for the relief of Walter James Liscombe.

Received and read a first time

Thursday, 19th March, 1914.

Second reading

Tuesday, 24th March, 1914.

Honourable MR. DERBYSHIRE.

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1914

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL W.

**AS PASSED BY THE SENATE, 25th MARCH, 1914.**

An Act for the relief of Walter James Liscombe.

Preamble.

WHEREAS Walter James Liscombe, of the city of Toronto, in the province of Ontario, theatre manager, has by his petition alleged, in effect, that on the sixteenth day of September, A.D. 1903, at the said city of Toronto, he was lawfully married to Florence May Perry, that she was then of the said city of Toronto, a spinster; that his legal domicile was then and is now in Canada; that on divers occasions during the year 1913 she committed adultery; that he has not connived at nor condoned the said adultery; that there has been no collusion, directly or indirectly, between him and her in the proceedings for divorce; and whereas by his petition he has prayed for the passing of an Act dissolving his said marriage, authorizing him to marry again, and affording him such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

**1.** The said marriage between Walter James Liscombe and Florence May Perry, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

**2.** The said Walter James Liscombe may at any time hereafter marry any woman he might lawfully marry if the said marriage with the said Florence May Perry had not been solemnized.

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

# BILL X.

An Act for the relief of Ethel Cora Robinson.

Preamble.

WHEREAS Ethel Cora Robinson, presently residing at Jordan Station, in the province of Ontario, wife of DeForest Nesbit Robinson, of the city of London, in the said province, has by her petition alleged, in effect, that they were lawfully married on the sixth day of September, A.D. 1901, at the village of Jordan, in the said province, she then being Ethel Cora Immel, spinster; that the legal domicile of the said DeForest Nesbit Robinson was then and is now in Canada; that since their said marriage the said DeForest Nesbit Robinson has on divers occasions committed adultery and has deserted her; that she has not connived at nor condoned the said adultery; that there has been no collusion, directly or indirectly, between him and her in the proceedings for divorce; and whereas by her petition she has prayed for the passing of an Act dissolving her said mariage, authorizing her to marry again, and affording her such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

**1.** The said marriage between Ethel Cora Immel and DeForest Nesbit Robinson, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

**2.** The said Ethel Cora Immel may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said DeForest Nesbit Robinson had not been solemnized.

3rd Session, 12th Parliament, 4 George V., 1914

THE SENATE OF CANADA.

# BILL

# X

An Act for the relief of Ethel Cora Robinson.

Received and read a first time

Thursday, 19th March, 1914.

Second reading

Tuesday, 24th March, 1914.

Honourable Mr. Derbyshire.

OTTAWA
Printed by J. de L. Taché
Printer to the King's most Excellent Majesty
1914

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL X.

**AS PASSED BY THE SENATE, 25th MARCH, 1914.**

An Act for the relief of Ethel Cora Robinson.

Preamble.

WHEREAS Ethel Cora Robinson, presently residing at Jordan Station, in the province of Ontario, wife of DeForest Nesbit Robinson, of the city of London, in the said province, has by her petition alleged, in effect, that they were lawfully married on the sixth day of September, A.D. 1901, at the village of Jordan, in the said province, she then being Ethel Cora Immel, spinster; that the legal domicile of the said DeForest Nesbit Robinson was then and is now in Canada; that since their said marriage the said DeForest Nesbit Robinson has on divers occasions committed adultery and has deserted her; that she has not connived at nor condoned the said adultery; that there has been no collusion, directly or indirectly, between him and her in the proceedings for divorce; and whereas by her petition she has prayed for the passing of an Act dissolving her said mariage, authorizing her to marry again, and affording her such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

**1.** The said marriage between Ethel Cora Immel and DeForest Nesbit Robinson, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

**2.** The said Ethel Cora Immel may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said DeForest Nesbit Robinson had not been solemnized.

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL Y.

An Act for the relief of George Fullerton Forsythe.

Preamble.

WHEREAS George Fullerton Forsythe, of the township of Finch, Stormont county, in the province of Ontario, farmer, has by his petition alleged, in effect, that on the second day of April, A.D. 1890, at the village of Finch, in the said province, he was lawfully married to Mary Jane Leslie; that she was then of the township of Roxborough, in the said county, a spinster; that his legal domicile was then and is now in Canada; that in the year 1901 she deserted him and has since then on divers occasions committed adultery; that he has not connived at nor condoned the said adultery; that there has been no collusion, directly or indirectly, between him and her in the proceedings for divorce; and whereas by his petition he has prayed for the passing of an Act dissolving his said marriage, authorizing him to marry again, and affording him such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

**1.** The said marriage between George Fullerton Forsythe and Mary Jane Leslie, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

**2.** The said George Fullerton Forsythe may at any time hereafter marry any woman he might lawfully marry if the said marriage with the said Mary Jane Leslie had not been solemnized.

3rd Session, 12th Parliament, 4 George V., 1914

THE SENATE OF CANADA.

# BILL

# Y

An Act for the relief of George Fullerton Forsythe.

Received and read a first time

Thursday, 19th March, 1914.

Second reading

Tuesday, 24th March, 1914.

Honourable Mr. Talbot.

OTTAWA
Printed by J. de L. Taché
Printer to the King's most Excellent Majesty
1914

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL Y.

**AS PASSED BY THE SENATE, 25th MARCH, 1914.**

An Act for the relief of George Fullerton Forsythe.

Preamble.

WHEREAS George Fullerton Forsythe, of the township of Finch, Stormont county, in the province of Ontario, farmer, has by his petition alleged, in effect, that on the second day of April, A.D. 1890, at the village of Finch, in the said province, he was lawfully married to Mary Jane Leslie; that she was then of the township of Roxborough, in the said county, a spinster; that his legal domicile was then and is now in Canada; that in the year 1901 she deserted him and has since then on divers occasions committed adultery; that he has not connived at nor condoned the said adultery; that there has been no collusion, directly or indirectly, between him and her in the proceedings for divorce; and whereas by his petition he has prayed for the passing of an Act dissolving his said marriage, authorizing him to marry again, and affording him such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

**1.** The said marriage between George Fullerton Forsythe and Mary Jane Leslie, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

**2.** The said George Fullerton Forsythe may at any time hereafter marry any woman he might lawfully marry if the said marriage with the said Mary Jane Leslie had not been solemnized.

3rd Session. 12th Parliament. 4 George V., 1914

# THE SENATE OF CANADA.

## BILL Z.

An Act respecting The Canadian Northern Railway Company.

WHEREAS a petition has been presented praying that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— 1899, c. 57; 1901, cc. 52, 53; 1902, c. 50; 1903, c. 97; 1904, c. 60; 1905, c. 72; 1907, c. 71; 1908, c. 92; 1910, c. 80; 1912, c. 77; 1913, c. 94;

**1.** If the securities which the Canadian Northern Railway Company hereinafter called "the Company", is entitled to issue by virtue of section 136 of *The Railway Act* are issued in the form of bonds or debentures, such bonds or debentures may be signed by the president or a vice-president or a director and countersigned by the secretary or assistant or local secretary or assistant local secretary of the Company, and any coupons attached to such bonds or debentures shall bear the signature of the secretary or treasurer of the Company: Provided that the signature of the president on the bonds or debentures, and the signature of the secretary or treasurer on the coupons may be an engraved, lithographed or otherwise mechanically reproduced facsimile of such signatures respectively; and such reproduced and all other signatures of the officers aforesaid shall for all purposes be valid and binding upon the Company, notwithstanding that at the date of the issue or certification of the bonds or debentures or the coupons the persons whose signatures so appear are not the president, vice-president, director, treasurer or secretary of the Company, as the case may be. Signing of securities. Proviso.

2. If such securities are issued in the form of debenture stock, certificates for such stock may be executed in the same manner as herein provided for the signature of bonds or debentures, or may be signed by the secretary or an assistant or local secretary or assistant local secretary of the Signing of certificates.

Currency.

Company, countersigned by the registrar or an assistant or local registrar of the stock for the time being, or such other officers as the directors may designate.

Commencement of Act.

3. Such securities may be issued in whole or in part in the denomination or multiples of dollars, pounds sterling, or any other currency.

**2.** This Act shall be deemed to have come in force on the fifteenth day of January, one thousand nine hundred and fourteen.

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA

## BILL

Z

An Act respecting The Canadian Northern Railway Company.

Received and read a first time

Thursday, 19th March, 1914.

Second reading

Tuesday, 24th March, 1914.

HONOURABLE MR. WATSON.

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1914

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL $A_2$.

An Act respecting Saskatoon and Hudson Bay Railway Company.

WHEREAS a petition has been presented praying that it be enacted as hereinfater set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— 1911, c. 137.

**1.** Saskatoon and Hudson Bay Railway Company may, within two years after the passing of this Act, commence the construction of the railway authorized by section 7 of chapter 137 of the statutes of 1911, and expend fifteen per cent of its capital stock thereon, and may, within five years after the passing of this Act, complete and put in operation the said railway, and if, within the said periods respectively, the said railway is not commenced and such expenditure is not so made, or if the said railway is not completed and put in operation, the powers of construction, conferred upon the said Company by Parliament, shall cease and be null and void as respects so much of the said railway as then remains uncompleted. Extension of time for construction.

**2.** The Company shall not construct or operate its railway along any highway, street or other public place without first obtaining the consent, expressed by by-law, of the municipality having jurisdiction over such highway, street or other public place, and upon terms to be agreed upon with such municipality. Municipal consent as to highways.

3rd Session, 12th Parliament, 4 George V., 1914

THE SENATE OF CANADA

# BILL

# $A_2$

An Act respecting Saskatoon and Hudson Bay Railway Company.

Received and read a first time

Thursday, 19th March, 1914

Second reading

Tuesday, 24th March, 1914.

Honourable MR. DAVIS.

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1914

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL A2.

**AS PASSED BY THE SENATE, 24th APRIL, 1914.**

An Act respecting Saskatoon and Hudson Bay Railway Company.

WHEREAS a petition has been presented praying that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— 1911, c. 137.

**1.** Saskatoon and Hudson Bay Railway Company may, within two years after the passing of this Act, commence the construction of the railway authorized by section 7 of chapter 137 of the statutes of 1911, and expend fifteen per cent of its capital stock thereon, and may, within five years after the passing of this Act, complete and put in operation the said railway, and if, within the said periods respectively, the said railway is not commenced and such expenditure is not so made, or if the said railway is not completed and put in operation, the powers of construction, conferred upon the said Company by Parliament, shall cease and be null and void as respects so much of the said railway as then remains uncompleted. Extension of time for construction.

**2.** The Company shall not construct or operate its railway along any highway, street or other public place without first obtaining the consent, expressed by by-law, of the municipality having jurisdiction over such highway, street or other public place, and upon terms to be agreed upon with such municipality. Municipal consent as to highways.

# BILL B2.

## An Act to consolidate and amend The Railway Act.


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3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL B2.

NOTE—*Clause 263 is printed for information only. It does not form part of the Bill, and is intended to be inserted therein by the House of Commons.*

An Act to consolidate and amend The Railway Act.

HIS 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 Railway Act.* R. S., c. 37, s. 1. Short title.

### INTERPRETATION.

*Definitions.*

**2.** In this Act, and in any Special Act as hereinafter defined, in so far as this Act applies, unless the context otherwise requires,— Definitions.

(1) "Board" means the Board of Railway Commissioners for Canada; "Board."

(2) "by-law," when referring to an act of the company, includes a resolution; "By-law."

(3) "charge," when used as a verb with respect to tolls, includes to quote, demand, levy, take or receive; "Charge."

(4) "company" includes a person, and where not otherwise stated or implied means railway company unless accompanied by "any", "every", or "all", in which case it means every kind of company which the context will permit of; and "railway company", or "company" when it means or includes railway company,— "Company" and "Railway Company."

(*a*) includes every such company and any person having authority to construct or operate a railway; and

(*b*) in the sections of this Act which require companies to furnish statistics and returns to the Minister, or

provide penalties for default in so doing, includes further any company constructing or operating a line of railway in Canada, even though such company is not otherwise within the legislative authority of the Parliament of Canada, and includes also any individual not incorporated who is the owner or lessee of a railway in Canada, or party to an agreement for the working of such a railway;

"Costs". (5) "costs" includes fees, counsel fees and expenses;

"County". (6) "county" includes any county, union of counties, riding, district, or division corresponding to a county, and, in the province of Quebec, any separate municipal division of a county;

"Court." (7) "court" means a superior court of the province or district, and, when used with respect to any proceedings for

(*a*) the ascertainment or payment, either to the person entitled, or into court, of compensation for lands taken, or for the exercise of powers conferred by this Act, or

(*b*) the delivery of possession of lands, or the putting down of resistance to the exercise of powers, after compensation paid or tendered,

includes the county court of the county where the lands lie; and "county court" and "superior court" are to be interpreted according to the *Interpretation Act* and amendments thereto;

"County court;" "Superior court."

"Exchequer Court." (8) "Exchequer Court" means the Exchequer Court of Canada;

"Express toll." (9) "express toll" means any toll, rate or charge to be charged by any company, or any person or corporation other than the company, to any persons, for hire or otherwise, for or in connection with the collecting, receiving, caring for or handling of any goods for the purpose of sending, carrying or transporting them by express, or for or in connection with the sending, carrying, transporting or delivery by express of any goods, or for any service incidental thereto, or for or in connection with any or either of these objects, where the whole or any portion of the carriage or transportation of such goods is by rail upon the railway of the company;

'Goods." (10) "goods" includes personal property of every description that may be conveyed upon the railway, or upon steam vessels, or other vessels connected with the railway;

"Highway." (11) "highway" includes any public road, street, lane or other public way or communication;

"Inspecting engineer." (12) "inspecting engineer" means an engineer who is directed by the Minister, or by the Board, to examine any railway or works, and includes two or more engineers, when two or more are so directed;

(13) "judge" means a judge of a superior or county court hereinbefore mentioned, as the case may be; "Judge."

(14) "justice" means a justice of the peace acting for the district, county, riding, division, city or place where the matter requiring the cognizance of a justice arises; and, when any matter is authorized or required to be done by two justices, the expression 'two justices' means two justices assembled and acting together; "Justice."

(15) "lands" means the lands, the acquiring, taking or using of which is authorized by this or the Special Act, and includes real property, messuages, lands, tenements and hereditaments of any tenure, and any easement, servitude, right, privilege or interest in, to, upon, over or in respect of the same; "Lands."

(16) "lease" includes an agreement for a lease; "Lease."

(17) "Minister" means the Minister of Railways and Canals; "Minister."

(18) "owner," when, under the provisions of this Act or the Special Act, any notice is required to be given to the owner of any lands, or when any act is authorized or required to be done with the consent of the owner, includes any person who, under the provisions of this Act, or the Special Act, or any Act incorporated therewith, is enabled to sell and convey the lands to the company, and includes also a mortgagee of the lands; "Owner."

(19) "plan" means a ground plan of the lands and property taken or intended to be taken; "Plan."

(20) "provincial legislature" or "legislature of any province" means and includes any legislative body other than the Parliament of Canada; "Provincial Legislature."

(21) "railway" means any railway which the company has authority to construct or operate, and includes all branches, extensions, sidings, stations, depots, wharfs, rolling stock, equipment, stores, property real or personal and works connected therewith, and also any railway bridge, tunnel, or other structure which the company is authorized to construct; and, except where the context is inapplicable, includes street railway and tramway; "Railway."

(22) "Railway Act, 1888," means the Act passed in the fifty-first year of the reign of Her late Majesty, Queen Victoria, chapter twenty-nine, intituled *An Act respecting Railways*, and the several Acts in amendment thereof; "Railway Act, 1888."

(23) "registrar of deeds" or "registrar" includes the registrar of land titles, or other officer with whom the title to the land is registered; "Registrar of deeds."

(24) "registry of deeds," or "office of the registrar of deeds," or other words descriptive of the office of the registrar of deeds, include the land titles office, or other office in which the title to the land is registered; "Registry of deeds."

"Rolling stock." (25) "rolling stock" means and includes any locomotive, engine, motor car, tender, snow plough, flanger, and every description of car or of railway equipment designed for movement on its wheels, over or upon the rails or tracks of the company;

"Secretary." (26) "Secretary" means the Secretary of the Board;

"Sheriff." (27) "sheriff" means the sheriff of the district, county, riding, division, city or place within which are situated any lands in relation to which any matter is required to be done by a sheriff, and includes an under sheriff or other lawful deputy of the sheriff;

"Special Act." (28) "Special Act", when used with reference to a railway, means any Act under which the company has authority to construct or operate a railway, or which is enacted with special reference to such railway, whether heretofore or hereafter passed, and includes

(*a*) all such Acts,

(*b*) with respect to the Grand Trunk Pacific Railway Company, *The National Transcontinental Railway Act*, and the Act in amendment thereof passed in the fourth year of His late Majesty's reign, chapter twenty-four, intituled *An Act to amend the National Transcontinental Railway Act*, and the scheduled agreements therein referred to, and

(*c*) any letters patent, constituting a company's authority to construct or operate a railway, granted under any Act, and the Act under which such letters patent were granted;

"Telegraph." (29) "telegraph" includes wireless telegraph;

"Telegraph toll." (30) "telegraph toll", or toll when used with reference to telegraph, means and includes any toll, rate or charge to be charged by any company to the public, or to any person, for the transmission of messages by telegraph;

"Telephone toll." (31) "telephone toll," or toll when used with reference to telephone, means and includes any toll, rate, or charge to be charged by any company to the public, or to any person, for use or lease of a telephone system or line, or any part thereof, or for the transmission of a message by telephone, or for installation and use or lease of telephone instruments, lines, or apparatus, or for any service incidental to a telephone business;

"Toll" and "rate." (32) "toll", or "rate", when used with reference to a railway, means and includes any toll, rate, charge or allowance charged or made either by the company, or upon or in respect of a railway owned or operated by the company, or by any person on behalf or under authority or consent of the company, in connection with the carriage and transportation of passengers, or the carriage, shipment, transportation, care, handling or

delivery of goods, or for any service incidental to the business of a carrier; and includes also any toll, rate, charge or allowance so charged or made in connection with rolling stock, or the use thereof, or any instrumentality or facility of carriage, shipment or transportation, irrespective of ownership or of any contract, express or implied, with respect to the use thereof; and includes also any toll, rate, charge or allowance so charged or made for furnishing passengers with beds or berths upon sleeping cars, or for the collection, receipt, loading, unloading, stopping over, elevation, ventilation, refrigerating, icing, heating, switching, ferriage, cartage, storage, care, handling or delivery of, or in respect of, goods transported, or in transit, or to be transported; and includes also any toll, rate, charge or allowance so charged or made for the warehousing of goods, wharfage or demurrage or the like, or so charged or made in connection with any one or more of the above-mentioned objects, separately or conjointly;

"Traffic."

(33) "traffic" means the traffic of passengers, goods and rolling stock;

"Train."

(34) "train" includes any engine, locomotive or other rolling stock;

"Undertaking."

(35) "the undertaking" means the railway and works, of whatsoever description, which the company has authority to construct or operate;

"Working expenditure."

(36) "working expenditure" means and includes

(*a*) all expenses of maintenance of the railway,

(*b*) all such tolls, rents or annual sums as are paid in respect of the hire of rolling stock let to the company, or in respect of property leased to or held by the company, apart from the rent of any leased line,

(*c*) all rent charges or interest on the purchase money of lands belonging to the company, purchased but not paid for, or not fully paid for,

(*d*) all expenses of or incidental to the working of the railway and the traffic thereon, including all necessary repairs and supplies to rolling stock while on the lines of another company,

(*e*) all rates, taxes, insurance and compensation for accidents or losses, including any such compensation payable under the provisions of any Act of the Parliament of Canada or of any provincial legislature providing for the payment of compensation to workmen for injuries or in respect of industrial diseases,

(*f*) all salaries and wages of persons employed in and about the working of the railway and traffic,

(*g*) all office and management expenses, including directors' fees, and agency, legal and other like expenses,

(*h*) all costs and expenses of and incidental to the compliance by the company with any order of the Board under this Act, and

(*i*) generally, all such charges, if any, not hereinbefore otherwise specified, as, in all cases of English railway companies, are usually carried to the debit of revenue as distinguished from capital account;

"Clerk of the peace."

(37) when any matter arises in respect of any lands which are not situated wholly in any one district, county, riding, division, city or place, and which are the property of one and the same person, "clerk of the peace," "justice," and "sheriff," respectively, mean any clerk of the peace, justice or sheriff for any district, county, riding, division, city or place within which any portion of such lands is situated. R. S., c. 37, s. 2; 7-8 E. VII., c. 61, ss. 1 and 9; 1-2 G. V., c. 22, s. 1. Am.

"Justice." "Sheriff."

*Construing with Special Acts.*

General rules as to construing.

**3.** Except as in this Act otherwise provided,—

(*a*) this Act shall be construed as incorporate with the Special Act; and

(*b*) where the provisions of this Act and of any Special Act passed by the Parliament of Canada relate to the same subject-matter the provisions of the Special Act shall, in so far as is necessary to give effect to such Special Act, be taken to over-ride the provisions of this Act; but

(*c*) provisions incorporated with any Special Act from any general railway Act by reference shall be taken to be superseded by the provisions of this Act relating to the same subject-matter. R.S., c. 37, s. 3, Am.

Special Act referring to corresponding provisions.

**4.** If in any Special Act heretofore passed, it is enacted that any provision of any general railway Act in force at the time of the passing of such Special Act, is excepted from incorporation therewith, or if the application of any such provision is, by such Special Act, extended, limited or qualified, the provisions of this Act relating to the same subject-matter, shall, unless otherwise provided in this Act, be taken to be excepted, extended, limited, or qualified, in like manner. R.S., c. 37, s. 4. Am.

APPLICATION OF ACT.

To what persons, companies and railways applicable.

**5.** This Act shall, subject as herein provided, apply to all persons, railway companies and railways, other than Government railways, within the legislative authority of the Parliament of Canada, whether heretofore or hereafter,

and howsoever, incorporated or authorized. R.S., c. 37, s. 5.

Application to—

**6.** The provisions of this Act shall, without limiting the effect of the last preceding section, extend and apply to-

Foreign companies.

(*a*) every railway company incorporated elsewhere than in Canada and owning, controlling, operating or running trains or rolling stock upon or over any line or lines of railway in Canada either owned, controlled, leased or operated by such company or companies, whether in either case such ownership, control, or operation is acquired by purchase, lease, agreement or by any other means whatsoever;

Companies running trains into Canada.

(*b*) every railway company operating or running trains from any point in the United States to any point in Canada;

Railways controlled or operated by Dominion companies.

(*c*) every railway or portion thereof, whether constructed under the authority of the Parliament of Canada or not, now or hereafter owned, controlled, leased or operated by a company wholly or partly within the legislative authority of the Parliament of Canada, or by a company operating a railway wholly or partly within the legislative authority of the Parliament of Canada, whether such ownership, control or first-mentioned operation is acquired or exercised by purchase, lease, agreement or other means whatsoever, and whether acquired or exercised under authority of the Parliament of Canada, or of the legislature of any province, or otherwise howsoever; and every railway or portion thereof, now or hereafter so owned, controlled, leased or operated shall be deemed and is hereby declared to be a work for the general advantage of Canada. 8-9 E. VII., c. 32, s. 11. Am.

Railways declared to be for general advantage of Canada.

**7.** Where any railway, the construction or operation of which is authorized by a Special Act passed by the legislature of any province, is declared, by any Act of the Parliament of Canada, to be a work for the general advantage of Canada, this Act shall apply to such railway, and to the company constructing or operating the same, to the exclusion of such of the provisions of the said Special Act as are inconsistent with this Act, and in lieu of any general railway Act of the province. R. S., c. 37, s. 6.

Special Act.

Provincial railways connecting with or crossing Dominion Railways.

**8.** Every railway, the construction or operation of which is authorized by Special Act of the legislature of any province and which connects with or crosses or may hereafter connect with or cross any railway within the legislative

authority of the Parliament of Canada, shall, although not declared by Parliament to be a work for the general advantage of Canada, be subject to the provisions of this Act relating to,—

(*a*) the connection or crossing of one railway with or by another, so far as concerns the aforesaid connection or crossing;

(*b*) the through traffic upon a railway and all matters appertaining thereto, in so far as control over such traffic and matters is necessarily incidental to control over the traffic of a railway within the legislative authority of the Parliament of Canada, and in so far as such through traffic and matters appertaining thereto may be otherwise within the legislative authority of the Parliament of Canada;

(*c*) criminal matters, including offences and penalties; and,

Proviso.

(*d*) navigable waters:

Provided that, in the case of railways owned by any provincial government, the provisions of this Act with respect to through traffic shall not apply without the consent of such government. R. S., c. 37, s. 8. Am.

## Board of Commissioners.

### *Constitution.*

Board, how constituted.

**9.** There shall be a commission, known as the Board of Railway Commissioners for Canada, consisting of six members appointed by the Governor in Council.

Court of record.

2. Such commission shall be a court of record, and have an official seal which shall be judicially noticed.

Tenure.

3. Each commissioner shall hold office during good behaviour for a period of ten years from the date of his appointment, but may be removed at any time by the Governor in Council for cause: Provided that,—

(*a*) a commissioner shall cease to hold office upon reaching the age of seventy-five years; and,

(*b*) if a judge of any superior court in Canada is appointed Chief Commissioner of the Board, he shall not be removed at any time by the Governor in Council, except upon address of the Senate and House of Commons.

Reappointment.

4. A commissioner on the expiration of his term of office shall, if not disqualified by age, be eligible for reappointment. R. S., c. 37, s. 10 (1)—(4); 7-8 E. VII., c. 62, s. 1.

Chief Commissioner and assistant

**10.** One of such commissioners shall be appointed by the Governor in Council, Chief Commissioner, and another of them assistant Chief Commissioner of the Board.

2. Any person may be appointed Chief Commissioner or assistant Chief Commissioner who is or has been a judge of a superior court of Canada or of any province of Canada, or who is a barrister or advocate of at least ten years' standing at the bar of any such province. Chief Commissioner.

3. The Chief Commissioner shall be entitled to hold the office of Chief Commissioner, and the assistant Chief Commissioner the office of assistant Chief Commissioner or that of Chief Commissioner, so long as they respectively continue to be members of the Board.

4. The assistant Chief Commissioner shall have all the powers of the Chief Commissioner; but such powers shall not be exercised by him except in the absence of the Chief Commissioner, and whenever he has acted it shall be conclusively presumed that he so acted in the absence or disability of the Chief Commissioner within the meaning of this section. 7–8 E. VII., c. 62, s. 2. Powers of assistant Chief Commissioner.

**11.** Another of the commissioners shall be appointed, by the Governor in Council, deputy Chief Commissioner of the Board. Deputy Chief Commissioner.

2. In case of the absence of the Chief Commissioner and the assistant Chief Commissioner, or of their inability to act, the deputy Chief Commissioner shall exercise the powers of the Chief Commissioner for him or in his stead, and in such case, all regulations, orders and other documents signed by the deputy Chief Commissioner shall have the like force and effect as if signed by the Chief Commissioner. Powers of deputy Chief Commissioner.

3. Whenever the deputy Chief Commissioner appears to have acted for or instead of the Chief Commissioner, it shall be conclusively presumed that he so acted in the absence or disability of the Chief Commissioner and of the assistant Chief Commissioner within the meaning of this section. Presumption.

4. Where the Chief Commissioner deems it necessary for the more speedy and convenient despatch of business he may by writing authorize any commissioner to sign regulations, orders and other documents in his stead, and when done pursuant to such authority the same shall have the like force and effect as if signed by the Chief Commissioner. R. S., c. 37, s. 10 (6); 7–8 E. VII., c. 62, s. 3. Am. Authority to other commissioner.

**12.** Two commissioners shall form a quorum, and not less than two commissioners shall attend at the hearing of every case; Provided that,— Quorum.

(*a*) in any case where there is no opposing party and no notice to be given to any interested party, any one commissioner may act alone for the Board; and Powers of single Commissioner.

(*b*) the Board, or the Chief Commissioner, may authorize any one of the commissioners to report to the Board upon any question or matter arising in connection with the business of the Board, and when so authorized such

commissioner shall have all the powers of two commissioners sitting together for the purpose of taking evi dence or acquiring the necessary information for the purpose of such report, and upon such report being made to the Board, it may be adopted as the order of the Board, or otherwise dealt with as to the Board seems proper.

Presiding officer.

2. The Chief Commissioner, when present, shall preside, and the assistant Chief Commissioner, when present, in the absence of the Chief Commissioner, shall preside, and the opinion of either of them upon any question arising when he is presiding, which in the opinion of the commissioners is a question of law, shall prevail.

Questions of law.

Vacancy.

3. No vacancy in the Board shall impair the right of the remaining commissioners to act. 7–8 E. VII., c. 62, s. 4.

Interest, kindred or affinity.

**13.** Whenever any commissioner is interested in any matter before the Board, or of kin or affinity to any person interested in any such matter, the Governor in Council may, either upon the application of such commissioner or otherwise, appo nt some disinterested person to act as commissioner *pro hac vice;* and the Governor in Council may also, in case of the illness, absence or inability to act of any commissioner, appoint a commissioner *pro hac vice:* Provided that no commissioner shall be disqualified to act by reason of interest or of kindred or affinity to any person interested in any matter before the Board. R. S., c. 37, s. 14.

Illness, absence, etc.

Commissioners and officers not to hold interest in stock or equipment.

**14.** No commissioner or officer of the Board shall, directly or indirectly,—

(*a*) hold, purchase, take or become interested in any stock, share, bond, debenture or other security, of any company subject to this Act; or

(*b*) have any interest in any device, appliance, machine, patented process or article, or any part thereof, which may be required or used as a part of the equipment of railways or of any rolling stock to be used thereon, or of any other work or undertaking subject to this Act.

If acquired by will or succession.

2. If any such stock, share, bond or other security, device, appliance, machine, patented process or article, or any part thereof or any interest therein, shall come to or vest in any commissioner or officer of the Board by will or succession for his own benefit, he shall, within three months thereafter, absolutely sell and dispose of the same, or his interest therein. 7–8 E. VII., c. 62, s. 5. Am.

Residence.

**15.** Each commissioner shall during his term of office reside in the city of Ottawa, or within five miles thereof, or

within such distance thereof as the Governor in Council at any time determines. R. S., c. 37, s. 16.

Whole time.

**16.** The commissioners shall devote the whole of their time to the performance of their duties under this Act, and shall not accept or hold any office or employment inconsistent with this section. R. S., c. 37, s. 17.

*Offices.*

Offices in Ottawa.

**17.** The Governor in Council shall, upon the recommendation of the Minister, provide, within the city of Ottawa, a suitable place in which the sessions of the Board may be held, and also suitable offices for the commissioners, and for the Secretary, and the officers and employees of the Board, and all necessary furnishings, stationery and equipment for the conduct, maintenance and performance of the duties of the Board.

Offices elsewhere than in Ottawa.

2. The Governor in Council, upon the recommendation of the Minister, may establish at any place or places in Canada such office or offices as are required for the Board, and may provide therefor the necessary accommodation, furnishings, stationery and equipment. R. S., c. 37, s. 18; 7–8 E. VII., c. 62, s 7.

*Sittings and Disposal of Business.*

Sittings.

**18.** The Board may hold more than one sitting at the same time, and, whenever circumstances render it expedient to hold a sitting elsewhere than in Ottawa, may hold such sitting in any part of Canada. R. S., c. 37, s. 19; 7–8 E. VII., c. 62, s. 6.

Sittings, how conducted.

**19.** The commissioners shall sit at such times and conduct their proceedings in such manner as may seem to them most convenient for the speedy despatch of business.

2. They may, subject to the provisions of this Act, sit either together or separately, and either in private or in open court: Provided that any complaint made to them shall, on the application of any party to the complaint, be heard and determined in open court. R. S., c. 37, s. 20.

Arrangement of sittings and business.

**20.** Subject to the provisions of this Act, the Board may make rules and provisions respecting,—

(*a*) the sittings of the Board;

(*b*) the manner of dealing with matters and business before the Board;

(*c*) the apportionment of the work of the Board among its members, and the assignment of members to sit at hearings, and to preside thereat; and,

(*d*) generally, the carrying on of the work of the Board, the management of its internal affairs, and the duties of its officers and employees;

and in the absence of other rule or provision as to any such matter, such matter shall be in the charge and control of the Chief Commissioner or such other member or members of the Board as the Board directs. New.

*Experts.*

Experts.

**21.** The Governor in Council may, from time to time, or as the occasion requires, appoint one or more experts, or persons having technical or special knowledge of the matters in question, to assist in an advisory capacity in respect of any matter before the Board. R. S., c. 37, s. 21.

*Secretary.*

Secretary.

**22.** There shall be a Secretary of the Board who shall be appointed by the Governor in Council, and who shall hold office during pleasure, and reside in the city of Ottawa. R. S., c. 37, s. 22.

Duties of Secretary.

**23.** It shall be the duty of the Secretary,—

(*a*) to attend all sessions of the Board;

(*b*) to keep a record of all proceedings conducted before the Board or any commissioner under this Act;

(*c*) to have the custody and care of all records and documents belonging or appertaining to the Board or filed in his office;

(*d*) to obey all rules and directions which may be made or given by the Board, or the Chief Commissioner, touching his duties or office;

(*e*) to have every regulation and order of the Board drawn pursuant to the direction of the Board, signed by the Chief Commissioner, sealed with the official seal of the Board, and filed in the office of the Secretary.

Record books.

2. The Secretary shall keep in his office suitable books of record, in which he shall enter a true copy of every such regulation and order, and every other document which the Board may require to be entered therein, and such entry shall constitute and be the original record of any such regulation or order.

Certified copies.

3. Upon application of any person, and on payment of such fees as the Board may prescribe, the Secretary shall deliver to such applicant a certified copy of any such regulation or order. R. S., c. 37 s. 23.

Acting Secretary.

**24.** In the absence of the Secretary from illness or any other cause, the Board may appoint from its staff an acting

secretary, who shall thereupon act in the place of the Secretary, and exercise his powers. R. S., c. 37, s. 24.

*Staff.*

Staff of Board.

**25.** There shall be attached to the Board such officers, clerks, stenographers and messengers as the Board, with the approval of the Governor in Council, from time to time, appoints.

Dismissal.

2. The Board may at will dismiss any such officer, clerk, stenographer or messenger. R. S., c. 37, s. 25.

*Salaries and Payments.*

Commissioners.

**26.** The Chief Commissioner shall be paid an annual salary of twelve thousand five hundred dollars, the assistant Chief Commissioner an annual salary of nine thousand dollars, and each of the other commissioners an annual salary of eight thousand dollars.

Secretary.

2. The Secretary shall be paid an annual salary to be fixed by the Governor in Council, not exceeding four thousand dollars.

From unappropriated funds.

3. Such salaries shall be paid monthly out of the unappropriated funds in the hands of the Receiver General for Canada. R. S., c. 37, s. 35; 7–8 E. VII., c. 62, s. 9; 3–4 G. V., c. 44, s. 1.

Staff.

**27.** The officers, clerks, stenographers and messengers attached to the Board shall receive such salaries or remuneration as may be approved by the Governor in Council upon the recommendation of the Board. R. S., c. 37, s. 36.

Others.

**28.** Whenever the Board, by virtue of any power vested in it by this Act, appoints or directs any person, other than a member of the staff of the Board, to perform any service required by this Act, such person shall be paid therefor such sum for services and expenses as the Governor in Council may, upon the recommendation of the Board, determine. R.S., c. 37, s. 37.

Paid monthly.

**29.** The salaries or remuneration of all such officers, clerks, stenographers, and messengers, and all the expenses of the Board incidental to the carrying out of this Act, including all actual and reasonable travelling expenses of the commissioners and the Secretary, and of such members of the staff of the Board as may be required by the Board to travel, necessarily incurred in attending to the duties of their office, shall be paid monthly out of moneys to be provided by Parliament. R.S., c. 37, s. 38.

*Franking Privilege.*

Correspondence free of postage.

**30.** All letters or mailable matter addressed to the Board or the Secretary at Ottawa, or sent by the Board or the Secretary from Ottawa, shall be free of Canada postage under such regulations as are from time to time made in that regard by the Governor in Council. R.S., c. 37, s. 39.

*Annual Report.*

Annual report to Governor in Council.

**31.** The Board shall, within two months after the thirty-first day of March in each year, make to the Governor in Council through the Minister, an annual report, for the year next preceding the thirty-first day of March, showing briefly,—

(*a*) applications to the Board and summaries of the findings thereon under this Act;

(*b*) summaries of the findings of the Board in regard to any matter or thing respecting which the Board has acted of its own motion, or upon the request of the Minister;

(*c*) such other matters as appear to the Board to be of public interest in connection with the persons, companies and railways subject to this Act; and

(*d*) such matters as the Governor in Council directs.

Report to be laid before Parliament.

2. The said report shall be forthwith laid before both Houses of Parliament, if then in session, and if not in session then during the first fifteen days of the next ensuing session of Parliament. 8-9 E. VII., c. 32, s. 12.

*General Jurisdiction and Powers.*

Powers of Railway Committee transferred.

**32.** Whenever, by an Act or document, the Railway Committee of the Privy Council is given any power or authority, or charged with any duty with regard to any company, railway, matter or thing, such power, authority or duty may, or shall, be exercised by the Board. R.S., c. 37, s. 11.

Jurisdiction.

**33.** The Board shall have full jurisdiction to inquire into, hear and determine any application by or on behalf of any party interested,—

(*a*) complaining that any company, or person, has failed to do any act, matter or thing required to be done by this Act, or the Special Act, or by any regulation, order or direction made thereunder by the Governor in Council, the Minister, the Board, or any inspecting engineer or other authority, or that any company or person has done or is doing any act, matter or thing contrary to or in violation of this Act, or the Special Act, or any such regulation, order, or direction; or,

(b) requesting the Board to make any order, or give any direction, leave, sanction or approval, which by law it is authorized to make or give, or with respect to any matter, act or thing, which by this Act, or the Special Act, is prohibited, sanctioned or required to be done.

Mandatory orders.

2. The Board may order and require any company or person to do forthwith, or within or at any specified time, and in any manner prescribed by the Board, so far as is not inconsistent with this Act, any act, matter or thing which such company or person is or may be required or authorized to do under this Act, or the Special Act, and may forbid the doing or continuing of any act, matter or thing which is contrary to this Act, or the Special Act; and shall for the purposes of this Act have full jurisdiction to hear and determine all matters whether of law or of fact.

Restraining orders.

All powers of a superior court.

3. The Board shall, as respects the attendance and examination of witnesses, the production and inspection of documents, the enforcement of its orders, the entry on and inspection of property, and other matters necessary or proper for the due exercise of its jurisdiction under this Act, or otherwise for carrying this Act into effect, have all such powers, rights and privileges as are vested in a superior court.

Appointment of receiver not to oust jurisdiction of Board.

4. The fact that a receiver, manager, or other official of any railway, or a receiver of the property of a railway company, has been appointed by any court in Canada or any province thereof, or is managing or operating a railway under the authority of any such court, shall not be a bar to the exercise by the Board of any jurisdiction conferred by this Act; but every such receiver, manager, or official shall be bound to manage and operate any such railway in accordance with this Act and with the orders and directions of the Board, whether general or referring particularly to such railway; and every such receiver, manager, or official, and every person acting under him, shall obey all orders of the Board within its jurisdiction in respect of such railway, and be subject to have them enforced against him by the Board, notwithstanding the fact that such receiver, manager, official, or person is appointed by or acts under the authority of any court; and wherever by reason of insolvency, sale under mortgage, or any other cause, a railway or section thereof is operated, managed or held otherwise than by the company, the Board may make any order it deems proper for adapting and applying the provisions of this Act to such case.

Adapting and applying Act.

Certain decisions of Board conclusive.

5. The decision of the Board as to whether any company, municipality or person is or is not a party interested within the meaning of this section shall be binding and conclusive upon all companies, municipalities and persons. R. S., c. 37, s. 26. Am.

Power to make orders and regulations.

**34.** The Board may make orders and regulations,—

(*a*) with respect to any matter, act or thing which by this or the Special Act is sanctioned, required to be done, or prohibited;

(*b*) generally for carrying this Act into effect; and, without limiting the general powers by this section conferred.

(*c*) as in this Act specifically provided.

Application.

2. Any such orders or regulations may be made to apply to all cases or to any particular case or class of cases, or to any particular district, or to any railway or other work, or section or portion thereof; and the Board may exempt any railway or other work, or section or portion thereof, from the operation of any such order or regulation for such time or during such period as the Board deems expedient; and such orders or regulations may be for such time as the Board deems fit, and may be rescinded, amended, changed, altered or varied as the Board thinks proper.

Penalties.

3. The Board may by regulation or order provide penalties, when not already provided in this Act, to which every company or person who offends against any regulation or order made by the Board shall be liable; provided that no such penalty shall exceed one hundred dollars.

Other liability.

4. The imposition of any such penalty shall not lessen or affect any other liability which any company or person may have incurred. R.S., c. 37, s. 30, part. Am.

Jurisdiction of Board as to agreements.

**35.** Where it is complained by or on behalf of the Crown or any municipal or other corporation or any other person aggrieved, that the company has violated or committed a breach of an agreement between the complainant and the company—or by the company that any such corporation or person has violated or committed a breach of an agreement between the company and such corporation or person,—for the provision, construction, reconstruction, alteration, installation, operation, use or maintenance by the company, or by such corporation or person, of the railway or of any line of railway intended to be operated in connection with or as part of the railway, or of any structure, appliance, equipment, works, renewals or repairs upon or in connection with the railway, the Board shall hear all matters relating to such alleged violation or breach, and shall make such order as to the Board may seem, having regard to all the circumstances of the case, reasonable and expedient, and in such order may, in its discretion, direct the company, or such corporation or person, to do such things as are necessary for the proper fulfilment of such agreement, or to refrain from doing such acts as constitute a violation or a breach thereof. 8-9 E. VII., c. 32, s. 1.

Board may act upon its own motion.

**36.** The Board may, of its own motion, or shall, upon the request of the Minister, inquire into, hear and determine any matter or thing which, under this Act, it may inquire into, hear and determine upon application or complaint, and with respect thereto shall have the same powers as, upon any application or complaint, are vested in it by this Act. R.S., c. 37, s. 28 (1).

From time to time.

**37.** Any power or authority vested in the Board under this Act may, though not so expressed in this Act, be exercised from time to time, or at any time, as the occasion may require. R.S., c. 37, s. 28 (2).

Governor in Council may refer to Board for report.

**38.** The Governor in Council may at any time refer to the Board for a report, or other action, any question, matter or thing arising, or required to be done, under this Act, or the Special Act, and the Board shall without delay comply with the requirements of such reference. R.S., c. 37, s. 57.

Works ordered by the Board.

**39.** When the Board, in the exercise of any power vested in it by this Act, or the Special Act, in and by any order directs any structure, appliances, equipment, works, renewals, or repairs to be provided, constructed, reconstructed, altered, installed, operated, used or maintained, it may, except as in this Act otherwise expressly provided, order by what company, municipality or person, interested or affected by such order, as the case may be, and when or within what time and upon what terms and conditions as to the payment of compensation or otherwise, and under what supervision, the same shall be provided, constructed, reconstructed, altered, installed, operated, used and maintained.

Cost, by whom paid.

2. The Board may, except as in this Act otherwise expressly provided, order by whom, in what proportion, and when, the cost and expenses of providing, constructing, reconstructing, altering, installing and executing such structures, equipment, works, renewals, or repairs, or of the supervision, if any, or of the continued operation, use or maintenance thereof, or of otherwise complying with such order, shall be paid. R.S., c. 37, s. 59.

Approval of certain works after construction.

**40.** Whenever this Act requires or directs that before the doing of any work by the company the approval of the Board must be first obtained, and whenever any such work has been done before the thirty-first day of December, one thousand nine hundred and nine, without such approval, the Board shall nevertheless have power to approve of the same and to impose any terms and conditions upon such company that may be thought proper in the premises. 9-10 E. VII., c. 50, s. 2.

Extension of time specified by Board.

**41.** When any work, act, matter or thing is, by any regulation, order or decision of the Board, required to be done, performed or completed within a specified time, the Board may, if the circumstances of the case in its opinion so require, upon notice and hearing or, in its discretion, upon *ex parte* application, extend the time so specified. R.S., c. 37, s. 50.

Employment of counsel in public interest.

**42.** The Board may, in any application, proceeding or matter of special importance pending before it, if in the opinion of the Board the public interest so requires, apply to the Minister of Justice to instruct counsel to conduct or argue the case or any particular question arising in the application, proceeding or matter as to any public interest which is or may be affected thereby or by any order or decision which may be made therein; and, upon such application to him by the Board, or of his own motion, the Minister of Justice may instruct counsel accordingly; and the Board may direct that the costs of such counsel shall be paid by any party to the application, proceeding or matter, or by the Minister of Finance out of any unappropriated moneys. 6-7 E. VII., c. 38, s. 1.

Stated case for Supreme Court of Canada.

**43.** The Board may of its own motion, or upon the application of any party, and upon such security being given as it directs, or at the request of the Governor in Council, state a case, in writing, for the opinion of the Supreme Court of Canada upon any question which in the opinion of the Board is a question of law or of jurisdiction.

Proceedings thereon.

2. The Supreme Court of Canada shall hear and determine such question or questions of law arising thereon, and remit the matter to the Board with the opinion of the Court thereon. R. S., c. 37, s. 55. Am.

Effect of judgment of other courts.

**44.** In determining any question of fact, the Board shall not be concluded by the finding or judgment of any other court, in any suit, prosecution or proceeding involving the determination of such fact, but such finding or judgment shall, in proceedings before the Board, be *prima facie* evidence only.

*Lis pendens.*

2. The pendency of any suit, prosecution or proceeding, in any other court, involving questions of fact, shall not deprive the Board of jurisdiction to hear and determine the same questions of fact.

Findings of fact conclusive.

3. The finding or determination of the Board upon any question of fact within its jurisdiction shall be binding and conclusive. R.S., c. 37, s. 54.

*Orders and Decisions.*

Orders may come into force,—

**45.** The Board may direct in any order that such order or any portion or provision thereof, shall come into force

at a future time or upon the happening of any contingency, event or condition in such order specified, or upon the performance to the satisfaction of the Board, or a person named by it, o' any terms which the Board may impose upon any party interested, and the Board may direct that the whole, or any portion of such order, shall have force for a limited time, or until the happening of a specified event. Upon contingency; Upon terms; For limited time.

2. The Board may, instead of making an order final in the first instance, make an interim order, and reserve further directions either for an adjourned hearing of the matter, or for further application. R.S., c. 37, s. 47. Interim orders.

**46.** Upon any application made to the Board under this Act, the Board may make an order granting the whole or part only of such application, or may grant such further or other relief, in addition to or in substitution for that applied for, as to the Board may seem just and proper, as fully in all respects as if such application had been for such partial, other, or further relief. R. S., c. 37, s. 48. Relief.

**47.** The Board may, if the special circumstances of any case so require, make an interim *ex parte* order authorizing, requiring or forbidding anything to be done which the Board would be empowered, on application, notice and hearing, to authorize, require or forbid; but no such interim order shall be made for any longer time than the Board may deem necessary to enable the matter to be heard and determined. R. S., c. 37, s. 49. Interim *ex parte* order.

**48.** No order of the Board need show upon its face that any proceeding or notice was had or given, or any circumstance necessary to give it jurisdiction to make such order. R. S., c. 37, s. 53. Order need not show jurisdiction.

**49.** Any decision or order made by the Board under this Act may be made a rule, order or decree of the Exchequer Court, or of any superior court of any province of Canada, and shall be enforced in like manner as any rule, order or decree of such court. Rule of court.

2. To make such decision or order a rule, order or decree of any such court, the usual practice and procedure of the court in such matters may be followed; or, in lieu thereof, the Secretary may make a certified copy of such decision or order, upon which shall be made the following endorsement signed by the Chief Commissioner and sealed with the official seal of the Board:— Practice.

"To move to make the within a rule (order *or* decree,

*as the case may be*) of the Exchequer Court of Canada (*or as the case may be*).

"Dated this day of A. D. 19

"A.B.

[Seal.] "Chief Commissioner of the Board of Railway Commissioners for Canada".

Copy to the registrar.

3. The Secretary may forward such certified copy, so endorsed, to the registrar, or other proper officer of such court, who shall, on receipt thereof, enter the same as of record, and the same shall thereupon become and be such rule, order or decree of such court.

When order rescinded or changed.

4. When a decision or order of the Board under this Act, or of the Railway Committee of the Privy Council under the Railway Act, 1888, has been made a rule, order or decree of any court, any order or decision of the Board rescinding or changing the same shall be deemed to cancel the ru'e, order or decree of such court, and may, in like manner, be made a rule, order or decree of such court.

Optional to enforce otherwise.

5. It shall be optional with the Board, either before or after its decision or order is made a rule, order or decree of any court, to enforce such decision or order by its own action. R.S., c. 37, s. 46. Am.

In *Canada Gazette.*

**50.** Any rule, regulation, order or decision of the Board, shall, when published by the Board, or by leave of the Board, for three weeks in *The Canada Gazette*, and while the same remains in force, have the like effect as if enacted in this Act, and all courts shall take judicial notice thereof. R.S., c. 37, s. 31.

*Review and Appeal.*

Board may review, etc.

**51.** The Board may review, rescind, change, alter or vary any order or decision made by it, or may rehear any application before deciding it. 7-8 E. VII., c. 62, s. 8.

Governor in Council may vary or rescind.

**52.** The Governor in Council may, in his discretion, either upon petition of any party, person or company interested, within one month after the making of the order, decision, rule or regulation, or within such further time as the Board under special circumstances may allow, or of his own motion, at any time, and without any petition or application, vary or rescind any order, decision, rule or regulation of the Board, whether such order or decision is made *inter partes* or otherwise, and whether such regulation is general or limited in its scope and application; and any order which the Governor in Council may make with respect thereto shall be binding upon the Board and upon all parties.

Appeal to Supreme Court as to jurisdiction by leave of judge.

2. An appeal shall lie from the Board to the Supreme Court of Canada upon a question of jurisdiction, but such appeal shall not lie unless a judge of the said court upon application within one month after the making of the order, decision, rule or regulation sought to be appealed from, or within such further time as the judge under special circumstances shall allow, and upon notice to the parties and the Board, and upon hearing such of them as appear and desire to be heard, allows the same; and the costs of such application shall be in the discretion of the judge.

Appeal to Supreme Court by leave of Board.

3. An appeal shall also lie from the Board to such Court upon any question which in the opinion of the Board is a question of law, or a question of jurisdiction, or both, upon leave therefor having been first obtained from the Board within one month after the making of the order or decision sought to be appealed from, or within such further time as the Board under special circumstances shall allow, and after notice to the opposite party stating the grounds of appeal; and the granting of such leave shall be in the discretion of the Board.

Entry of application.

4. No appeal, after leave therefor has been obtained under subsection 2 or 3 of this section, shall lie unless it is entered in the said Court within thirty days from the making of the order granting leave to appeal.

Security for costs.

5. Upon such leave being obtained the party so appealing shall deposit with the Registrar of the Supreme Court of Canada the sum of two hundred and fifty dollars, by way of security for costs, and thereupon the Registrar shall set the appeal down for hearing at the nearest convenient time; and the party appealing shall, within ten days after the appeal has been so set down, give to the parties affected by the appeal, or the respective solicitors by whom such parties were represented before the Board, and to the Secretary, notice in writing that the case has been so set down to be heard in appeal as aforesaid; and the said appeal shall be heard by such Court as speedily as practicable.

Notice of appeal.

Powers of the Court.

6. On the hearing of any appeal, the Court may draw all such inferences as are not inconsistent with the facts expressly found by the Board, and are necessary for determining the question of jurisdiction, or law, as the case may be, and shall certify its opinion to the Board, and the Board shall make an order in accordance with such opinion.

Board may be heard.

7. The Board shall be entitled to be heard by counsel or otherwise, upon the argument of any such appeal.

Costs.

8. The Court shall have power to fix the costs and fees to be taxed, allowed and paid upon such appeals, and to make rules of practice respecting appeals under this section;

Practice.

and, until such rules are made, the rules and practice applicable to appeals from the Exchequer Court shall be applicable to appeals under this Act.

Members of Board not liable for costs.

9. Neither the Board nor any member of the Board shall in any case be liable to any costs by reason or in respect of any appeal or application under this section.

Proceedings of Board final save as above.

10. Save as provided in this section,—

(*a*) every decision or order of the Board shall be final; and,

(*b*) no order, decision or proceeding of the Board shall be questioned or reviewed, restrained or removed by prohibition, injunction, *certiorari*, or any other process or proceeding in any court. R.S., c. 37, s. 56; 9-10 E. VII., c. 50, s. 1. Am.

*Practice and Procedure.*

Rules of practice and procedure.

**53.** The Board may make general rules regulating, so far as not inconsistent with the express provisions of this Act, its practice and procedure. R. S., c. 37, s. 51.

*Notice and Service.*

Notices, how signed,—

**54.** Any notice required or authorized to be given in writing,—

By Board;

(*a*) by the Board, may be signed by the Secretary or Chief Commissioner;

By Minister and others;

(*b*) by the Minister, inspecting engineer, or other officer or person appointed by the Minister, or the Board, may be signed by the Minister, or by such inspecting engineer, officer or other person, as the case may be;

By company or corporation.

(*c*) by any company or corporation, may be signed by the president or secretary, or mayor, warden, reeve or other principal officer thereof, or by its duly authorized agent or solicitor; and

By any person.

(*d*) by any person, may be signed by such person or his duly authorized agent or solicitor. R.S., c. 37, s. 40. Am.

Mode of service.

**55.** Service of any notice, summons, regulation, order, direction, decision, report or other document, unless in any case otherwise provided, may be effected,—

On companies required to name agent.

(*a*) upon a railway, telegraph, telephone, or express company to which this Act in whole or in part applies, by delivering the document or a copy thereof to the person entered by the company as its agent in the agents' book in subsection 2 of this section provided for; or, at his residence, to any member of his household; or, at the place of business or other place entered in the agents'

book, to any clerk or adult person in his employ; or if at the time of attendance to serve any document the place of business or other place aforesaid is closed or no one is in attendance therein for receiving service, service of the document may be effectively made by mailing the same or a copy thereof at any time during the same day by registered letter, postage prepaid, addressed to the agent at such place of business or other place, and the service shall be deemed to have been effected at the time of attendance for service; or, if the company has not caused the required entry to be made in the agents' book, then posting up the document or a copy thereof in the office of the Secretary of the Board shall be effective service upon the company, unless the Board otherwise orders; but the Board may in any case direct that the fact of service upon an agent and the nature of the document served shall be communicated to the company by telegraph, or may make any other order or direction it deems proper as to such service;

Railway companies.

(*b*) upon any railway company, whether included in paragraph (*a*) of this subsection or not, by delivering the document or a copy thereof to the president, a vice-president, or a managing director, or the secretary or superintendent of the company; or, at the head or any principal office of the company, to some adult person in its employ;

Other companies.

(*c*) upon any company other than a railway company, whether such company is included in paragraph (*a*) of this subsection or not, by delivering the document or a copy thereof to the president, a vice-president, or the manager or secretary of the company; or, at its head office, to some adult person in its employ;

Municipalities.

(*d*) upon a municipality or civic or municipal corporation, by delivering the document or a copy thereof to the mayor, warden, reeve, secretary, treasurer, clerk, chamberlain or other principal officer thereof;

Co-partnerships

(*e*) upon a firm or co-partnership, by delivering the document or a copy thereof to any member of such firm or co-partnership; or, at the last place of abode of any such member, to any adult member of his household; or, at the office or place of business of the firm, to a clerk employed therein;

Individuals.

(*f*) upon an individual, by delivering the document or a copy thereof to him; or, at his last place of abode, to any adult member of his household; or, at his office or place of business, to a clerk in his employ;

Order for service by publication.

Provided that if, in any case within the jurisdiction of the Minister, or the Board, it shall be made to appear to the

satisfaction of the Minister, or the Board, as the case may be, that service cannot conveniently be made in the manner above provided, the Minister, or the Board, as the case may be, may order and allow service to be made by publication of the document or notice thereof for any period not less than three weeks in *The Canada Gazette*, and also, if required, in any other newspaper; and such publication shall be deemed to be equivalent to service in the manner above provided.

Agents' book.

2. There shall be kept in the office of the Secretary of the Board a book to be called the agents' book in which every railway, telegraph, telephone, and express company to which this Act in whole or in part applies shall enter its name and the place of its head office and the name of an agent at Ottawa and his place of business or some other proper place within Ottawa where he may be served for such company. R. S., c. 37, s. 41; 7-8 E.VII., c. 62, s. 10; 1-2 Geo. V., c. 22, s. 3. Am.

Duty of company upon being served.

**56.** Every company shall, as soon as possible after receiving or being served with any regulation, order, direction, decision, notice, report or other document of the Minister, or the Board, or the inspecting engineer, notify the same to each of its officers and servants performing duties which are or may be affected thereby, by delivering a copy to him or by posting up a copy in some place where his work or his duties, or some of them, are to be performed. R. S., c. 37, s. 42.

Notice of application.

**57.** Unless otherwise provided, fifteen days' notice of any application to the Board, or of any hearing by the Board, shall be sufficient: Provided that the Board may in any case direct longer notice or allow notice for any period less than fifteen days. R. S., c. 37, s. 43. Am.

Notice of application for permission to work on Sunday.

**58.** Notice of any application to the Board for permission as provided by the Lord's Day Act, to perform any work on the Lord's Day in connection with the freight traffic of any railway, shall be given to the Department of Railways and Canals, and shall fully set out the reasons relied upon.

Costs.

2. The costs of any such application shall be borne by the applicant, and, if more than one, in such proportions as the Board determines.

Procedure in other respects.

3. In all other respects the procedure provided by this Act, shall, so far as applicable, apply to any such application. R. S., c. 37, s. 44.

*Ex parte.*

**59.** When the Board is authorized to hear an application, complaint or dispute, or make any order, upon notice to

the parties interested, it may, upon the ground of urgency, or for other reason appearing to the Board to be sufficient, notwithstanding any want of or insufficiency in such notice, make the like order or decision in the matter as if due notice had been given to all parties; and such order or decision shall be as valid and take effect in all respects as if made on due notice.

Rehearing.

2. Any company or person entitled to notice and not sufficiently notified may, at any time within ten days after becoming aware of such order or decision, or within such further time as the Board may allow, apply to the Board to vary, amend or rescind such order or decision, and the Board shall thereupon, on such notice to other parties interested as it may in its discretion think desirable, hear such application, and either amend, alter or rescind such order or decision, or dismiss the application, as may seem to it just and right. R.S., c. 37, s. 45.

*Amending Proceedings.*

Amendments.

**60.** The Board may, upon terms or otherwise, make or allow any amendments in any proceedings before it. R.S., c. 37, s. 52.

*Costs.*

Costs.

**61.** The costs of and incidental to any proceeding before the Board, except as herein otherwise provided, shall be in the discretion of the Board, and may be fixed in any case at a sum certain, or may be taxed.

Payment.

2. The Board may order by whom and to whom any costs are to be paid, and by whom the same are to be taxed and allowed.

Scale.

3. The Board may prescribe a scale under which such costs shall be taxed. R.S., c. 37, s. 58.

*Witnesses and Evidence.*

Powers regarding witnesses and evidence.

**62.** The Board may order that any witness resident or present in Canada may be examined upon oath before, or make production of books, papers, documents or articles to, any one member of the Board, or before or to any officer of the Board, or before or to any other person named for the purpose by the order of the Board, and may make such orders as seem to it proper for securing the attendance of such witness and his examination, and the production by him of books, papers, documents, or articles, and the use of the evidence so obtained, and otherwise exercise, for the

enforcement of such orders or punishment for disobedience thereof, all powers that are exercised by any superior court in Canada for the enforcement of subpœnas to witnesses or punishment of disobedience thereof: Provided that no person shall be compellable, against his will, to attend for such examination or production at any place outside the province in which he is served with the order of the Board for the purpose.

Commissions to take evidence in foreign countries.

2. The Board may issue commissions to take evidence in a foreign country, and make all proper orders for the purpose, and for the return and use of the evidence so obtained. R.S., c. 37, s. 63.

Evidence by affidavit.

**63.** The Board may accept evidence upon affidavit or written affirmation, in cases in which it seems to it proper to do so.

Who may administer oaths in Canada.

2. All persons authorized to administer oaths to be used in any of the superior courts of any province may administer oaths in such province to be used in applications, matters or proceedings before the Board.

Commissioners for Supreme and Exchequer Courts.

3. All persons authorized by the Governor in Council to administer oaths within or out of Canada, in or concerning any proceeding had or to be had in the Supreme Court of Canada or in the Exchequer Court of Canada, may administer oaths in or concerning any application, matter, or proceeding before the Board.

Oaths outside Canada.

4. Any oath administered out of Canada, before any commissioner authorized to take affidavits to be used in His Majesty's High Court of Justice in England, or before any notary public, certified under his hand and official seal, or before the mayor or chief magistrate of any city, borough or town corporate in Great Britain or Ireland, or in any colony or possession of His Majesty out of Canada, or in any foreign country, and certified under the common seal of such city, borough, or town corporate, or before a judge of any court of supreme jurisdiction in any colony or possession of His Majesty, or dependency of the Crown out of Canada, or before any consul, vice-consul, acting-consul, pro-consul or consular agent of His Majesty, exercising his functions in any foreign place, certified under his official seal, concerning any application, matter or proceeding had or to be had by or before the Board, shall be as valid and of like effect, to all intents, as if it had been administered before a person authorized by the Governor in Council as in this section provided.

Documents in testimony of administration of oaths.

5. Every document purporting to have affixed, imprinted or subscribed thereon or thereto, the signature of any such person or commissioner so authorized as aforesaid, or the signature or official seal of any such notary public, or the

signature of any such mayor or chief magistrate and the common seal of the corporation, or the signature and official seal of any such consul, vice-consul, acting-consul, pro-consul or consular agent, in testimony of any oath having been administered by or before him, shall be admitted in evidence before the Board without proof of any such signature or seal being the signature or seal of the person or corporation whose signature or seal it purports to be, or of the official character of such person.

Informalities shall not invalidate.

6. No informality in the heading or other formal requisites of any oath made before any person under any provision of this section shall be an objection to its reception in evidence before the Board, if the Board thinks proper to receive it; and if it is actually sworn to by the person making it before any person duly authorized thereto, and is received in evidence, no such informality shall be set up to defeat an indictment for perjury. R.S., c. 37, s. 64.

Fees and allowances.

**64.** Every person summoned to attend before the Minister or the Board, or before any inspecting engineer, or person appointed under this Act to make inquiry and report shall, in the discretion of the Minister or the Board, receive the like fees and allowances for so doing as if summoned to attend before the Exchequer Court. R.S., c. 37, s. 65.

No person to be excused from producing.

**65.** No person shall be excused from attending and producing books, papers, tariffs, contracts, agreements and documents, in obedience to the subpoena or order of the Board, or of any person authorized to hold any investigation or inquiry under this Act, or in any cause or proceeding based upon or arising out of any alleged violation of this Act, on the ground that the documentary evidence required of him may tend to criminate him or subject him to any proceeding or penalty; but no such book, paper, tariffs, contract, agreement or document so produced shall be used or receivable against such person in any criminal proceeding thereafter instituted against him, other than a prosecution for perjury in giving evidence upon such investigation or inquiry, cause or proceeding. R.S., c. 37, s. 66.

Documents issued by the company

**66.** In any proceeding before the Board and in any action or proceeding under this Act, every written or printed document purporting to have been issued or authorized by the company, or any officer, agent, or employee of the company, or any other person or company for or on its behalf, shall, as against the company, be received as *prima facie* evidence of the issue of such document by the company and of the contents thereof, without any further

proof than the mere production of such document. R.S., c. 37, s. 67.

Documents issued by Minister, Board or engineer.

**67.** Every document purporting to be signed by the Minister, or by the Chief Commissioner and Secretary or either of them, or by an inspecting engineer, shall, without proof of any such signature, be *prima facie* evidence that such document was duly signed and issued by the Minister, the Board, or inspecting engineer, as the case may be.

Copies.

2. If such document purports to be a copy of any regulation, order, direction, decision or report made or given by the Minister, the Board, or an inspecting engineer, it shall be *prima facie* evidence of such regulation, order, direction, decision or report. R.S., c.37, s. 68.

Documents certified by Secretary.

**68.** Any document purporting to be certified by the Secretary as being a copy of any plan, profile, book of reference or other document deposited with the Board, or of any portion thereof, shall, without proof of the signature of the Secretary, be *prima facie* evidence of such original document, and that the same is so deposited, and is signed, certified, attested or executed by the persons by whom and in the manner in which, the same purports to be signed, certified, attested or executed, as shown or appearing from such certified copy; and also, if such certificate states the time when such original was so deposited, that the same was deposited at the time so stated.

Documents in custody of the Board.

2. A copy of any regulation, order or other document in the custody of the Secretary or of record with the Board, certified by the Secretary to be a true copy, and sealed with the seal of the Board, shall be *prima facie* evidence of such regulation, order or document, without proof of signature of the Secretary.

Certificate that no order or regulation made.

3. A certificate by the Secretary sealed with the seal of the Board stating that no order or regulation respecting any specified matter or thing has been made by the Board, shall be *prima facie* evidence of the fact stated therein without proof of the signature of the Secretary. R.S., c. 37, s. 69. Am.

*Inquiries.*

Board may order.

**69.** The Board may appoint or direct any person to make an inquiry and report upon any application, complaint or dispute pending before the Board, or upon any matter or thing over which the Board has jurisdiction under this or the Special Act.

Minister may order inquiry.

2. The Minister may, with the approval of the Governor in Council, appoint and direct any person to inquire into and report upon any matter or thing which the Min-

ister is authorized to deal with under this Act or the Special Act. R.S., c. 37, s. 60.

Powers.

**70.** The Minister, the Board, or the inspecting engineer, or person appointed under this Act to make any inquiry or report may,—

Entry.

(*a*) enter upon and inspect any place, building, or works, being the property or under the control of any company, the entry or inspection of which appears to it or him requisite;

Inspection.

(*b*) inspect any works, structure, rolling stock or property of the company;

Attendance and returns.

(*c*) require the attendance of all such persons as it or he thinks fit to summon and examine, and require answers or returns to such inquiries as it or he thinks fit to make;

Production.

(*d*) require the production of all material books, papers, plans, specifications, drawings and documents; and,

Oaths.

(*e*) administer oaths, affirmations or declarations;

Generally.

and shall have the like power in summoning witnesses and enforcing their attendance, and compelling them to give evidence and produce books, papers or things which they are required to produce, as is vested in any court in civil cases. R.S., c. 37, s. 61.

*Inspecting Engineers.*

Appointment of inspecting engineers.

**71.** Inspecting engineers may be appointed by the Minister or the Board, subject to the approval of the Governor in Council.

Duties.

2. It shall be the duty of every such inspecting engineer, upon being directed by the Minister or the Board, as the case may be, to inspect any railway, or any branch line, siding, or portion thereof, whether constructed, or n the course of construction, to examine the stations, rolling stock, rails, road bed, right of way, tracks, bridges, tunnels, trestles, viaducts, drainage, culverts, railway crossings and junctions, highway and farm crossings, fences, gates, and cattle-guards, telegraph, telephone or other lines of electricity, and all other buildings, works, structures, equipment, apparatus, and appliances thereon, or to be constructed or used thereon, or such part thereof as the Minister, or the Board, as the case may be, may direct, and forthwith to report fully thereon in writing to the Minister or the Board, as the case may be.

Powers of inspecting engineer.

3. Every such inspecting engineer shall have the same powers with regard to any such inspection as are by this Act conferred upon a person appointed by the Board to make an inquiry and report upon any matter pending before the Board.

Duties of company respecting inspecting engineers.

4. Every company, and the officers and directors thereof, shall afford to any inspecting engineer such information as is within their knowledge and power, in all matters inquired into by him, and shall submit to such inspecting engineer all plans, specifications, drawings and documents relating to the construction, repair, or state of repair of the railway, or any portion thereof.

Inspecting engineers may travel free.

Use telegraph wires.

5. Every such inspecting engineer shall have the right, while engaged in the business of such inspection, to travel without charge on any of the ordinary passenger trains running on the railway, and to use without charge the telegraph wires and machinery in the offices or under the control of any such company.

Transmission of telegrams.

6. The operators, or officers, employed in the telegraph offices or under the control of the company, shall, without unnecessary delay, obey all orders of any such inspecting engineer for transmitting messages.

Proof of engineer's authority.

7. The production of his appointment in writing, signed by the Minister, the Chief Commissioner, or the Secretary, shall be sufficient evidence of the authority of such inspecting engineer. R.S., c. 37, s. 260.

## Railway Companies.

### *Incorporation.*

General powers.

**72.** Every railway company incorporated under a Special Act shall be a body corporate, under the name declared therein, and shall be vested with all such powers, privileges and immunities as are necessary to carry into effect the intention and objects of this Act, and of the Special Act, and which are incident to such corporation, or are expressed or included in the Interpretation Act. R. S., c. 37, s. 79.

### *Offices.*

Head office.

**73.** The head office of the company shall be in the place designated in the Special Act, but the company may, by by-law, from time to time, change the location of its head office to any place in Canada: Provided that notice of any such change shall be given to the Secretary of the Board.

Change of location.

To be registered.

2. The Secretary of the Board shall keep a register wherein he shall enter all such changes of location so notified to him.

Other offices.

3. The directors of the company may establish one or more offices in other places in Canada or elsewhere. R.S., c. 37, s. 80.

*Provisional Directors.*

Provisional directors.

**74.** The persons mentioned by name as such in the Special Act shall be the provisional directors of the company.

Quorum.

2. A majority of such provisional directors shall form a quorum.

Powers.

3. The provisional directors may,—

(*a*) forthwith open stock books and procure subscriptions of stock for the undertaking;

(*b*) receive payments on account of stock subscribed;

(*c*) cause plans and surveys to be made; and,

(*d*) deposit in any chartered bank of Canada moneys received by them on account of stock subscribed.

Moneys deposited.

4. The moneys so received and deposited shall not be withdrawn, except for the purposes of the undertaking, or upon the dissolution of the company.

Tenure of office.

5. The provisional directors shall hold office as such until the first election of directors. R.S., c. 37, s. 81.

Allotment of stock.

**75.** If more than the whole stock has been subscribed, the provisional directors shall allocate and apportion the authorized stock among the subscribers as they deem most advantageous and conducive to the furtherance of the undertaking. R.S., c. 37, s. 82.

*Capital.*

Shares.

**76.** The capital stock of the company, the amount of which shall be stated in the Special Act, shall be divided into shares of one hundred dollars each.

Application of proceeds.

2. The moneys raised from the capital stock shall be applied, in the first place, to the payment of all fees, expenses and disbursements for procuring the passing of the Special Act, and for making the surveys, plans and estimates of the works authorized by the Special Act; and all the remainder of such moneys shall be applied to the making, equipping, completing and maintaining of the railway, and other purposes of the undertaking. R.S., c. 37, s. 83

First meeting of shareholders.

**77.** So soon as twenty-five per centum of the capital has been subscribed, and ten per centum of the amount subscribed has been paid into some chartered bank in Canada, the provisional directors shall call a meeting of the shareholders of the company at the place where the head office is situate, at which meeting the shareholders who have paid at least ten per centum on the amount of stock subscribed for by them shall, from the shareholders possessing the qualifications hereinafter mentioned, elect the number of directors prescribed by the Special Act.

Notice thereof.

2. Notice of such meeting shall be given by advertisement for the time and in the manner hereinafter required for meetings of shareholders. R.S., c. 37, s. 84.

Increase of capital stock.

**78.** The original capital stock of the company may, with the approval of the Governor in Council, be increased, from time to time, to any amount, if—

By vote.

(*a*) such increase is sanctioned by a vote, in person or by proxy, of the shareholders who hold at least two-thirds in amount of the subscribed stock of the company, at a meeting expressly called by the directors for that purpose; and,

Minutes.

(*b*) the proceedings of such meeting have been entered in the minutes of the proceedings of the company.

Notice of meetings and object.

2. Notice in writing stating the time, place and object of such meeting, and the amount of the proposed increase, shall be given to each shareholder, at least twenty days previously to such meeting, by delivering the notice to the shareholder personally, or depositing the same in the post office, post paid, and properly directed to the shareholder. R.S., c. 37, s. 85.

*Shares.*

Personal property.

**79.** The stock of the company shall be personal property. R.S., c. 37, s. 86.

How transferred.

**80.** Shares in the company may be sold and transferred by the holders thereof by instrument in writing, made in duplicate.

Duplicate transfers.

2. One of such duplicate transfers shall be delivered to the directors to be filed and kept for the use of the company, and an entry thereof shall be made in a book to be kept for that purpose.

Dividends.

3. No interest or dividend on the shares transferred shall be paid to the purchaser until such duplicate is so delivered, filed and entered. R.S., c. 37, s. 87.

Form of transfer.

**81.** Transfers, except in the case of fully paid-up shares, shall be in the form following, or to the like effect, varying the names and descriptions of the contracting parties as the case requires, that is to say:—

"I, (A. B.), in consideration of the sum of paid to me by (C. D.), hereby sell and transfer to him share (*or* shares) of the stock of the , to hold to him, the said (C. D.), his executors, administrators and assigns (*or* successors and assigns, *as the case may be*), subject to the same rules and orders and on the same conditions upon which I held the same immediately before the execution

hereof. And I, the said (C. D.), do hereby agree to accept of the said (A. B.'s) share (*or* shares) subject to the same rules, orders and conditions.

"Witness our hands this day of , in the year 19 ."

As to paid-up shares.

2. In the case of fully paid shares the transfer may be in such form as is prescribed by by-law of the company. R.S., c. 37, s. 88.

Restrictions on transfers.

**82.** No shares shall be transferable until all previous calls thereon have been fully paid up, or until the said shares have been declared forfeited for the non-payment of calls thereon.

Whole share.

2. No transfer of less than a whole share shall be valid. R.S., c. 37, s. 89.

Certificate of proprietorship of share.

**83.** The certificate of proprietorship of any share shall be *prima facie* evidence of the title of any shareholder, his executors, administrators or assigns, or its successors and assigns, as the case may be, to the share therein specified. R. S., c. 37, s. 71.

Sale without certificate.

**84.** The want of a certificate of proprietorship shall not prevent the holder of any share from disposing thereof. R.S., c. 37, s. 90.

Transmission of stock otherwise than by transfer.

**85.** If any share in the capital stock of the company is transmitted by the death, bankruptcy, last will and testament, *donatio mortis causa*, or by the intestacy of any shareholder, or by any lawful means other than the transfer hereinbefore mentioned, the person to whom such share is transmitted shall deposit in the office of the company a statement in writing signed by him, which shall declare the manner of such transmission, and he shall deposit therewith a duly certified copy or probate of such will and testament, or sufficient extracts therefrom, and such other documents and proofs as are necessary.

Transferee must comply.

2. The person to whom the share is so transmitted as aforesaid, shall not, without complying with this section, be entitled to receive any part of the profits of the company, or to vote in respect of any such share as the holder thereof. R.S., c. 37, s. 91.

Company not bound to see to execution of trusts.

**86.** The company shall not be bound to see to the execution of any trust, whether express, implied or constructive, to which any share or security issued by it is subject, whether or not the company has had notice of the trust; and it may treat the registered holder as the

absolute owner of any such share or security, and shall not be bound to recognize any claim on the part of any other person whomsoever, with respect to any such share or security, or the dividend or interest payable thereon: Provided, that nothing in this section contained shall prevent a person equitably interested in any such share or security from procuring the intervention of the court to protect his rights. R.S., c. 37, s. 92.

Non-payment of calls.

**87.** Every shareholder who makes default in the payment of any call payable by him, together with the interest, if any, accrued thereon, for the space of two months after the time appointed for the payment thereof, shall forfeit to the company his shares in the company, and all the profit and benefit thereof.

Forfeiture.

Procedure.

2. No advantage shall be taken of the forfeiture unless the shares are declared to be forfeited at a general meeting of the company, assembled at any time after such forfeiture has been incurred. R.S., c. 37, s. 93.

Effect of forfeiture.

**88.** Every shareholder so forfeiting shall be by such declaration of forfeiture relieved from liability in all actions, suits or prosecutions whatsoever which may be commenced or prosecuted against him for any breach of the contract existing between such shareholder and the other shareholders by reason of such shareholder having subscribed for or become the holder of the shares so forfeited. R.S., c. 37, s. 94.

Sale of forfeited shares.

**89.** The directors may, subject as hereinafter provided, sell, either by public auction or private sale, any shares so declared to be forfeited, upon authority therefor having been first given by the shareholders, either at the general meeting at which such shares were declared to be forfeited, or at any subsequent general meeting.

Limitation.

2. The directors shall not sell or transfer more of the shares of any such defaulter than will be sufficient, as nearly as can be ascertained at the time of such sale, to pay the arrears then due from such defaulter on account of any calls, together with interest, and the expenses attending such sale and declaration of forfeiture.

Surplus proceeds to defaulter.

3. If the money produced by the sale of any such forfeited shares is more than sufficient to pay all arrears of calls and interest thereon due at the time of such sale, and the expenses attending the declaration of forfeiture and the sale of such shares, the surplus shall, on demand, be paid to the defaulter.

Payment of arrears before sale.

4. If payment of such arrears of calls and interest and expenses is made before any share so forfeited and vested

in the company is sold, such share shall revert to the person to whom it belonged before such forfeiture, who shall be entitled thereto as if such calls had been duly paid.

5. Any shareholder may purchase any forfeited share so sold. R.S., c. 37, s. 95. Any shareholder may purchase.

**90.** A certificate of the treasurer of the company that any share of the company has been declared forfeited for non-payment of any call, and that such share has been purchased by a purchaser therein named shall, together with the receipt of the treasurer of the company for the price of such share, constitute a good title thereto. Certificate of treasurer to constitute title.

2. Such certificate shall be by the treasurer registered in the name and with the place of abode and occupation of the purchaser, and shall be entered in the books to be kept by the company, and such purchaser shall thereupon be deemed to be the holder of such share. To be registered.

3. The purchaser shall not be bound to see to the application of the purchase money. Purchase money.

4. The title of the purchaser to such share shall not be affected by any irregularity in the proceedings in reference to such sale. R.S., c. 37, s. 96. Irregularity.

**91.** A certificate of the treasurer of the company that any share of the company has been declared forfeited for non-payment of any call or interest accrued thereon, and that such share has been purchased by a purchaser therein named shall be sufficient evidence of such facts. R.S., c. 37, s. 72. Certificate of forfeiture of share.

**92.** Any shareholder who is willing to advance the amount of his shares, or any part of the money due upon his shares, beyond the sums actually called for, may pay the same to the company. Shareholders may advance.

2. Upon the principal moneys so paid in advance, or so much thereof as, from time to time, exceeds the amount of the calls then made upon the shares in respect of which such advance is made, the company may pay such interest at the lawful rate of interest for the time being, as the shareholders, who pay such sum in advance, and the company agree upon. Interest.

3. Such interest shall not be paid out of the capital subscribed. R.S., c. 37, s. 97. No interest out of capital.

**93.** Every shareholder shall be individually liable to the creditors of the company for the debts and liabilities of the company to an amount equal to the amount unpaid on the stock held by him, and until the whole amount of his stock has been paid up: Provided that no action shall Limited liability.

be instituted or maintained against any such shareholder in respect of his said liability until an execution at the suit of the creditor against the company has been returned unsatisfied in whole or in part. R.S., c. 37, s. 98.

Municipal corporations may take stock.

**94.** Municipal corporations in any province of Canada duly empowered so to do by the laws of the province may, subject to the limitations and restrictions in such laws prescribed, subscribe for any number of shares in the capital stock of the company. R. S., c. 37, s. 99.

Aliens.

Shareholders have equal rights.

**95.** All shareholders in the company, whether British subjects or aliens, or residents in Canada or elsewhere, shall have equal rights to hold stock in the company, and to vote on the same, and, subject as herein provided, shall be eligible to office in the company. R.S., c. 37, s. 100.

Record of shareholders.

**96.** A true and perfect account of the names and places of abode of the several shareholders shall be entered in a book, which shall be kept for that purpose, and which shall be open to the inspection of the shareholders. R.S., c. 37, s. 101.

*Meetings of Shareholders.*

Annual meeting.

**97.** A general meeting of the shareholders for the election of directors, and for the transaction of other business connected with or incident to the undertaking, to be called the annual meeting, shall be held annually on the day mentioned in the Special Act, or on such other day as the directors may determine.

Special meetings.

2. Other general meetings, to be called special meetings, may be called at any time by the directors, or by shareholders representing at least one-fourth in value of the subscribed stock, if the directors, having been requested by such shareholders to convene a special meeting, fail, for twenty-one days thereafter, to call such meeting. R.S., c. 37, s. 102.

At head office.

**98.** All general meetings, whether annual or special, shall be held at the head office of the company. R.S., c. 37, s. 103.

Notice of meetings.

**99.** At least four weeks' public notice of any meeting shall be given by advertisement published in *The Canada Gazette*, and in at least one newspaper published in the place where the head office is situate.

Place and day.

2 Such notices shall specify the place and the day and the hour of meeting.

Publication.

3. All such notices shall be published weekly.

4. A copy of *The Canada Gazette* containing such notice shall, on production thereof, be sufficient evidence of such notice having been given. R.S., c. 37, s. 104. Evidence of notice.

**100.** Any business connected with or incident to the undertaking may be transacted at an annual meeting, except such business as is, by this Act or the Special Act, required to be transacted at a special meeting. Business.

2. No special meeting shall enter upon any business not set forth in the notice upon which it is convened. R.S., c. 37, s. 105. At special meeting.

**101.** The number of votes to which each shareholder shall be entitled, at any meeting of the shareholders, shall be in the proportion of the number of shares held by him, on which all calls due have been paid. R.S., c. 37, s. 106. Voting.

**102.** Every shareholder, whether resident in Canada or elsewhere, may vote by proxy, if he sees fit, and if such proxy produces from his constituent an appointment in writing, in the words or to the effect following, that is to say:— By proxy.

"I, of , one of the shareholders of the , do hereby appoint of , to be my proxy, and in my absence, to vote or give my assent to any business, matter or thing relating to the undertaking of the said that is mentioned or proposed at any meeting of the shareholders of the said company, in such manner as he, the said thinks proper. Form of proxy.

"In witness whereof, I have hereunto set my hand and seal the day of in the year ."

2. The votes by proxy shall be as valid as if the constituents had voted in person. R.S., c. 37, s. 107. Valid.

**103.** Every matter or thing proposed or considered at any meeting of the shareholders shall, except as otherwise specially provided, be determined by the majority of votes and proxies then present and given. Majority vote.

2. All decisions and acts of any such majority shall bind the company and be deemed the decisions and acts of the company. R.S., c. 37, s. 108. Binding.

**104.** All notices given by the secretary of the company by order of the directors shall be deemed notices by the directors of the company. R.S., c. 37, s. 109. Notices by secretary.

*President and Directors.*

Chosen at annual meeting.

**105.** A board of directors of the company, to manage its affairs, the number of whom shall be stated in the Special Act, shall be chosen at the annual meeting.

Or special meeting.

2. If such election is not held at the annual meeting, the directors shall cause such election to be held at a special meeting duly called for that purpose, within as short a delay as possible after the annual meeting.

Voting.

3. No person shall vote at such special meeting except those who would have been entitled to vote if the election had been held at the annual meeting. R.S., c. 37, s. 110.

Municipal corporations to be represented.

**106.** The mayor, warden, reeve or other head officer of any municipal corporation, in any province of Canada holding stock in any company to the amount of twenty thousand dollars or upwards, shall be *ex officio* one of the directors of the company, in addition to the number of directors authorized by the Special Act, unless in such Special Act provision is made for the representation of such corporation on the directorate of such company. R. S., c. 37, s. 111.

Qualifications of directors.

**107.** No person shall be a director unless he is a shareholder, owning twenty shares of stock, and has paid all calls due thereon, and is qualified to vote for directors at the election at which he is chosen.

Disability of officers, contractors and sureties.

2. No person who holds any office, place or employment in the company, or who is concerned or interested in any contract under or with the company, or is surety for any contractor with the company, shall be capable of being chosen a director, or of holding the office of director.

Majority of directors British subjects.

3. If the company has received aid towards the construction of its railway or undertaking or any part thereof from the Government, under any Act of the Parliament of Canada, a majority of its directors shall be British subjects. R. S., c. 37, s. 112.

Term of office.

**108.** The directors appointed at the last election, or those appointed in their stead in case of vacancy, shall remain in office until the next ensuing election of directors. R. S., c. 37, s. 113.

Vacancies in directorate.

**109.** Vacancies in the board of directors shall be filled in the manner prescribed by the by-laws. R.S., c. 37, s. 114.

How filled.

**110.** In case of the death, absence or resignation of any of the directors, others may, unless otherwise prescribed by the by-laws, be appointed in their stead by the remaining directors.

2. In case such remaining directors do not constitute a quorum, the shareholders, at a special meeting to be called for that purpose, may, unless otherwise prescribed in the by-laws, elect such other directors. If no quorum.

3. If such appointment or election is not made, such death, absence or resignation shall not invalidate the acts of the remaining directors. R.S., c. 37, s. 115. If not filled.

**111.** The directors shall, at their first or some other meeting after their election, elect one of their number to be the president of the company; and they may, in like manner, elect one or more vice-presidents. President. Vice-president.

2. The president shall hold his office until he ceases to be a director, or until another president has been elected in his stead, and unless otherwise provided by by-law, shall always, when present, be the chairman of and preside at all meetings of the directors. Tenure.

3. In the absence of the president the vice-president, or one of the vice-presidents, according to such priority as may be prescribed by by-law or determined by the directors, shall act as chairman. Duties.

4. In the absence of the president and the vice-president, or vice-presidents, the directors at any meeting at which not less than a quorum are present, shall be competent to elect a chairman from among their number to preside at such meeting. R.S., c. 37, s. 116. Am. Chairman.

**112.** A majority of the directors shall form a quorum. Quorum.

2. The directors at any meeting regularly held, at which not less than a quorum are present, shall be competent to exercise all or any of the powers vested in the directors; and the act of a majority of a quorum of the directors present at any such meeting shall be deemed the act of the directors. R.S., c. 37, s. 117. Acts of quorum binding.

**113** No director shall have more than one vote, except the chairman, who shall, in case of a division of equal numbers, have the casting vote. R.S., c. 37, s. 118. Votes of directors. Casting vote

**114.** The directors shall be subject to the examination and control of the shareholders at their annual meetings, and shall be subject to all by-laws of the company, and to the orders and directions from time to time made or given at the annual or special meetings if such orders and directions are not contrary to or inconsistent with any express direction or provision of this Act or of the Special Act. R.S., c.37, s. 119. Directors subject to shareholders and by-laws.

**115.** No person who is a director of the company shall enter into, or be directly or indirectly, for his own use and Directors not to contract

with company.

benefit, interested in any contract with the company, other than a contract which relates to the purchase of land necessary for the railway, nor shall any such person be or become a partner of or surety for any contractor with the company. R.S., c. 37, s. 120.

Directors may make by-laws.

**116.** The directors may make by-laws or pass resolutions, from time to time, not inconsistent with law, for,—

(*a*) the management and disposition of the stock, property, business and affairs of the company;

(*b*) the appointment of all officers, servants and artificers, and the prescribing of their respective duties and the compensation to be made therefor; and,

(*c*) the retirement of such of said officers and servants, on such terms as to an annual allowance or otherwise, as in each case the directors, in the interest of the company's service, and under the circumstances, consider just and reasonable.

By-laws for election of officers.

2. The directors may also, from time to time, make by-laws or pass resolutions for the election or appointment of officers of the company, who need not be directors, as vice-presidents of the company, and may by any such by-law or resolution specify the manner of such election or appointment and define the powers, duties, qualifications and term of office of such vice-presidents, each of whom shall have and may exercise, subject to the limitations set forth in any such by-law or resolution, all the powers of a vice-president elected by the directors pursuant to the provisions of section 111 of this Act.

Evidence.

3. A copy of any such by-law or resolution certified as correct by the president, secretary or other executive officer of the company and bearing the seal of the company shall be evidence thereof. R.S., c. 37, ss. 76, 121; 9-10 E. VII., c. 50, s. 3.

Appointment of officers.

**117.** The directors shall, from time to time, appoint such officers as they deem requisite, and shall take such

Security.

sufficient security as they think proper from the managers and officers, for the time being, for the safe-keeping and accounting for by them respectively of the moneys raised by virtue of this Act and the Special Act, and for the faithful execution of their duties.

By bond or guarantee.

2. Such security may, as the directors deem expedient, be by bond or by the guarantee of any society or joint stock company incorporated and empowered to grant guarantees, bonds, covenants or policies for the integrity and faithful accounting of persons occupying positions of trust, or for other like purposes. R.S., c. 37, s. 122.

Vice-President, powers of.

**118.** In case of the absence or illness of the president, the vice-president or one of the vice-presidents shall have all the rights and powers of the president, and may sign all debentures and other instruments, and perform all acts which, by the regulations and by-laws of the company, or by the Special Act, are required to be signed, performed and done by the president.

Empowering a director to act.

2. In the absence or illness of the president and the vice-president, or vice-presidents, any director of the company acting under the express authority of the board of directors may while so acting exercise the rights and powers of the president or vice-president as hereinbefore set forth.

Entry in minutes.

3. The directors may, at any meeting of the directors, require the secretary of the company to enter such absence or illness among the proceedings of such meeting.

Evidence of absence or illness.

4. A certificate of any such absence or illness signed by the secretary of the company shall be delivered to any person requiring the same on payment to the treasurer of one dollar, and such certificate shall be *prima facie* evidence of the absence or illness therein certified. R.S., c. 37, s. 123. Am.

Copies of minutes to be evidence.

**119.** Copies of the minutes of proceedings and resolutions of the shareholders of the company, at any annual or special meeting, and of the minutes of proceedings and resolutions of the directors, at their meetings, extracted from the minute book, kept by the secretary of the company, and by him certified to be true copies extracted from such minute book, when sealed with the company's seal, shall, without proof of the signature of such secretary, be evidence of such proceedings and resolutions. R.S., c. 37, s. 70.

Accounts.

**120.** The directors shall cause to be kept, and, annually, on the thirtieth day of June, to be made up and balanced, a true, exact and particular account of the moneys collected and received by the company, or by the directors or managers thereof, or otherwise for the use of the company, and of the charges and expenses attending the erecting, making, supporting, maintaining and carrying on of the undertaking, and of all other receipts and expenditures of the company or the directors. R.S., c. 37, s. 124.

*Calls.*

How made.

**121.** The directors may, from time to time, make such calls of money as they deem necessary upon the respective shareholders, in respect of the amount of capital respectively subscribed or owing by them, if the intervals between such calls, the notices of each call, and the other provisions of

this Act and of the Special Act, in respect of calls, are duly observed and given.

Notice. 2. At least thirty days' notice shall be given of each call.

Amount. 3. No call shall exceed ten per centum of the amount of each share subscribed, unless otherwise provided in the Special Act.

Intervals. 4. No call shall be made at a less interval than two months from the previous call.

Annual amount. 5. A greater amount shall not be called in, in any one year, than the amount prescribed in the Special Act.

Resolution. 6. Nothing herein contained shall prevent the directors from making more than one call by one resolution of the Board. R. S., c. 37, s. 125. Am.

Publication of notice of call. **122.** At least four weeks' notice of any call upon the shareholders of the company shall be given by weekly publication in *The Canada Gazette*, and in at least one newspaper published in the place where the head office of the company is situate.

Evidence. 2. A copy of *The Canada Gazette* containing any such notice shall on production thereof be sufficient evidence of such notice having been given. R.S., c. 37, s. 126.

Liability of shareholder. **123.** Every shareholder shall be liable to pay the amount of the calls so made, in respect of the shares held by him, to the persons, and at the times and places, from time to time, appointed by the company or the directors. R.S., c. 37, s. 127.

Overdue calls bear interest. **124.** If, on or before the day appointed for payment of any call, any shareholder does not pay the amount of such call, he shall be liable to pay interest upon such amount,

Five per cent. at the rate of five per centum per annum, from the day appointed for the payment thereof to the time of the actual payment. R.S., c. 37, s. 128.

Failure to pay call. **125.** If, at the time appointed for the payment of any call, any shareholder fails to pay the amount of the call, he

Suit. may be sued therefor in any court of competent jurisdiction, and such amount shall be recoverable with lawful interest from the day on which the call became payable. R.S., c. 37, s. 129.

Pleadings. **126.** In any action or suit to recover any money due upon an y call, it shall not be necessary to set forth the special matter, but it shall be sufficient to declare that the defendant is the holder of one share or more, stating the number of shares, and is indebted in the sum of money to which the calls in arrear amount, in respect of one call or more, upon

one share or more, stating the number and amount of each of such calls. R.S., c. 37, s. 130.

*Dividends and Interest.*

Declaration of dividends.

**127.** Dividends, at and after the rate of so much per share upon the several shares held by the shareholders in the stock of the company, may, from time to time, be declared and paid by the directors out of the net profits of the undertaking. R.S., c . 37, s. 131.

Reserve fund.

**128.** The directors may, before recommending any dividend, set aside out of the profits of the company such sums as they think proper as a reserve fund, to meet contingencies, or for equalizing dividends, or for repairing, maintaining, renewing or extending the railway or any portion thereof, and shall submit their action in regard to such reserve fund to the shareholders at a general meeting for their approval.

How invested.

2. The directors may invest the sum so set apart as a reserve fund in such securities, not inconsistent with this or the Special Act, as they select. R.S., c. 37, s. 132.

No dividend out of capital.

**129.** No dividend shall be,—

(*a*) declared whereby the capital of the company is in any degree reduced or impaired; or,

(*b*) paid out of such capital; or,

Or if call unpaid.

(*c*) paid in respect of any share, after a day appointed for payment of any call for money in respect thereof, until such call has been paid:

Proviso as to interest.

Provided that the directors may in their discretion, until the railway is completed and opened to the public, pay interest at any rate, not exceeding five per centum per annum, on all sums actually paid in cash in respect of the shares, from the respective days on which the same have been paid, and that such interest shall accrue and be paid at such times and places as the directors appoint for that purpose. R.S., c. 37, s. 133.

No interest if shareholder in arrears.

**130.** No interest shall accrue to any shareholder in respect of any share upon which any call is in arrear, or in respect of any other share held by such shareholder while such call remains unpaid. R.S., c. 37, s. 134.

Arrears deducted from dividend.

**131.** The directors may deduct, from any dividend payable to any shareholder, all or any such sum or sums of money as are due from him to the company on account of any call or otherwise. R.S., c. 37, s. 135.

*Bonds, Mortgages and Borrowing Powers.*

Authorized.

**132.** Subject to the provisions of this Act and of the Special Act, the directors of the company may, when thereunto authorized by the Special Act, issue bonds, debentures, perpetual or terminable debenture stock, or other securities, if duly empowered in that behalf by the shareholders, at any special meeting called for the purpose by notice in the manner provided by this Act, or at any annual meeting in case like notice of intention to apply for such authority at such annual meeting has been given, at which meeting, whether annual or special, 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.

Procedure.

Securities, how executed.

2. Such securities,—

Bonds.

(*a*) if in the form of bonds, may be signed by the president, or the vice-president or one of the vice-presidents, or a director, and countersigned by the secretary or an assistant or local secretary of the company; and any coupons attached to such bonds shall bear the signature of the treasurer or secretary of the company: Provided that the signature of the president on the bonds, and the signature of the treasurer or secretary on the coupons, may be engraved, lithographed or otherwise mechanically reproduced *fac simile* of such signatures respectively; and such reproduced and all other signatures of the officers aforesaid shall, for all purposes, be valid and binding upon the company, notwithstanding that at the date of the issue or certification of the bonds or coupons the persons whose signatures so appear are not the president, vice-president, director, treasurer or secretary of the company as the case may be;

Debenture stock.

(*b*) if in the form of debenture stock, certificates for such stock may be signed in the same way as herein provided for the signature of bonds, or may be signed by the secretary or an assistant or local secretary of the company and countersigned by the registrar or an assistant or local registrar of the stock for the time being, or such other officers as the directors may designate;

Other securities.

(*c*) if in any form other than bonds or debenture stock, may be signed in the same way as herein provided for the signature of bonds.

When and where payable.

Interest.

3. Such securities may be made payable at such times and in such manner and at such place or places in Canada or elsewhere, and may bear such rate of interest, not exceeding five per centum per annum, as the directors think proper.

4. The directors may, for the purpose of raising money for prosecuting the undertaking, issue, and sell or pledge, all or any of the said securities, at the best price, and upon the best terms and conditions, which at the time they may be able to obtain. Terms of sale.

5. The power of issuing securities conferred upon the company by this Act, or under the Special Act, shall not be construed as being exhausted by any issue, and such power may be exercised from time to time: Provided that the limit to the amount of securities fixed in the Special Act shall not be exceeded. R.S., c. 37, s. 136. Am. Extent of borrowing power.

**133.** When securities issued under the last preceding section have been deposited or pledged by the company, as security for a loan or for advances made to it, and such loan or advances have been paid off and such deposit or pledge redeemed, such securities shall not be deemed to have been paid off or to have become extinguished, but shall be deemed to be still alive, and the company may reissue them; and upon such reissue the person to whom the reissue is made shall have the same rights and priorities as if the securities had not previously been issued. Securities pledged for loans or advances.

2. Where a company has deposited any of its securities to secure advances from time to time on current account, such securities shall not be deemed to have been paid off or extinguished by reason only of the account of the company ceasing to be in debit while the securities remain so deposited; When not deemed paid off.

3. The reissue of a security under this section shall not be treated as the issue of a new security for the purpose of any provision limiting the number or amount of the securities to be issued. Reissue not a new security.

4. This section shall be retrospective in its operation, and shall apply to securities heretofore as well as to securities hereafter issued, deposited or pledged, and to past as well as to future transactions relating to or affecting the same, but nothing therein shall prejudice,— To be retroactive.

(*a*) the operation of any judgment or order of a court of competent jurisdiction pronounced or made in any legal proceedings which were pending on the nineteenth day of May, nineteen hundred and nine, as between the parties to the proceedings, in which judgment was pronounced or the order made, and any appeal from any such judgment or order shall be decided as if this section had not been enacted; Pending proceedings not affected

(*b*) any power to issue securities in the place of any securities paid off, or otherwise satisfied or extinguished, reserved to a company by the securities themselves, Issue of securities in place of those paid off.

or by any mortgage or trust deed securing them. 8-9 E. VII., c. 32, s. 2.

Provincial railways.

**134.** No power to issue or dispose of any such securities conferred by any Special Act of a provincial legislature shall, if such railway is thereafter brought under the legislative authority of the Parliament of Canada, be subsequently exercised without the sanction of the Governor in Council. R.S., c. 37, s. 137.

Mortgage deeds of trust.

**135.** The company may secure such securities by one or more deeds of trust by way of mortgage or charge (to be called mortgage deeds or mortgages) creating such mortgages, charges and encumbrances upon the whole of such property, assets, rents and revenues of the company, present or future, or both, as are described therein: Provided that such property, assets, rents and revenues shall be subject, in the first instance, to the payment of any penalty then or thereafter imposed upon the company for non-compliance with the requirements of this Act, and next, to the payment of the working expenditure of the railway.

Powers which may be granted in mortgage.

2. By such a mortgage deed the company may grant to the holders of such securities or the trustee or trustees named in such mortgage deed all and every the powers, rights and remedies granted by this Act in respect of the said securities, and all other powers, rights and remedies, not inconsistent with this Act, or may restrict the said holders, or trustee or trustees, in the exercise of any power, privilege or remedy granted by this Act, as the case may be; and all the powers, rights, and remedies, so provided for in such mortgage deed, shall be valid and binding and available to the said holders and trustee or trustees in manner and form as therein provided. R.S., c. 37, s. 138. Am.

Property excepted from mortgage.

**136.** The company may except from the operation of any such mortgage any assets, property, rents or revenue of the company, and may declare and provide therein that such mortgage shall only apply to and affect certain sections or portions of the railway or property of the company.

Special description.

2. Where any such exception is made, the company shall in such mortgage deed expressly specify and describe, with sufficient particularity to identify the same, the assets, property, rents or revenue of the company, or the sections or portions of the railway not intended to be included therein or conveyed thereby. R.S., c. 37, s. 139.

**137.** Every such mortgage deed, and every assi me thereof, or other instrument in any way affecting such mortgage or security, shall be deposited in the office of the Secretary of State of Canada, and notice of such deposit shall forthwith be given in *The Canada Gazette*. R.S., c. 37, s. 140 (1). Deposit with Secretary of State. Notice.

**138.** Where the provisions of the last preceding section have been complied with, or where by any Act of the Parliament of Canada heretofore or hereafter passed, provision was or is made for the deposit in the office of the Secretary of State of Canada of any mortgage or mortgage deed given to secure the payment of bonds or other securities issued by the company and the provisions with regard to such deposit have been duly complied with, it is hereby declared and enacted that it was and is unnecessary for any purpose that such mortgage, or any assignment thereof, or any other instrument in any way affecting it, should have been or should be otherwise deposited, registered or filed under the provisions of any law respecting the deposit, registration or filing of instruments affecting real or personal property: Provided that if such Act expressly required or requires some additional or other deposit, registration or filing, nothing herein contained shall be taken or held to dispense therewith or to waive any non-compliance with such requirement; and provided further, as to matters under such Act, that nothing herein contained shall affect any matter in litigation in or finally decided by any court of justice on the twenty-seventh day of April, nineteen hundred and seven. R.S., c. 37, s. 140 (2); 6-7 E. VII., c. 38, s. 2. Other filing, deposit or registration not necessary.

**139.** A copy of any mortgage deed securing any bonds, debentures, or other securities issued under the authority of this Act and the Special Act, and of any assignment thereof, or other instrument in any way affecting such mortgage or security, deposited in the office of the Secretary of State of Canada, certified to be a true copy by the Secretary of State, or by the Deputy Registrar General of Canada, shall be *prima facie* evidence of the original, without proof of the signature of such official. R. S., c. 37, s. 73. Instruments deposited, evidence of.

**140.** Subject to any lawful restriction or exception contained in the mortgage deed or deeds, the securities so authorized to be issued shall rank upon the company, and the franchise, undertaking, tolls and income, rents and revenues, and the real and personal property thereof, at any time acquired, described in and covered by the mortgage deed or deeds securing such securities respectively, next after the payment of the penalties and the working expenditure Ranking of securities.

of the railway as hereinbefore provided, and according to the priorities, if any, established in respect of such securities by such mortgage deed or deeds.

Holder a mortgagee.

2. Each holder of the said securities shall be deemed to be a mortgagee or encumbrancee upon the mortgaged premises *pro rata* with all other holders of the same issue and in accordance with and having regard to the priorities, if any, so established; but no proceedings authorized by law, or by this Act, shall be taken to enforce payment of the said securities or of the interest thereon except through the trustee or trustees appointed by or under such mortgage deed or deeds. R.S., c. 37, ss. 141, 142. Am.

No proceedings except through trustee.

Default of company.

**141.** If the company makes default in paying the principal of or interest on any of such securities at the time when such principal or interest, by the terms of the securities, becomes due and payable, then at the next annual general meeting of the company, and at all subsequent meetings, all holders of such securities so being and remaining in default, shall, in respect thereof, subject to the provisions of the next following section, have and possess the same rights, privileges and qualifications for being elected directors, and for voting at general meetings, as would attach to them as shareholders, if they held fully paid-up shares of the company to a corresponding amount. R.S., c. 37, s. 143.

Rights of security holders.

Limitations affecting such rights.

**142.** The rights given by the last preceding section shall not be exercised by any such holder, unless it is so provided by the mortgage deed, nor unless the security in respect of which he claims to exercise such rights has been registered in his name, in the same manner as the shares of the company are registered, at least ten days before he attempts to exercise the right of voting thereon.

Registration.

2. The company shall be bound on demand to register such securities, and thereafter any transfers thereof, in the same manner as shares or transfers of shares. R.S., c. 37, s. 144.

Other rights not affected.

**143.** The exercise of the rights so given as provided by the last two preceding sections, shall not take away, limit or restrain any other of the rights or remedies to which the holders of the said securities are entitled under the provisions of such mortgage deed. R.S., c. 37, s. 145.

Transfer by delivery.

**144.** All such securities may be made payable to bearer, and shall, in that case, be transferable by delivery until registration thereof, as hereinbefore provided.

2. While so registered, they shall be transferable by written transfers, registered in the same manner as in the case of the transfer of shares. R.S., c. 37, s. 146. Or writing if registered.

**145.** The company may, for the purposes of the undertaking, borrow money by overdraft or upon promissory note, warehouse receipt, bill of exchange, or otherwise upon the credit of the company, and become party to promissory notes and bills of exchange. Power to borrow by overdraft, etc.

2. Every such note or bill made, drawn, accepted or endorsed by the president or vice-president of the company, or other officer authorized by the by-laws of the company, and countersigned by the secretary of the company, shall be binding on the company, and shall be presumed to have been made, drawn, accepted or endorsed with proper authority, until the contrary is shown. Note or bill of company, how made.

3. It shall not be necessary in any case to have the seal of the company affixed to any such promissory note or bill of exchange. No seal necessary.

4. 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. R.S., c. 37, s. 147. No bill payable to bearer.

5. Neither the president, vice-president or secretary, nor any other officer of the company so authorized as aforesaid, shall be individually responsible for any such promissory note or bill of exchange made, drawn, accepted or endorsed, or countersigned by him, unless such promissory note or bill of exchange has been issued without proper authority. R.S., c. 37, s. 148. Officers not personally liable.

*Regulation of Stock and Bond Issues.*

**146.** Notwithstanding anything in any Special or other Act, or other section of this Act, no company, whether heretofore or hereafter incorporated, shall, unless heretofore authorized by the Governor General in Council, issue any stock, shares, certificates of stock, bonds, debentures, debenture stock, notes, mortgages or other securities or evidences of indebtedness payable more than one year after the date thereof or issued otherwise than solely for money consideration, without first obtaining leave of the Board for such issue. Leave of Board necessary in certain cases.

2. The Board as it deems the circumstances warrant, may refuse or may grant leave for the proposed issue or may grant leave for such part thereof as it is satisfied is reasonable and proper, and may in any case impose any terms or conditions it may deem proper, and may, if it deems the circumstances warrant, specify a price below which such Powers of Board.

issue shall not be sold, and may specify the purposes for which the proceeds of the issue are to be used, or may provide for the application of such proceeds to such uses as the Board by subsequent order shall specify, and may order that such proceeds shall be so deposited or dealt with as the Board may direct, and may require an accounting to be given for any such proceeds.

Limitation of effect of leave.

3. No leave or order of the Board under this section shall be deemed or taken to constitute any guarantee or representation as to any matter dealt with therein, or to preclude the Board from dealing as it may deem proper with any question of tolls or rates. New.

*Contracts Respecting Rolling Stock.*

Deposit of contract evidencing lease, etc., of rolling stock.

**147.** Any contract evidencing the lease, conditional sale or bailment of rolling stock to a company shall be in writing, duly executed by the parties thereto, and the same or a copy thereof may be deposited in the office of the Secretary of State of Canada, within twenty-one days from the execution thereof, and no contract so deposited need be otherwise deposited, registered or filed under the provisions of any law respecting the deposit, registration or filing of instruments affecting real or personal property, and upon the due execution and deposit of any such lease, conditional sale or bailment of rolling stock as aforesaid, the same shall be valid.

Notice of deposit.

2. Notice of such deposit shall forthwith thereafter be given in *The Canada Gazette*. 6–7 E. VII., c. 38, s. 4.

*Purchase of Railway Securities.*

Company not to purchase railway stock.

**148.** No company shall, either directly or indirectly, employ any of its funds in the purchase of its own stock, or in the acquisition of any shares, bonds or other securities, issued by any other railway company in Canada, or in the purchase or acquisition of any interest in any such stock, shares, bonds or other securities: Provided that nothing in this section shall affect the powers or rights which any company in Canada had or possessed on the first day of February, one thousand nine hundred and four, by virtue of any Special Act, to acquire, have or hold shares, bonds, or other securities of any railway company in Canada or the United States. R. S., c. 37, s. 149.

Existing rights saved.

*Disposing of Lands obtained as Subsidy, etc.*

Company may dispose of lands

**149.** Any company which has obtained from the Crown, by way of subsidy or otherwise, in respect of the construc-

tion or operation of its railway, a right to any land or to an interest in land, has, and from the time of obtaining such right has had, as incident to the exercise of its corporate powers, authority to acquire, sell or otherwise dispose of the same or any part thereof. acquired from Crown.

2. Such company may convey such right or interest, or any part thereof, to any other company which has entered into any undertaking for the construction or operation, in whole or in part, of the railway in respect of which such land or interest in land was given; and thereafter such other company shall have, in respect of such land or interest in land, the same authority as that of the company which has so conveyed it. R. S., c. 37, s. 152. May convey right to another company.

**150.** If any lands have been given to the company by any corporation or person, as aid towards, or as consideration in whole or in part for the construction or operation of the company's railway, either generally or with respect to the adoption of any particular route, or on any other account, the authority of the company, and of any other company to which it may convey its right in any of the said lands, shall be the same as if such lands had been obtained by the company from the Crown as aforesaid. R. S., c. 37, s. 153. Lands given to company by any person.

*Purchase of Railway by Person without Corporate Power to operate.*

**151.** If any railway, or any section of any railway, is sold under the provisions of any deed or mortgage, or at the instance of the holders of any mortgage, bonds or debentures, for the payment of which any charge has been created thereon, or under any other lawful proceeding, and is purchased by any person not having corporate power to hold and operate the same, the purchaser shall not run or operate such railway until authority therefor has been obtained as in this section provided. Purchaser to obtain authority to operate.

2. The purchaser shall transmit to the Minister an application in writing stating the fact of such purchase, describing the termini and lines of route of the railway purchased, specifying the Special Act under which the same was constructed and operated, and requesting authority from the Minister to run and operate the railway, and shall with such application transmit a copy of any writing preliminary to the conveyance of such railway, made as evidence of such sale, and also a duplicate or authenticated copy of the deed of conveyance of such railway, and such further details and information as the Minister may require. Application to Minister.

Minister may authorize.

3. Upon any such application, the Minister may, if he is satisfied therewith, grant an order authorizing the purchaser to run and operate the railway purchased until the end of the then next session of the Parliament of Canada, subject to such terms and conditions as the Minister may deem expedient.

Purchaser thereupon authorized to operate railway.

4. The purchaser shall thereupon be authorized for such period only and subject to such order, to operate and run such railway, and, subject to the other provisions of this Act, to take and receive such tolls in respect of traffic carried thereon as the company previously owning and operating the same was authorized to take, and the purchaser shall also be subject to the terms and conditions of the Special Act of the said company, in so far as the same can be made applicable.

Must apply to Parliament.

5. The purchaser shall apply to the Parliament of Canada at the next following session thereof after the granting of such order by the Minister for an Act of incorporation, or other legislative authority, to hold, operate and run the railway.

One extension allowed.

6. If such application is made to Parliament and is unsuccessful, the Minister may extend the order to run and operate such railway until the end of the then next following session of Parliament, and no longer.

Closing of railway.

7. If during such extended period the purchaser does not obtain such an Act of incorporation or other legislative authority, such railway shall be closed or otherwise dealt with by the Minister, as may be determined by the Governor in Council. R.S., c. 37, s. 299; 6-7 E. VII., c. 38, s. 9.

*Agreements for Sale, Lease and Amalgamation.*

Agreement for sale, lease or amalgamation of railway.

**152.** Where the company is authorized by any Special Act of the Parliament of Canada to enter into an agreement with any other company (whether within the legislative authority of the Parliament of Canada or not) for selling, conveying or leasing to such company the railway and undertaking of the company, in whole or in part, or for purchasing or leasing from such company the railway and undertaking of such company, in whole or in part, or for amalgamation, such agreement shall be first approved by two-thirds of the votes of the shareholders of each company party thereto, at an annual general meeting, or at a special general meeting, of each company, called for the purpose of considering such agreement, at each of which meetings shareholders representing at least two-thirds in value of the capital stock of each company are present or represented by proxy.

Approval of shareholders.

2. Upon such agreement being so approved, and duly executed, it shall be submitted to the Board with an application for a recommendation to the Governor in Council for the sanction thereof. Board to recommend sanction.

3. Notice of the proposed application for such recommendation shall be published in *The Canada Gazette* for at least one month prior to the time, to be stated therein, for the making of such application, and also, unless the Board otherwise orders, for a like period in one newspaper in each of the counties or electoral districts through which the railway to be sold, leased or amalgamated, runs, in which a newspaper is published. Notice in *Canada Gazette*.

4. Upon such notice being given the Board shall grant or refuse such application, and upon granting the same shall make a recommendation to the Governor in Council for the sanction of such agreement. Action of Board.

5. Upon such agreement being sanctioned by the Governor in Council, a duplicate original of such agreement shall be filed in the office of the Secretary of State of Canada; and thereupon such agreement shall come into force and effect, and notice thereof shall be forthwith given in *The Canada Gazette*. Proceedings upon sanction. Notice.

6. Every railway and undertaking, or part thereof, in respect of which such an agreement is made, upon such agreement being sanctioned by the Governor in Council, shall be deemed and is hereby declared to be a work for the general advantage of Canada; and such railway and undertaking, or such part thereof, and, so far as concerns the same, every company which is a party to the agreement, shall be subject to the provisions of this Act. Railway affected declared for general advantage of Canada.

7. The production of *The Canada Gazette* containing the notice mentioned in subsection 5 of this section shall be *prima facie* evidence that the requirements of this section have been complied with. R.S., c. 37, s. 361. Am. Evidence.

**153.** Upon any agreement for amalgamation coming into effect, as provided in the last preceding section, the companies, parties to such agreement, shall, subject to the provisions of this Act and the Special Act authorizing such agreement to be entered into, be deemed to be amalgamated, and shall form one company, under the name and upon the terms and conditions in such agreement provided; and the amalgamated company shall possess and be vested with all the railways and undertakings, and all other the powers, rights, privileges, franchises, assets, effects, and properties, real, personal and mixed, belonging to, possessed by, or vested in the companies, parties to such agreement, or to which they, or any or either of them, may be or become entitled; and shall be liable for all claims, demands, rights, Amalgamation. Powers, etc., of amalgamated company.

securities, causes of action, complaints, debts, obligations, works, contracts, agreements, or duties, to as full an extent as any or either of such companies was, at or before the time when the amalgamation agreement came into effect. R.S., c. 37, s. 362.

Saving of rights and claims.

**154.** Notwithstanding anything in any agreement made or sanctioned under the provisions of the last two preceding sections, every act, matter or thing done, effected or confirmed under or by virtue of this Act, or the Special Act, before the date of the coming into effect of such agreement, shall be as valid as if such agreement had never come into effect; and such agreement shall be subject and without prejudice to every such act, matter or thing, and to all rights, liabilities, claims and demands, present or future, which would be incident to, or consequent upon such act, matter or thing if such agreement had never come into effect.

Amalgamated company in place of former companies.

2. In the case of an agreement for amalgamation, as to all acts, matters and things so done, effected or confirmed, and as to all such rights, liabilities, claims and demands, the amalgamated company shall for all purposes stand in the place of and represent the companies who are parties thereto and the generality of the provisions of this section shall not be deemed to be restricted by any Special Act, unless this section is expressly referred to in such Special Act, and expressly limited or restricted thereby. R.S., c. 37, s. 363.

*Agreements for Interchange of Traffic and Running Rights.*

Directors may make traffic agreements.

**155.** The directors of the company may, at any time, make and enter into any agreement or arrangement, not inconsistent with the provisions of this or the Special Act, with any other company, either in Canada or elsewhere, for the interchange of traffic between their railways or vessels, and for the division and apportionment of tolls in respect of such traffic.

And agreements for—

2. The directors may also make and enter into any agreement or arrangements, not inconsistent with the provisions of this or the Special Act, for any term not exceeding twenty-one years,—

Running powers;

(*a*) for the running of the trains of one company over the tracks of another company;

Division of tolls;

(*b*) for the division and apportionment of tolls in respect of such traffic;

Management and working;

(*c*) generally in relation to the management and working of the railways, or any of them, or any part thereof, and of any railway or railways in connection therewith; and,

(*d*) to provide, either by proxy or otherwise, for the appointment of a joint committee for the better carrying into effect of any such agreement or arrangement, with such powers and functions as are considered necessary or expedient; Joint committee.

subject to the like consent of the shareholders, the sanction of the Governor in Council upon the recommendation of the Board, application, notices and filing, as hereinbefore provided with respect to amalgamation agreements: Provided that publication of notices in *The Canada Gazette* shall be sufficient notice, and that the duplicate original of such agreement or arrangement shall, upon being sanctioned, be filed with the Board. Conditions. Proviso.

3. The Board may, notwithstanding anything in this section, by order or regulation, exempt the company from complying with any of the foregoing conditions, with respect to any such agreement or arrangement made or entered into by the company for the transaction of the usual and ordinary business of the company, and where such consent of the shareholders is deemed by the Board to be unnecessary. Board may exempt from conditions.

4. Neither the making of any such arrangement or agreement, nor anything therein contained, nor any approval thereof, shall restrict, limit, or affect any power by this Act vested in the Board, or relieve the companies from complying with the provisions of this Act. R.S., c. 37, s. 364. Saving.

*Insolvent Companies.*

**156.** Where a company is unable to meet its engagements with its creditors, the directors may prepare a scheme of arrangement between the company and its creditors, and may file it in the Exchequer Court. Scheme may be filed in Exchequer Court.

2. Such scheme of arrangement may or may not include provisions for settling and defining any rights of shareholders of the company as among themselves, and for the raising if necessary of additional share and loan capital. May affect shareholders and capital.

3. There shall be filed with such scheme of arrangement,—

(*a*) a declaration in writing under the common seal of the company to the effect that the company is unable to meet its engagements with its creditors; and, Declaration to be filed.

(*b*) an affidavit made by the president and directors of the company, or by a majority of them, that such declaration is true to the best of their respective judgments and beliefs. Affidavit.

4. After the filing of the scheme, the Exchequer Court may, on the application of the company, on summons or motion in a summary way, restrain any action against Court may restrain action.

the company on such terms as the Exchequer Court thinks fit.

Notice of filing.

5. Notice of the filing of the scheme shall be published in *The Canada Gazette*.

No execution without leave.

6. After such publication of notice, no execution, attachment, or other process against the property of the company shall be available without leave of the Exchequer Court, to be obtained on summons or motion in a summary way. R.S., c. 37, s. 365.

Assent to scheme. By bondholders.

**157.** The scheme shall be deemed to be assented to,—

(*a*) by the holders of mortgages or bonds issued under the authority of this or any Special Act relating to the company, when it is assented to in writing by three-fourths in value of the holders of such mortgages or bonds;

By debenture holders.

(*b*) by the holders of debenture stock of the company, when it is assented to in writing by three-fourths in value of the holders of such stock;

By charge holders.

(*c*) by the holders of any rent charge, or other payment, charged on the receipts of or payable by the company in consideration of the purchase of the undertaking of another company, when it is assented to in writing by three-fourths in value of such holders;

By preference shareholders.

(*d*) by the guaranteed or preference shareholders of the company, when it is assented to in writing by three-fourths in value of such shareholders, if there is only one class of such shareholders, or three-fourths in value of each class, if there are more classes of such shareholders than one;

By ordinary shareholders.

(*e*) by the ordinary shareholders of the company, when it is assented to by a special meeting of the company called for that purpose.

Assent of leasing company.

2. Where the company is lessee of a railway, the scheme shall be deemed to be assented to by the leasing company when it is assented to,—

Bondholders.

(*a*) in writing, by three-fourths in value of the holders of mortgages, bonds and debenture stock of the leasing company;

Preference shareholders.

(*b*) in writing, by three-fourths in value of the guaranteed or preference shareholders of the leasing company, if there is only one such class, and by three-fourths in value of each class, if there are more classes than one of such shareholders; and,

Ordinary shareholders.

(*c*) by the ordinary shareholders of the leasing company, at a special meeting of that company called for that purpose.

No assent required from class

3. The assent to the scheme of any class of holders of mortgages, bonds or debenture stock, or of any class of

holders of a rent charge or other payment as aforesaid, or of any class of guaranteed or preference shareholders, or of a leasing company, shall not be requisite in case the scheme does not prejudicially affect any right or interest of such class or company. R.S., c. 37, s. 366. not interested.

**158.** If, at any time within three months after the filing of the scheme, or within such extended time as the Exchequer Court, from time to time, thinks fit to allow, the directors of the company consider the scheme to be assented to, as by this Act required, they may apply to the Exchequer Court by petition in a summary way for confirmation of the scheme. Application for confirmation of scheme.

2. Notice of any such application shall be published in *The Canada Gazette*. Notice of application

3. The Court, after hearing the directors, and any creditors, shareholders or other persons whom it thinks entitled to be heard on the application, may confirm the scheme, if satisfied that the scheme has been assented to, as required by this Act, within three months after the filing of it, or within such extended time, if any, as the Court has allowed, and that no sufficient objection to the scheme has been established. Confirmation of court.

4. The scheme when confirmed shall be enrolled in the Exchequer Court, and thenceforth it shall be binding and effectual to all intents, and the provisions thereof shall, against and in favour of the company and all persons assenting thereto or bound thereby, have the like effect as if they had been enacted by Parliament. Enrolment in court.

5. Notice of the confirmation and enrolment of the scheme shall be published in *The Canada Gazette*. R.S., c. 37, s. 367. Notice thereof.

**159.** The Judge of the Exchequer Court may make general rules for the regulation of the practice and procedure of the Court under the three last preceding sections of this Act, which rules shall have force and effect when they are approved by the Governor in Council. R.S., c. 37, s. 368. Rules of practice.

**160.** The company shall at all times keep at its principal or head office printed copies of the scheme when confirmed and enrolled, and shall sell such copies to all persons desiring to buy them at a reasonable price, not exceeding ten cents for each copy. R.S., c. 37, s. 369. Copies of the scheme to be kept for sale.

*Sale of Subsidized Railways not kept in Repair.*

Subsidized railways must be in safe and efficient condition.

**161.** Whenever it is made to appear to the Minister that any railway owned by a company incorporated by the Parliament of Canada, the construction of which has been aided by a subsidy from the Government of Canada, cannot by reason of the condition of such railway or of its equipment be safely and efficiently operated, the Minister may apply to the Board for an order that the said railway, or its equipment, or both, shall be put in a safe and efficient condition, which order the Board is hereby authorized to make after such notice to the president or manager of the company and the trustee of the bondholders, if any, as to the Board seems reasonable, and the Board may, by order, direct what repairs, improvements or additions shall be made to the said railway, or equipment, or both, and within what times the same shall be undertaken and completed respectively.

Application to Board.

On failure of company to comply with order, a lien may be created.

2. If the company fails to comply with such order of the Board, the Governor in Council may, upon the recommendation of the Minister, approve of such order, and direct that a copy of such order and of the order of the Governor in Council approving thereof, certified by the Secretary of the Board and the Clerk of the Privy Council respectively, shall be filed by the Minister in the office of the Registrar of Deeds of each county through which such railway runs, and upon such orders being so filed there shall, *ipso facto*, be created a first lien or mortgage upon the said railway and its equipment in favour of His Majesty for the amount of the said subsidy, which shall immediately thereupon become due and payable to His Majesty. Such lien may be enforced by His Majesty in the same manner and by the like proceedings as any other lien upon property may be enforced by His Majesty in the Exchequer Court of Canada. The said Court may order such railway and its equipment to be sold to satisfy such lien, and pending such lien may appoint a receiver to manage and operate such railway. Any moneys realized from such sale may, with the consent of the purchaser, be applied by the Minister under the direction of the Chief Engineer of Government Railways towards the repair and improvement of such railway and equipment so far as the same may be deemed necessary by the Minister, and any moneys so realized, and not in the opinion of the Minister required for such repairs and improvements, may be paid to the company owning the railway at the time of the sale, or to the trustee for the holders of any outstanding bonds or other securities secured upon such railway. 1-2 G.V., c. 22, s. 13. Am.

Enforcement of lien.

*Limitation of Time for Construction.*

Commencement.

**162.** (*a*) If the construction of the railway is not commenced and fifteen per centum of the amount of the capital stock is not expended thereon in survey and actual construction work, or, in the case of a branch or extension of the railway, if fifteen per centum of the bond issue authorized therefor is not expended thereon in actual construction work, within two years after the passing of the Act authorizing the construction of such railway, branch or extension, as the case may be, or, where the Parliament of Canada grants an extension of the time for commencing such construction, within the time so granted; or,

Completion.

(*b*) if the railway or branch or extension, as the case may be, is not completed and put in operation within five years from the passing of such Act, or, where the Parliament of Canada grants an extension of time for completion, within the time so granted;

then the powers granted by such Act or by this Act shall cease and be null and void as respects so much of the railway or branch or extension, as the case may be, as then remains uncompleted. R. S., c. 37, s. 150. Am.

*General Powers.*

Powers of company.

**163.** The company may, for the purposes of the undertaking, subject to the provisions in this and the Special Act contained,—

Entry upon lands.

(*a*) enter into and upon any Crown lands without previous license therefor, or into or upon the lands of any person whomsoever, lying in the intended route or line of the railway, and make surveys, examinations or other necessary arrangements on such lands for fixing the site of the railway, and set out and ascertain such parts of the lands as are necessary and proper for the railway;

Surveys.

Receive grants and bonuses.

(*b*) receive, take and hold, all voluntary grants and donations of lands or other property or any bonus of money or debentures, or other benefit of any sort, made to it for the purpose of aiding in the construction, maintenance and accommodation of the railway; but the same shall be held and used for the purpose of such grants or donations only;

Acquire property.

(*c*) purchase, take and hold of and from any person, any lands or other property necessary for the construction, maintenance and operation of the railway, and also

Dispose of

property not required.

alienate, sell or dispose of, any lands or property of the company which for any reason have become not necessary for the purposes of the railway;

Placing of railway.

(*d*) make, carry or place the railway across or upon the lands of any person on the located line of the railway;

Cross and connect with other railways.

(*e*) cross any railway, or join the railway with any other railway at any point on its route, and upon the lands of such other railway, with the necessary conveniences for the purposes of such connection;

Construct and operate railways.

(*f*) make, complete, operate, alter and maintain the railway with one or more sets of rails or tracks, to be worked by the force and power of steam, electricity, or of the atmosphere, or by mechanical power, or any combination of them;

Buildings, equipment, etc.

(*g*) construct, erect and maintain all necessary and convenient roads, buildings, stations, depots, wharfs, docks, elevators, and other structures, and construct, purchase and acquire stationary or locomotive engines, rolling stock,and other apparatus necessary for the accommodation and use of the traffic and business of the railway;

Branch railways.

(*h*) make branch railways, and manage the same, and for that purpose exercise all the powers, privileges and authority necessary therefor, in as full and ample a manner as for the railway;

Transport passengers and freight.

(*i*) take, transport, carry and convey persons and goods on the railway, and regulate the time and manner in which the same shall be transported, and the tolls to be charged therefor;

Remove trees.

(*j*) fell or remove any trees which stand within one hundred feet from either side of the right of way of the railway, or which are liable to fall across any railway track;

Make tunnels and other works.

(*k*) make or construct in, upon, across, under or over any railway, tramway, river, stream, watercourse, canal, or highway, which it intersects or touches, temporary or permanent inclined planes, tunnels, embankments, aqueducts, bridges, roads, ways, passages, conduits, drains, piers, arches, cuttings and fences;

Divert highways and waterways.

(*l*) divert or alter, as well temporarily as permanently, the course of any such river, stream, watercourse or highway, or raise or sink the level thereof, in order the more conveniently to carry the same over, under or by the side of the railway;

Construct drains.

(*m*) make drains or conduits into, through or under any lands adjoining the railway, for the purpose of conveying water from or to the railway;

Divert drains, pipes and wires.

(*n*) divert or alter the position of any water pipe, gas-pipe, sewer or drain, or any telegraph, telephone or electric lines, wires or poles;

(*o*) construct, acquire and use telegraph, telephone or electric lines and plant; Telegraph, etc.

(*p*) from time to time alter, repair or discontinue the works hereinbefore mentioned, or any of them, and substitute others in their stead; and, Alter and substitute other works.

(*q*) do all other acts necessary for the construction, maintenance and operation of the railway. R.S., c. 37, s. 151. Other necessary acts.

2. The tracks of every railway, the construction of which is hereafter commenced, shall be of the standard gauge of four feet eight and one-half inches, unless otherwise permitted by the Board. New. Gauge.

**164.** The company shall restore, as nearly as possible, to its former state, any river, stream, watercourse, highway, water pipe, gas-pipe, sewer or drain, or any telegraph, telephone or electric line, wire or pole, which it diverts or alters, or it shall put the same in such a state as not materially to impair the usefulness thereof. R.S., c. 37, s. 154. Diversions and alterations, to be made good.

**165.** The company shall, in the exercise of the powers by this or the Special Act granted, do as little damage as possible, and shall make full compensation, in the manner herein and in the Special Act provided, to all persons interested, for all damage by them sustained by reason of the exercise of such powers. R.S., c. 37, s. 155. Damage. Compensation.

**166.** Any company operating a railway from any point in Canada to any point on the international boundary line may exercise, beyond such boundary, in so far as permitted by the laws there in force, the powers which it may exercise in Canada. R.S. c. 37, s. 156. Exercise of powers in United States.

*Commencement of Works.*

**167.** The company shall not, except as in this Act otherwise provided, commence the construction of the railway, or any section or portion thereof, until the general location has been approved by the Board as hereinafter provided, nor until the plan, profile and book of reference have been sanctioned by and deposited with the Board and duly certified copies thereof deposited with the registrars of deeds, in accordance with the provisions of this Act. R.S., c. 37, s. 168 (1). Am. Requirements before works commenced.

LOCATION OF LINE.

*Approval of Board.*

**168.** The company shall prepare, and submit to the Board, in duplicate, a map showing the general location of Map.

Contents. the proposed line of the railway, the termini and the principa towns and places through which the railway is to pass, giving the names thereof, the railways, navigable streams and tide-waters, if any, to be crossed by the railway, and such as may be within a radius of thirty miles of the proposed railway, and, generally, the physical features of the country through which the railway is to be constructed, and shall give such further or other information as the Board may require.

Scale. 2. Such map shall be prepared upon a scale not smaller than six miles to the inch, or upon such other appropriate scale as the Board may determine, and shall be accompanied by an application in duplicate, stating the Special Act authorizing the construction of such railway, and requesting the Board's approval of the general location as shown on the said map.

Application.

Approval of Board. 3. The Board may approve such map and location, or any portion thereof, or may make or require such changes and alterations therein as it deems expedient; but if the Board deems that the construction of a railway upon the proposed location or upon any portion thereof is not in the public interest it shall refuse approval of the whole or of such portion; and in any case where the Board deems it in the public interest it may, as to any portion of the proposed railway, make any order, or require the taking of any proceedings, provided for by section 194 of this Act.

Filing.

Board may approve whole or portion. 4. Where the Board approves the whole or any portion of such map and location such approval shall be signified upon the map and the duplicate thereof accordingly.

5. The map when so approved and the application shall be filed in the Department of Railways and Canals and the duplicate thereof with the Board.

Application of section. 6. The provisions of this section shall only apply to the main line, and to branch lines over six miles in length. R.S., c. 37, s. 157. Am.

*Plan, Profile and Book of Reference.*

Plan, profile and book of reference **169.** Upon compliance with the provisions of the last preceding section, the company shall make a plan, profile and book of reference of the railway.

2. The plan shall show,—

Plan. (*a*) the right of way, with lengths of sections in miles;

(*b*) the names of terminal points ;

(*c*) the station grounds ;

(*d*) the property lines and owners' names;

(*e*) the areas and length and width of lands proposed to be taken, in figures, stating every change of width;

(*f*) the bearings; and,

(*g*) all open drains, watercourses, highways and railways proposed to be crossed or affected.

Profile.

3. The profile shall show the grades, curves, highway and railway crossings, open drains and watercourses.

Book of reference.

4. The book of reference shall describe the portion of land proposed to be taken in each lot to be traversed, giving numbers of the lots, and the area, length and width of the portion of each lot proposed to be taken, and names of owners and occupiers so far as they can be ascertained.

Further information.

5. The Board may require any additional information for the proper understanding of the plan and profile.

Sections.

6. The plan, profile and book of reference may be of a section or sections of the railway.

Quebec.

7. In the province of Quebec the portion of the railway comprised in each municipality shall be indicated on the plan, and in the book of reference, by separate number or numbers. R.S., c. 37, s. 158.

Plans and profiles, how prepared.

**170.** All plans and profiles required by law to be deposited by the company with the Board, shall be drawn to such scale, with such detail, upon such materials, and shall be of such character, as the Board may, either by general regulation, or in any case, require or sanction.

Certification.

2. All such plans and profiles shall be certified and signed by the president or vice-president or general manager, and also by the engineer of the company.

Book of reference.

3. Any book of reference, required to be so deposited, shall be prepared to the satisfaction of the Board.

Board may refuse sanction.

4. Unless and until such plan, profile and book of reference are so made satisfactory to the Board, the Board may refuse to sanction the same, or to allow the same to be deposited with the Board. R.S., c. 37, s. 165.

*Sanction of Board.*

Sanction by Board.

**171.** Such plan, profile and book of reference shall be submitted to the Board which, if satisfied therewith, may sanction the same.

Effect.

2. The Board by such sanction shall be deemed to have approved merely the location of the railway and the grades and curves thereof, as shown in such plan, profile and book of reference, but not to have relieved the company from otherwise complying with this Act.

Board may sanction deviation of 1 mile.

3. In granting any such sanction the Board shall be bound by the general location as already approved by the Board, and shall not, without the filing of an amended map of the general location with the Department of Railways

and Canals, sanction a deviation of more than one mile from any one point on the said general location so approved.

Further information.

4. Before sanctioning any plan, profile or book of reference of a section of a railway, the Board may require the company to submit the plan, profile and book of reference of the whole or of any portion of the remainder of the railway, or such further or other information as the Board may deem expedient. R.S., c. 37, s. 159 (1)–(4).

Board may fix time for acquiring land.

**172.** In granting any such sanction, or in giving leave under any provision of this Act to take lands without the consent of the owner, the Board may fix a period,—

(*a*) within which the company must acquire the lands or take the necessary steps for such purpose; or

(*b*) within which the notice mentioned in section 216 shall be conclusively deemed to have been given.

Application for time limit.

2. In the event of the order granting such sanction or leave, whether made before or after the passing of this Act, providing no such time limit, any owner or person interested in the lands may apply to the Board for an order that the company shall acquire such lands, or take the necessary steps for such purpose, within such time as the Board deems proper, and thereupon the Board may make such order in the premises as appears just.

Company must acquire within one year.

3. Where no time is fixed by the Board as above mentioned, if the company, within one year after any such sanction or leave has been given by the Board, or in any case where no such sanction or leave is necessary, if the company within one year after the plan, profile and book of reference have been deposited with the registrar of deeds, does not either acquire the lands covered by such sanction, leave, or plan, profile and book of reference, or give the notice mentioned in section 216 in respect thereof, the company's right to take or enter upon, without the consent of the owner, any part of such lands which it has not within the said year either acquired or given such notice in respect of, shall at the expiration of such year absolutely cease and determine, unless the Board, after notice to the owner and upon such terms as the Board may deem proper, otherwise orders. 1–2 G.V., c. 22, s. 4. Am.

*Deposit of Plans, etc., after Sanction.*

Deposit with Board.

**173.** The plan, profile and book of reference, when so sanctioned, shall be deposited with the Board, and each plan shall be numbered consecutively in order of deposit.

With registrar of deeds

2. The company shall also deposit copies thereof, or of such parts thereof as relate to each district or county through

which the railway is to pass, duly certified as copies by the Secretary, in the offices of the registrars of deeds for such districts or counties respectively. R.S., c. 37, s. 160.

*Errors.*

Errors.

**174.** The railway may be made, carried or placed across or upon the lands of any person on the located line, although through error or any other cause, the name of such person has not been entered in the book of reference, or although some other person is erroneously mentioned as the owner of or entitled to convey, or as interested in such lands. R.S., c. 37, s. 161.

Corrections.

Procedure.

Notice.

**175.** Where any omission, misstatement or error is made in any plan, profile or book of reference so registered, the company may apply to the Board for a certificate to correct the same.

2. The Board may, in its discretion, require notice to be given to parties interested, and, if it appears to the Board that such omission, misstatement or error arose from mistake, may grant a certificate setting forth the nature of the omission, misstatement or error and the correction allowed.

Deposit.

3. Upon the deposit of such certificate with the Board, and of copies thereof, certified as such by the Secretary, with the registrars of deeds of the districts or counties, respectively, in which such lands are situate, the plan, profile or book of reference shall be taken to be corrected in accordance therewith, and the company may, thereupon, subject to this Act, construct the railway in accordance with such correction.

Powers of two justices.

4. Two justices may exercise the powers of the Board under this section. R.S., c. 37, s. 162.

*Deposit of Plans, etc., of Completed Railway.*

Plan and profile of completed line must be filed.

With Board.

**176.** A plan and profile of the completed railway or of any part thereof which is completed and in operation, and of the land taken or obtained for the use thereof, shall, within six months after completion of the undertaking, or within six months after beginning to operate any such completed part, as the case may be, or within such extended or renewed period as the Board at any time directs, be made and filed with the Board.

At registry offices.

2. Plans of the parts of such railway so completed or in operation located in different districts and counties, prepared on such a scale, and in such manner and form, and signed or authenticated in such manner, as the Board may from time to time, by general regulation or in any individual case,

sanction or require, shall be filed in the registry offices for the districts and counties in which such parts are respectively situate. R.S., c. 37, s. 164.

*Duties of Registrars of Deeds.*

Duties of registrars of deeds.

**177.** Every registrar of deeds shall receive and preserve in his office, all plans, profiles, books of reference, certified copies thereof, and other documents, required by this Act to be deposited with him, and shall endorse thereon the day, hour and minute when the same were so deposited.

Extracts and copies.

Fees.

2. All persons may resort to such plans, profiles, books of reference, copies and documents so deposited, and may make extracts therefrom, and copies thereof, as occasion requires, paying the registrar therefor at the rate of ten cents for each hundred words, so copied or extracted, and ten cents for each copy made of any plan or profile.

Registrar to furnish certified copies.

3. The registrar shall, at the request of any person, certify copies of any plan, profile, book of reference, certified copy thereof, or other document, deposited in his office under the provisions of this Act, or of such portions thereof as may be required, on being paid therefor at the rate of ten cents for each hundred words copied, and such additional sum, for any copy of plan or profile furnished by him, as is reasonable and customary in like cases, together with fifty cents for each certificate given by him.

Certificate of registrar.

4. Such certificate of the registrar shall set forth that the plan, profile or document, a copy of which, or of any portion of which, is certified by him, is deposited in his office, and shall state the time when it was so deposited, and that he has carefully compared the copy certified with the document on file, and that the same is a true copy of such original.

Evidence.

5. Such certified copy shall be *prima facie* evidence of the original so deposited, that such original was so deposited at the time stated and certified, and that the same was signed, certified, attested or otherwise executed by the persons by whom and in the manner in which the said original purports to be signed, certified, attested or executed, as shown or appearing by such certified copy; and, in the case of a plan, that such plan is prepared according to a scale and in a manner and form sanctioned by the Board. R.S., c. 37, ss. 163, 74.

*Board may Require Further Plans, etc.*

Further plans, etc., as Board requires.

**178.** In addition to the plans, profiles and books of reference elsewhere provided for, the company shall, with all reasonable expedition, prepare and deposit with the Board, any other or further plans, profiles, or books of

reference of any portion of the railway, or of any siding, station or works thereof, which the Board may from time to time order or require. R.S., c. 37, s. 166.

*Deviations, Changes and Removal.*

Deviations, changes or alterations.

**179.** If any deviation, change or alteration is required by the company to be made in the railway, or any portion thereof, as already constructed, or as merely located and sanctioned, a plan, profile and book of reference of the portion of such railway proposed to be changed, showing the deviation, change or alteration proposed to be made, shall, in like manner as hereinbefore provided with respect to the original plan, profile and book of reference, be submitted for the approval of the Board, and may be sanctioned by the Board.

Plan, profile, etc.

Sanction.

Deposit.

2. The plan, profile and book of reference of the portion of such railway so proposed to be changed shall, when so sanctioned, be deposited and dealt with as hereinbefore provided with respect to such original plan, profile and book of reference.

Company may execute works.

3. The company may thereupon make such deviation, change, or alteration, and all the provisions of this Act shall apply to the portion of such line of railway, at any time so changed or proposed to be changed, in the same manner as they apply to the original line.

Board may dispense with proceedings.

4. The Board may, either by general regulation, or in any particular case, exempt the company from submitting the plan, profile and book of reference,as in this section provided, where such deviation, change, or alteration, is made, or to be made, for the purpose of lessening a curve, reducing a gradient, or otherwise benefiting the railway, or for any other purpose of public advantage, as may seem to the Board expedient, if such deviation, change, or alteration does not exceed three hundred feet from the centre line of the railway, located, or constructed, in accordance with the plans, profiles and books of reference deposited with the Board under this Act.

Termini to be observed.

5. Nothing in this section shall be taken to authorize any extension of the railway beyond the termini mentioned in the Special Act. R.S., c. 37, s. 167.

Unauthorized changes forbidden.

**180.** The company shall not, at any time, make any change, alteration or deviation in the railway, or any portion thereof, until the provisions of the last preceding section are fully complied with, or remove, close, or abandon any station, or divisional point without leave of the Board; and where a change is made in the location of a divisional point the company shall compensate its employees as the

Compensation.

Board deems proper for any financial loss caused to them by change of residence necessitated thereby. 3-4 G. V., c. 44, s. 2.

*Branch Lines.*

Power to construct.

**181.** The company may, for the purposes of its undertaking, construct, maintain and operate branch lines, not exceeding in any one case six miles in length, from the main line of the railway or, except as hereinafter provided, from any branch thereof. R.S., c. 37, s. 221.

Procedure.

**182.** Before commencing to construct any such branch line, the company shall,—

Plans, etc.

(*a*) make a plan, profile and book of reference, showing the proposed location of the branch line, with the particulars hereinbefore required as to plans, profiles and books of reference of the main line, and deposit the same, or such parts thereof as relate to each district or county through which the branch line is to pass, in the offices of the registrars of deeds for such districts or counties respectively;

Notice of application to Board.

(*b*) upon such deposit, give four weeks' public notice of its intention to apply to the Board under this section, in some newspaper published in each county or district through which the branch line is to pass, or, if there should be no newspaper published in such county or district, then for the same period in *The Canada Gazette:* Provided that the Board may dispense with or shorten the time of such notice in any case where it deems proper; and,

Papers to be submitted.

(*c*) after the expiration of the notice submit to the Board, upon such application, a duplicate of the plan, profile and book of reference so deposited. R.S., c. 37, s. 222.

Board may authorize branch line.

**183.** The Board, if satisfied that the branch line is necessary in the public interest or for the purpose of giving increased facilities to business, and if satisfied with the location of such branch line, and the grades and curves as shown on such plan, profile and book of reference, may, in writing, authorize the construction of the branch line in accordance with such plan, profile and book of reference, or subject to such changes in location, grades and curves as the Board may direct.

Time for construction.

2. Such authority shall limit the time, not exceeding two years, within which the company shall construct and complete such branch line. R.S., c. 37, s. 223.

**184.** There shall be deposited with the Board the authority and the duplicate of such plan, profile and book of reference, together with such papers and plans as are necessary to show and explain any changes directed by the Board, under the provisions of the last preceding section. Papers to be deposited with Board.

2. The company shall deposit in the registry offices of the counties or districts through which the branch line is to pass, copies, certified as such by the Secretary, of the authority, and of the papers and plans, showing any changes directed by the Board. Copies with registrars of deeds.

3. No branch line shall be,— No extension allowed.

(*a*) extended under the foregoing provisions for the construction of branch lines; or,

(*b*) constructed so as to form, in effect, an extension of the railway beyond the termini mentioned in the Special Act.

4. Except with reference to branch lines authorized by the Special Act to be constructed between any two points or places definitely fixed or named therein, no power to construct branch lines in any Special Act contained, inconsistent with the foregoing provisions for the construction of branch lines, shall have any force or effect after the first day of February, one thousand nine hundred and seven: Provided that nothing in this subsection shall be deemed to take away or impair the rights or powers of any company under any contract with the Government of Canada, approved and ratified by a Special Act of the Parliament of Canada. R.S., c. 37, s. 224. Special Act controlled. Saving.

**185.** Upon compliance with the requirements of the last four preceding sections all the other provisions of this Act, except those relating to the sanction by the Board of the plan, profile and book of reference of the railway, and the deposit thereof with the Board and in the offices of the registrars of deeds for the districts or counties through which the railway is to pass, shall, in so far as applicable, apply to the branch lines so authorized, and to the lands to be taken for such branch lines. R.S., c. 37, s. 225. Provisions applicable.

*Industrial Spurs.*

**186.** Where any industry or business is established or intended to be established, within six miles of the railway, and the owner of such industry or business, or the person intending to establish the same, is desirous of obtaining railway facilities in connection therewith, but cannot agree with the company as to the construction and operation of a spur or branch line from the railway thereto, the Board may, on the application of such owner or person, and upon Branch lines required by owner of any industry.

being satisfied of the necessity for such spur or branch line in the interests of trade, order the company to construct, maintain and operate such spur or branch line, and may direct such owner or person to deposit in some chartered bank such sum or sums as are by the Board deemed sufficient, or are by the Board found to be necessary to defray all expenses of constructing and completing the spur or branch line in good working order, including the cost of the right of way, incidental expenses and damages.

Owner to deposit cost.

Payment therefrom to the company.

2. The amount so deposited shall, from time to time, be paid to the company upon the order of the Board, as the work progresses.

Repayment to owner by rebate on tolls.

3. The aggregate amount so paid by the applicant in the construction and completion of the said spur or branch line shall be repaid or refunded to the applicant by the company by way of rebate, to be determined and fixed by the Board, out of or in proportion to the tolls charged by the company in respect of the carriage of traffic for the applicant over the said spur or branch line.

Lien to owner meantime.

4. Until so repaid or refunded, the applicant shall have a special lien for such amount upon such branch line, to be reimbursed by rebate as aforesaid.

Discharge of lien.

5. Upon repayment by the company to such applicant of all payments made by the applicant upon such construction, the said spur or branch line, right of way and equipment shall become the absolute property of the company free from any such lien.

Operation of branch to be regulated by Board.

6. The operation and maintenance of the said spur or branch line by the company, shall be subject to and in accordance with such order as the Board makes with respect thereto, having due regard to the requirements of the traffic thereon, and to the safety of the public and of the employees of the company.

Provisions applicable.

7. All the provisions of this Act respecting the construction of spur or branch lines shall apply to any spur or branch line constructed under this section. R.S., c. 37, s. 226.

Use of spur for another industry.

**187.** Notwithstanding any agreement or arrangement made, or anything done, under the last preceding section, the Board may, on application, permit any owner of another industry or business or any person intending to establish another industry or business, within six miles of the railway, to have traffic carried over any spur or branch line, or any part thereof, constructed pursuant to the said section: Provided that any terms and conditions which the Board thinks just and reasonable shall always be imposed, and regard shall always be had to the convenience of the owner or person having senior rights in such spur or branch line. New.

**188.** No branch line or spur constructed pursuant to either of the last two preceding sections shall be removed without the consent of the Board. New. Removal.

*Stations.*

**189.** Before the company proceeds to erect any station upon its railway, the location of such station shall be approved of by the Board. Stations, location of to be approved by Board.

2. Every station of the company shall be erected, operated and maintained with good and sufficient accommodation and facilities for traffic. Facilities.

3. The company shall erect, maintain and operate stations at any points on the railway designated by the Board, and shall provide such accommodation and facilities in connection therewith as the Board directs. Board may order station.

4. In the case of any railway, whether subject to the legislative authority of the Parliament of Canada or not, subsidized in money or in land, after the eighteenth day of July, one thousand nine hundred, under the authority of an Act of the Parliament of Canada, the payment and acceptance of such subsidy shall be taken to be subject to the covenant or condition, whether expressed or not in any agreement relating to such subsidy, that the company, for the time being owning or operating such railway, shall, when thereto directed by order of the Board, maintain and operate stations, with such accommodation or facilities in connection therewith as are defined by the Board, at such points on the railway as are designated in such order. R.S., c. 37, s. 258. Am. On railways subsidized by Parliament.

THE TAKING AND USING OF LANDS.

*Restrictions—Crown Lands.*

**190.** No company shall take possession of, use or occupy any lands vested in the Crown, without the consent of the Governor in Council. Crown lands.

2. Any railway company may, with such consent, upon such terms as the Governor in Council prescribes, take and appropriate, for the use of its railway and works, so much of the lands of the Crown lying on the route of the railway which have not been granted or sold, as is necessary for such railway, and also so much of the public beach, or bed of any lake, river or stream, or of the land so vested covered with the waters of any such lake, river or stream as is necessary for making and completing and using its said railway and works. Consent.

3. The company may not alienate any such lands so taken, used or occupied. May not alienate.

In trust.

Compensation.

4. Whenever any such lands are vested in the Crown for any special purpose, or subject to any trust, the compensation money which the company pays therefor shall be held or applied by the Governor in Council for the like purpose or trust. R.S., c. 37, s. 172.

*Public Beach and Waters.*

Public beach and lands covered with water.

**191.** The extent of the public beach, or of the land covered with the waters of any river or lake in Canada, taken for the railway, shall not exceed the quantity hereinafter limited in the case of lands which may be taken without the consent of the owner. R.S., c. 37, s. 173.

*Naval and Military Lands*

Naval or military lands.

**192.** Whenever it is necessary for the company to occupy any part of the lands belonging to the Crown reserved for naval or military purposes, it shall first apply for and obtain the license and consent of the Crown, under the hand and seal of the Governor General.

License or consent.

2. No such license or consent shall be given, except upon a report first made thereupon by the naval or military authorities, in which such lands are for the time being vested, approving of such license and consent being so given.

Entry.

3. The company may, with such license and consent, at any time or times enter into and enjoy any of the said lands for the purposes of the railway. R.S., c. 37, s. 174.

*Indian Lands.*

Indian lands

**193.** No company shall take possession of or occupy any portion of any Indian reserve or lands, without the consent of the Governor in Council.

Consent.

2. When, with such consent, any portion of any such reserve or lands is taken possession of, used or occupied by any railway company, or when the same is injuriously affected by the construction of any railway, compensation shall be made therefor as in the case of lands taken without the consent of the owner. R.S., c. 37, s. 175.

*Other Railways.*

Lands of other companies.

Use of tracks, etc.

**194.** The company may take possession of, use or occupy any lands belonging to any other railway company, use and enjoy the whole or any portion of the right of way, tracks, terminals, stations or station grounds of any other railway company, and have and exercise full right and power to run and operate its trains over and upon any

portion or portions of the railway of any other railway company, subject always to the approval of the Board first obtained and to any order and direction which the Board may make in regard to the exercise, enjoyment or restriction of such powers or privileges. Approval of Board.

2. Such approval may be given upon application and notice, and, after hearing, the Board may make such order, give such directions, and impose such conditions or duties upon either party as to it may appear just or desirable, having due regard to the public and all proper interests. Procedure therefor.

3. If the parties fail to agree as to compensation, the Board may, by order, fix the amount of compensation to be paid in respect of the powers and privileges so granted. R.S., c. 37, s. 176. Compensation.

4. Where the proposed location of any new railway is close to or in the neighborhood of an existing railway, and the Board is of opinion that it is undesirable in the public interest to have the two separate rights of way in such vicinity, the Board may, when it deems proper, upon the application of any company, municipality or person interested, or of its own motion, order that the company constructing such new railway shall take the proceedings provided for in subsection 1 of this section to such extent as the Board deems necessary in order to avoid having such separate rights of way. Board may order proceedings.

5. The Board, in any case where it deems it in the public interest to avoid the construction of one or more new railways close to or in the neighborhood of an existing railway, or to avoid the construction of two or more new railways close to or in the neighborhood of each other, may, on the application of any company, municipality or person interested, or of its own motion, make such order or direction for the joint or common use, or construction and use, by the companies owning, constructing or operating such railways, of one right of way, with such number of tracks, and such terminals, stations and other facilities, and such arrangements respecting them, as may be deemed necessary or desirable. New. Joint use of tracks, etc.

*Mines and Minerals.*

**195.** No company shall, without the authority of the Board, locate the line of its proposed railway, or construct the same or any portion thereof, so as to obstruct or interfere with, or injuriously affect the working of, or the access or adit to any mine then open, or for the opening of which preparations are, at the time of such location, being lawfully and openly made. R.S., c. 37, s. 169. Mines to be protected.

Company not entitled to minerals.

**196.** The company shall not, unless the same have been expressly purchased, be entitled to any mines, ores, metals, coal, slate, mineral oils, gas or other minerals in or under any lands purchased by it, or taken by it under any compulsory powers given it by this Act, except only such parts thereof as are necessary to be dug, carried away or used in the construction of the works.

Exception.

Not included in conveyance.

2. All such mines and minerals, except as aforesaid, shall be deemed to be excepted from the conveyance of such lands, unless they have been expressly named therein and conveyed thereby. R.S., c. 37, s. 170.

Mining under or within 40 yards of any railway.

**197.** No owner, lessee or occupier of any such mines or minerals lying under the railway or any of the works connected therewith, or within forty yards therefrom, shall work the same until leave therefor has been obtained from the Board.

Application for leave of Board.

2. Upon any application to the Board for leave to work any such mines or minerals, the applicant shall submit a plan and profile of the portion of the railway to be affected thereby, and of the mining works or plant affecting the railway, proposed to be constructed or operated, giving all reasonable and necessary information and details as to the extent and character of the same.

Protection and safety of the public.

3. The Board may grant such application upon such terms and conditions for the protection and safety of the public as to the Board seem expedient, and may order that such other works be executed, or measures taken, as under the circumstances appear to the Board best adapted to remove or diminish the danger arising or likely to arise from such mining operations. R.S., c. 37, s. 171.

Board may order compensation in certain cases.

**198.** The company shall, from time to time, pay to the owner, lessee, or occupier of any such mines such compensation as the Board shall fix and order to be paid, for or by reason of any severance by the railway of the land lying over such mines, or because of the working of such mines being prevented, stopped or interrupted, or of the same having to be worked in such manner and under such restrictions as not to injure or be detrimental to the railway, and also for any minerals not purchased by the company which cannot be obtained by reason of the construction and operation of the railway. New. (See Ont. 3–4 G. V., c. 36, s. 135.)

Examination of mine workings.

**199.** If necessary in order to ascertain whether any such mines are being worked, or have been worked, so as to injure or be detrimental to the railway or its safety or

the safety of the public, the company may with the written permission of the Board, after giving twenty-four hours notice in writing, enter upon any lands through or near which the railway passes wherein any such mines are being worked, and enter into and return from any such mines or the works connected therewith; and for such purpose may make use of any apparatus of such mines and use all necessary means for discovering the distance from the railway to the parts of such mines which are being worked. New. (See Ont. 3–4 G. V., c. 36, s. 136.)

*Extent of Lands that may be Taken without Consent.*

Lands taken without consent.

**200.** The lands which may be taken without the consent of the owner shall not, subject to the provisions of the next following section, exceed,—

For right of way.

(*a*) for the right of way, one hundred feet in breadth, except in places where the rail level is or is proposed to be more than five feet above or below the surface of the adjacent lands, when such additional width may be taken as shall suffice to accommodate the slope and side ditches;

For stations, etc.

(*b*) for stations, depots and yards, with the freight sheds, warehouses, wharfs, elevators and other structures for the accommodation of traffic incidental thereto, one mile in length by five hundred feet in breadth, including the width of the right of way. R.S., c. 37, s. 177.

*Leave to Take Additional Lands.*

Where more ample space required.

**201.** Should the company require, at any point on the railway, more ample space than it possesses or may take under the last preceding section, for the convenient accommodation of the public, or for the traffic on its railway, or for protection against snowdrifts, or for the diversion of a highway, or for the substitution of one highway for another, or for the construction or taking of any works or measures ordered by the Board under any of the provisions of this Act or the Special Act, or to secure the efficient construction, maintenance or operation of the railway, it may, whether before or after the railway has been opened for the carriage of traffic, apply to the Board for authority to take the same for such purposes, without the consent of the owner.

Procedure.

2. The company shall give ten days' notice of such application to the owner or possessor of such lands, and shall, upon such application, furnish to the Board copies of such notices, with affidavits of the service thereof.

What application must include.

3. The company, upon such application, shall also furnish to the Board, in duplicate,—

Plan, etc.

(*a*) a plan, profile and book of reference of the portion of the railway affected, showing the additional lands required, and certified as hereinbefore provided with respect to plans and profiles required to be deposited by the company with the Board;

Particulars to be specified.

(*b*) an application, in writing, for authority to take such lands, signed and sworn to by the president, vice-president, general manager or engineer of the company, referring to the plan, profile and book of reference, specifying definitely and in detail the purposes for which each portion of the lands is required, and the necessity for the same, and showing that no other land suitable for such purposes can be acquired at such place on reasonable terms and with less injury to private rights.

Authority from Board.

4. After the time stated in such notices, and the hearing of such parties interested as may appear, the Board may, in its discretion, and upon such terms and conditions as the Board deems expedient, authorize in writing the taking, for the said purposes, of the whole or any portion of the lands applied for.

In duplicate.

5. Such authority shall be executed in duplicate, and one of such duplicates shall be filed, with the plan, profile, book of reference, application and notices, with the Board; and the other, with the duplicate plan, profile, book of reference and application, shall be delivered to the company.

Deposit with registrars of deeds.

6. Such duplicate authority, plan, profile, book of reference and application, or copies thereof certified as such by the Secretary, shall be deposited with the registrars of deeds of the districts or counties, respectively, in which such lands are situate.

Provisions of this Act which apply.

7. All the provisions of this Act applicable to the taking of lands without the consent of the owner for the right of way or main line of the railway shall apply to the lands authorized under this section to be taken, except the provisions relating to the sanction by the Board of the plan, profile and book of reference of the railway, but the deposit with the Board and with the registrar of deeds shall be made as in this section provided.

Repeal and change of certificates made under 1888, c. 29, s. 109.

8. The Board may, upon consent in writing having been first obtained from the Minister in that behalf, repeal, rescind, change or vary any certificate of the Minister made under section one hundred and nine of *The Railway Act, 1888*. R.S., c. 37, s. 178.

*Using Lands for Special Purposes.*

Use of adjoining lands.

**202.** The company, either for the purpose of constructing or repairing its railway, or for the purpose of carrying out the requirements of the Board, or in the exercise of the powers conferred upon it by the Board, may enter upon any land which is not more than six hundred feet distant from the centre of the located line of the railway, and may occupy the said land as long as is necessary for the purposes aforesaid; and all the provisions of law at the time applicable to the taking of land by the company, and its valuation, and the compensation therefor, shall apply to the case of any land so required.

If owner does not consent.

2. Before entering upon any land for the purposes aforesaid, the company shall, in case the consent of the owner is not obtained, pay into the office of one of the superior courts for the province in which the land is situated,—

Sum to be deposited.

(*a*) such sum, as is, after two clear days' notice to the owner of the land, or to the person empowered to convey the same, or interested therein, fixed by a judge of such superior court; and,

Interest.

(*b*) interest for six months upon the sum so fixed.

As security for compensation.

3. Such deposit shall be retained to answer any compensation which may be awarded the person entitled thereto, and may upon order of a judge of such court, be paid out to such person in satisfaction *pro tanto* of such award, and the surplus, if any thereafter remaining, shall, by order of the judge, be repaid to the company.

Deficiency to be paid.

4. Any deficiency in such deposit to satisfy such award shall be forthwith paid by the company to the person entitled to compensation under such award. R.S., c. 37, s. 179.

**203.** Whenever,—

Obtaining materials for construction or operation.

(*a*) any stone, gravel, earth, sand, water or other material is required for the construction, maintenance or operation of the railway, or any part thereof; or,

Transport.

(*b*) such materials or water, so required, are situate, or have been brought to a place at a distance from the line of railway, and the company desires to lay down the necessary tracks, spurs or branch lines, water pipes or conduits, over or through any lands intervening between the railway and the land on which such materials or water are situate, or to which they have been brought;

Tracks or conduits.

the company may, if it cannot agree with the owner of the lands for the purchase thereof, cause a land surveyor, duly licensed to act in the province, or an engineer, to make a plan and description of the property or right of way, and

Plan and description.

shall serve upon each of the owners or occupiers of the land affected a copy of such plan and description, or of so much thereof as relates to the lands owned or occupied by them respectively, duly certified by such surveyor or engineer.

Provisions of this Act which apply.

2. All the provisions of this Act shall, in so far as applicable, apply, and the powers thereby granted may be used and exercised to obtain the materials or water, so required, or the right of way to the same, irrespective of the distance thereof: Provided that the company shall not be required to submit any such plan for the sanction of the Board.

Title may be acquired.

3. The company may, at its discretion, acquire the lands from which such materials or water are taken, or upon which the right of way thereto is located, for a term of years or permanently.

Arbitration.

4. The notice of arbitration, if arbitration is resorted to, shall state the extent of the privilege and title required.

Tracks not to be used for other purposes.

5. The tracks, spurs or branch lines constructed or laid by the company under this section shall not be used for any purpose other than in this section mentioned, except by leave of the Board, and subject to such terms and conditions as the Board sees fit to impose.

Power of Board.

6. The Board may restrict or forbid the exercise of any power under this section. R. S., c. 37, s. 180. Am.

Snow fences.

**204.** Every railway company may, on and after the first day of November, in each year, enter into and upon any lands of His Majesty, or of any person, lying along the route or line of the railway, and erect and maintain snow fences thereon, subject to the payment of such land damages, if any actually suffered, as are thereafter established, in the manner provided by law with respect to such railway.

Compensation.

Removal.

2. Every snow fence so erected shall be removed on or before the first day of April then next following. R.S., c. 37, s. 182.

*Purchase and Conveyance.*

Purchase of more land than required.

**205.** Except as otherwise provided in section 208, whenever the company can purchase a larger quantity of land from any particular owner at a more reasonable price, on the average, or on terms more advantageous, than those upon which it could obtain the portion thereof which it may take from him without his consent, it may purchase such larger quantity.

Re-sale.

2. The company may sell and dispose of any part of the lands so purchased which may be unnecessary for its undertaking. R.S., c. 37, s. 181.

Power of representa-

**206.** All tenants in tail or for life, *grevés de substitution*, guardians, curators, executors, administrators, trustees

and all persons whomsoever, as well for and on behalf of themselves, their heirs and successors, as on behalf of those whom they represent, whether infants, issue unborn, lunatics, idiots, *femes-covert* or other persons, seized, possessed of or interested in any lands, may, subject to the provisions of the next following section, contract and sell and convey to the company all or any part thereof. R.S., c. 37, s. 183. tive persons to convey.

**207.** When such persons have no right in law to sell or convey the rights of property in the said lands they shall not sell or convey the same without obtaining from a judge, after due notice to the persons interested, the right to sell the said lands: Provided that where any person interested is absent from the district or county in which the lands lie, or is unknown, the judge may order such substitutional service of notice as he deems proper or may dispense with notice. Order of judge may be had.

2. The said judge shall give such orders as are necessary to secure the investment of the purchase money, in such a manner as he deems necessary, in accordance with the law of the province, to secure the interests of the owner of the said land. R.S., c. 37, s. 184. Am. Purchase money.

**208.** The powers by the last two preceding sections conferred upon,— Limitation of powers to convey.

(*a*) rectors in possession of glebe lands in the province of Ontario;

(*b*) ecclesiastical and other corporations;

(*c*) trustees of land for church or school purposes;

(*d*) executors appointed by wills under which they are not invested with, and have not otherwise, power to sell the real property of the testator; and,

(*e*) administrators of persons dying intestate seized of real property, where such administrators have not power to sell such property;

shall only extend and be exercised with respect to any of such lands actually required for the use and occupation of the company. R.S., c. 37, s. 185.

**209.** Any contract, agreement, sale, conveyance or assurance made under the authority of any of the last three preceding sections shall be valid and effectual in law, to all intents and purposes whatsoever; and any conveyance so authorized shall vest in the company receiving the same the fee simple in the lands therein described, freed and discharged from all trusts, restrictions and limitations whatsoever. Conveyance to vest fee simple.

2. The person so conveying is hereby relieved from liability for what he does by virtue of or in pursuance of this Act. R.S., c. 37, s. 186. Idemnity to persons conveying.

Application of purchase money.

**210.** The company shall not be responsible for the disposition of any purchase money for lands taken by the company for its purposes, if paid to the owner of the land or into court for his benefit. R.S., c. 37, s. 187.

Premature contracts.

**211.** Any contract or agreement made by any person authorized by this Act to convey lands, either before the deposit of the plan, profile and book of reference, or before the setting out and ascertaining of the lands required for the railway, shall, if such contract or agreement is duly registered with the proper registrar of deeds, be binding at the price agreed upon, if the lands are afterwards so set out and ascertained within one year from the date of the contract or agreement, and although such lands have in the meantime become the property of a third person.

May be carried out.

2. Possession of the lands may be taken, and the agreement and price may be dealt with, as if such price had been fixed by an award of an arbitrator as hereinafter provided, and the agreement shall be in the place of an award. R.S., c. 37, s. 188. Am.

Rental when parties cannot sell.

**212.** If, in any case not hereinbefore provided for, any person interested in any lands so set out and ascertained is not authorized by law to sell or alienate the same, he may agree upon a fixed annual rent as an equivalent, and not upon a principal sum, to be paid therefor.

2. If the amount of the rent is not fixed by agreement, it shall be fixed and all proceedings shall be regulated, in the manner in this Act prescribed. R.S., c. 37, s. 189.

How fixed.

**213.** Such annual rent and every other annual rent, agreed upon or ascertained, and to be paid for the purchase of any lands, or for any part of the purchase money of any lands which the vendor agrees to leave unpaid, shall,

Rent chargeable to working expenses.

upon the deed creating such charge and liability being duly registered in the registry office of the proper district, county or registration division, be chargeable as part of the working expenditure of the railway. R.S., c. 37, s. 190.

*Publishing Notice of Plans and Making Agreements.*

Compensation or damages may be agreed for.

**214.** After the expiration of ten days from the deposit of the plan, profile and book of reference in the office of the registrar of deeds, and after notice thereof has been given in at least one newspaper, if any published, in each of the districts and counties through which the railway is intended to pass, application may be made to the owners of lands, or to persons empowered to convey lands, or interested in lands, which may be taken, or which suffer damage from

the taking of materials, or the exercise of any of the powers granted for the railway; and, thereupon, such agreements and contracts as seem expedient to both parties may be made with such persons, touching the said lands or the compensation to be paid for the same, or for the damages, or as to the mode in which such compensation shall be ascertained. Agreements authorized.

2. The company may at any time grant or agree to grant to the owner of any lands injuriously affected, or likely to be injuriously affected, by the exercise of the company's powers, any easement, servitude or privilege over or in respect of the company's lands or the lands being taken by the company, and may construct and maintain or agree to construct and maintain any work for such owner's benefit; and any such agreement may be enforced by the Board, or damages may be recovered for the breach thereof in any court of competent jurisdiction. Company may grant easement, etc.

3. Such deposit of plan, profile and book of reference and such notice of such deposit, shall be deemed a general notice to all parties of the lands which will be required for the railway and works. R.S., c. 37, ss. 191, 192 (1). Am. General notice.

**215.** In case of disagreement between the parties, or any of them, all questions which arise between them shall be settled as hereinafter provided. R.S., c. 37, s. 191 (2). Disagreement.

EXPROPRIATION PROCEEDINGS.

*Notice.*

**216.** Preliminary to proceeding to arbitration to fix compensation or damages the company shall serve upon the opposite party a notice, which shall contain,— Notice of expropriation to be served.

(*a*) a description of the lands to be taken, or of the powers intended to be exercised with regard to any lands therein described;

(*b*) a declaration of readiness to pay a certain sum or rent, as the case may be, as compensation for such lands or for such damages; and,

(*c*) a notification that if within ten days after the service of this notice, or, where the notice is served by publication, within one month after the first publication thereof, the party to whom the notice is addressed does not give notice to the company that he accepts the sum offered by the company, either he or the company will be entitled to apply to have the compensation fixed by arbitration as provided in *The Railway Act*. R. S., c. 37, s. 193. Am.

Certificate of surveyor or engineer.

**217.** Such notice shall be accompanied by the certificate of a sworn surveyor for the province in which the lands are situated or an engineer, who is not interested in the land or in the amount of compensation or damages, which certificate shall state,—

(*a*) that the land, if the notice relates to the taking of land shown on the said plan, is required for the railway;

(*b*) that he knows the land, or the amount of damage likely to arise from the exercise of the powers; and,

(*c*) what sum is, in his opinion, a fair compensation for the land and damages aforesaid. R. S., c. 37, s. 194. Am.

Service by publication.

**218.** If the opposite party is absent from the district or county in which the lands lie, or is unknown, an application for service by advertisement may be made to a judge of a superior court for the province or district, or to the judge of the county court of the county where the lands lie.

Application for.

2. Such application shall be accompanied by such certificate as aforesaid, and by an affidavit of some officer of the company, that the opposite party is so absent, or that, after diligent inquiry, the person on whom the notice ought to be served cannot be ascertained.

Judge shall order notice.

3. The judge shall order a notice as aforesaid, but without such certificate, to be inserted three times in the course of one month in a newspaper published in the district or county, or, if there is no newspaper published therein, then in a newspaper published in some adjacent district or county. R.S., c. 37, s. 195.

Notice may be abandoned.

**219.** Where the notice given improperly describes the lands or materials intended to be taken, or where the company decides not to take the lands or materials mentioned in the notice, it may abandon the notice and all proceedings thereunder, but shall be liable to the person notified for all damages suffered and costs incurred by him in consequence of such notice and abandonment, and such damages shall be fixed and such costs taxed by the judge, or as he directs.

Damages and costs.

New notice may be given.

2. The company after payment of such damages and costs, if any, may, notwithstanding the abandonment of any former notice, give to the same or any other person notice for other lands or materials, or for lands or materials otherwise described. R.S., c. 37, s. 207. Am.

*Arbitrator.*

If sum offered not accepted.

**220.** If within ten days after the service of such notice, or, where service is made by advertisement, within one

month after the first publication thereof, the opposite party does not give notice to the company that he accepts the sum offered by it, either party may apply to the judge of the county court of the county in which the lands lie, or, in the province of Quebec or in any other part of Canada where there is no county court, to a judge of the superior court for the district or place in which the lands lie, to determine the compensation to be paid as aforesaid. Appointment of arbitrator.

2. Six days' notice of such application shall be given by the company to the opposite party, or *vice versa*. Notice.

3. If the opposite party is absent from the district or county in which the lands lie, or is unknown, service of such six days' notice may be made by advertisement as in section 218 authorized: Provided that the judge may dispense with, or shorten the time or times for, the publication of the notice in any such case in which he deems it proper. R.S., c. 37, s. 196; 6-7 E. VII., c. 37, s.1. Am. Service by publication.

**221** Such judge shall, upon application being made to him as aforesaid, become sole arbitrator for determining such compensation: Provided that where such judge is personally interested in the land or in the amount of the compensation or damages in question, or where for any other reason it is necessary, either party may, on six days' notice to the opposite party, apply to a judge of a superior court to appoint, and such judge may appoint, a county or superior court judge to be arbitrator, and in such case the judge so appointed shall be arbitrator for the purposes aforesaid. Constituting arbitrator.

2. The arbitrator shall proceed to ascertain such compensation in such way as he deems best, and, except as hereinafter provided, his award shall be final and conclusive. R. S., c. 37, s. 197. Am. Procedure. Award.

*Determining Compensation.*

**222.** The arbitrator, in deciding on such value or compensation, shall take into consideration the increased value, beyond the increased value common to all lands in the locality, that will be given to any lands of the opposite party through or over which the railway will pass, by reason of the passage of the railway through or over the same or by reason of the construction of the railway, and shall set off such increased value that will attach to the said lands against the inconvenience, loss or damage that might be suffered or sustained by reason of the company taking possession of or using the said lands. Increased value of remaining lands to be considered.

2. The date of the deposit of the plan, profile and book of reference with the registrar of deeds shall be the date Date of compensation fixed.

with reference to which such compensation or damages shall be ascertained: Provided, however, that if the company does not actually acquire title to the lands within one year from the date of such deposit then the date of such acquisition shall be the date with reference to which such compensation or damages shall be ascertained.

Interest may be allowed.

3. The arbitrator may include in the award an allowance for interest on the compensation or damages from the date of deposit of the plan, profile and book of reference with the registrar of deeds or for such shorter time as he deems proper. R. S., c. 37, ss. 198, 192 (2). Am.

Company may offer easement, etc.

**223.** In mitigation of any injury or damage caused or likely to be caused to any lands by the exercise of the company's powers, the company may, by its notice of expropriation or by subsequent notice filed with the arbitrator, and served upon the opposite party, prior to the close of the hearing before the arbitrator, undertake to abandon or grant to the owner of the above mentioned lands or the party interested therein any portion of the company's lands, or the lands being taken, or any easement, servitude or privilege over or in respect of the same, or to construct and maintain any work for the benefit of such owner or person interested, and if such owner or person interested, by writing filed with the arbitrator, consents to accept what is so undertaken, or if the arbitrator approves thereof in the award, such undertaking shall be binding upon the company, and the compensation or damages shall be fixed in view of what is so undertaken, and the undertaking may be enforced by the Board, or damages may be recovered for the breach thereof in any court of competent jurisdiction. New. (See R. S., c. 143, s. 30).

*Costs of Arbitration.*

Costs, how disposed of.

**224.** The costs of the arbitration shall be in the discretion of the arbitrator and shall be paid by the party against whom he allows the same, and it shall be the duty of the arbitrator to state in his award whether the whole or any part of the costs are allowed and by whom the same are to be paid.

Taxation.

2. The amount of the costs, if not agreed upon, may be taxed by the proper taxing officer for the taxation of costs of an action or suit tried before the judge who acted as arbitrator, and appeal may be taken from such taxing officer as in the case of the costs of such an action or suit.

Expenses of arbitrator.

3. The arbitrator shall not be entitled to any fee or reward for his services as such arbitrator, but shall be paid, as part of the costs of the arbitration, all his actual necessary

and reasonable travelling and other expenses incurred in or in connection with the arbitration. R. S., c. 37, s. 199. Am.

*Proceedings of Arbitrator.*

Examination by arbitrator.

**225.** The arbitrator, shall examine on oath or solemn affirmation such witnesses as appear before him, but no more than three expert or opinion witnesses shall be called in behalf of any party: Provided that the arbitrator, may by consent of the parties decide the matter upon view or inspection of the property without examining witnesses, but any party or his representative may in such case be permitted to point out and explain such things as seem material to the case. R. S., c. 37, s. 200. Am.

Proviso.

Powers of arbitrator.

**226.** The arbitrator may in any case with respect to such arbitration,—

Entry.

(*a*) enter upon and inspect any land, place, building, works or other thing, being the property of or under the control of the company or the opposite party, the entry or inspection of which appears to him requisite;

Inspection.

(*b*) inspect any works, structure, rolling stock or property of the company;

Production.

(*c*) require the production of all books, papers, plans, specifications, drawings and documents relating to the matter before him; and,

Oaths.

(*d*) administer oaths, affirmations or declarations.

Compelling witnesses.

2. He shall have the like power in summoning witnesses and enforcing their attendance and compelling them to give evidence and produce books, papers or things which they are required to produce as is vested in any court in civil cases.

Witnesses fees.

3. The persons attending and giving evidence at any such arbitration shall be entitled to the like fees and allowances for so doing as if summoned to attend before the Exchequer Court.

Incriminating papers.

4. The provisions hereinbefore contained with respect to the production before the Board of books and papers which may tend to criminate the persons producing them shall apply to persons attending and giving evidence at any such arbitration. R.S., c. 37, s. 201.

Notes of evidence.

**227.** The arbitrator shall take down in writing the evidence brought before him, unless either party requires that it be taken by a stenographer; in which case a stenographer shall be named by the arbitrator, unless the parties agree upon one.

Stenographer.

2. The stenographer shall be sworn before the arbitrator before entering upon his duties.

His expenses.

3. The expense of such stenographer, if not arranged by agreement between the parties, shall form part of the costs of the arbitration. R. S., c. 37, s. 202.

Notice of award to be given.

**228.** After making the award, the arbitrator shall forthwith notify the parties that the award has been made, and shall forthwith deliver or transmit by registered post the award and the depositions, exhibits and all other papers

Award, etc., to be filed.

connected with the arbitration to the clerk of the court, to be filed with the records of the said court.

How notice to be given.

2. The notice of the making of the award may be given by registered letter addressed to the parties at their usual or last known post office addresses, or addressed in care of their representatives, if any, who appeared for them in the arbitration proceedings. R.S., c. 37, s. 203. Am.

*Preventing Delay.*

Arbitrator to proceed speedily.

**229.** After the making of the application constituting him arbitrator, or in the case of appointment by order of a judge of a superior court after the receipt of such order or a copy thereof, the arbitrator shall proceed with and complete the arbitration and award as speedily as possible,

Directions to prevent delay.

having regard to the interests of the parties, and he may give any directions respecting the proceedings which he deems proper to prevent delay. R. S., c. 37, s. 204. Am.

Death or delay of arbitrator.

**230.** If the arbitrator dies before the award has been made, or fails to commence or to complete the arbitration and award within a reasonable time, either party may on

Application to court or judge.

six days' notice to the opposite party apply to the court to which an appeal from the award would lie under this Act, or to a judge thereof, and such court or judge may appoint another arbitrator, or may fix the compensation and determine all other matters which the arbitrator might have determined, or may make any other order which in the circumstances seems meet.

Assistance.

2. Such court or judge may in such case, if deemed proper, call in the assistance of any disinterested person or persons to aid in determining such compensation or other matter, and all reasonable and proper fees and expenses of such person or persons shall form part of the costs of the proceedings.

Costs.

3. The costs of applications and proceedings under this section shall be paid and may be taxed as such court or judge directs.

4. The determination of such court or judge as to the amount of compensation or any other matter which an arbitrator under this Act might have disposed of shall be deemed an award under this Act, but there shall be no appeal therefrom except that where such determination is made by such judge appeal may be taken to such court. R. S., c. 37, s. 206. Am. Appeal.

*Impeaching Award.*

**231.** No award shall be invalidated by reason of any want of form or other technical objection, if the requirements of this Act have been substantially complied with, and if the award states clearly the sum awarded, and the lands or other property, right or privilege for which such sum is to be the compensation. Award not invalidated by want of form.

2. The person to whom the sum is to be paid need not be named in the award. R.S., c. 37, s. 205. Payee need not be named.

**232.** If the arbitrator is not himself personally interested in the amount of the compensation he shall not be disqualified because he has previously expressed an opinion as to the amount of compensation or because he is related or of kin to any shareholder of the company. R. S., c. 37, s. 208. Am. Arbitrator not disqualified by— Opinion; Kindred.

*Appeal from Award.*

**233.** Within one month after receiving from the arbitrator or from opposite party a written notice of the making of the award, the company may, where the award exceeds six hundred dollars, and any other party may, where such party in his notice of appeal claims more than six hundred dollars or objects to some easement or other thing approved by the arbitrator without his consent under section 223, appeal from the award upon any question of law or fact, or upon any other ground of objection, to the court to which an appeal would lie had the award been a judgment in a civil case, after trial, of the judge who acted as arbitrator; and upon the hearing of the appeal such court shall decide any question of fact upon the evidence taken before the arbitrator as in the case of original jurisdiction: Provided that the court may, where, from any other evidence it deems proper to admit, it is clearly satisfied that injustice has been done, set aside the award or remit it to the arbitrator for reconsideration with such directions as it deems proper. Appeal from award.

2. Upon such appeal the practice and proceedings shall be, as nearly as may be, the same as upon an appeal for Practice and proceedings on appeal.

a judgement, after trial, of the judge who acted as arbitrator, subjecs to any general rules or o.ders from time to time made by the court to which such appeal lies in respect to such appeals.

No further appeal, etc.

3. The decision of such court shall not, except where the amount awarded by or claimed in the appeal from such decision exceeds ten thousand dollars, be subject to further appeal, and except as herein provided there shall be no appeal from, or proceedings had to impeach or set aside any award made under this Act. R.S., c. 37, s. 290. Am.

*Paying Money into Court, etc.*

Payment of compensation into court in some cases.

**234.** (*a*) If the company has reason to fear any claim, mortgage, *hypothèque*, or encumbrance; or,

(*b*) If any person to whom the compensation or annual rent, or any part thereof, is payable, refuses to execute a proper conveyance; or,

(*c*) If the person entitled to claim the compensation or annual rent cannot be found, or is unknown to the company; or,

(*d*) If, for any other reason, the company deems it advisable;

the company may pay such compensation into court, with the interest thereon for six months, and may deliver to the clerk or prothonotary of such court an authentic copy of the conveyance, or of the award or agreement, if there is no conveyance.

Title.

2. Such conveyance, or award or agreement, shall thereafter be deemed to be the title of the company to the land therein mentioned. R.S., c. 37, s. 210.

Lands not in Quebec.

**235.** Where the lands are situated elsewhere than in the province of Quebec, a notice of such payment and delivery, in such form and for such time as the court appoints,

Publication of notice.

shall be inserted in a newspaper, published in the county in which the lands are situated, or, if there is no newspaper published in the county, then in the official gazette of the province, and also in a newspaper published in the nearest county thereto in which a newspaper is published.

What notice shall state.

2. Such notice sha'l state that the conveyance, agreement or award constituting the title of the company is obtained under the authority of this Act, and shall call upon all persons claiming an interest in or entitled to the lands, or any part thereof, to file their claims to the compensation, or any part thereof. R.S., c. 37, s. 211.

Lands in Quebec.

**236.** Where the lands are situated in the province of Quebec, the notice shall be published as required in cases

of confirmation of title, and the registrar's certificate shall be procured and filed as in such cases. R.S., c. 37, s. 212.

Compensation in place of land.

**237.** The compensation for any lands which may be taken without the consent of the owner shall stand in the stead of such lands; and any claim to or encumbrance upon the said lands, or any portion thereof, shall, as against the company, be converted into a claim to the compensation, or to a like proportion thereof; and the company shall be responsible accordingly, whenever it has paid such compensation or any part thereof to a person not entitled to receive the same, saving always its recourse against such person; but nothing herein contained shall prejudice any owner's right to a lien for unpaid purchase money unless such compensation is actually paid to such owner or paid into court pursuant to this Act. R.S., c. 37, s. 213. Am.

Encumbrances.

Lien for purchase money.

Effect of adjudication.

**238.** All such claims filed shall be received and adjudicated upon by the court, and the adjudication thereon shall for ever bar all claims to the land, or any part thereof, including any dower, mortgage, *hypothèque* or encumbrance upon the same.

Disposal of compensation.

2. The court shall make such order for the distribution, payment, or investment of the compensation and for the security of the rights of all persons interested, as to right and justice and to law appertains.

Interest.

3. If the order for distribution, payment, or investment is obtained within less than six months from the payment of the compensation into court, the court shall direct a proportionate part of the interest to be returned to the company.

For further period.

4. If from any error, fault or neglect of the company, such order is not obtained until after six months have expired, the court shall order the company to pay into court, as part of the compensation, the interest for such further period as is right.

Costs.

5. The costs of the proceedings, in whole or in part, including the proper allowances to witnesses, shall be paid by the company, or by any other person, as the court orders. R.S., c. 37, s. 214.

*Right of Company to take Possession.*

Upon payment or tender.

**239.** Upon payment or legal tender of the compensation or annual rent awarded or agreed upon to the person entitled to receive the same, or upon the payment into court of the amount of such compensation, in the manner hereinbefore mentioned, the award or agreement shall vest in the company the power forthwith to take possession of the lands,

or to exercise the right, or to do the thing for which such compensation or annual rent has been awarded or agreed upon. R.S., c. 37, s. 215.

*Proceedings in case of Resistance.*

Warrant.

**240.** If any resistance or forcible opposition is made by any person to the exercise by the company of any such power the judge shall, upon or without notice to the opposite party as he deems proper, on proof to his satisfaction of such award or agreement and of payment or tender of the sum awarded or agreed upon or of payment thereof into court, issue his warrant to the sheriff of the district or county, or to a bailiff, as he deems most suitable, to put down such resistance or opposition, and to put the railway company in possession.

How executed.

2. The sheriff or bailiff shall, in the execution of such warrant, take with him sufficient assistance for such purpose, and shall put down such resistance or opposition and put the company in possession. R.S., c. 37, s. 216. Am.

Warrant for immediate possession in certain cases.

**241.** Such warrant shall also be granted by the judge without such award or agreement, on affidavit to his satisfaction that the immediate possession of the lands or of the power to do the thing mentioned in the notice, is necessary to carry on some part of the railway with which the company is ready forthwith to proceed. R.S., c. 37, s. 217.

Procedure upon application for such warrant.

**242** The judge shall not grant any warrant under the last preceding section, unless,—

Notice.

(*a*) ten days' previous notice of the time and place when and where the application for such warrant is to be made has been served upon the owner of the lands, or the person empowered to convey the lands or interested in the lands sought to be taken, or which may suffer damage from the taking of materials sought to be taken, or the exercise of the powers sought to be exercised, or the doing of the thing sought to be done by the company; and,

Deposit of compensation.

(*b*) the company gives security to his satisfaction, by payment into court, of a sum in his estimation sufficient to cover the probable compensation and costs of the arbitration, and not less than fifty per centum above the amount offered by the company in the notice mentioned in section 216 or certified by the surveyor or engineer under section 217, whichever is larger; or, if the judge deems proper, pays the party in part and gives security for the balance.

2. Where for any reason service of such notice can not be made, or can not be made promptly, the judge may, on proof to his satisfaction of circumstances justifying it, order substitutional or other service of such notice or dispense with such notice. R.S., c. 37, s. 218. Am. Where notice cannot be served.

**243.** The costs of any such application and hearing before the judge shall be borne by the company, unless the compensation awarded is not more than the company had offered to pay. Costs.

2. No part of such deposit or of any interest thereon shall be repaid, or paid to such company, or paid to such owner or party, without an order from the judge, which he may make in accordance with the terms of the award. R.S., c. 37, s. 219. Repayment of deposit.

*Procedure.*

**244.** Any proceeding under the foregoing provisions of this Act relating to the ascertainment or payment of compensation, or the delivery of possession of lands taken, or the putting down of resistance to the exercise of powers, shall, if commenced in a superior court having jurisdiction, be continued in such superior court, or, if the proceeding is commenced in a county court having jurisdiction, it shall be continued in such county court ; and where there are different interests in the same lands all shall as far as possible be dealt with in one proceeding. R. S., c. 37, s. 220. Am. To be continued in court where commenced. Different interests.

MATTERS INCIDENTAL TO CONSTRUCTION.

*Respecting Wages.*

**245.** In every case in which the Parliament of Canada votes financial aid by way of subsidy or guarantee towards the cost of railway construction, all mechanics, labourers or other persons who perform labour in such construction shall be paid such wages as are generally accepted as current for competent workmen in the district in which the work is being performed ; and if there is no current rate in such district, then a fair and reasonable rate. Current rate.

2. In the event of a dispute arising as to what is the current or a fair and reasonable rate, it shall be determined by the Minister, whose decision shall be final. R. S., c. 37, s. 259. Minister may determine.

*Respecting Navigable Waters.*

**246.** No company shall cause any obstruction in, or impede the free navigation of any river, water, stream or Navigation not to be obstructed.

canal, to, upon, along, over, under, through or across, which its railway is carried. R. S., c. 37, s. 230.

Bridges to be properly floored.

**247.** No company shall run its trains over any canal, or over any navigable water, without having first laid, nor without maintaining, such proper flooring under and on both sides of its railway track over such canal or water as is deemed by the Board sufficient to prevent anything falling from the railway into such canal or water, or upon the boats, vessels, craft, or persons navigating such canal or water. R.S., c. 37, s. 231.

Spans of headway and waterway.

**248.** Whenever the railway is, or is proposed to be carried over any navigable water or canal by means of a bridge, the Board may by order in any case, or by regulations, direct that such bridge shall be constructed with such span or spans of such headway and waterway, and with such opening span or spans, if any, as to the Board may seem expedient for the proper protection of navigation.

Operation of draw.

2. The Board may in like manner, if any such bridge is a draw or swing bridge, direct when, under what conditions and circumstances, and subject to what precautions, the same shall be opened and closed. R. S., c. 37, s. 232.

Proceedings for construction of works in navigable waters.

**249.** When the company is desirous of constructing any wharf, bridge, tunnel, pier or other structure or work, in, upon, over, under, through or across any navigable water or canal, or upon the beach, bed or lands covered with the waters thereof, the company shall, before the commencement of any such work,—

Approval by Governor in Council.

(*a*) in the case of navigable water, not a canal, submit to the Minister of Public Works, and in the case of a canal to the Minister, for approval by the Governor in Council, a plan and description of the proposed site for such work, and a general plan of the work to be constructed, to the satisfaction of such Minister ; and,

Board to authorize.

(*b*) upon approval by the Governor in Council of such site and plans, apply to the Board for an order authorizing the construction of the work, and, with such application, transmit to the Board a certified copy of the Order in Council and of the plans and description approved thereby, and also detail plans and profiles of the proposed work, and such other plans, drawings and specifications as the Board may, in any such case, or by regulation, require.

No deviation

2. No deviation from the site or plans approved by the Governor in Council, shall be made without the consent of the Governor in Council.

3. Upon any such application, the Board may,— Powers of Board.

(*a*) make such order in regard to the construction of such work upon such terms and conditions as it may deem expedient;

(*b*) make alterations in the detail plans, profiles, drawings and specifications so submitted;

(*c*) give directions respecting the supervision of any such work; and,

(*d*) require that such other works, structures, equipment, appliances and materials be provided, constructed, maintained, used and operated, and measures taken, as under the circumstances of each case may appear to the Board best adapted for securing the protection, safety and convenience of the public.

4. Upon such order being granted, the company shall be authorized to construct such work in accordance therewith. Company to construct.

5. Upon the completion of any such work the company shall, before using or operating the same, apply to the Board for an order authorizing such use or operation, and if the Board is satisfied that its orders and directions have been carried out, and that such work may be used or operated without danger to the public, and that the provisions of this section have been complied with, the Board may grant such order. R.S., c. 37, s. 233. Operation also to be authorized by Board.

*Bridges, Tunnels and other Structures.*

**250.** The Governor in Council may, upon the report of the Board, authorize or require any railway company to construct fixed and permanent bridges, or swing, draw or movable bridges, or to substitute any of such bridges for bridges existing on the line of its railway, within such time as the Governor in Council directs. Bridges.

2. No company shall substitute any swing, draw or movable bridge for any fixed or permanent bridge already built and constructed without the previous consent of the Governor in Council. R.S., c. 37, s. 234. Consent of Governor in Council.

**251.** Every bridge, tunnel or other erection or structure, over, through or under which any railway passes, shall be so constructed and maintained as to afford, at all times, an open and clear headway of at least seven feet between the top of the highest freight car used on the railway and the lowest beams, members, or portions of that part of such bridge, tunnel, erection or structure, which is directly over the space liable to be traversed by such car in passing thereunder. Headway over cars.

Powers of Board to order alteration.

2. The Board may, if necessary, require any existing bridge, tunnel, or other erection or structure to be reconstructed or altered, within such time as it may order, so as to comply with the requirements mentioned in the last preceding subsection; and any such bridge, tunnel, or other erection or structure, when so reconstructed or altered shall thereafter be maintained accordingly.

Space above rail.

3. Except by leave of the Board the space between the rail level and such beams, members or portions of any such structure, constructed after the first day of February, one thousand nine hundred and four, shall in no case be less than twenty-two feet six inches.

Structures not owned by company.

4. If, in any case, it is necessary to raise, reconstruct or alter any bridge, tunnel, erection or structure not owned by the company, the Board, upon application of the company, and upon notice to all parties interested, or without any application, may make such order, allowing or requiring such raising, reconstruction or alteration, and upon such terms and conditions as to the Board shall appear just and proper and in the public interest.

Board may exempt certain structures.

5. The Board may exempt from the operation of this section any bridge, tunnel, erection or structure, over, through or under which it is satisfied no trains, except such as are equipped with air brakes, are run. R.S., c. 37, s. 256.

Where length exceeds 18 feet.

**252.** The company shall not commence the construction, or reconstruction of or any material alteration in any bridge, tunnel, viaduct, trestle, or other structure, through, over, or under which the company's trains are to pass, the span, or proposed span or spans, or length of which exceeds eighteen feet, until leave therefor has been obtained from the Board, unless such construction, reconstruction, or alteration is made in accordance with standard specifications and plans approved by the Board.

Leave or approval of Board.

Application for leave.

2. Upon any application to the Board for such leave, the company shall submit to the Board the detail plans, profiles, drawings and specifications of any such work proposed to be constructed, and such other plans, profiles, drawings and specifications as the Board may in any case, or by regulation, require.

3. Upon any such application the Board may,—

Powers of Board Terms.

(*a*) make such order with regard to the construction of such work, and upon such terms and conditions, as it deems expedient;

Alterations.

(*b*) make alterations in the detail plans, profiles, drawings and specifications so submitted;

Supervision.

(*c*) give directions respecting the supervision of any such work; and,

(*d*) require that such other works, structures, equipment, appliances and materials be provided, constructed, maintained, used, and operated, and that such measures be taken, as, under the circumstances of each case, may appear to the Board best adapted for securing the protection, safety and convenience of the public. Other works.

4. Upon such order being granted the company shall be authorized to construct such works in accordance therewith. Company may construct.

5. Upon the completion of any such work the company shall, before using or operating the same, apply to the Board for an order authorizing such use or operation, and the Board may grant such order if it is satisfied that its orders and directions have been carried out, and that such work may be used or operated without danger to the public, and that the provisions of this section have been complied with. R.S., c. 37, s. 257. Board to authorize operation.

6. Upon the application of any municipality or municipalities interested, the Board may, where it deems it reasonable and proper, require the company to construct under or along-side of its track upon any bridge being constructed, reconstructed or materially altered by the company a passage-way for the use of the public either as a general highway or as a foot-way, the additional cost to the company of constructing, maintaining and renewing which, as fixed by or under the direction of the Board, shall be paid by the municipality or municipalities as the Board may direct, and the Board may impose any terms or conditions as to the use of such passage-way or otherwise which it deems proper. New. Passage-way for public.

*Crossings and Junctions with other Railways.*

**253.** The railway lines or tracks of any railway company shall not cross or join or be crossed or joined by or with any railway lines or tracks other than those of such company, whether otherwise within the legislative authority of the Parliament of Canada or not, until leave therefor has been obtained from the Board as hereinafter provided. Leave of Board.

2. Upon any application for such leave the applicant shall submit to the Board a plan and profile of such crossing or junction, and such other plans, drawings and specifications as the Board may, in any case, or by regulation, require. Plans, etc. to be submitted.

3. The Board may, by order,—

(*a*) grant such application on such terms as to protection and safety as it deems expedient; Powers of Board.

(*b*) change the plan and profile, drawings and specifications so submitted, and fix the place and mode of crossing or junction;

(*c*) direct that one line or track or one set of lines or tracks be carried over or under another line or track or set of lines or tracks;

(*d*) direct that such works, structures, equipment, appliances and materials be constructed, provided, installed, maintained, used or operated, watchmen or other persons employed, and measures taken, as under the circumstances appear to the Board best adapted to remove and prevent all danger of accident, injury or damage;

(*e*) determine the amount of damage and compensation, if any, to be paid for any property or land taken or injuriously affected by reason of the construction of such works;

(*f*) give directions as to supervision of the construction of the works; and

(*g*) require that detail plans, drawings and specifications of any works, structures, equipment or appliances required, shall, before construction or installation, be submitted to and approved by the Board.

No operation until authorized.

4. No trains shall be operated on the lines or tracks of the applicant over, upon or through such crossing or junction until the Board grants an order authorizing such operation.

Board shall see to compliance.

5. The Board shall not grant such last mentioned order until satisfied that its orders and directions have been carried out, and that the provisions of this section have been complied with. R.S., c. 37, s. 227.

Connections of intersecting railway lines.

**254.** Where the lines or tracks of one railway are intersected or crossed by those of another, or upon any application for leave to make any intersection or crossing, or in any case in which the tracks or lines of two different railways run through or into the same city, town or village, the Board may,upon the application of one of the companies, or of a municipal corporation or other public body, or of any person or persons interested, order that the lines or tracks of such railways shall be so connected, at or near the point of intersection or crossing or in or near such city, town or village, as to admit of the safe and convenient transfer or passing of engines, cars and trains, from the tracks or lines of one railway to those of another, and that such connection shall be maintained and used.

Costs and terms of connections.

2. In and by the order for such connection, or from time to time subsequently, the Board may determine by what company or companies, or other corporations or persons, and in what proportions, the cost of making and maintaining any such connections shall be borne, and upon what terms traffic shall be thereby transferred from the lines of one railway to those of another.

Connections between intersecting provincial and Dominion railways.

3. Where the lines or tracks of any railway within the legislative authority of a province intersect the lines or tracks, or run through or into the same city, town or village as the lines or tracks, of a railway within the legislative authority of the Parliament of Canada, and it is desired by the company owning or operating either of such railways, or by any municipal corporation, or other public body, or any person interested, that the lines or tracks of such railways should be connected, so as to admit of the safe and convenient transfer of engines, cars and trains from the lines or tracks of one of such railways to those of the other, and for the reasonable receiving, forwarding, delivering and interswitching of traffic between such railways, and there exists in the province in which such connection is desired a provincial railway, public utilities, or other board, commission or body, having power to require such connection between two railways within the legislative authority of such province, hereinafter in this subsection called the provincial board, proceedings may be taken in accordance with the following provisions:—

Proceedings.

Application for order.

(*a*) Either of such companies, or any municipal corporation, or other public body, or any person interested, may file with the Secretary of the Board, and with the secretary of the provincial board, an application for an order that such connection should be required to be made, together with evidence of service of such application upon the railway companies interested or affected; and, where the application is not made by the municipality, upon the head of the municipal corporation within which the proposed connection is situate;

Hearing of application by Board and provincial authorities.

(*b*) After the receipt of the said application, the Board and the provincial board may, by joint session or conference, in conformity with the practice established or adopted by them, hear and determine the said application, and may order that the lines or tracks of such railways be so connected at or near the point of intersection, or in or near such city, town, or village, upon such terms and conditions, and subject to such plans, as they may deem proper;

Rules of procedure.

(*c*) The Chief Commissioner and the chairman of the provincial board of any province having concurrent legislation carrying into effect the purposes and objects of this subsection, may make rules of procedure and practice covering the making of such applications and the hearing and the disposition thereof;

Constitution of joint boards.

(*d*) The Chief Commissioner and the chairman of the provincial board may assign or appoint from each board the members comprising the joint board that

may be required to sit for the hearing and determining of such applications as they arise;

Enforcement of order.

(*e*) Any order aforesaid may be made a rule of the Exchequer Court and shall be enforced in like manner as any rule, order, or decree of such court. R.S., c. 37, s. 228; 1–2 G. V., c. 22, s. 5.

Safety appliances at rail level crossings.

**255.** The Board may order the adoption and use at any such crossing or junction, at rail level, of such interlocking switch, derailing device, signal system, equipment, appliances and materials, as in the opinion of the Board renders it safe for engines and trains to pass over such crossing or junction without being brought to a stop. R.S., c. 37, s. 229.

*Highway Crossings, etc.*

Railway on highway.

Leave.

Compensation.

Consent of municipality.

**256.** The railway of the company may, if leave therefor is first obtained from the Board as hereinafter authorized, but shall not without such leave, be carried upon, along or across any existing highway: Provided that the company shall make such compensation to adjacent or abutting land owners as the Board deems proper; and provided that the Board shall not grant leave to any company to carry any street railway or tramway, or any railway operated or to be operated as a street railway or tramway, along any highway which is within the limits of any city or incorporated town, until the company has first obtained consent therefor by a by-law of the municipal authority of such city or incorporated town; and provided that where leave is obtained to carry any railway along a highway the Board may require the company to make such compensation to the municipality as the Board deems proper.

Highway to be kept open.

2. The company shall, before obstructing any such highway by its works, turn the highway so as to leave an open and good passage for carriages, and, on completion of the works, restore the highway to as good a condition as nearly as possible as it originally had.

Rights saved.

3. Nothing in this section shall deprive any such company of rights conferred upon it by any Special Act of the Parliament of Canada, or amendment thereof, passed prior to the twelfth day of March, one thousand nine hundred and three. R.S., c. 37, s. 235; 1–2 G.V., c. 22, s. 6. Am.

Application for crossings.

**257.** Upon any application for leave to construct a railway upon, along or across any highway, or to construct a highway along or across any railway, the applicant shall submit to the Board a plan and profile showing the portion of the railway and highway affected.

2. The Board may, by order, grant such application in whole or in part and upon such terms and conditions as to protection, safety and convenience of the public as the Board deems expedient, or may order that the railway be carried over, under or along the highway, or that the highway be carried over, under or along the railway, or that the railway or highway be temporarily or permanently diverted, or that such other work be executed, watchmen or other persons employed, or measures taken as under the circumstances appear to the Board best adapted to remove or diminish the danger or obstruction, in the opinion of the Board, arising or likely to arise in respect of the granting of the application in whole or in part in connection with the crossing applied for, or arising or likely to arise in respect thereof in connection with any existing crossing. Powers of Board. Protection, etc.

3. When the application is for the construction of the railway, upon, along or across a highway, all the provisions of law at such time applicable to the taking of land by the company, to its valuation and sale and conveyance to the company, and to the compensation therefor, shall apply to the land exclusive of the highway crossing, required for the proper carrying out of any order made by the Board. As to land required.

4. The Board may exercise supervision in the construction of any work ordered by it under this section, or may give directions respecting such supervision. Supervision

5. When the Board orders the railway to be carried over or under the highway, or the highway to be carried over or under the railway, or any diversion temporarily or permanently of the railway or the highway, or any works to be executed under this section, the Board may direct that detailed plans, profiles, drawings and specifications be submitted to the Board. Detailed plans, etc., in certain cases.

6. The Board may make regulations respecting the plans, profiles, drawings and specifications required to be submitted under this section. 8-9 E. VII., c. 32, s. 4. Regulations by Board.

**258.** Where a railway is already constructed upon, along or across any highway, the Board may, of its own motion, or upon complaint or application, by or on behalf of the Crown, or any municipal or other corporation, or any person aggrieved, order the company to submit to the Board, within a specified time, a plan and profile of such portion of the railway, and may cause inspection of such portion, and may inquire into and determine all matters and things in respect of such portion, and the crossing, if any, and may make such order as to the protection, safety and convenience of the public as it deems expedient, or may order that the railway be carried over, under or along the highway, or that the highway be carried over, under or along the rail- Powers of Board as to existing crossings. Protection etc.

way, or that the railway or highway be temporarily or permanently diverted, and that such other work be executed, watchmen or other persons employed, or measures taken as under the circumstances appear to the Board best adapted to remove or diminish the danger or obstruction in the opinion of the Board arising or likely to arise in respect of such portion or crossing, if any, or any other crossing directly or indirectly affected,

As to land required.

2. When the Board of its own motion, or upon complaint or application, makes any order that a railway be carried across or along a highway, or that a railway be diverted, all the provisions of law at such time applicable to the taking of land by the company, to its valuation and sale and conveyance to the company, and to the compensation therefor, shall apply to the land, exclusive of the highway crossing, required for the proper carrying out of any order made by the Board.

Supervision by Board.

3. The Board may exercise supervision in the construction of any work ordered by it under this section, or may give directions respecting such supervision. 8-9 E. VII., c. 32, s. 5 (1), (2). Am.

Preventing obstruction of view.

**259.** The Board shall, without limiting any general power elsewhere conferred, have power, for the purpose of diminishing the danger at any highway crossing with any railway heretofore or hereafter constructed, to order,—

(*a*) that any trees, buildings, earth or other obstruction to the view, which may be upon the railway, the highway or any adjoining lands, shall be removed;

(*b*) that nothing obstructing the view shall be placed at such crossing or nearer thereto than the Board designates;

and for any such purpose the Board shall have power to authorize or direct the expropriation of any land, the acquirement of any easement and the doing of anything deemed necessary, and shall have power to fix and order payment of such compensation as it deems just. New.

Apportionment of cost of protection, etc.

**260.** Notwithstanding anything in this Act, or in any other Act, the Board may, subject to the provisions of the next following section of this Act, order what portion, if any, of cost is to be borne respectively by the company, municipal or other corporation, or person in respect of any order made by the Board, under any of the last three preceding sections, and such order shall be binding on and enforcible against any railway company, municipal or other corporation or person named in such order. 8-9 E. VII., c. 32, s. 5 (3).

**261.** In any case where a railway is constructed after the nineteenth day of May, one thousand nine hundred and nine, the company shall, at its own cost and expense (unless and except as otherwise provided by agreement, approved of by the Board, between the company and a municipal or other corporation or person), provide, subject to the order of the Board, all protection, safety and convenience for the public in respect of any crossing of a highway by the railway. 8-9 E. VII., c. 32, s. 6; 9-10 E. VII., c. 50, s. 14. When railway to bear whole cost.

**262.** The Board may order any company to erect over its railway at or near, or in lieu of any highway crossing at rail level, a foot bridge or foot bridges, for the purpose of enabling persons, passing on foot along such highway, to cross the railway by means of such bridge or bridges. R.S., c. 37, s. 239. Foot bridges.

**263.** *The sum of two hundred thousand dollars each year for five consecutive years from the first day of April, one thousand nine hundred and nine, and from and after the expiration of the said five years for a further term of five years, shall be appropriated and set apart from the Consolidated Revenue Fund for the purpose of aiding in the providing, by actual construction work, of protection, safety and convenience for the public in respect of highway crossings of railways where the companies are not under obligation to bear the whole cost.* Government aid for protection, etc. Appropriation.

*2. The said sums shall be placed to the credit of a special account to be known as "The Railway Grade Crossing Fund," and shall be applied by the Board, subject to the limitations hereinafter set out, solely towards the cost, (not including that of maintenance and operation), of actual construction work for the purpose specified in subsection 1 hereof.* Railway Grade Crossing Fund.

*3. The total amount of money to be apportioned, and directed and ordered by the Board to be payable from any such annual appropriation shall not, in the case of any one crossing, exceed twenty-five per cent of the cost of the actual construction work in providing such protection, safety and convenience, and shall not, in any such case, exceed the sum of fifteen thousand dollars, and no such money shall in any one year be applied to more than six crossings on any one railway in any one municipality or more than once in any one year to any one crossing.* Apportionment of money by Board.

*4. In case any province contributes towards the said fund, the Board may apportion, direct and order payment out of the amount so contributed by such province, subject to any conditions and restrictions made and imposed by such province in respect of its contribution.* Provincial contributions to fund.

"Crossing" defined.

*5. In this section,—*

*"crossing," means any steam railway crossing of a highway, or highway crossing of a steam railway, at rail level, and every manner of construction of the railway or of the highway by the elevation or the depression of the one above or below the other, or by the diversion of the one or the other, and any other work ordered by the Board to be provided as one work of protection, safety and convenience for the public in respect of one or more railways not exceeding four tracks in all crossing or so crossed;*

"Municipality" defined.

*"municipality," means an incorporated city, town, village, county, township or parish. 8-9 E. VII., c. 32, s. 7. Am.*

Overhead crossings.

Width and height of highway.

**264.** Unless otherwise directed or permitted by the Board, the highway at any overhead railway crossing shall not at any time be narrowed by means of any abutment or structure to a width less than twenty feet, nor shall the clear headway above the surface of the highway at the central part of any overhead structure, constructed after the first day of February, one thousand nine hundred and four, be less than fourteen feet. R. S., c. 37, s. 240.

Facilities for traffic.

**265.** Every structure by which any railway is carried over or under any highway or by which any highway is carried over or under any railway, shall be so constructed, and, at all times, be so maintained, as to afford safe and adequate facilities for all traffic passing over, under or through such structure. 8-9 E. VII., c. 38, s. 8 (1).

When rail level not obstruction.

**266.** Whenever the railway crosses any highway at rail level, whether the level of the highway remains undisturbed or is raised or lowered to conform to the grade of the railway, the top of the rail may, when the works are completed, unless otherwise directed by the Board, rise above or sink below the level of the highway to the extent of one inch without being deemed an obstruction. R.S., c. 37, s. 236.

Application of ss. 257 to 266.

**267.** Notwithstanding anything in this Act, or in any other Act, the provisions of sections 257 to 266, both inclusive, of this Act shall apply to all corporations, persons, companies and railways, other than government railways, within the legislative authority of the Parliament of Canada. 8-9 E. VII., c. 32, s. 8 (2).

Inclination of approach.

**268.** The inclination of the ascent or descent, as the case may be, of any approach by which any highway is carried over or under any railway, or across it at rail level, shall not, unless the Board otherwise directs, be greater

than one foot of rise or fall for every twenty feet of the horizontal length of such approach.

Fencing approaches.

2. A good and sufficient fence at least four feet six inches in height from the surface of the approach or structure shall be made and maintained on each side of such approach, and of the structure connected with it. R.S., c. 37, s. 242. Am.

Signboards at level crossings.

**269.** Sign boards at every highway crossed at rail level by any railway, shall be erected and maintained at each crossing, and shall have the words *Railway Crossing* painted on each side thereof in letters at least six inches in length.

In Quebec.

2. In the province of Quebec such words shall be in both the English and the French languages. R.S., c. 37, s. 243.

*Drainage and Power, Mining and Irrigation Works.*

Ditches, drains and flumes.

**270.** The company shall in constructing the railway make and maintain suitable water pipes, flumes, ditches and drains along each side of, and across and under the railway, to connect with water pipes, flumes, ditches, drains, drainage works and water courses upon the lands through which the railway runs, so as to afford sufficient outlet to drain and carry off the water, or to convey the water supply, and so that the then natural, artificial, or existing drainage, or water supply, of the said lands shall not be obstructed or impeded by the railway. R.S., c. 37, s. 250 (1). Am.

**271.** Whenever,—

If drainage insufficient.

(*a*) any lands are injuriously affected by reason of the drainage upon, along, across, or under the railway being insufficient to drain and carry off the water from such lands; or,

Or municipality desires.

(*b*) any municipality or landowner desires to obtain means of drainage, or the right to lay water pipes or other pipes, temporarily or permanently, through, along, upon, across or under the railway or any works or land of the company; or,

Or company desires.

(*c*) the railway company desires to obtain means of drainage, or the right to lay water pipes or other pipes, temporarily or permanently, through, along, upon, across or under any lands adjoining or near the railway;

Board may order or permit drainage or laying of pipes.

the Board may, upon the application or complaint of the municipality or landowner, or of the company, order or permit the company to construct such drainage or lay such pipes, and may require the applicant to submit to the Board a plan and profile of the portion of the railway or lands to be affected, or may direct an inspecting engineer, or such other person as it deems advisable to appoint, to inspect

the locality in question, and, if expedient, there hold an inquiry as to the necessity or requirements for such drainage or pipes, and to make a full report thereon to the Board.

Terms and conditions.

2. The Board may upon such report, or in its discretion, order how, where, when, by whom, and upon what terms and conditions, such drainage may be effected, or pipes laid, constructed and maintained, having due regard to all proper interests, and shall fix the compensation, if any, which should be paid to any owner injuriously affected.

Order not needed where consent, etc.

3. An order of the Board shall not be required in the cases in which water pipes or other pipes are to be laid or maintained under the railway, with the consent of the railway company in accordance with the general regulations, plans or specifications adopted or approved by the Board for such purposes. R.S., c. 37. s. 250 (2)-(4). Am.

Drainage proceedings under Provincial Acts.

**272.** Whenever by virtue of any Act of any province through which the railway runs, proceedings may be had or taken by any municipality or landowner for any drainage, or drainage works, upon and across the property of any other landowner in such province, the like proceedings may, at the option of such municipality or landowner, be had or taken by such municipality or landowner for drainage, or drainage works, upon and across the railway and lands of the company, in the place of the proceedings before the Board in the last preceding section provided.

Provincial laws to apply.

2. In case of any such proceedings, the drainage laws of the province shall, subject to any previous order or direction of the Board made or given with respect to drainage of the same lands, apply to the lands of the company upon or across which such drainage is required, to the same extent as to the lands of any landowner of such province: Provided that the company shall have the option of constructing the portion of any drain, or drainage work, required to be constructed upon, along, under or across its railway or lands.

Option of company.

If option not exercised.

3. In the event of the company not exercising such option, and completing such work within a reasonable time, and without any unnecessary delay, such work may be constructed or completed in the same manner as any other portions of such work are provided under the laws of such province to be constructed.

Approval of Board.

4. Notwithstanding anything in this section contained, no drainage works shall be constructed or reconstructed upon, along, under or across the railway or lands of the company until the character of such works, or the specifications or plans thereof, have been first submitted to and approved of by the Board.

Costs.

5. The proportion of the cost of the drain, or drainage works, across or upon the railway, to be borne by the com-

pany, shall, in all such cases, be based upon the increase of cost of such work caused by the construction and operation of the railway. R.S., c. 37, s. 251.

Power, mining and irrigation works.

**273.** When any person having authority to create, develop, enlarge or change any water-power, or any electrical or power development by means of water, or to develop and operate mineral claims or mines, or to use water for irrigation purposes, desires for any such purpose to carry any canal, tunnel, flume pipe, ditch or wire across, over or under any railway, and is unable to agree with the railway company as to the terms and conditions upon which the same may be so carried over, under or across the said railway, an application may be made to the Board for leave to construct the necessary works.

Application to Board.

Plan and profile.

2. Upon such application the applicant shall submit to the Board a plan and profile of the railway at the point where it is desired to make such crossing, and a plan or plans showing the proposed method of carrying such canal, tunnel, flume pipe, ditch or wire across, over or under the said railway, and such other plans, drawings and specifications as the Board in any case or by any regulation requires.

Terms of order.

3. The Board may, by order, grant such application on such terms and conditions as to protection and safety, payment of compensation or otherwise, as it deems just and proper, may change the plans, profiles, drawings and specifications so submitted, and fix the place and mode of crossing and may give directions as to the method in which the works are to be constructed and as to supervision of the construction of the works and the maintenance thereof, and order that detailed plans, drawings and specifications of any works, structures, equipment or appliances required shall before construction or installation be submitted to and approved by the Board. R.S., c. 37, s. 249. Am.

*Farm Crossings.*

Farm crossings.

**274.** Every company shall make crossings for persons across whose lands the railway is carried, convenient and proper for the crossing of the railway for farm purposes.

Live stock.

2. Live stock, in using such crossings when at rail level shall be in charge of some competent person, who shall take all reasonable care and precaution to avoid accidents. R.S., c. 37, s. 252.

Necessary crossings may be ordered by Board.

**275.** The Board may, upon the application of any landowner, order the company to provide and construct a suitable farm crossing across the railway, wherever in any case the Board deems it necessary for the proper enjoyment of his land, and safe in the public interest.

Timers and conditons.

2. The Board may order and direct how, when, where, by whom, and upon what terms and conditions such farm crossing shall be constructed and maintained. R.S., c. 37, s. 253.

*Fences, Gates and Cattle-Guards.*

Company shall erect.

**276.** The company shall erect and maintain upon the railway,—

Fences.

(*a*) fences of a minimum height of four feet six inches on each side of the railway;

Gates.

(*b*) swing gates in such fences at farm crossings of the minimum height aforesaid, with proper hinges and fastenings: Provided that sliding or hurdle gates, already lawfully constructed, may be maintained until the first day of July, one thousand nine hundred and twenty, unless otherwise ordered by the Board; and,

Cattle-guards.

(*c*) cattle-guards, on each side of the highway, at every highway crossing at rail level with the railway.

To be joined.

2. The railway fences at every such highway crossing shall be turned into the respective cattle-guards on each side of the highway.

To be suitable.

3. Such fences, gates and cattle-guards shall be suitable and sufficient to prevent cattle and other animals from getting on the railway lands.

Exemption by Board.

4. The Board may, upon application made to it by the company, relieve the company, temporarily or otherwise, from erecting and maintaining such fences, gates and cattle-guards where the railway passes through any locality in which, in the opinion of the Board, such works and structures are unnecessary.

Duty of company while constructing.

5. Where the railway is being constructed through enclosed lands, the company shall, by fencing its right of way before any existing fences are taken down or by other effective means, prevent cattle or other animals escaping from or getting upon such enclosed lands or from one enclosure to another or upon the property of the company by reason of such construction or of any act or thing done by the company, its contractors, agents or employees. R.S., c. 37, s. 254; 9-10 E. VII., c. 50, s. 5; 1-2 G. V., c. 22, s. 9. Am.

*Gates to be Kept Closed.*

Gates to be closed.

**277.** The persons for whose use farm crossings are furnished shall keep the gates at each side of the railway closed, when not in use. R.S., c. 37, s. 255.

OPENING RAILWAY FOR TRAFFIC.

*Inspection and Leave of Board.*

Leave of Board for opening railway.

**278.** No railway, nor any portion thereof, shall be opened for the carriage of traffic, other than for the purposes of the construction of the railway by the company, until leave therefor has been obtained from the Board, as hereinafter provided.

Application therefor.

2. When the company is desirous of so opening its railway or any portion thereof, it shall make an application to the Board for authority therefor, supported by affidavit of its president, secretary, engineer or one of its directors, to the satisfaction of the Board, stating that the railway, or portion thereof, desired to be so opened, is in his opinion sufficiently completed for the safe carriage of traffic, and ready for inspection.

Inspection.

3. Before granting such application, the Board shall direct an inspecting engineer to examine the railway, or portion thereof, proposed to be opened.

When opening reported to be safe.

4. If the inspecting engineer reports to the Board, after making such examination, that in his opinion the opening of the railway or portion thereof so proposed to be opened for the carriage of traffic, will be reasonably free from danger to the public using the same, the Board may make an order granting such application, in whole or in part, and may name the time therein for the opening of the railway or such portion thereof, and thereupon the railway, or such portion thereof as is authorized by the Board, may be opened for traffic in accordance with such order.

Board may grant application.

When opening reported dangerous.

5. If such inspecting engineer, after the inspection of the railway, or any portion thereof, shall report to the Board that, in his opinion, the opening of the same would be attended with danger to the public using the same by reason of the incomp'eteness of the works or permanent way, or the insufficiency of the construction or equipment of such railway, or portion thereof, he shall state in his report the grounds for such opinion, and the company shall be entitled to notice thereof, and shall be served with a copy of such report and grounds, and the Board may refuse such application in whole or in part, or may direct a further or other inspection and report to be made.

Notice.

Board may refuse.

Further inspection.

6. If thereafter, upon such further or other inspection, or upon a new application under this section, the inspecting engineer reports that such railway, or portion thereof, may be opened without danger to the public, the Board may make an order granting such application in whole or in part, and may name the time therein for the opening of the railway, or such portion thereof, and thereupon the railway, or such

Order for opening.

portion thereof as is authorized by the Board, may be opened for traffic in accordance with such order.

Leave to carry freight traffic.

7. The Board, upon being satisfied that public convenience will be served thereby, may, after obtaining a report of an inspecting engineer, allow the company to carry traffic over any portion of the railway not opened for the carriage of traffic in accordance with the preceding provisions of this section. R.S., c. 37, s. 261; 9-10 E. VII., c. 50, s. 6.

*Board May Order Railway to be Opened.*

Board may order opening.

**279.** The Board, in any case where it deems it right, may, upon the application of any person interested or of its own motion, order the opening of any railway or line or any portion thereof, for traffic, and may require the company to do all things necessary therefor, within such time as the Board fixes. New.

SAFETY AND CARE OF ROADWAY.

*Animals not to be at Large Near Highway Crossings.*

Cattle not allowed at large near railway.

**280.** No horses, sheep, swine or other cattle shall be permitted to be at large upon any highway, within half a mile of the intersection of such highway with any railway at rail level, unless they are in charge of some competent person or persons, to prevent their loitering or stopping on such highway at such intersection.

May be impounded.

2. All horses, sheep, swine or other cattle found at large contrary to the provisions of this section may, by any person who finds them at large, be impounded in the pound nearest to the place where they are so found, and the pound-keeper with whom the same are impounded shall detain them in like manner, and subject to like regulations as to the care and disposal thereof, as in the case of cattle impounded for trespass on private property. R. S., c. 37, s. 294 (1) (2). Am.

*Thistles and Weeds to be Kept Cut.*

Company to remove weeds, etc.

**281.** Every company shall cause thistles and all noxious weeds growing on the right of way, and upon land of the company adjoining the railway, to be cut down or to be rooted out and destroyed each year, before such thistles or weeds have sufficiently matured to seed. R. S., c. 37, s. 296.

*Dry Grass to be Removed.*

Company to keep right of way clear.

**282.** The company shall at all times maintain and keep its right of way free from dead or dry grass, weeds and other unnecessary combustible matter. R. S., c. 37, s. 297.

**283.** The Board may make orders and regulations,— Board may order.

(*a*) respecting the construction, use and maintenance, in connection with the railway, of fire guards or other works which may be deemed by the Board to be necessary and suitable to prevent, as far as possible, fires from being started or occurring, upon, along or near the right of way of the company; Fire guards, etc.

(*b*) requiring the company to establish and maintain an efficient and competent staff of fire-rangers, equipped with such appliances for fighting fires or preventing them from spreading, as the Board may deem proper, and to provide such fire-rangers with proper and suitable equipment to enable them to move from place to place along the line of railway with all due speed; Fire-rangers.

(*c*) requiring the company to maintain an efficient patrol of the line of railway and of the lands in the vicinity thereof to which fires may spread, and generally defining the duties of the company and of the fire-rangers in respect thereof; Patrol.

(*d*) requiring the company to make returns of the names of fire-rangers in its employ in the performance of the above mentioned duties, and of the places or areas in which they are from time to time engaged; Returns as to fire-rangers.

(*e*) requiring the company to make reports and returns of fires occurring upon or near its right of way; and any such orders or regulations may be made applicable during or after the construction of the railway, or during such time, and in such manner, as the Board deems proper. Reports of fires.

2. For the purpose of fighting and extinguishing fires the fire-rangers of the company may follow the fires which spread from the railway, to, over and upon the lands to which they may spread. Following fires.

3. Subject to the terms and conditions of any order or regulation of the Board, the company may at all times enter into and upon any lands of His Majesty or of any person lying along the railway, for the purpose of establishing and maintaining thereon the fire guards or other protection directed by the Board, and for the purpose of freeing from dead or dry grass, weeds, and other unnecessary inflammable matter, the land between such fire gurads and the line of railway. R.S., c. 37, s. 30 (f), part; 1-2 G. V., c. 22, ss. 2, 10 (4). Am. Entering lands for fire guard purposes.

*Packing.*

Packing in spaces.

**284.** The spaces behind and in front of every railway frog or crossing, and between the fixed rails of every switch, where such spaces are less than four inches in width, shall be filled with packing up to the under side of the head of the rail.

In splayed ends.

2. The spaces between any wing rail and any railway frog, and between any guard rail and the track rail alongside of it, shall be filled with packing at their splayed ends, so that the whole splay shall be so filled where the width of the space between the rails is less than four inches.

Height of.

3. Such packing shall not reach higher than to the under side of the head of the rail.

Of what to consist.

4. Such packing shall consist of wood or metal, or some equally substantial and solid material, of not less than two inches in thickness, and, where by this section any space is required to be filled in on any railway, shall extend to within one and a half inches of the crown of the rails in use, shall be neatly fitted so as to come against the web of such rails, and shall be well and solidly fastened to the ties on which such rails are laid.

Board may regulate.

5. The Board may, notwithstanding the requirements of this section, allow the filling and packing therein mentioned to be left out from the month of December to the month of April in each year, both months included, or between any such dates as the Board by regulation, or in any particular case, determines. R. S., c. 37, s. 288.

*Board may Direct Inspection and Order Repairs.*

When railway out of repair.

**285.** Whenever any complaint is made to the Board, or the Board receives information, that any railway, or any portion thereof, is dangerous to the public using the same, from want of renewal or repair, or insufficient or erroneous construction, or from any other cause, or whenever circumstances arise which, in its opinion, render it expedient, the Board may direct an inspecting engineer to examine the railway, or any portion thereof.

Inspection.

Board may order repairs.

2. The Board may, upon the report of the inspecting engineer, order any repairs, renewal, reconstruction, alteration or new work, materials or equipment to be made, done or furnished by the company upon, in addition to, or substitution for, any portion of the railway, which may, from such report, appear to the Board necessary or proper, and may order that until such repairs, renewals, reconstruction, alteration, and work, materials or equipment are made, done and furnished to its satisfaction, no portion of the railway in respect of which such order is made, shall be used, or used

May enjoin operation meantime.

otherwise than subject to such restrictions, conditions and terms as the Board may in such order impose.

3. The Board may by such order condemn and thereby forbid further use of any rolling stock which, from such report, it may consider unfit to repair or use. R. S., c. 37, s. 262. Rolling stock may be condemned.

*Inspecting Engineer may Forbid Operation.*

**286.** If in the opinion of any inspecting engineer, it is dangerous for trains to pass over any railway, or any portion thereof, until alterations, substitutions or repairs are made thereon, or that any of the rolling stock should be run or used, the said engineer may, by notice, in writing,— Inspecting engineer may forbid operation. By notice.

(*a*) forthwith forbid the running of any train over such railway or portion of railway; or,

(*b*) require that the same be run only at such times, under such conditions, and with such precautions, as he by such notice specifies; and,

(*c*) forbid the running or using of any such rolling stock.

2. Such notice shall state the reasons for such opinion of the inspecting engineer, and distinctly point out the defects or the nature of the danger to be apprehended. What notice shall state.

3. The notice may be served upon the company owning, running, or using such railway or rolling stock, or upon any officer having the management or control of the running of trains upon the railway, or the management or control of the rolling stock. Service of notice.

4. The inspecting engineer shall forthwith report such notice to the Board, which may either confirm, modify or disallow the act or order of such engineer. Action of Board.

5. Notice of such confirmation, modification or disallowance, shall be duly given to the company. R.S., c. 37, s. 263. Notice thereof.

ACCIDENTS.

*Notice to be Sent to Board.*

**287.** Every company shall, as soon as possible, and immediately after the head officers of the company have received information of the occurrence upon the railway belonging to such company, of any accident attended with personal injury to any person using the railway, or to any employee of the company, or whereby any bridge, culvert, viaduct, or tunnel on or of the railway has been broken or so damaged as to be impassable or unfit for immediate use, give notice thereof, with full particulars, to the Board. Notice of accidents to Board.

2. The Board may by regulation declare the manner and form in which such information and notice shall be given Board may regulate.

and the class of accidents to which this section shall apply, and may declare any such information so given to be privileged. R. S., c. 37, s. 292.

*Board May Direct Inquiry.*

Appointment of officer to inquire into accidents.

**288.** The Board may appoint such person or persons as it thinks fit to inquire into all matters and things which it deems likely to cause or prevent accidents, and the causes of and the circumstances connected with any accident or casualty to life or property occurring on any railway, and into all particulars relating thereto.

Officer to report to Board.

2. The person or persons so appointed shall report fully in writing, to the Board, his or their doings and opinions on the matters respecting which he or they are appointed to inquire, and the Board may act upon such report and may order the company to suspend or dismiss any employee of the company whom it may deem to have been negligent or wilful in respect of any such accident. R. S., c. 37, s. 293.

Powers of Board.

OPERATION AND EQUIPMENT.

*Orders and Regulations of Board.*

Regulations of Board.

**289.** The Board may make orders and regulations,—

Speed of trains.

(*a*) limiting the rate of speed at which railway trains and locomotives may be run in any city, town or village, or in any class of cities, towns or villages; and the Board may, if it thinks fit, limit certain rates of speed within certain described portions of any city, town or village, and different rates of speed in other portions thereof; and may in any case limit or fix the rate of speed of trains and locomotives as it deems proper;

Use of steam whistle.

(*b*) with respect to the use of the steam whistle within any city, town or village, or any portion thereof;

Passing from car to car.

(*c*) with respect to the method and means of passing from one car to another, either inside or overhead, and for the safety of railway employees while passing from one car to another;

Coupling.

(*d*) for the coupling of cars;

Shelter.

(*e*) requiring proper shelter to be provided for all railway employees when on duty;

Prevention of fires.

(*f*) with respect to the use on any engine of nettings, screens, grates and other devices, and the use on any engine or car of any appliances and precautions, which may be deemed by the Board necessary and most suitable to prevent, as far as possible, fires from being started or occurring upon, along, or near the right of way of the railway;

(*g*) with respect to the rolling stock, apparatus, cattle-guards, appliances, signals, methods, devices, structures and works, to be used upon the railway, so as to provide means for the due protection of property, the employees of the company, and the public; Protection generally.

(*h*) with respect to the length of sections required to be kept in repair by employees of the company, and with respect to the number of employees required for each section, so as to ensure safety to the public and to employees; Length of sections, etc.

(*i*) designating the number of men to be employed upon trains, with a view to the safety of the public and of employees; Number of men.

(*j*) limiting or regulating the hours of duty of any employees or class or classes of employees, with a view to safety; Hours of duty.

(*k*) providing that a specified kind of fuel or a specified kind of power or method or means of propulsion shall be used on any or all locomotives and trains in any district; and, Fuel. Motive power.

(*l*) generally providing for the protection of property, and the protection, safety, accommodation and comfort of the public, and of the employees of the company, in the running and operating of trains, or the use of engines, by the company or on or in connection with the railway; Safety, etc.

and any orders or regulations under this section may be made applicable during or after the construction of the railway, or during such time, and in such manner, as the Board deems proper. R.S., c. 37, s. 30, part, s. 269, s. 275, part; 8-9 E. VII, c. 32, s. 13, part. Am.

**290.** The Board shall endeavor to provide for uniformity in the construction of rolling stock to be used upon the railway, and for uniformity of rules for the operation and running of trains. R. S., c. 37, s. 268. Uniformity.

*By-Laws, Rules and Regulations of Company.*

**291.** The company may, subject to the provisions and restrictions in this and in the Special Act contained, and subject to any orders or regulations of the Board, make by-laws, rules or regulations respecting,— Company may make by-laws.

(*a*) the mode by which, and the speed at which any rolling stock used on the railway is to be moved; Speed.

(*b*) the hours of arrival and departure of trains; Time tables.

(*c*) the loading and unloading of cars, and the weights which they are respectively to carry; Loads.

(*d*) the receipt and delivery of traffic; Traffic.

Nuisanecs.

(*e*) the smoking of tobacco, expectorating, and the commission of any nuisance in or upon trains, stations, or other premises occupied by the company;

Operation.

(*f*) the travelling upon, or the using or working of the railway;

Officers and employees.

(*g*) the employment and conduct of the officers and employees of the company; and,

Management.

(*h*) the due management of the affairs of the company. R.S., c. 37, s. 307.

Penalty may be prescribed.

**292.** The company may, for the better enforcing of the observance of any such by-law, rule or regulation, thereby prescribe a penalty enforcible on summary conviction not exceeding forty dollars for any violation thereof. R.S., c. 37, s. 308.

To be in writing under common seal.

**293.** All by-laws, rules and regulations, whether made by the directors or the company, shall be reduced to writing, be signed by the chairman or person presiding at the meeting at which they are adopted, have affixed thereto the common seal of the company, and be kept in the office of the company. R.S., c. 37, s. 309.

Must be approved by. Governor in Council.

**294.** All such by-laws, rules and regulations, except such as relate to tolls and such as are of a private or domestic nature and do not affect the public generally or impose a penalty, shall be submitted to the Governor in Council for approval.

Board to report.

2. The Board shall make a report to the Governor in Council upon such by-laws, rules and regulations, and the Governor in Council may thereupon sanction such by-laws, rules and regulations or any of them, or any part thereof, and may, from time to time, rescind the sanction thereof, or of any part thereof.

No effect without sanction.

3. No such by-law, rule or regulation shall have any force or effect without such sanction, or after such sanction has been rescinded. R.S., c. 37, s. 310. Am.

Binding when approved.

**295.** Such by-laws, rules and regulations when so approved shall be binding upon, and shall be observed by all persons, and shall be sufficient to justify all persons acting thereunder. R.S., c. 37, s. 311.

Printed copy to be posted up.

**296.** A printed copy of so much of any by-law, rule or regulation, as affects any person, other than the shareholders, or the officers or employees of the company, shall be openly affixed, and kept affixed, to a conspicuous part of every station belonging to the company, so as to give public notice thereof to the persons interested therein or affected thereby.

2. A printed copy of so much of any by-law, rule or regulation as relates to the conduct of or affects the officers or employees of the company, shall be given to every officer and employee of the company thereby affected. Copy to every officer and employee affected.

3. In the province of Quebec every such notice, by-law, rule and regulation shall be published both in the English and French languages. R.S., c. 37, s. 312. In Quebec both languages.

**297.** If the violation or non-observance of any by-law, rule or regulation, is attended with danger or annoyance to the public, or hindrance to the company in the lawful use of the railway, the company may summarily interfere, using reasonable force, if necessary, to prevent such violation, or to enforce observance, without prejudice to any penalty incurred in respect thereof. R.S., c. 37, s. 313. Company may enforce.

**298.** A copy of any such by-law, rule or regulation of the company, certified as correct by the president, secretary or other executive officer of the company, and bearing the seal of the company, shall be evidence thereof. R.S., c. 37, s. 76. Evidence of by-law or regulation.

*Equipment of Cars and Locomotives.*

**299.** Every railway company shall provide and cause to be used on all trains modern and efficient apparatus, appliances and means,— Modern and efficient.

(*a*) to provide immediate communication between the conductor while in any car of any passenger train, and the engine driver; Communication.

(*b*) to check at will the speed of the train, and bring the same safely to a standstill, as expeditiously as possible, and, except under circumstances of sudden danger or emergency, without causing undue discomfort to passengers, if any, on the train; and, Brakes.

(*c*) to securely couple and connect the cars composing the train, and to attach the engine to such train, with couplers which couple automatically by impact, and which can be uncoupled without the necessity of men going in between the ends of the cars. Couplers.

2. Such apparatus, appliances and means for the checking of speed or the stopping of any train shall include a power drive wheel brake and appliances for operating the train brake system upon the locomotive. Drive wheel brake.

3. There shall also be such a number of cars in every train equipped with power or train brakes that the engineer on the locomotive drawing such train can control its speed, or bring the train to a stop in the quickest and best manner Power or train brakes.

possible, without requiring brakemen to use the common hand brake for that purpose.

Continuous, instantaneous action.

4. Upon all trains carrying passengers such system of brakes shall be continuous, instantaneous in action, and capable of being applied at will by the engine driver or any brakeman, and the brakes must be self-applying in the event of any failure in the continuity of their action.

Box freight cars.

5. All box freight cars of the company shall, for the security of railway employees, be equipped with,—

Outside ladders.

(*a*) outside ladders, on two of the diagonally opposite ends and sides of each car, projecting below the frame of the car, with one step or rung of each ladder below the frame, the ladders being placed close to the ends and sides to which they are attached; and,

Hand grips.

(*b*) hand grips placed anglewise over the ladders of each box car and so arranged as to assist persons in climbing on the roof by means of the ladders:

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Provided that, if there is at any time any other improved side attachment which, in the opinion of the Board, is better calculated to promote the safety of the train hands, the Board may require any of such cars not already fitted with the side attachments by this section required, to be fitted with the said improved attachment.

Height of draw-bars.

6. Every railway company shall adopt and use upon all its rolling stock such height of draw-bars as the Board determines, in accordance with any standard from time to time adopted by competent railway authorities.

7. The Board may upon good cause shown, by general regulation, or in any particular case, from time to time grant delay for complying with the provisions of this section.— R.S., c. 37, s. 264.

Delay may be allowed for compliance.

**300.** The Board may, by general regulation or upon application in any particular case, order that any apparatus or appliances specified in such regulation or order shall or shall not be deemed sufficient compliance with the provisions of the last preceding section, or that any apparatus or appliances specified in such regulation or order shall or shall not when used upon the train in the manner and under the circumstances in such regulation or order specified be deemed sufficient compliance with the provisions of the said section. R. S., c. 37, s. 265. Am.

Board may determine what equipment sufficient.

Oiling.

**301.** The oil cups or other appliances used for oiling the valves of every locomotive in use upon any railway shall be such that no employee shall be required to go outside the cab of the locomotive, while the same is in motion, for the purpose of oiling such valves. R.S., c. 37, s. 266.

**302.** Every locomotive engine shall be equipped and maintained with a bell of at least thirty pounds weight and with a steam whistle. R.S., c. 37, s. 267. Bell and whistle.

*Running of Trains.*

**303.** All regular trains shall be started and run, as nearly as practicable, at regular hours, fixed by public notice. —R. S., c. 37, s. 270. Regularity in train time.

2. Every railway company shall print in both the English and French languages the time tables that are to be used along its lines within the limits of the province of Quebec. 8-9 E. VII., c. 32, s. 14. Time tables.

**304.** Every railway company, upon whose railway there is a telegraph or telephone line in operation shall have a blackboard put upon the outside of the station house, over the platform of the station, in some conspicuous place at each station of such company at which there is a telegraph or telephone office; and when any passenger train is overdue at any such station, according to the time table of such company, the station agent or person in charge at such station, shall write, or cause to be written, with white chalk on such blackboard, a notice stating, to the best of his knowledge and belief, the time when such overdue train may be expected to reach such station. Blackboard. At stations. Overdue. trains.

2. If there is any further change in the expected time of arrival the station agent or person in charge of the station shall write, or cause to be written on the blackboard in like manner, a fresh notice stating, to the best of his knowledge and belief, the time when such overdue train may then be expected to reach such station. Further notice.

3. Such notices shall, in the province of Quebec, be written in the English and French languages, and, in the other provinces, in English. R.S., c. 37, s. 271. Am. English and French.

**305.** No passenger train shall have any freight, merchandise or lumber car in the rear of any passenger car in which any passenger is carried. R.S., c. 37, s. 272. Position of passenger cars.

*Precautions at Swing Bridges.*

**306.** When any railway passes over any navigable water, or canal, by means of a draw or swing bridge which is subject to be opened for navigation, every train shall, before coming on or crossing over such bridge, be brought to a full stop, and shall not thereafter proceed until a proper signal has been given for that purpose. Trains to stop at swing bridges.

Board may exempt.

2. Wherever there is adopted or in use on any railway, at any such bridge, an interlocking switch and signal system or other device which, in the opinion of the Board, renders it safe to permit engines and trains to pass over such bridge without being brought to a stop, the Board may, by order, permit engines and trains to pass over such bridge without stopping, under such regulations as to speed and other matters, as the Board deems proper. R.S., c. 37, s. 273.

*Precautions at Railway Crossings.*

Signal at rail level crossings.

**307.** No train or engine or electric car shall pass over any crossing where two main lines of railway, or the main tracks of any branch lines, cross each other at rail level, whether they are owned by different companies or the same company, until a proper signal has been received by the conductor or engineer in charge of such train or engine from a competent person or watchman in charge of such crossing that the way is clear.

Electric railway crossings.

2. In the case of an electric car crossing any railway track at rail level, if there is no competent person or watchman in charge of the crossing, it shall be the duty of the conductor, before crossing and before giving the signal to the motorman that the way is clear and to proceed, to go forward and see that the track to be crossed is clear. R.S., c. 37, s. 277.

Stoppage of trains at rail level crossings.

**308.** Every engine, train or electric car shall, before it passes over any crossing as in the last preceding section mentioned, be brought to a full stop: Provided that whenever there is in use, at any such crossing, an interlocking switch and signal system, or other device which, in the opinion of the Board, renders it safe to permit engines and trains or electric cars to pass over such crossing without being brought to a stop, the Board may, by order, permit such engines and trains and cars to pass over such crossing without stopping, under such regulations as to speed and other matters as the Board deems proper. R.S., c. 37, s. 278.

Where safety devices are installed, Board may otherwise order.

*Precautions at Highway Crossings and in Thickly Peopled Places.*

Use of bell and whistle.

**309.** When any train is approaching a highway crossing at rail level the engine whistle shall be sounded at least eighty rods before reaching such crossing, and the bell shall be rung continuously from the time of the sounding of the whistle until the engine has crossed such highway.

Exception.

2. Where a municipal by-law of a city or town prohibits such sounding of the whistle or such ringing of the bell in

respect of any such crossing or crossings within the limits of such city or town, such by-law shall, to the extent of such prohibition, relieve the company and its employees from the duty imposed by this section. R.S., c. 37, s. 274. Am.

Speed of trains.

**310.** No train shall pass at a speed greater than ten miles an hour,—

In unfenced portions of thickly peopled places.

(*a*) in or through any thickly peopled portion of any city, town or village, unless the track is fenced or properly protected in the manner prescribed by this Act, or unless permission is given by some regulation or order of the Board; or,

Over unprotected highway crossings in thickly peopled places.

(*b*) over any highway crossing at rail level in any thickly peopled portion of any city, town or village, unless such crossing is constructed and thereafter maintained and protected in accordance with the orders, regulations and directions specially issued by the Railway Committee of the Privy Council or of the Board, in force with respect to such crossing, or unless permission is given by some regulation or order of the Board; or,

Over crossings where accidents happened.

(*c*) over any highway crossing at rail level, if at such crossing, subsequent to the first day of January, one thousand nine hundred and five, a person or vehicle using such crossing, or an animal being ridden or driven over the same, has been struck by a moving train, and bodily injury or death thereby caused to such person or to any other person using such crossing, unless and until such crossing is protected to the satisfaction of the Board; or,

Over crossings not protected as ordered.

(*d*) over any highway crossing at rail level in respect of which crossing an order of the Board has been made to provide protection for the safety and convenience of the public and which order has not been complied with. R.S., c. 37, s. 275, part; 8-9 E. VII., c. 32, s. 13, part; 9-10 E. VII., c. 50, s. 15.

Trains or cars moving reversely.

**311.** Whenever in any city, town or village, any train not headed by an engine moving forward in the ordinary manner is passing over or along a highway at rail level which is not adequately protected by gates or otherwise, the company shall station on that part of the train, or of the tender if that is in front, which is then foremost, a person who shall warn persons standing on, or crossing, or about to cross the track of such railway. R.S., c. 37, s. 276.

Board may exempt.

2. The Board, upon the application of any railway company or person, shall have power to order that this section shall not apply to any particular trains or classes of trains, or to trains running on any specified portions

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of the railway of the company: Provided that no such order shall be made with respect to trains engaged in shunting or switching, or in yard or terminal movements. 9-10 E. VII., c. 50, s. 7.

*Respecting the Obstruction of Highway Traffic.*

Train must not obstruct highway more than five minutes.

**312.** Whenever any railway crosses any highway at rail level, the company shall not, nor shall its officers, agents or employees, wilfully permit any engine, tender or car, or any portion thereof, to stand on any part of such highway, for a longer period than five minutes at one time, or, in shunting to obstruct public traffic for a longer period than five minutes at one time, or, in the opinion of the Board, unnecessarily interfere therewith. R.S., c. 37, s. 279.

## Traffic, Tolls and Tariffs.

*Accommodation for Traffic.*

Accommodation.

**313.** The company shall, according to its powers,—

At all stations.

(*a*) furnish, at the place of starting, and at the junction of the railway with other railways, and at all stopping places established for such purpose, adequate and suitable accommodation for the receiving and loading of all traffic offered for carriage upon the railway;

Carriage and delivery.

(*b*) furnish adequate and suitable accommodation for the carrying, unloading and delivering of all such traffic;

No delay.

(*c*) without delay, and with due care and diligence, receive, carry and deliver all such traffic; and,

Appliances.

(*d*) furnish and use all proper appliances, accommodation and means necessary for receiving, loading, carrying, unloading and delivering such traffic.

What adequate and suitable accommodation shall include.

2. Such adequate and suitable accommodation shall include reasonable facilities for the junction of private sidings or private branch railways with any railway belonging to or worked by the company, and reasonable facilities for receiving, forwarding and delivering traffic upon and from those sidings or private branch railways, together with the placing of cars and moving them upon and from such private sidings and private branch railways.

May be ordered by Board.

3. If in any case such accommodation is not, in the opinion of the Board furnished by the company, the Board may order the company to furnish the same within such time or during such period as the Board deems expedient, having regard to all proper interests; or may prohibit or limit the use, either generally or upon any specified railway or

part thereof, of any engines, locomotives, cars, rolling stock, apparatus, machinery, or devices, or any class or kind thereof, not equipped as required by this Act, or by any orders or regulations of the Board made within its jurisdiction under the provisions of this Act.

Payment of tolls.

4. Such traffic shall be taken, carried to and from, and delivered at the places aforesaid on the due payment of the toll lawfully payable therefor.

Board may regulate time so as to allow connections to be made between railways for passengers and mails.

5. Where a company's railway crosses or joins or approaches, in the opinion of the Board, sufficiently near to any other railway, upon which passengers or mails are transported, whether the last mentioned railway is within the legislative authority of the Parliament of Canada or not, the Board may order the company to so regulate the running of its trains carrying passengers or mails, and the places and times of stopping them, as to afford reasonable opportunity for the transfer of passengers and mails between its railway and such other railway, and may order the company to furnish reasonable facilities and accommodation for such purpose.

Board may order specific works, tolls, etc.

6. For the purposes of this section the Board may order that specific works be constructed or carried out, or that property be acquired, or that specified tolls be charged, or that cars, motive power or other equipment be allotted, distributed, used or moved as specified by the Board, or that any specified steps, systems, or methods be taken or followed by any particular company or companies, or by railway companies generally.

Right of action on default.

7. Every person aggrieved by any neglect or refusal of the company to comply with the requirements of this section shall, subject to this Act, have an action therefor against the company, from which action the company shall not be relieved by any notice, condition or declaration, if the damage arises from any negligence or omission of the company or of its servant. R.S., c. 37, s. 284.

Condition against negligence invalid.

Demurrage

8. The Board may make regulations, applying generally or to any particular railway or any portion thereof, or may make an order in any case where it sees fit, imposing charges for default or delay by any company in furnishing accommodation, appliances, or means as aforesaid, or in receiving, loading, carrying, unloading or delivering traffic, and may enforce payment of such charges by companies to any person injuriously affected by such default or delay; and any amount so received by any person shall be deducted from the damages recoverable or recovered by such person for such default or delay; and the Board may, by order or regulation, determine what circumstances shall exempt any company from payment of any such charges. 7-8 E. VII., c. 61, s. 10. Am.

Interchange of traffic between connecting lines.

**314.** Where a branch line of one railway joins or connects the line or lines of such railway with another, the Board may, upon application of one of the companies, or of a municipal corporation or other public body, order that the railway company which constructed such branch line shall afford all reasonable and proper facilities for the interchange, by means of such branch, of freight and live stock traffic, and the empty cars incidental thereto, between the lines of the said railway and those of the railway with which the said branch is so joined or connected, in both directions, and also between the lines of the said first mentioned railway and those of other railways connecting with the lines of the first mentioned railway and all tracks and sidings used by such first mentioned railway for the purpose of loading and unloading cars, and owned or controlled by, or connecting with the lines of, the company owning or controlling the first mentioned railway, and such other tracks and sidings as the Board from time to time directs; and the company owning or controlling the secondly mentioned railway shall furnish similar reasonable and proper facilities to the first mentioned railway, and to other lines connecting with its own railway, and shall in all respects be under duties corresponding to those of the company owning or controlling the first mentioned railway, and shall be subject in like manner to the directions of the Board.

Interswitching.

Reciprocal duties of companies.

Charge regulated by Board.

2. The Board, may, in and by such order, or by other orders, from time to time determine as questions of fact and direct the price per car which shall be charged by and paid for such traffic.

Application of section.

3. This section shall apply whether or not the point of connection is within the same city, town or village as the point of shipment or delivery, or so near thereto that the tolls to and from such points are the same. R.S., c. 37, s. 285. Am.

*Equality as to Tolls and Facilities.*

Equal tolls to be charged.

**315.** All tolls shall always under substantially similar circumstances and conditions, in respect of all traffic of the same description, and carried in or upon the like kind of cars or conveyances, passing over the same line or route, be charged equally to all persons and at the same rate, whether by weight, mileage or otherwise.

No discrimination.

2. No reduction or advance in any such tolls shall be made, either directly or indirectly, in favor of or against any particular person or company travelling upon or using the railway.

3. The tolls for carload quantities or longer distances, may be proportionately less than the tolls for less than carload quantities, or shorter distances, if such tolls are, under substantially similar circumstances, charged equally to all persons. Carload quantities.

4. No toll shall be charged which unjustly discriminates between different localities. Localities.

5. The Board shall not approve or allow any toll, which for the like description of goods, or for passengers carried under substantially similar circumstances and conditions in the same direction over the same line or route is greater for a shorter than for a longer distance, within which such shorter distance is included, unless the Board is satisfied that, owing to competition, it is expedient to allow such toll. Duty of Board.

6. The Board may declare that any places are competitive points within the meaning of this Act. R.S., c. 37, s. 315. Am. Competitive points.

**316.** No company shall, without leave therefor having been obtained from the Board, except in accordance with the provisions of this Act, directly or indirectly, pool its freights or tolls with the freights or tolls of any other railway company or common carrier, or divide its earnings or any portion thereof with any other railway company or common carrier, or enter into any contract, arrangement, agreement, or combination to effect, or which may effect, any such result. R.S., c. 37, s. 316. Pooling prohibited.

**317.** All railway companies shall, according to their respective powers, afford to all persons and companies all reasonable and proper facilities for the receiving, forwarding and delivering of traffic upon and from their several railways, for the interchange of traffic between their respective railways, and for the return of rolling stock. Facilities for traffic.

2. Such facilities to be so afforded shall include the due and reasonable receiving, forwarding and delivering by the company, at the request of any other company, of through traffic, and, in the case of goods shipped by car load, of the car with the goods shipped therein, to and from the railway of such other company, at a through rate; and also the due and reasonable receiving, forwarding and delivering by the company, at the request of any person interested in through traffic, of such traffic at through rates. Through traffic.

3. No company shall,— No undue preference.

(*a*) make or give any undue or unreasonable preference or advantage to, or in favour of any particular person

or company, or any particular description of traffic, in any respect whatsoever;

Or discrimination.

(*b*) by any unreasonable delay or otherwise howsoever, make any difference in treatment in the receiving, loading, forwarding, unloading, or delivery of the goods of a similar character in favour of or against any particular person or company;

Or prejudice.

(*c*) subject any particular person, or company, or any particular description of traffic, to any undue, or unreasonable prejudice or disadvantage, in any respect whatsoever; or,

Allotment of freight cars.

(*d*) so distribute or allot its freight cars as to discriminate unjustly against any locality or industry, or against any traffic which may originate on its railway destined to a point on another railway in Canada with which it connects.

Connecting railway to afford reasonable facilities.

4. Every railway company which has or works a railway forming part of a continuous line of railway with or which intersects any other railway, or which has any terminus, station or wharf near to any terminus, station or wharf of any other railway, shall afford all due and reasonable facilities for delivering to such other railway, or for receiving from and forwarding by its railway, all the traffic arriving by such other railway without any unreasonable delay, and without any such preference or advantage, or prejudice or disadvantage as aforesaid, and so that no obstruction is offered to the public desirous of using such railways as a continuous line of communication, and so that all reasonable accommodation, by means of the railways of the several companies, is, at all times, afforded to the public in that behalf.

Facilities for junction of private sidings, branches, etc.

5. The reasonable facilities which every railway company is required to afford under this section, shall include reasonable facilities for the junction of private sidings or private branch railways with any railway belonging to or worked by any such company, and reasonable facilities for receiving, forwarding and delivering traffic upon and from those sidings or private branch railways.

Equal facilities to be granted to express companies.

6. Every railway company which grants any facilities for the carriage of goods by express to any incorporated express company or person, shall grant equal facilities, on equal terms and conditions, to any other incorporated express company which demands the same.

Agreements to the contrary void.

7. Any agreement made between any two or more companies contrary to this section shall be unlawful and null and void. R.S., c. 37, s. 317.

Board may determine.

**318.** The Board may determine, as questions of fact, whether or not traffic is or has been carried under substan-

tially similar circumstances and conditions, and whether there has, in any case, been unjust discrimination, or undue or unreasonable preference or advantage, or prejudice or disadvantage, within the meaning of this Act, or whether in any case the company has, or has not, complied with the provisions of the three last preceding sections.

May make declaratory regulation.

2. The Board may by regulation declare what shall constitute substantially similar circumstances and conditions, or unjust or unreasonable preferences, advantages, prejudices, or disadvantages within the meaning of this Act, or what shall constitute compliance or non-compliance with the provisions of the three last preceding sections.

Board may order specific works, tolls, etc.

3. For the purposes of the last preceding section, the Board may order that specific works be constructed or carried out, or that property be acquired, or that specified tolls be charged or that cars, motive power or other equipment be allotted, distributed, used or moved as specified by the Board, or that any specified steps, systems, or methods be taken or followed by any particular company or companies, or by railway companies generally. R.S., c. 37, s. 318.

Discrimination.

**319.** Whenever it is shown that any railway company charges one person, company, or class of persons, or the persons in any district, lower tolls for the same or similar goods, or lower tolls for the same or similar services, than it charges to other persons, companies, or classes of persons, or to the persons in another district, or makes any difference in treatment in respect of such companies or persons, the burden of proving that such lower toll or difference in treatment does not amount to an undue preference or an unjust discrimination, shall lie on the company. R.S., c. 37, s. 77.

Burden of proof.

What Board may consider in deciding undue preference.

**320.** In deciding whether a lower toll, or difference in treatment, does or does not amount to an undue preference or an unjust discrimination, the Board may consider whether such lower toll, or difference in treatment, is necessary for the purpose of securing, in the interests of the public, the traffic in respect of which it is made, and whether such object cannot be attained without unduly reducing the higher tolls. R.S., c. 37, s. 319.

Apportionment of toll for carriage by land and water.

**321.** In any case in which the toll charged by the company for carriage, partly by rail and partly by water, is expressed in a single sum, the Board, for the purpose of determining whether a toll charged is discriminatory or contrary in any way to the provisions of this Act, may require the company to declare forthwith to the Board, or

may determine, what portion of such single sum is charged in respect of the carriage by rail. R.S., c. 37, s. 320.

*Freight Classification.*

Tariff of tolls subject to classification by Board.

**322.** The tariffs of tolls for freight traffic shall be subject to and governed by that classification which the Board may prescribe or authorize, and the Board shall endeavour to have such classification uniform throughout Canada, as far as may be, having due regard to all proper interests.

Special terms and conditions.

2. The Board may make any special regulations, terms and conditions or order or direction in connection with such classification, and as to the carriage of any particular commodity or commodities mentioned therein, as to it may seem expedient.

Changes of class.

3. The company may, from time to time, with the approval of the Board, and shall, when so directed by the Board, place any goods specified by the Board in any stated class, or remove them from any one class to any other, higher or lower, class: Provided that no goods shall be removed from a lower to a higher class until such notice as the Board determines has been given in *The Canada Gazette*.

United States classification.

4. Any freight classification and exception thereto in use in the United States may, subject to any regulation, order or direction of the Board, be used by the company with respect to traffic to and from the United States. R.S., c. 37, s. 321. Am.

*Tariffs—General Provisions.*

Tariffs of tolls.

**323.** The company or the directors of the company, by by-law, or any officer of the company who is thereunto authorized by a by-law of the company or directors in which his name in full and title are stated, may from time to time prepare and issue tariffs of the tolls to be charged in respect of the railway owned or operated by the company, and may specify the persons to whom, the place where, and the manner in which, such tolls shall be paid.

Preparation and issue.

Local or general.

2. The tolls may be either for the whole or for any particular portion of the railway.

By-laws.

3. All such by-laws shall be submitted to and approved by the Board.

Approval.

4. The Board may approve such by-laws in whole or in part, or change, alter or vary any of the provisions therein.

No tolls unless authorized.

5. No tolls shall be charged by the company or by any person in respect of a railway or any traffic thereon until a by-law authorizing the preparation and issue of tariffs of such tolls has been approved by the Board, nor, unless otherwise authorized by this Act, until a tariff of such tolls

has been filed with, and, where such approval is required under this Act, approved by, the Board, nor until any other requirements necessary under this Act to bring such tariff into effect have been complied with; nor shall any tolls be charged under any tariff or portion thereof disallowed by the Board, or not in effect in accordance with the provisions of this Act; nor shall the company charge, levy or collect any toll or money for any service as a common carrier except under and in accordance with the provisions of this Act.

Other than passenger or freight tariffs.

6. The Board may, with respect to any tariff of tolls, other than the passenger and freight tariffs in this Act hereinafter mentioned, make regulations fixing and determining the time when, the places where, and the manner in which, such tariffs shall be filed, published and kept open for public inspection. 7–8 E. VII., c. 61, s. 11. Am.

Form and particulars.

**324.** All tariff by-laws and tariffs of tolls shall be in such form, size and style, and give such information, particulars and details, as the Board may, by regulation, or in any case, prescribe. R.S., c. 37, s. 322.

Disallowance.

**325.** The Board may disallow any tariff or any portion thereof which it considers to be unjust or unreasonable, or contrary to any of the provisions of this Act, and may require the company, within a prescribed time, to substitute a tariff satisfactory to the Board in lieu thereof, or may prescribe other tolls in lieu of the tolls so disallowed.

Substitution.

Effective date.

2. The Board may designate the date at which any tariff shall come into force, and either on application or of its own motion may, pending investigation or for any reason, postpone the effective date of, or either before or after it comes into effect, suspend any tariff or any portion thereof.

Amendment.

3. Except as otherwise provided, any tariff in force, except standard tariffs hereinafter mentioned, may, subject to disallowance or change by the Board, be amended or supplemented by the company by new tariffs, in accordance with the provisions of this Act.

Consolidation.

4. When any tariff has been amended or supplemented, or is proposed to be amended or supplemented, the Board may order that a consolidation and reissue of such tariff be made by the company. R.S., c. 37, s. 323. Am.

References in superseding tariffs.

**326.** Every tariff superseding or intended to supersede any other tariff or tariffs, or any portion or portions thereof, shall specify the tariff or tariffs, or portion or portions thereof, which it supersedes or is intended to supersede, by giving the reference number or referring to the page and section or item in such a way as to facilitate an accurate

and ready reference to what is superseded or intended to be superseded.

Supplements to cancelled tariffs.

2. When any tariff is cancelled without being superseded by a tariff of like issue, a supplement shall be issued to such cancelled tariff and such supplement shall specify the tariff wherein the tolls may thereafter be found. New.

Fraction of a mile.

**327.** In all cases a fraction of a mile in the distance over which traffic is carried on the railway shall be considered as a whole mile.

Fraction of five pounds in weight.

2. In estimating the weight of any goods in any one single shipment on which the toll amounts to more than the minimum, or 'smalls' toll, any fraction of five pounds shall be waived by the company, and five or any fraction above five and up to ten pounds shall be deemed ten pounds by the company.

Fraction of five cents.

3. In estimating the tolls to be charged in passenger tariffs hereafter issued any amount not exceeding two and a half cents shall be waived by the company, and above two and a half cents and up to five cents shall be considered as five cents by the company. R.S., c. 37, s. 324. Am.

*Freight Tariffs.*

Division of freight tariffs.

**328.** The tariffs of tolls which the company shall be authorized to issue under this Act for the carriage of goods between points on the railway shall be divided into three classes, namely,—

Standard.

(*a*) the standard freight tariff;

Special.

(*b*) special freight tariffs; and,

Competitive.

(*c*) competitive tariffs. R.S., c. 37, s. 325.

What standard freight tariff to specify.

**329.** The standard freight tariff, or tariffs (where the company is allowed by the Board more than one standard freight tariff), shall specify the maximum mileage tolls to be charged for each class of the freight classification for all distances covered by the company's railway.

Distances.

2. Such distances may be expressed in blocks or groups, and such blocks or groups may include relatively greater distances for the longer than for the shorter hauls.

What special freight tariffs to specify.

3. The special freight tariffs shall specify the toll or tolls, lower than in the standard freight tariff, to be charged by the company for any particular commodity or commodities, or for each or any class or classes of the freight classification, or to or from a certain point or points on the railway; and greater tolls shall not be charged for a shorter than for a longer distance over the same line in the same direction, if such shorter distance is included in the longer.

4. The competitive tariffs shall specify the toll or tolls, lower than in the standard freight tariff, to be charged by the company for any class or classes of the freight classification, or for any commodity or commodities, to or from any specified point or points which the Board may deem or have declared to be competitive points not subject to the long and short haul clause under the provisions of this Act. R.S., c. 37, s. 326. Am. What competitive tariffs to specify.

**330.** Every standard freight tariff shall be filed with the Board, and shall be subject to the approval of the Board. Standard freight tariff.

2. Upon any such tariff being filed and approved by the Board the company shall publish the same, with a notice of such approval in such form as the Board directs in at least two consecutive weekly issues of *The Canada Gazette*. Filing. Approval. Publication.

3. When the provisions of this section have been complied with, the tolls as specified in the standard freight tariff or tariffs, as the case may be, shall, except in the cases of special freight and competitive tariffs, be the only tolls which the company is authorized to charge for the carriage of goods. Tolls specified to be the only lawful tolls.

4. Until the provisions of this section have been complied with, no toll shall be charged by the company. No toll until compliance.

5. No standard freight tariff shall be amended or supplemented except with approval of the Board. R.S., c. 37, s. 327. Am. Changes to be approved.

**331.** Special freight tariffs shall be filed by the company with the Board, and every such tariff shall specify the date of the issue thereof and the date on which it is intended to take effect. Special freight tariffs.

2. When any such special freight tariff reduces any toll previously authorized to be charged under this Act the company shall file such tariff with the Board at least three days before its effective date, and shall, for three days previous to the date on which such tariff is intended to take effect, deposit and keep on file in a convenient place, open for the inspection of the public during office hours, a copy of such tariff, at every station or office of the company where freight is received, or to which freight is to be carried thereunder, and also post up in a prominent place, at each such office or station, a notice in large type directing public attention to the place in such office or station where such tariff is so kept on file: Provided that the Board may by regulation or otherwise determine and prescribe any other or additional method of publication of such tariff during the period aforesaid. If tolls previously in force are reduced. Notice.

3. When any such special freight tariff advances any toll previously authorized to be charged under this Act, the If previous tolls advanced.

company shall in like manner file and publish such tariff thirty days previously to the date on which such tariff is intended to take effect.

When of effective.

4. When the foregoing provisions have been complied with, any such special freight tariff, unless suspended or postponed by the Board, shall take effect on the date stated therein as the date on which it is intended to take effect, and the company shall thereafter, until such tariff is disallowed or suspended by the Board or superseded by a new tariff, charge the toll or tolls as specified therein, and such special freight tariff shall supersede any preceding tariff or tariffs, or any portion or portions thereof, in so far as it reduces or advances the tolls therein.

No tolls until tariff in force.

5. Until such special freight tariff comes into effect, no such special freight toll or tolls shall be charged by the company. R.S., c. 37, s. 328; 1-2 G. V., c. 22, s. 11. Am.

Competitive tariffs.

**332.** Competitive tariffs shall be filed by the company with the Board and every such tariff shall specify the date of the issue thereof and the date on which it is intended to take effect: Provided that where it may be necessary to meet the exigencies of competition, or as the Board shall deem expedient, the Board may make rules and regulations governing the filing or publication of such tariffs, and may provide that any such tariffs may be acted upon and put in operation immediately upon the issue thereof by the company, before they have been filed with the Board, or may in any case make a special order or direction allowing any such tariff to go into effect as the Board shall appoint. R.S., c. 37, s. 329. Am.

Filing.

*Passenger Tariffs.*

Division of passenger tariffs.

**333.** The tariffs of tolls which the company shall be authorized to issue under this Act for the carriage of passengers between points on the railway shall be divided into two classes, namely,—

Standard.

(*a*) the standard passenger tariff; and,

Special.

(*b*) special passenger tariffs.

What standard passenger tariff shall specify.

2. The standard passenger tariff, or tariffs, (where the company is allowed by the Board more than one standard passenger tariff), shall specify the maximum mileage toll or tolls to be charged for passengers for all distances covered by the company's railway; and such distances may be expressed in like manner as provided herein in respect of standard freight tariffs.

3. Special passenger tariffs shall specify the toll or tolls to be charged by the company for passengers, in every case where such tolls are lower than the tolls specified in the company's standard passenger tariff. R.S., c. 37, s. 330. Am. What special passenger tariffs shall specify.

**334.** A standard passenger tariff shall be filed, approved and published, and amended or supplemented, in the same manner as required by this Act in the case of a standard freight tariff. Standard passenger tariff.

2. Until the company files its standard passenger tariff and such tariff is so approved and published in *The Canada Gazette*, no tolls shall be charged by the company. Approved and published.

3. When the provisions of this section have been complied with, the tolls in the standard passenger tariff shall, except in the case of special passenger tariffs, be the only tolls which the company is authorized to charge for the carriage of passengers. R.S., c. 37, s. 331. Tolls authorized.

**335.** The company shall file all special passenger tariffs with the Board at least three days before the effective date and shall, for three days previous to the date on which any such tariff is intended to take effect, deposit and keep on file in a convenient place, open for the inspection of the public during office hours, a copy of each such tariff, at every station or office of the company where passengers are received for carriage thereunder, and also post up in a prominent place at each such office or station a notice in large type directing public attention to the place in such office or station where such tariff is so kept on file: Provided that the Board may, owing to the exigencies of competition or otherwise, notwithstanding anything in this section contained, determine the time or manner within and according to which publication of any such tariff is to be made. Special passenger tariffs. Notice.

2. The date of the issue and the date on which, and the period, if any, during which, any such tariff is intended to take effect, shall be specified therein. Date and period.

3. When the foregoing provisions have been complied with, any such tariff, unless suspended or postponed by the Board, shall take effect on the date stated therein as the date on which it is intended to take effect, and the company shall thereafter until such tariff is disallowed or suspended by the Board or expires or is superseded by a new tariff, charge the toll or tolls as specified therein, and such tariff shall supersede any preceding tariff or tariffs or any portion or portions thereof, in so far as it reduces or advances the tolls therein. When effective.

4. Until such tariff comes into effect no such toll or tolls shall be charged by the company. R.S., c. 37, s. 332. Am. No toll before tariff.

*Joint Tariffs.*

Continuous route in Canada.

**336.** Where traffic is to pass over any continuous route in Canada operated by two or more companies, the several companies shall agree upon a joint tariff for such continuous route, and the initial company shall file such joint tariff with the Board, and the other company or companies, shall promptly notify the Board of its or their assent to and concurrence in such joint tariff.

Joint tariffs, shall be agreed upon.

Names of companies.

2. The names of the companies whose lines compose such continuous route shall be shown by such tariffs.

Continuous route in the case of carriage by water.

3. If the company owns, charters, uses, maintains or works, or is a party to any arrangement for using, maintaining or working vessels for carrying traffic, by sea or inland water, between any places or ports in Canada, and if any such vessel carries traffic between a port in Canada reached by such company and a port in Canada reached by the railway of another company, the vessel and the railway of either company shall be deemed to constitute a continuous route in Canada within the meaning of this section. R.S., c. 37, s. 333. Am.

Where failure to agree Board may decide.

**337.** In the event of failure by such companies to agree upon any such joint tariff as provided in the last preceding section, the Board on the application of any company or person desiring to forward traffic over any such continuous route, which the Board considers a reasonable and practicable route, or any portion thereof, may require such companies, within a prescribed time, to agree upon and file in like manner a joint tariff for such continuous route, satisfactory to the Board, or may, by order, determine the route, fix the toll or tolls and apportion the same among the companies interested, and may determine the date when the toll or tolls so fixed shall come into effect.

Companies to comply.

2. Upon any such order being made the companies shall as soon as possible, or within such time as the Board may require, file and publish a joint tariff in accordance with this Act, and in accordance with such order.

Apportionment of through rate.

3. In any case when there is a dispute between companies interested as to the apportionment of a through rate in any joint tariff, the Board may apportion such rate between such companies.

Power of Board.

4. The Board may decide that any proposed through rate is just and reasonable, notwithstanding that a less amount may be allotted to any company out of such through rate than the toll such company would otherwise be entitled to charge. R.S., c. 37, s. 334.

From Canada to foreign country.

**338.** When traffic is to pass over any continuous route from a point in Canada through a foreign country into Canada, or from any point in Canada to a foreign country, and such route is operated by two or more companies, whether Canadian or foreign, the several companies shall file with the Board a joint tariff for such continuous route. R.S., c. 37, s. 335.

From foreign country to Canada.

**339.** As respects all traffic which shall be carried from any point in a foreign country into Canada, or from a foreign country through Canada into a foreign country by any continuous route owned or operated by any two or more companies, whether Canadian or foreign, a joint tariff for such continuous route shall be duly filed with the Board. R.S., c. 37, s. 336.

Continuous carriage not to be prevented.

**340.** No company shall, by any combination, contract or agreement, express or implied, or by other means or device, prevent the carriage of goods from being continuous from the place of shipment to the place of destination.

Break in bulk, etc.

2. No break in bulk, stoppage or interruption made by such company shall prevent the carriage of goods from being treated as one continuous carriage from the place of shipment to the place of destination, unless such break, stoppage or interruption was made in good faith for some necessary purpose, and without any intent to avoid or unnecessarily interrupt such continuous carriage, or to evade any of the provisions of this Act. R.S., c. 37, s. 337.

Filing and publication of joint tariffs.

**341.** Joint tariffs shall, as to the filing and publication thereof, be subject to the same provisions in this Act as are applicable to the filing and publication of local tariffs of a similar description; and upon any such joint tariff being so duly filed with the Board the company or companies shall, until such tariff is superseded, or disallowed by the Board, charge the toll or tolls as specified therein: Provided that the Board may except from the provisions of this section the filing and publication of any or all passenger tariffs of foreign railway companies.

Proviso.

Information which Board may require.

2. The Board may require to be informed by the company of the proportion of the toll or tolls, in any joint tariff filed, which it or any other company, whether Canadian or foreign, is to receive or has received. R. S., c. 37, s. 338.

*Posting of Tariffs.*

Where to be posted.

**342.** The company shall deposit and keep on file in a convenient place, open for the inspection of the public during

office hours, a copy of each of its tariffs, at the following places respectively,—

Standard tariffs.

(*a*) standard passenger and freight tariffs at every station or office of the company where passengers or freight respectively, are received for carriage thereunder;

Special tariffs.

(*b*) special passenger and freight tariffs, at every station or office of the company where passengers or freight, respectively, are received for carriage thereunder, and such freight tariffs also at each of its stations or offices to which freight traffic is to be carried thereunder;

Competitive tariffs.

(*c*) competitive tariffs, at each freight station or office of the company where goods are to be received and delivered thereunder;

Joint tariffs in Canada.

(*d*) joint tariffs for traffic passing over any continuous route in Canada, operated by two or more companies, at each freight station or office where traffic is to be received, and at each freight station to which such tariffs extend;

Joint tariffs.

(*e*) joint tariffs for traffic passing over any continuous route operated by two or more companies, whether Canadian or foreign, from a point in Canada through a foreign country into Canada, or from any point in Canada to a foreign country, at each freight station or office where such traffic is to be received, and at each freight station or office in Canada to which it is to be carried as its destination;

From Canada to foreign country.

From foreign country to Canada.

(*f*) joint tariffs for traffic carried by any continuous route owned or operated by two or more companies, whether Canadian or foreign, from any point in a foreign country into Canada, or from a foreign country through Canada into a foreign country, at each freight station or office in Canada to which such tariffs extend.

Freight classifications.

2. The company shall keep on file at its stations or offices, where freight is received and delivered, a copy of the freight classification, or classifications, in force upon the railway, for inspection during business hours.

Notice to be posted at station of place where tariffs open to inspection.

3. The company shall post up in a prominent place at each of its stations where passengers or freight, respectively, are received for carriage, a notice in large type directing the public attention to the place in such station where the passenger or freight tariffs, respectively, are kept on file for public inspection during business hours, and the station agent, or person in charge at such station, shall produce to any applicant, on request, any particular tariff in use at that station which he may desire to inspect.

Power of Board as to publication of tariffs.

4. Notwithstanding anything in this section, the Board may, in addition to or in substitution for the publication of any tariff required by this section, by regulation or other-

wise, determine and prescribe the manner and form in which any such tariff shall be published or kept open by the company for public inspection, and may exempt from any such publication any competitive tariffs, or any joint tariff for traffic carried by any continuous route,— Exemptions.

(*a*) operated by two or more companies, whether Canadian or foreign, from a point in Canada through a foreign country into Canada, or from any point in Canada to a foreign country; or, From Canada.

(*b*) owned or operated by any two or more companies, whether Canadian or foreign, from any point in a foreign country into Canada, or from a foreign country through Canada into a foreign country. R. S., c. 37, s. 339. Am. From foreign countries.

*Presumption as to Legal Tolls.*

**343.** If the company files with the Board any tariff and such tariff comes into force and is not disallowed by the Board under this Act, or if the company participates in any such tariff, the tolls under such tariff while so in force shall, in any prosecution under this Act, as against such company, its officers, agents or employees, be conclusively deemed to be the legal tolls chargeable by such company. R. S., c. 37, s. 78. Tariff. Presumed legal as against company.

*Special rates for Specific Shipments.*

**344.** Notwithstanding anything in this Act, the Board may make regulations permitting the company to issue special rate notices prescribing tolls, lower than the tolls in force upon the railway, to be charged for specific shipments between points upon the railway, not being competitive points, if it considers that the charging of the special tolls mentioned in any such notices will help to create trade, or develop the business of the company, or be in the public interest, and not otherwise contrary to the provisions of this Act. Regulations permitting.

2. Every such special rate notice, or a duplicate copy thereof, shall be filed with the Board, and shall exist merely for the purpose of giving effect to the special rate charged for the specific shipment mentioned therein. R. S., c. 37, s. 342. Notice to be filed with Board.

*Reduced Rates and Free Transportation.*

**345.** Nothing in this Act shall be construed to prevent,— For Government, charity, expositions, etc.

(*a*) the carriage, storage or handling of traffic, free or at reduced rates, for the Dominion, or for any provincial or

municipal government, or for charitable purposes, or to or from fairs and expositions for exhibition thereat, or the carriage, free or at reduced rates, of destitute or homeless persons, transported by charitable societies, and the necessary agencies employed in such transportation;

Special tickets, immigrants, commercial travellers.

(*b*) the issuing of mileage, excursion or commutation passenger tickets, or the carriage at reduced rates, of immigrants or settlers and their goods or effects, or any member of any organized association of commercial travellers with his baggage;

Railway employees, M.P.P's press, etc.

(*c*) railways from giving free carriage or reduced rates to their own officers and employees, or their families, or to former employees of any railway, or for their goods and effects, or to members of the provincial legislatures or of the press, or to members of the Interstate Commerce Commission of the United States and the officers and staff of such commission, and for their baggage and equipment, or to such other persons as the Board may approve or permit; or,

Exchanging passes, etc.

(*d*) the principal officers of any railway, or any railway, or transportation company, from exchanging passes, or free tickets with other railways, or railway or transportation companies, for their officers and employees and their families, or their goods and effects:

Board may regulate.

Provided that the carriage of traffic by the company under this section may, in any particular case, or by general regulation, be extended, restricted, limited or qualified by the Board. R. S., c. 37, s. 341; 9-10 E. VII., c. 50, s. 11.

Members of Parliament and Board, etc., free.

**346.** Members of the Senate and House of Commons of Canada, with their baggage, and members of the Board and such officers and staff of the Board as the Board may determine, with their baggage and equipment, shall, on production of cards, certifying their membership or right, which shall be furnished them by the Clerk of the Senate or of the House of Commons or the Secretary of the Board, as the case may be, be entitled to free transportation on any of the trains of the company; and the company shall also, when required, haul free of charge any car provided for the use of the Board. R.S., c. 37, s. 343. Am.

*Contracts, etc., Limiting Carriers' Liability.*

Contracts, etc., impairing carriers' liability.

**347.** No contract, condition, by-law, regulation, declaration or notice made or given by the company, impairing, restricting or limiting its liability in respect of the carriage of

any traffic, shall, except as hereinafter provided, relieve the company from such liability, unless such class of contract, condition, by-law, regulation, declaration or notice shall have been first authorized or approved by order or regulation of the Board.

Power of Board.

2. The Board may, in any case, or by regulation, determine the extent to which the liability of the company may be so impaired, restricted or limited.

Board may prescribe terms.

3. The Board may by regulation prescribe the terms and conditions under which any traffic may be carried by the company.

Bills of lading to be in French and English in Quebec.

4. Railway companies shall print in both the English and French languages the bills of lading that are to be used along their lines within the limits of the province of Quebec. R. S., c. 37, s. 340; 8-9 E. VII., c. 32, s. 14.

*Carrying Dangerous Commodities.*

Dangerous goods.

**348.** No passenger shall carry, nor, except in conformity with any order or regulation made by the Board in that behalf, shall the company be required to carry upon its railway, gunpowder, dynamite, nitroglycerine, or any other goods which are of a dangerous or explosive nature.

Nature must be marked outside.

2. Every person who sends by the railway any such goods shall distinctly mark their nature on the outside of the package containing the same, and otherwise give notice in writing to the station agent or employee of the company whose duty it is to receive such goods and to whom the same are delivered. R. S., c. 37, s. 286. Am.

Carrying regulated by Board.

**349.** The Company shall not carry any goods of an explosive or dangerous nature except in conformity with the regulations made by the Board in that behalf.

Suspected parcels.

2. The Company may refuse to take, except in conformity with any order or regulation made by the Board in that behalf, any package or parcel which it suspects to contain goods of an explosive or dangerous nature, or may require the same to be opened to ascertain the fact. R. S., c. 37, s. 287. Am.

*Carrying His Majesty's Mail and Forces.*

Carriage of mails, troops, equipment, etc.

**350.** His Majesty's mail, His Majesty's naval or military forces or militia, and all artillery, ammunition, provisions or other stores for their use, and all policemen, constables or others travelling on His Majesty's service, shall, at all times, when required by the Postmaster General

of Canada, the Commander of the Forces, or any person having the superintendence and command of any police force, respectively, be carried on the railway, and with the whole resources of the company if required, on such terms and conditions and under such regulations as the Governor in Council makes. R. S., c. 37, s. 289.

Regulations.

*Checking Passengers' Baggage.*

Company to affix checks.

**351.** A check shall be affixed by the company to every parcel of baggage, having a handle, loop or suitable means for attaching a check thereupon, delivered by a passenger to the company for transport; and a duplicate of such check shall be given to the passenger delivering the same.

Excess baggage.

2. In the case of excess baggage the company shall be entitled to collect from the passenger, before affixing any such check, the toll authorized under this Act. R. S., c. 37, s. 283.

*Passenger Employees to wear Badges.*

Not entitled to exercise office without badge.

**352.** Every employee of the company employed in a passenger train or at a passenger station shall wear upon his hat or cap a badge which shall indicate his office, and he shall not, without such badge, be entitled to demand or receive from any passenger any fare or ticket, or to exercise any of the powers of his office, or to interfere with any passenger or his baggage or property. R. S., c. 37, s. 280.

*Passengers refusing to pay Fare.*

Expulsion.

**353.** Every passenger who refuses to pay his fare or produce and deliver up his ticket upon the request of the conductor may, by the conductor of the train and the train servants of the company, be expelled from and put out of the train, with his baggage, at any usual stopping place, or near any dwelling house, as the conductor elects: Provided that the conductor shall first stop the train and use no unnecessary force. R. S., c. 37, s. 281.

*Collection of Tolls.*

May be enforced in any court.

**354.** In case of refusal or neglect of payment on demand of any lawful tolls, or any part thereof, the same shall be recoverable in any court of competent jurisdiction. R. S., c. 37, s. 344.

**355.** The company may, instead of proceeding as aforesaid for the recovery of such tolls, seize the goods for or in respect whereof such tolls are payable, and may detain the same until payment thereof, and in the meantime the said goods shall be at the risk of the owners thereof. Seizure and sale of goods subject to tolls.

2. If the tolls are not paid within six weeks, and, where the goods are perishable goods, if the tolls are not paid upon demand, or such goods are liable to perish while in the possession of the company by reason of delay in payment or taking delivery by the consignee, the company may advertise and sell the whole or any part of such goods, and, out of the money arising from such sale, retain the tolls payable and all reasonable charges and expenses of such seizure, detention and sale. Sale of goods. Application of proceeds.

3. The company shall pay or deliver the surplus, if any, or such of the goods as remain unsold, to the person entitled thereto. R. S., c. 37, s. 345. Surplus.

**356.** If any goods remain in the possession of the company unclaimed for the space of twelve months, the company may thereafter, and on giving public notice thereof by advertisement for six weeks in the official gazette of the province in which such goods are, and in such other newspapers as it deems necessary, sell such goods by public auction, at a time and place which shall be mentioned in such advertisement, and, out of the proceeds thereof, pay such tolls and all reasonable charges for storing, advertising and selling such goods. Unclaimed goods. Sale. Proceeds.

2. The balance of the proceeds, if any, shall be kept by the company for a further period of three months, to be paid over to any person entitled thereto. Balance.

3. In default of such balance being claimed before the expiration of the period last aforesaid, the same shall be deposited with the Minister of Finance for the public uses of Canada. If unclaimed.

4. Such balance may be claimed by the person entitled thereto at any time within six years from the date of such deposit. R. S., c. 37, ss. 346, 347. Limitation of time for claim.

*Refund of Tolls.*

**357.** The Board may, where it finds that a toll which has been collected or received by the company is illegal, order the company to refund the portion of such toll which is in excess of the legal toll, with interest upon such excess at the rate of five per cent per annum from the date of collection of such toll; but no such refund shall be ordered unless application for adjustment has first been made by Refund on application only.

Limitation.

the claimant to the company, nor unless application is made to the Board within one year after the date of collection or receipt by the company of such toll. New.

*Traffic by Water.*

When Act applies to.

**358.** The provisions of this Act shall, so far as deemed applicable by the Board, extend and apply to the traffic carried by any railway company by sea or by inland water, between any ports or places in Canada, if the company owns, charters, uses, maintains or works, or is a party to any arrangement for using, maintaining or working vessels for carrying traffic by sea or by inland water between any such ports or places, and the provisions of this Act in respect of tolls, tariffs and joint tariffs shall, so far as deemed applicable by the Board, extend and apply to all freight traffic carried by any carrier by water from any port or place in Canada to any other port or place in Canada. R. S., c. 37, s. 7 (1). Am.

*Tolls and Traffic on Bridges and Tunnels.*

Provisions apply to—

**359.** The provisions of this Act in respect of tolls, tariffs and traffic shall, in so far as the Board deems them applicable, extend and apply to,—

Bridge or tunnel company.

(*a*) any company which has power under any Special Act to construct, maintain and operate any bridge or tunnel for railway purposes, or for railway and traffic purposes, and to charge tolls for traffic carried over, upon or through such structure by any railway; and,

Traffic thereby.

(*b*) the traffic so carried over, upon or through such structure. R. S., c. 37, s. 7 (2). Am.

EXPRESS BUSINESS.

*Express Tolls and Tariffs.*

Approval of tolls.

**360.** All express tolls shall be subject to the approval of the Board.

Powers of Board.

2. The Board may disallow any express tariff or any portion thereof which it considers unjust or unreasonable, and shall have and may exercise all such powers with respect to express tolls and such tariffs as it has or may exercise under this Act with respect to freight tolls and freight tariffs; and

all the provisions of this Act applicable to freight tolls and freight tariffs, in so far as such provisions are applicable and not inconsistent with the provisions of this section and the five next following sections, shall apply to express tolls and tariffs. R. S., c. 37, s 348. Application of Act.

**361.** Tariffs of such express tolls shall be filed with the Board and shall be in such form, size and style and give such information, particulars and details as the Board, from time to time, by regulation or by order in any particular case, prescribes. R. S., c. 37, s. 349. Tariff of tolls.

**362.** No company shall carry or transport any goods by express, unless and until the tariff of express tolls therefor or in connection therewith has been submitted to and filed with the Board in the manner hereinbefore provided; or, in the case of competitive tariffs, unless such tariffs are filed in accordance with the rules and regulations of the Board made in relation thereto; or in any case where such express toll in any tariff has been disallowed or suspended by the Board. R. S., c. 37, s. 350. Goods not to be carried until tariff is filed, or after disallowance.

**363.** No express toll shall be charged in respect of which there is default in such filing, or which is disallowed or suspended by the Board: Provided that any company, person or corporation which was, immediately previous to the thirteenth day of July, one thousand nine hundred and six, charging express tolls, may, without such filing or approval, for such period as the Board allows, charge such express tolls as such company, person or corporation, immediately previous to the said date, might lawfully have charged. R. S., c. 37, s. 351. Tolls not to be charged until filed and approved. Proviso.

*Board may define Carriage by Express.*

**364.** The Board may by regulation, or in any particular case, prescribe what is carriage or transportation of goods by express, or whether goods are carried or transported by express within the meaning of this Act. R.S., c. 37, s. 352. Board may define carriage by express.

*Contracts Limiting Liability of Express Companies.*

**365.** No contract, condition, by-law, regulation, declaration or notice made or given by any company or any person or corporation charging express tolls impairing, restricting or limiting the liability of such company, person or corporation with respect to the collecting, receiving, Conditions limiting liability to be approve by Board.

caring for or handling of any goods for the purpose of sending, carrying or transporting them by express, or for or in connection with the sending, carrying, transporting or delivery by express of any goods, shall have any force or effect unless first approved by order or regulation of the Board.

Regulation of carriage by express.

2. The Board may in any case or by regulation,—

(*a*) determine the extent to which the liability of such company, person or corporation may be so impaired, restricted or limited; and,

(*b*) prescribe the terms and conditions under which goods may be collected, received, cared for or handled for the purpose of sending, carrying or transporting them by express, or under which goods may be sent, carried, transported or delivered by express by any such company, person or corporation. R.S., c. 37, s. 353.

*Returns by Companies Charging Express Tolls.*

Annual return by company.

**366.** Every company and every person and corporation charging express tolls shall make to the Board an annual return of its capital, business and working expenditure, and such other information and particulars, including a statement of unclaimed goods, as the Board directs.

Form, etc., of return.

2. Such return shall be made in such form, covering such period, and at such time, and shall be published in such manner, as the Board from time to time directs. R. S., c. 37, s. 354.

TELEGRAPHS, TELEPHONES, POWER AND ELECTRICITY.

*Telegraphs and Telephones on Railways for Railway Purposes.*

Telegraph and telephone lines.

**367.** The railway company may, as incidental to and as part of its undertaking, construct and operate telegraph and telephone lines upon its railway for the purposes of its undertaking.

Arrangements with other companies.

2. The railway company may, for the purpose of operating such lines or exchanging and transmitting messages, enter into contracts with any companies having telegraph or telephone powers, and may connect its own lines with the lines of any such companies, or may lease its own lines to any such companies.

Part II, of the Telegraphs Act o apply.

3. Part II. of *The Telegraphs Act* shall apply to the telegraphic business of the railway company. R.S., c. 37, s. 244.

*Special Powers of Railway Companies.*

Electric and other power.

**368.** Whenever in any Special Act hereafter passed it is stated or provided that a railway company shall have power to acquire, transmit and distribute electric and other power or energy, such company, subject to the provisions of sections 370 and 373 of this Act, may for the purposes of its undertaking acquire, but not by expropriation, electric and other power or energy, and transmit and deliver the same to any place in the municipalities through which the railway is built, and receive, transform, transmit, distribute and supply such power or energy in any form; and may dispose of the surplus thereof, and collect rates and charges therefor, but no such rate or charge shall be demanded or taken until it has been approved of by the Board, and the Board may revise such rates and charges wherever it deems proper. New.

Telegraphs and telephones.

**369.** Whenever in any Special Act hereafter passed it is stated or provided that a railway company shall have power to transmit telegraph and telephone messages for the public and collect tolls therefor, such company may, subject to the provisions of this Act, construct and operate telegraph and telephone lines upon its railway, and establish offices for and undertake the transmission of messages for the public, and collect tolls therefor; and for the purpose of operating such lines or exchanging or transmitting messages, may, subject to the provisions of this Act, enter into contracts with any companies having telegraph or telephone powers and may connect its own lines with the lines of, or may lease its own lines to, any such companies.

Tolls subject to Act.

2. No toll or charge shall be demanded or taken for the transmission of any message or for leasing or using the telegraphs or telephones of such company except in accordance with section 375 of this Act, and the said company and its said business and works shall in all respects be subject to the provisions of the said section.

Part II of Telegraphs Act to apply.

3. Part II. of *The Telegraphs Act*, except such portions thereof as are inconsistent with this Act, shall apply to the telegraphic business of such company. New.

Control of municipality.

**370.** No power conferred as in the last two preceding sections mentioned and nothing in the said sections or in *The Telegraphs Act*, shall authorize such company to construct or operate any line along any highway or public place, without first obtaining the consent expressed by by-law of the municipality having jurisdiction over such highway or public place, nor without complying with any

terms stated or provided for in such by-law, or authorize such company to sell, dispose of or distribute power or energy within or for use within the limits of any municipality, without the consent, expressed by by-law, of such municipality. New.

*Telephone Connection with Railway Stations.*

Municipal and other systems, connection with stations, etc.

**371.** Whenever any municipality, corporation or incorporated company has authority to construct, operate and maintain a telephonic system in any district, and is desirous of obtaining telephonic connection or communication with or within any station or premises of a railway company in such district, and cannot agree with such company with respect thereto, such municipality, corporation or incorporated company may apply to the Board for leave therefor.

Board may order upon terms.

2. The Board may order the railway company to provide for such connection or communication upon such terms as to compensation or otherwise as the Board deems just and expedient, and may order and direct how, when, where, by whom and upon what terms and conditions such telephonic connection or communication shall be constructed, operated and maintained.

Contracts giving exclusive privileges not to be taken into consideration.

3. Notwithstanding anything in any Act contained, the Board, in determining the terms or compensation upon which any such connection or communication is to be provided for, shall not take into consideration any contract, lease or agreement now or hereafter in force by which the railway company has given or gives any exclusive or other privilege to any company or person, other than the applicant, with respect to any such station or premises. R.S., c. 37, s. 245.

*Putting Wires Across Railways or Other Wires.*

Obtaining leave.

**372.** Except as provided in subsection 5 of this section, no lines or wires for telegraphs, telephones, or the conveyance of light, heat, power or electricity, shall be erected, placed or maintained across the railway or across other such lines or wires within the legislative authority of the Parliament of Canada, without leave of the Board.

Plans to be submitted to Board.

2. Upon any application for such leave, the applicant shall submit to the Board a plan and profile of the part of the railway or other work proposed to be affected, showing the proposed location of such lines and wires and the works contemplated in connection therewith.

Board may authorize.

3. The Board may grant such application and may order by whom, how, when, and on what terms and conditions,

and under what supervision, such work shall be executed.

Works may be executed.

4. Upon such order being made such lines and wires may be erected, placed and maintained across the railway or other work subject to and in accordance with such order. R.S., c. 37, s. 246. Am.

Exception where consent and compliance with regulations.

5. An order of the Board shall not be required in cases in which wires or other conductors for the transmission of electrical energy are to be erected or maintained over or under a railway, or over or under wires or other conductors for the transmission of electrical energy with the consent of the railway company or the company owning or controlling such last mentioned wires or conductors, in accordance with any general regulations, plans or specifications adopted or approved by the Board for such purposes. 1–2 G.V., c. 22, s. 7.

*Putting Lines or Wires Across or Along Highways, etc.*

Lines and wires on highways and public places.

**373.** Subject to the provisions of the other subsections of this section, any company empowered by Special Act or other authority of the Parliament of Canada to construct, operate and maintain telegraph or telephone lines, or lines for the conveyance of light, heat, power or electricity, may, for the purpose of exercising the said powers, enter upon, and, as often as the company thinks proper, break up and open any highway, square or other public place, provided always that,—

Conditions. Travel and access.

(*a*) such company shall not interfere with the public right of travel, or in any way obstruct the entrance to any door or gateway or free access to any building;

Height of wires.

(*b*) such company shall not permit any wire to be less than twenty-two feet, or less than any greater height the Board may direct, above such highway or public place, or erect more than one line of poles along any highway;

Poles.

(*c*) all poles shall be as nearly as possible straight and perpendicular, and shall, in cities and towns, be painted;

Trees.

(*d*) such company shall not unnecessarily nor without giving at least ten days previous notice to the owner thereof or to the municipality, nor in any case where forbidden by the Board, cut down or mutilate any shade, fruit or ornamental trees, but the Board may when it deems proper dispense with such notice and may in any case make any order or direction it deems fit respecting such trees;

Supervision.

(*e*) the opening up of any street, square, or other public place for the erection of poles, or for the carrying of wires under ground, shall be subject to the supervision of

such person as the municipal council may appoint, and such street, square or other public place shall, without any unnecessary delay, be restored, as far as possible, to its former condition;

Where necessary to cut wires or remove poles.

(*f*) if, for the purpose of removing buildings, or in the exercise of the public right of travel, it is necessary that the said wires or poles be temporarily removed by cutting or otherwise, such company shall, at its own expense, upon reasonable notice in writing from any person requiring it, remove such wires and poles; and in default of such company so doing such person may remove such wires and poles at the expense of such company;

Damage.

(*g*) such company shall be responsible for all unnecessary damage which it causes in carrying out, maintaining or operating any of its said works;

Wires cut in case of fire.

(*h*) such company shall not be entitled to damages on account of its poles or wires being cut by direction of the officer in charge of the fire brigade at any fire, if, in the opinion of such officer, it is advisable that such poles or wires be cut;

Workmen to to wear badges.

(*i*) every person employed upon the work of erecting or repairing any line or instrument of such company shall have conspicuously attached to his dress a badge, on which are legibly inscribed the name of such company and a number by which he can be readily identified.

Consent of municipality.

2. Notwithstanding anything in any Act of the Parliament of Canada or of the legislature of any province, or any power or authority heretofore or hereafter conferred thereby or derived therefrom, no telegraph or telephone line, or line for the conveyance of light, heat, power or electricity, within the legislative authority of the Parliament of Canada, shall, except as hereinafter in this section provided, be constructed, operated or maintained by any company upon, along or across any highway, square or other public place, without the consent, expressed by by-law, of the municipality having jurisdiction over such highway, square or public place, nor without compliance with any terms stated or provided for in such by-law.

Leave of Board.

3. If any company cannot, in respect of any such line, obtain such consent from such municipality, or cannot obtain such consent otherwise than subject to terms and conditions not acceptable to the company, such company may apply to the Board for leave to exercise such powers, and upon such application shall submit to the Board a plan of such highway, square or other public place showing the proposed location of such lines, wires and poles.

4. The Board may refuse or may grant such application in whole or in part, and may change or fix the route of such lines, wires or poles, and may by order impose any terms, conditions or limitations in respect of the application which it deems expedient, having due regard to all proper interests. Powers of Board.

5. Upon such order being made, and subject to any terms imposed by the Board, such company may exercise such powers in accordance with such order, and shall in the performance and execution thereof, or in the repairing, renewing or maintaining of such lines, wires or poles, conform to and be subject to the provisions of subsection 1 of this section, except in so far as the said provisions are expressly varied by order of the Board. Exercise of powers.

6. Notwithstanding any power or authority heretofore or hereafter conferred upon any company by or under any Act of the Parliament of Canada or of the legislature of any province, or any other authority, the Board, upon the application of the municipality, and upon such terms and conditions as the Board may prescribe, may order any telegraph or telephone line, or line for the conveyance of light, heat, power or electricity, within the legislative authority of the Parliament of Canada, in any city or town, or any portion thereof, to be placed underground, and may in any case order any extension or change in the location of any such line in any city or town, or any portion thereof, and the construction of any new line, and may abrogate the right of any such company to construct or maintain, or to operate, or continue, any such line, or any pole or other works belonging thereto, except as directed by the Board; and where such a line or lines within the legislative authority of the Parliament of Canada and such a line or lines within the legislative authority of a province, run through or into the same city or town, and such municipality is desirous of having any such lines placed underground, and there exists in such province a provincial commission, public utilities or other board or body having power to order such a line within the legislative authority of such province to be placed underground, the Board and such provincial commission, or public utilities board or body, may by joint session or conference, or by joint board, order any such lines within such city or town, or any portion thereof, to be placed underground, and abrogate any right to carry the same on poles, and the provisions of subsection 3 of section 254 of this Act, with the necessary adaptation, shall apply to every such case. Putting wires underground etc. Joint order of Board and provincial commission.

7. Except as provided in the last preceding subsection, nothing in this section shall affect the right of any company Existing lines.

to operate, maintain, renew or reconstruct underground or overhead systems or lines, heretofore constructed.

Provisions in special Acts., etc.

8. Nothing in this section shall authorize, or give power to authorize, any company to construct or operate any line or works along any highway or public place without the consent of the municipality having jurisdiction thereover in any case where,—

(*a*) the Special Act applying to such company requires such consent; or,

(*b*) the provisions of section 368, 369 or 370 apply to such company and require such consent;

and where such consent is so required the provisions respecting the same shall be complied with.

Sale of light and power.

9. Nothing contained in this section shall be deemed to authorize any company to exercise the powers therein mentioned for the purpose of selling or distributing light, heat, power or electricity in cities, towns or villages, without such company having first obtained consent therefor by a by-law of the municipality. R.S., c. 37, ss. 247, 248. Am.

*Price and Supply of Certain Power.*

In disputes between lessee of water-power and applicant for electricity Board may fix price.

**374.** In any case where water-power has been acquired under lease from the Crown for the development of electrical energy, and the lessee from the Crown of such water-power and the applicant for the purchase of electrical energy so developed cannot agree as to the quantity to be sold by the lessee to the applicant, and the price to be paid by the applicant to the lessee for such quantity, or either, as the case may be, the Board shall determine and fix the quantity and the price to be paid therefor, or either, as the case may be, and the lessee shall sell, supply and furnish, if the applicant shall then require it, such quantity, and at the price so determined and fixed, as the case may be.

Powers of Board for such purpose

2. For the purpose of determining and fixing such quantity or such price, the Board may enter on and inspect the property leased from the Crown and all erections and machinery thereon, and may examine all papers, documents, vouchers, records and books of every kind, and may order and require the lessee and any other person to attend before the Board and be examined on oath and to produce all papers, documents, vouchers, records and books of every kind; and for the purpose aforesaid, the Board shall have all such powers, rights and privileges as are vested in a superior court.

Application of section limited.

3. This section shall not apply to any case where the water-power leased from the Crown, has been acquired for, and is used in the development of electrical energy for the direct and immediate industrial or manufacturing operations of the lessee. 1-2 G. V., c. 22, s. 12.

*Provisions Governing Telegraphs and Telephones.*

**375.** In this section unless the context otherwise requires,— Interpretation.

"company" means a railway company or person authorized to construct or operate a railway, having authority to construct or operate a telegraph or telephone system or line, and to charge telegraph or telephone tolls, and includes also telegraph and telephone companies and every company and person within the legislative authority of the Parliament of Canada having power to construct or operate a telegraph or telephone system or line and to charge telegraph or telephone tolls; "Company."

"Special Act" means any Act under which the company has authority to construct or operate a telegraph or telephone system or line, or which is enacted with special reference to any such system or line, and any letters patent constituting a company's authority to construct or operate a telegraph or telephone system or line, granted under any Act, and the Act under which such letters patent were granted, and includes *The Telegraphs Act* and any general Act relating to telegraphs or telephones. "Special Act."

2. Notwithstanding anything in any Act heretofore passed, all telegraph and telephone tolls to be charged by the company, and all charges for leasing or using the telegraphs or telephones of the company, shall be subject to the approval of the Board, and may be revised by the Board from time to time. Tolls subject to approval.

3. The company shall file with the Board tariffs of any telegraph or telephone tolls to be charged, and such tariffs shall be in such form, size and style, and give such information, particulars and details, as the Board, from time to time, by regulation, or in any particular case, prescribes, and, unless with the approval of the Board, the company shall not charge and shall not be entitled to charge any telegraph or telephone toll in respect of which there is default in such filing, or which is disallowed by the Board; provided that any company, previous to the first day of May, one thousand nine hundred and eight, charging telegraph or telephone tolls, may, without such filing and approval, for such period as the Board allows, charge such telegraph or telephone tolls as such company was immediately previous to the said date authorized by law to charge, unless where the Board has disallowed or disallows such tolls. Filing of tariffs. Proviso.

4. Such telegraph and telephone tolls may be dealt with by the Board in the same manner as is provided by this Act with respect to standard freight tariffs, and all the provisions of this Act, except as to publication under section Provisions applying to tolls.

342, applicable to companies thereunder with respect to standard freight tariffs and tolls, shall, in so far as they are applicable, and not inconsistent with the provisions of this section, apply to the company with respect to such telegraph and telephone tariffs and tolls.

Classification of messages.

5. The Board may permit the classification of telegraph, telephone and cable messages into such classes as it deems just and reasonable, and may permit different rates to be charged for such different classes.

Publication of tariffs.

6. The Board may, by regulation or otherwise, determine and prescribe the manner and form in which any tariff or tariffs of telegraph or telephone tolls shall be published or kept open for public inspection.

Long distance connections, power of Board to order.

7. Whenever any company or any province, municipality or corporation, having authority to construct and operate, or to operate, a telephone system or line and to charge telephone tolls, whether such authority is derived from the Parliament of Canada or otherwise, is desirous of using any long distance telephone system or line owned, controlled or operated by the company, in order to connect such long distance telephone system or line with the telephone system or line operated or to be operated by such first mentioned company, or by such province, municipalty or corporation, for the purpose of obtaining direct communication, whenever required, between any telephone or telephone exchange on the one telephone system or line and any telephone or telephone exchange on the other telephone system or line, and cannot agree with the company with respect to obtaining such use, connection or communication, such first mentioned company or province, municipality or corporation may apply to the Board for relief, and the Board may order the company to provide for such use, connection or communication, upon such terms as to compensation as the Board deems just and expedient, and may order and direct how, when, where, by whom, and upon what terms and conditions such use, connection, or communication shall be had, constructed, installed, operated and maintained: Provided that wherever one of such systems or lines is within the legislative authority of a province, and there exists in such province a provincial board, commission or other body having power to make orders respecting telephone systems or lines within the legislative authority of the province, then the Board and such provincial board, commission or other body, may, by joint session or conference, or by joint board, on the application of the company or of any company, province, municipality or corporation above mentioned, and on such terms as are deemed just, order any long distance use, connection or communication in respect of any tele-

Joint order of Board and provincial commission.

phone systems or lines and anything deemed necessary or expedient therefor, and the provisions of subsection 3 of section 254 of this Act, with the necessary adaptation, shall apply to every such case.

Standards of apparatus to be considered.

8. Upon any such application the Board shall, in addition to any other consideration affecting the case, take into consideration the standards, as to efficiency and otherwise, of the apparatus and appliances of such telephone systems or lines, and shall only grant the leave applied for in case and in so far as, in view of such standards, the use, connection or communication applied for can, in the opinion of the Board, be made or exercised satisfactorily and without undue or unreasonable injury to or interference with the telephone business of the company, and where in all the circumstances it seems just and reasonable to grant the same.

Application of provisions as to joint tariff.

9. Where the telephone system or line operated by the company is used or connected, for purposes of communication as aforesaid, with the telephone system or line operated by any other company or by any such province, municipality or corporation, whether the authority of such company, province, municipality or corporation to construct and operate or to operate such telephone system or line is derived from the Parliament of Canada or otherwise, and whether such connection or communication has been previously or is hereafter established either by agreement of the parties or under an order of the Board, the provisions of this Act with respect to joint tariffs, in so far as they are applicable and not inconsistent with this section or the Special Act, shall apply to such company or companies and to such province, municipality or corporation; and the Board shall have, for the enforcement of its orders in this respect, in addition to all other powers possessed by it therefor, the power to order a discontinuance of such connection or communication between such different telephone systems or lines.

Enforcement of orders.

Working agreements to be approved by Board.

10. All contracts, agreements and arrangements between the company and any other company, or any province, municipality or corporation having authority to construct or operate a telegraph or telephone system or line, whether such authority is derived from the Parliament of Canada or otherwise, for the regulation and interchange of telegraph or telephone messages or service passing to and from their respective telegraph or telephone systems and lines, or for the division or apportionment of telegraph or telephone tolls, or generally in relation to the management, working or operation of their respective telegraph or telephone systems or lines, or any of them, or any part thereof, or of any other systems or lines operated in connection with them or either of them, shall be subject to the approval of the

Board, and shall be submitted to and approved by the Board before such contract, agreement or arrangement shall have any force or effect.

Application of provisions of Act.

11. Without limitation of the generality of this subsection by anything contained in the preceding subsections, the jurisdiction and powers of the Board, and, in so far as reasonably applicable and not inconsistent with this section or the Special Act, the provisions of this Act respecting such jurisdiction and powers, and respecting proceedings before the Board and appeals to the Supreme Court or Governor in Council from the Board, and respecting offences and penalties, and the other provisions of this Act, (except sections 72 to 272, 274 to 284, 289 to 314, 323, 348 to 353, 360 to 366, 395 to 425 and 449 to 457, both inclusive in each case), shall extend and apply to all companies as in this section defined, and to all telegraph and telephone systems, lines and business of such companies within the legislative authority of the Parliament of Canada; and in and for the purposes of such application,—

Interpretation. "Company." "Railway."

(*a*) "company" or "railway company" shall mean a company as in subsection 1 of this section defined;

(*b*) "railway" shall mean all property real and personal and works forming part of or connected with the telegraph or telephone system or line of the company;

"Special Act."

(*c*) "Special Act" shall mean a Special Act as in subsection 1 of this section defined;

"Toll." "Rate." "Traffic."

(*d*) "toll" or "rate" shall mean telegraph or telephone toll;

(*e*) "traffic" shall mean the transmission of and other dealings with telegraphic and telephonic messages. 7-8 E. VII., c. 61, ss. 1-5; 9-10 E. VII., c. 50, s. 13. Am.

*Marine Electric Telegraphs or Cables.*

Marine telegraphs and cables, when Act to apply to. "Telegraph."

**376.** After this section is brought into effect, section 375 of this Act shall extend and apply to marine electric telegraphs or cables; and,

"telegraph" in the said section, unless the context otherwise requires, shall include marine electric telegraph or cable;

"Telegraph tolls."

"telegraph toll" in the said section, unless the context otherwise requires, shall include any toll, rate or charge to be charged by the company to the public or to any person for the transmission of messages by any marine electric telegraph or cable system whereby messages are transmitted from, to or through Canada;

"Traffic."

"traffic" in the interpretation provided for by paragraph (*e*) of subsection 11 of the said section, and as the application of the said section is extended by the coming into force of this section, shall include messages trans-

mitted from Canada to any other country by means of any marine electric telegraph or cable line; or, to Canada from any other country by the like or similar means; or, through, or into, or from any part of Canada by means of any marine electric telegraph or cable lines acting in conjunction with land lines or by land lines acting in conjunction with marine electric telegraph or cable lines, by means of a through route or otherwise.

Four months to obtain approval of tariffs.

2. Every company to which this section applies shall have four months after this section comes into force within which to file and obtain approval of its tariffs and tolls; but the Board may, upon application and upon good and sufficient ground being shown, extend such time to a period not exceeding one year, including the said four months.

Coming into force.

3. This section shall come into force upon similar provision being made by the proper authority in the United Kingdom, and upon proclamation of the Governor in Council. 9-10 E. VII., c. 57.

*Government Use and Construction of Telegraphs and Telephones.*

Government may have exclusive use.

**377.** Every railway, telegraph and telephone company shall, when required so to do by the Governor in Council, or any person authorized by him, place at the exclusive use of the Government of Canada any electric telegraph and telephone lines, and any apparatus and operators which it has.

Compensation.

2. Such company shall thereafter be entitled to receive reasonable compensation for such service. R. S., c. 37, s. 290.

Government may erect wires on railway.

**378.** The Governor in Council may, at any time, cause a line or lines of electric telegraph or telephone to be constructed along the line of any railway, for the use of the Government of Canada, and, for that purpose, may enter upon and occupy so much of the lands of the company as is necessary for the purpose. R. S., c. 37, s. 291.

STATISTICS AND RETURNS.

*To the Minister.*

Annual returns.

**379.** Every railway, telegraph, telephone and express company and every carrier by water shall annually prepare returns, in accordance with the forms for the time being required and furnished by the Minister, of its capital, traffic and working expenditure and of all other information required.

Attestation.

2. Such returns shall be dated and signed by and attested upon the oath of the Secretary, or some other chief officer

of the company or carrier by water, and shall also be attested upon the oath of the president, or, in his absence, of the vice-president or manager of the company or carrier by water, or shall be signed and attested by such other person or persons as the Minister may direct.

Period included.

3. Such returns shall be made for the period beginning from the date to which the then last yearly returns made by the company or carrier by water extend, or, if no such returns have been previously made, from the commencement of the operation of the railway, or other works, or undertaking, and ending with the last day of June in the then current year.

Duplicate for Minister.

4. A duplicate copy of such returns, dated, signed and attested in manner aforesaid, shall be forwarded by such company to the Minister within one month after the first day of August in each year.

Returns to be laid before Parliament.

5. The Minister shall lay before both Houses of Parliament, within twenty-one days from the commencement of each session thereof, a statistical report prepared in the Department of Railways and Canals covering the returns made and forwarded to him in pursuance of this section. 8-9 E. VII., c. 32, s. 2. Am.

Traffic returns weekly.

**380.** Every railway, telegraph, telephone and express company and every carrier by water, if required by the Minister so to do, shall prepare returns of its traffic weekly, that is to say, from the first to the seventh of the month inclusive, from the eighth to the fourteenth inclusive, from the fifteenth to the twenty-first inclusive, and from the twenty-second to the close of the month inclusive.

Form.

2. Such returns shall be in accordance with the forms for the time being required and furnished by the Minister.

Copy to Minister.

3. A copy of such returns, signed by the officer of the company or carrier responsible for the correctness of such returns, shall be forwarded by the company or carrier to the Minister within seven days from the day to which the said returns have been prepared.

Extension of time.

4. The Minister may in any case extend the time within which such returns shall be forwarded. 8-9 E. VII., c. 32, s. 2. Am.

Annual returns of accidents showing—

**381.** Every railway, telegraph, telephone and express company and every carrier by water shall annually, or more frequently if the Minister so requires, make to the Minister, under the oath of the president, secretary or superintendent of the company, or carrier, or of such other person as the Minister may direct, a true and particular return of all accidents and casualties, whether to persons, or to animals or other property, which have occurred on the property or in

connection with the operation of the undertaking of the company, or carrier, setting forth,—

(*a*) the causes and natures of such accidents and casualties; Causes and nature.

(*b*) the points at which such accidents and casualties occurred, and whether by night or by day; and, Locality and and time.

(*c*) the full extent of such accidents and casualties and all the particulars thereof. Extent and particulars.

2. Such returns shall be made for the period beginning from the date to which the then last yearly returns made by the company or carrier extend, or, if no such returns have been previously made, from the commencement of the operation of the railway, or undertaking, and ending with the last day of June in the then current year. Period for which returns made.

3. A duplicate copy of such returns, dated, signed and attested in manner aforesaid, shall be forwarded by such company or carrier to the Minister within one month after the first day of August in each year. Copies of returns.

4. Every such company and every carrier by water shall also, when required by the Minister, return a true copy of the existing by-laws of the company, or carrier, and of its rules and regulations for the management of the company or carrier, and of its railway, or of such other undertaking or business as it is authorized to carry on. Copies of by-laws.

5. The Minister may order and direct the form in which such returns shall be made up. 1-2 G. V., c. 22, s. 14. Am. Form.

**382.** The Minister may order and direct any railway company to make up and deliver to the Minister, from time to time, in addition to the said periodical returns, returns of serious accidents occurring in the course of the public traffic upon the railway belonging to such company, whether attended with personal injury or not, in such form and manner as the Minister deems necessary and requires for his information with a view to public safety. R. S., c. 37, s. 373. Minister may require further returns as to accidents.

**383.** All returns made in pursuance of any of the provisions of the four sections of this Act last preceding shall be privileged communications, and shall not be evidence in any court whatsoever, except in any prosecution for,— Returns privileged. Exceptions.

(*a*) default in making such returns in accordance with the requirements of this Act;

(*b*) perjury in making any oath required by this Act in connection with such returns;

(*c*) forgery of any such return; or,

(*d*) signing any such return knowing the same to be false. R. S., c. 37, s. 374.

*To the Board.*

Board may require returns.

**384.** The Board may, from time to time, by notice served upon any railway, telegraph, telephone or express company or any officer, servant or agent of such company, require it, or such officer, servant or agent, to furnish the Board, at or within any time stated in such notice, a written statement or statements showing in so far, and with such detail and particulars, as the Board requires,—

Assets and liabilities.

(*a*) the assets and liabilities of such company;

Stock.

(*b*) the amount of its stock issued and outstanding, and the date at which any such stock was so issued;

Consideration for stock.

(*c*) the amount and nature of the consideration received by such company for such issue, and, in case the whole of such consideration was not paid to such company in cash, the nature of the service rendered to or property received by such company for which any stock was issued;

Earnings and expenditures.

(*d*) the gross earnings or receipts or expenditure by such company during any periods specified by the Board, and the purposes for which such expenditure was made;

Bonuses and subsidies.

(*e*) the amount and nature of any bonus, gift, or subsidy, received by such company from any source whatsoever; and the source from which, and the time when, and the circumstances under which, the same was so received or given;

Bonds.

(*f*) the bonds issued at any time by such company, and what portion of the same are outstanding and what portion, if any, have been redeemed;

Consideration.

(*g*) the amount and nature of the consideration received by such company for the issue of such bonds;

Liabilities.

(*h*) the character and extent of any liabilities outstanding chargeable upon the property or undertaking of such company, or any part thereof, and the consideration received by such company for any such liabilities, and the circumstances under which the same were created;

Cost of construction.

(*i*) the cost of construction of such company's railway or other works or any part thereof;

Cost of property.

(*j*) the amount and nature of the consideration paid or given by such company for any property acquired by it;

Leases and contracts.

(*k*) the particulars of any lease, contract or arrangement entered into between such company and any other company or person; and,

Generally.

(*l*) generally, the extent, nature, value and particulars of the property, earnings and business of such company.

Board may require attendance and production.

2. The Board may summon, require the attendance of and examine under oath, any officer, servant or agent of such company, or any other person, as to any matters included in such return, or which were required by notice

aforesaid to be returned to the Board, and as to any matter or thing which, in the opinion of the Board, is relevant to such return, or to any inquiry which the Board deems it expedient to make in connection with any of the matters in this section aforesaid; and for such purposes may require the production to the Board of any books or documents in control of such company, or such officer, servant, agent or person.

Information for use of Board only.

3. Any information furnished to the Board by any such return, or any evidence taken by the Board in connection therewith, shall not be open to the public, or published, but shall be for the information of the Board only.

And Governor in Council.

4. The Governor in Council may nevertheless require the Board to communicate to him in Council any or all information obtained by it in the manner aforesaid.

Board may make information public on notice to company.

5. The Board may authorize any part of such information to be made public when, and in so far as there may appear to the Board to be good and sufficient reasons for so doing: Provided that if the information so proposed to be made public by the Board, is of such character that such company would, in the opinion of the Board, be likely to object to the publication thereof, the Board shall not authorize such information to be published without notice to such company and hearing any objection which such company may make to such publication. R.S., c. 37, s. 375.

## Actions for Damages.

### *Breach of Duty under Act.*

Damages for breach of duty under Act.

**385.** Any company, or any director or officer thereof, or any receiver, trustee, lessee, agent, or person, acting for or employed by such company, that does, causes or permits to be done, any matter, act or thing contrary to the provisions of this or the Special Act, or to the orders or directions of the Governor in Council, or of the Minister, or of the Board, made under this Act, or omits to do any matter, act or thing, thereby required to be done on the part of any such company, or person, shall, in addition to being liable to any penalty elsewhere provided, be liable to any person injured by any such act or omission for the full amount of damages sustained thereby, and such damages shall not be subject to any special limitation except as expressly provided for by this or any other Act. R.S., c. 37, s. 427 (2); 9-10 E. VII., c. 50, s. 12.

### *Cattle Getting on Railway.*

Damages where animals get on railway.

**386.** When any horses, sheep, swine or other cattle, whether at large or not, get upon the lands of the company and by reason thereof damage is caused to or by such animal, the person suffering such damage shall be entitled to recover

Exceptions.

the amount of such damage against the company in any action in any court of competent jurisdiction unless the company establishes that such damage was caused by reason of,—

Gates not kept closed.

(*a*) any person for whose use any farm crossing is furnished, or his servant or agent, or the person claiming such damage or his servant or agent, wilfully or negligently failing to keep the gates at each side of the railway closed when not in use; or,

Gates wilfully left open.

(*b*) any person other than an officer, agent, employee or contractor of the company wilfully opening and leaving open any gate, on either side of the railway provided for the use of any farm crossing, without some one being at or near such gate to prevent animals from passing through the gate on to the railway; or,

Fence taken down.

(*c*) any person other than an officer, agent, employee or contractor of the company taking down any part of a railway fence; or,

Animals turned on railway.

(*d*) any person other than an officer, agent, employee or contractor of the company turning any such animal upon or within the enclosure of any railway, except for the purpose of and while crossing the railway in charge of some competent person using all reasonable care and precaution to avoid accidents; or,

Animals ridden, etc. on railway.

(*e*) any person other than an officer, agent, employee or contractor of the company, except as authorized by this Act, without the consent of the company, riding, leading or driving any such animal or wilfully suffering the same to enter upon any railway, and within the fences and gates thereof.

Animals killed or injured at highway crossing.

2. Where any such animal, by reason of being at large within half a mile of the intersection of a highway with any railway at rail level contrary to the provisions of section 280, is killed or injured by any train at such point of intersection, the owner of such animal shall not have any right of action against any company in respect of the same being so killed or injured; but contravention of the said section shall not in any other case, nor shall the fact that the company is not guilty of any negligence or breach of duty, prevent any person from recovering damage from the company under this section.

Penalty not affected.

3. Nothing in this section shall be construed as relieving any person from the penalties imposed by section 407 of this Act. R.S., c. 37, ss. 294 (3)-(5), 295; 9-10 E. VII., c. 50, s. 8. Am.

*Fires from Locomotives.*

Liability for fire caused by locomotive.

**387.** Whenever damage is caused to any property by a fire started by any railway locomotive, the company making use of such locomotive, whether guilty of negligence or not,

shall be liable for such damage, and may be sued for the recovery of the amount of such damage in any court of competent jurisdiction : Provided that if it be shown that the company has used modern and efficient appliances, and has not otherwise been guilty of any negligence, the total amount of compensation recoverable from the company under this section in respect of any one or more claims for damage from a fire or fires started by the same locomotive and upon the same occasion, shall not exceed five thousand dollars ; provided also that if there is any insurance existing on the property destroyed or damaged, where the company has used modern and efficient appliances and has not otherwise been guilty of negligence, the total amount of damages sustained by any claimant in respect of the destruction or damage of such property shall, for the purposes of this section, be reduced by the amount received or recoverable by or for the benefit of such claimant in respect of such insurance. Proviso. Insurance.

2. No action shall lie against the company by reason of anything in any such policy of insurance or by reason of payment of any moneys thereunder. No action.

3. In any action or proceeding under this section the limitation of one year prescribed by section 391 of this Act shall begin to run from the date of final judgment in any action brought by the assured to recover such insurance money, or, in the case of settlement, from the date of the receipt of such money by the assured, as the case may be. Limitation.

4. Where the amount recoverable from the company is limited to such five thousand dollars and such sum is not sufficient to pay all the claims in full, it shall be apportioned among the claimants *pro rata* according to the claims established. *Pro rata* apportionment.

5. Where it is made to appear that the total amount of the claims may exceed the said sum, a judge of any superior court of competent jurisdiction may make such order as he deems fit for the proper determination and adjustment of all such claims and of the liability of the company, and, if he deems proper, may stay or consolidate any action or actions, and may direct advertisement for such claims and filing and adjudication thereof in such manner and before such tribunal, officer or person as he deems fit, and may order that after such advertisement or notice as he directs all claims not filed and established as directed shall thereafter be barred; and the costs of any such proceedings shall be paid as such judge directs. Determination of claims by judge. Costs.

6. Except under or in pursuance of such an order, the company shall not be entitled to have any action under this section stayed or the amount recoverable therein lessened because of the limitation of its liability to five thousand dollars as aforesaid, nor shall any payment made by the Restrictions.

company to any claimant otherwise than under or in pursuance of such an order prejudice the right of any other claimant to receive his due proportion of such five thousand dollars.

Exception.

7. Nothing in the last two preceding subsections shall prevent or prejudice any action or claim against the company for failure to use modern and efficient appliances or for other negligence.

Insurable interest in property.

8. The company shall have an insurable interest in all property upon or along its route, for which it may be held liable to compensate the owners for loss or damage by fire caused by a railway locomotive, and may procure insurance thereon in its own behalf. 1–2 G. V., c. 22, s. 10. Am.

*Failure to Properly Equip Trains.*

Failure to properly equip trains.

**388.** Every company which fails to comply with any requirement of this Act,—

(*a*) with respect to providing and causing to be used on its trains modern and efficient apparatus, appliances or means, or any apparatus, appliance or means in this Act specified, for the providing of communication between the conductor and the engine driver, or for the checking of the speed of any train or the bringing of the same expeditiously to a standstill, or for the secure coupling and connecting of the cars and the engine composing the train; or,

Box freight cars.

(*b*) with respect to equipping its box freight cars, for the security of its employees, with outside ladders and hand-grips, or, if the Board so requires, with any other improved side attachment required by the Board; or,

Draw bars.

(*c*) with respect to adopting and using upon its rolling stock draw bars of a height determined by the Board ;

shall, in addition to being liable to any penalty elsewhere

Penalty.

provided, be liable to pay to all such persons as are injured by reason of the non-compliance with such requirements, or to their representatives, such damages as they are legally entitled to, notwithstanding any agreement to the contrary with regard to any such person, unless such agreement is authorized by the law of the province in which it is made and by regulation of the Board. R. S., c. 37, s. 386 (2).

*Infraction of Order respecting Tolls.*

Infraction of order respecting tolls.

**389.** Every company shall, in addition to any penalty in this Act provided in respect of any infraction by the company, or any officer, servant or agent of the company, of any provision of this Act, or of any order, direction, decision or regulation made or given by the Board under this Act, in respect of tolls, be liable, at the suit of any

person injured by reason of any such infraction, to three times the amount of the actual damage which such person may be proved to have so sustained. Triple damages.

2. No action shall be commenced for the recovery of any such triple damages without the leave of the Board first being obtained. R. S., c. 37, s. 404. Am. No action without leave of Board.

*Injuries on Platform, Baggage or Freight Car.*

**390.** No person injured while on the platform of a car, or on any baggage, or freight car, in violation of the printed regulations posted up at the time, shall have any claim in respect of the injury, if room inside of the passenger cars, sufficient for the proper accommodation of the passengers, was furnished at the time. R. S., c. 37, s. 282. No claim for injuries in certain cases.

*Limitation and Defences.*

**391.** All actions or suits for indemnity for any damages or injury sustained by reason of the construction or operation of the railway shall, and, notwithstanding anything in any Special Act, may, be commenced within one year next after the time when such supposed damage is sustained, or, if there is continuation of damage, within one year next after the doing or committing of such damage ceases, and not afterwards. Limitation.

2. Nothing in subsection 1 of this section shall apply to any action brought against the company upon any breach of contract, express or implied, for or relating to the carriage of any traffic, or to any action against the company for damages under the provisions of this Act respecting tolls. Exceptions—carriage of traffic, tolls.

3. Notwithstanding anything in any Special Act or elsewhere contained, the pleadings in any action or suit against the company shall be governed by the law or rules of procedure of the court in which such action or suit is brought, and the company shall not, unless permitted by such law or rules, be entitled to plead the general issue. Pleadings.

4. No inspection under or by the authority of this Act, and nothing in this Act and nothing done, ordered or directed, or required or provided for, or omitted to be done, ordered or directed or required or provided for, under or by virtue of the provisions of this Act, shall, except in so far as a compliance with the Act or with such order or direction, or requirement or provision, constitutes a justification for what would otherwise be wrongful, relieve, or be construed to relieve, any company of or from, or in any wise diminish or affect, any liability or responsibility resting upon it by law, either towards His Majesty or towards any person, or the wife or husband, parent or child, executor or administrator, tutor or curator, heir or personal representative, of any person, for anything done or omitted Company not relieved by inspection, etc.

to be done by such company, or for any wrongful act, negligence or default, misfeasance, malfeasance, or non-feasance, of such company. R. S., c. 37, s. 306. Am.

OFFENCES, PENALTIES AND OTHER LIABILITY.

*Disobeying Orders of Board.*

Disobeying orders of Board.

**392.** Every company and every municipal or other corporation which neglects or refuses to obey any order of the Board made under the provisions of this Act, shall, for every such offence, be liable to a penalty of not less than twenty dollars nor more than five thousand dollars.

Liability of officers of company.

2. Wherever it is proved that any company has neglected or refused to obey an order of the Board made under the provisions of this Act, the president, the vice-president, each vice-president where there are more than one, and every director, managing director and superintendent, of such company shall each be guilty of an offence for which he shall be liable to a penalty of not less than twenty dollars and not more than five thousand dollars, or imprisonment for any period not exceeding twelve months, or both, unless he proves that, according to his position and authority, he took all necessary and proper means in his power to obey and carry out, and to procure obedience to and carrying out of, such order, and that he was not at fault for the neglect or refusal to obey the same.

Liability of officers of municipality or corporation.

3. Wherever it is proved that any municipal or other corporation has neglected or refused to obey any order of the Board made under the provisions of this Act, the mayor, warden, reeve or other head of such corporation, and every member of the council or other ruling or executive body of such corporation, shall each be guilty of an offence for which he shall be liable to a penalty of not less than twenty dollars and not more than five thousand dollars, or imprisonment for any period not exceeding twelve months, or both, unless he proves that, according to his position and authority, he took all necessary and proper means in his power to obey and carry out, and to procure obedience to and carrying out of, such order, and that he was not at fault for the neglect or refusal to obey the same.

Other liability continues.

4. Nothing in or done under this section shall lessen or affect any other liability of such company, corporation or person, or prevent or prejudice the enforcement of such order in any other way.

Prosecution.

5. No prosecution shall be had under this section except by leave or direction of the Board. New.

*Obstructing Inspecting Engineers.*

As to transmission of telegraph messages.

**393.** Every operator or officer employed in any telegraph office of the company, or under the control of the company,

who neglects or refuses to obey, without unnecessary delay, all orders of any inspecting engineer for the transmission of messages shall, for every such offence, be liable on summary conviction to a penalty of forty dollars. R.S., c. 37, s. 405. Penalty.

2 Every person who wilfully obstructs any inspecting engineer in the execution of his duties shall be liable on summary conviction to a penalty not exceeding forty dollars, and, in default of payment thereof forthwith, or within such time as the convicting justice appoints, to imprisonment with or without hard labour for any term not exceeding three months. R.S., c. 37, s. 406. Obstructing inspecting engineer on duty. Penalty.

*Stock and Bond Issues.*

**394.** Every director, officer, employee or agent of a company, who,— Issuing without leave of Board.

(*a*) issues, signs, certifies or delivers, or causes or is a party to or assists in the issue, signing, certifying or delivery, of any stock, shares, certificates of stock, bonds debentures, debenture stock, notes, mortgages, or other securities or evidences of indebtedness, of the company, payable more than one year after the date thereof or issued otherwise than solely for money consideration, leave for the issue of which has not been first obtained from the Board; or

(*b*) applies the proceeds, or any of the proceeds, of any stock, shares, certificates of stock, bonds, debentures, debenture stock, notes, mortgages or other securities or evidences of indebtedness, of the company, leave to issue which has been obtained from the Board, or causes or is a party to or assists in the application of any such proceeds, to any purpose other than that for which the Board granted such leave, or contrary to any order of the Board; or Misapplying proceeds.

(*c*) fails to account for any such proceeds as an order of the Board requires; or Failing to account.

(*d*) issues, sells, delivers, or disposes of, or causes or is a party to or assists in the issue, sale, delivery or disposal of, any stock, shares, certificates of stock, bonds, debentures, debenture stock, notes, mortgages, or other securities or evidences of indebtedness, of the company, for less than the price fixed by the Board; Selling for less than price fixed.

shall be liable to a penalty not exceeding five thousand dollars or to imprisonment for any period not exceeding two years or to both such fine and such imprisonment. New.

*Purchase of Railway Securities.*

**395.** Every director of a railway company who knowingly permits the funds of any such company to be applied either directly or indirectly in the purchase of its own stock, Company not to purchase.

or in the acquisition of any shares, bonds or other securities issued by any other railway company in Canada, or in the purchase or acquisition of any interest in any such stock, shares, bonds or other securities, contrary to the provisions of this Act, shall incur a penalty of one thousand dollars for each such violation.

Penalty.

Separate offences.

2. The acquisition of each share, bond or other security or interest as aforesaid shall be deemed a separate violation of this section.

Recovery and application.

3. Such penalty shall be recoverable on information filed in the name of the Attorney General of Canada, and a moiety thereof shall belong to His Majesty, and the other moiety thereof shall belong to the informer. R.S., c. 37, s. 376.

*Schemes of Arrangement with Creditors.*

Failure of company to keep or sell copies.

**396.** If any railway company fails to keep at all times, at its principal or head office, printed copies of any scheme of arrangement between the company and its creditors, after such scheme has been confirmed and enrolled as provided by this Act, or to sell such copies to all persons desiring to buy them at a reasonable price, not exceeding ten cents for each copy, the company shall incur a penalty not exceeding one hundred dollars, and a further penalty not exceeding twenty dollars for every day during which such failure continues after the first penalty is incurred. R.S., c. 37, s. 424.

Penalty.

*Filing and Registry.*

Company neglecting to file.

**397.** Every railway company, which fails or neglects, within six months after the completion of the undertaking, or within six months after beginning to operate any completed part of the railway, as the case may be, or within such extended or renewed period as the Board at any time directs,—

Plan and profile.

(*a*) to file with the Board a plan and profile of its completed railway, or of any such part thereof as is completed and in operation, and of the land taken or obtained for the use thereof; or,

Plan of lands taken.

(*b*) to file in the registry offices for the respective districts and counties, in which the parts of such railway so completed, or completed and in operation, are situate, plans of the parts thereof and of the land taken or obtained for the use thereof, located in such districts and counties respectively, prepared on such a scale and in such manner, and form, and signed or authenticated in such manner, as the Board may from time to time by general regulation, or in any individual case, sanction or require;

shall incur a penalty of two hundred dollars, and a like penalty for each and every month during which such failure or neglect continues. R.S., c. 37, s. 378. Penalty.

**398.** Every registrar of deeds with whom it is by this Act required that any plan, profile, book of reference, certified copy thereof, or other document relating to the location or construction of any railway shall be deposited, who refuses or neglects,— Registrar of deeds neglecting his duty.

(*a*) to receive and preserve in his office all such plans, profiles, books of reference, certified copies thereof, and other documents duly tendered to him for such deposit; or, Receiving and preserving documents.

(*b*) to endorse thereon the day, hour and minute when the same were so deposited; or, Endorsements.

(*c*) to allow any person to make extracts therefrom and copies thereof as occasion requires, upon payment of the fees in that behalf by this Act prescribed; or, Copies.

(*d*) to certify, at the request of any person, in the manner and with the particulars by this Act required, copies of any such plan, profile, book of reference or document, or such portions thereof as may be required, upon being paid therefor at the rate provided by this Act; Certificates.

shall be liable on summary conviction to a penalty of ten dollars, and also to an action for damages at the suit of any person injured by any such refusal or neglect. R.S., c. 37, s. 377. Penalty.

*Removing Industrial Spurs.*

**399.** Any company or person who, without consent or order of the Board, removes any spur or branch line constructed under or pursuant to this Act for the purpose of affording railway facilities to, or in connection with, any industry or business established or intended to be established, shall be liable on conviction to a penalty not exceeding one thousand dollars. New. Removing industrial spurs without leave.

*Examining Mine Workings.*

**400.** Any owner, lessee, or occupier of a mine lying under or near a railway or any of the works connected therewith, who, after the company owning or operating such railway has obtained the written permission of the Board and given twenty-four hours notice in writing in that behalf, refuses or neglects to allow any person appointed by such company for that purpose, to enter into and return from such mine or the works connected therewith and make use of any apparatus of such mine and all necessary means for discovering the distance from such railway or works Refusing to allow examination of mine workings.

connected therewith to the parts of such mine which are being worked, in order to ascertain whether such mine is being worked or has been worked so as to injure or be detrimental to such railway or works connected therewith, or to the safety thereof or of the public, shall for every such refusal or neglect be liable on summary conviction to a penalty not exceeding one hundred dollars. New.

*Matters Incidental to Construction.*

Failing to comply with directions as to construction of bridges.

**401.** Every railway company which fails or neglects to comply with any direction of the Governor in Council, given upon the report of the Board, requiring such company within such time as the Governor in Council directs, to construct fixed and permanent bridges, or swing, draw or movable bridges, or to substitute any of such bridges for bridges existing on the line of the company's railway, shall, for every day after the expiration of the period so fixed, during which the company fails or neglects to comply with such direction, forfeit and pay to His Majesty the sum of two hundred dollars. R. S., c. 37, s. 379.

Penalty.

Structures not in conformity with this Act.

**402.** (*a*) If any bridge, tunnel or other erection or structure over, through or under which any railway passes is not so constructed, or reconstructed or altered, within such time as the Board may order, and thereafter so maintained, as to afford at all times an open and clear headway of at least seven feet between the top of the highest freight car used on the railway, and the lowest beams, members or portions of that part of such bridge, tunnel, erection or structure, which is directly over the space liable to be traversed by such car in passing thereunder; or,

Spaces not in conformity.

(*b*) If, except by leave of the Board, the space between the rail level and such beams, members, or portions of any such structure, constructed after the first day of February, one thousand nine hundred and four, is in any case less than twenty-two feet six inches;

Penalty.

the company or owner so constructing shall incur a penalty not exceeding fifty dollars, for each day during which such company or owner wilfully refuses, neglects or omits to comply with the requirements of this Act, as to construction, reconstruction, alteration or maintenance, in this section mentioned: Provided that nothing in this section shall apply to any bridge, tunnel, erection or structure over, through or under which no trains except such as are, under the provisions of this Act, exempted by the Board from such requirements. R. S., c. 37, s. 382.

Proviso.

**403.** Every company which shall erect, operate or maintain any bridge, approach, tunnel, viaduct, trestle, or any building, erection or structure, in violation of this Act, or of any order or regulation of the Board, shall for each offence incur a penalty of fifty dollars. R. S., c. 37, s. 396.

In violation of this Act.

Penalty.

**404.** Every railway company which, except as authorized by Special Act of the Parliament of Canada, or amendment thereof, passed previously to the twelfth day of March, one thousand nine hundred and three,—

Improper use of highways.

(*a*) carries its railway or causes or permits the same to be carried upon, along or across an existing highway without having first obtained leave therefor from the Board; or,

(*b*) obstructs any such highway by its works before turning the highway so as to leave an open and good passage for carriages; or,

(*c*) on completion of the works fails or neglects to restore the highway to as good a condition, as nearly as possible, as it originally had;

shall incur a penalty of not less than forty dollars nor more than five thousand dollars for each such offence. R. S., c. 37, s. 380.

Penalty.

**405.** Every railway company which fails or neglects to erect and maintain, at each crossing where a highway is crossed at rail level by the railway of the company, a signboard having the words *Railway Crossing* painted on each side thereof, in letters at least six inches in length, and, in the province of Quebec, in both the English and French languages, shall incur a penalty not exceeding forty dollars. R. S., c. 37, s. 381.

Failure to erect signboards at crossings.

Penalty.

*Opening Railway for Traffic.*

**406.** If any railway or portion thereof is opened for the carriage of traffic, other than for the purposes of the construction of the railway by the company, before leave therefor has been obtained from the Board as hereinbefore provided, the company or person to whom such railway belongs, shall forfeit to His Majesty the sum of two hundred dollars for each day on which the railway is or continues open without such leave. R. S., c. 37, s. 384.

Opening railway without leave of Board.

Penalty.

*Safety and Care of Roadway, etc.*

**407.** Every person who,—

Leaving gates open.

(*a*) wilfully leaves open any gate on either side of the railway, provided for the use of any farm crossing, without some person being at or near such gate to prevent animals passing through it on to the railway; or,

Taking down fences.

(*b*) not being an officer or employee of the company acting in the discharge of his duty, takes down any part of a railway fence; or,

Turning animals into railway inclosure.

(*c*) turns any horse, cattle or other animal upon or within the inclosure of any railway, except for the purpose of and while crossing the railway in charge of some competent person, using all reasonable care and precaution to avoid accidents; or,

Allowing animals to go upon railway.

(*d*) except as authorized by this Act, without the consent of the company, rides, leads or drives any horse, or other animal, or wilfully suffers any such horse or animal to enter upon the railway, and within the fences and guards thereof;

Penalty.

shall, on summary conviction, be liable to a penalty of twenty dollars for each such offence.

Damages to the company.

2. Every such person shall also be liable to the company for any damage to the property of the company, or for which the company may be responsible, by reason of any such act or omission.

Damages to person injured.

3. Every person guilty of any offence under this section shall, in addition to the penalty and liability therein provided, be liable to pay to any person injured by reason of the commission of such offence all damages thereby sustained. R.S., c. 37, s. 407.

Failure to have weeds removed from right of way.

**408.** Every railway company which fails or neglects to cause the thistles and all noxious weeds growing on the right of way, and upon land of the company adjoining the railway, to be cut down, or to be rooted out and destroyed, each year, before such thistles or weeds have sufficiently matured to seed, or which fails or neglects to do anything which it is required by law to do for the purpose of cutting down, or rooting out and destroying such thistles and weeds before they have sufficiently matured to seed, shall incur a penalty of two dollars for every day during which such failure or neglect continues.

Penalty.

Municipal officers may remove.

2. The mayor, reeve or chief officer of the municipality, township, county or district in which any portion of the right of way or land of the company lies, upon which the company has failed to cut down, or root out and destroy, such thistles and weeds as by law required, or to do anything which the company is by law required to do for the purpose aforesaid, or any justice of the peace in such municipality, township, county or district, may enter upon the portion of the right of way and lands aforesaid, and, by himself and his assistants or workmen, cut down, or root out and destroy, such thistles or weeds, and for that purpose cause to be done all things which the company is by law required to do.

Expenses.

3. Such mayor, reeve, chief officer or justice of the peace may recover the expenses and charges so incurred, and the

said penalty, with costs, in any court of competent jurisdiction.

4. Such penalty shall be paid to the proper officer of the municipality. R. S., c. 37, s. 417. Payment.

**409.** Every person, not connected with the railway or employed by the company, who walks along the track thereof, except where the same is laid across or along a highway, is liable on summary conviction to a penalty not exceeding ten dollars. R. S., c. 37, s. 408. Walking on track. Penalty.

**410.** Any person who uses any highway crossing at rail level for the purpose of passing on foot along such highway across the railway, except during the time when such highway crossing is used for the passage of carriages, carts, horses or cattle along the said highway, is liable on summary conviction to a penalty not exceeding ten dollars, if,— Using highway crossings on foot. Penalty.

(*a*) the company has erected and completed, pursuant to order of the Board, over its railway, at or near or in lieu of such highway crossing, a foot bridge or foot bridges for the purpose of enabling persons passing on foot along such highway to cross the railway by means of such bridge or bridges; and, If there is a foot bridge.

(*b*) such foot bridge is maintained or such foot bridges are maintained by the company in good and sufficient repair. R. S., c. 37, s. 409. Maintained.

**411.** If any company refuses or neglects to comply with any order of the Board, made upon the report of the inspecting engineer, under the authority of this Act,— Non-compliance with order of Board.

(*a*) directing any repairs, renewals, reconstruction, alteration or new work, material or equipment to be made, done or furnished by the company upon, in addition to, or in substitution for any portion of the railway; or, Works.

(*b*) directing that, until such repairs, renewals, reconstruction, alteration and work, materials or equipment are made, done and furnished to the satisfaction of the Board, no portion of the railway in respect of which such order is made shall be used, or used otherwise than subject to certain restrictions, conditions and terms by such order imposed; or, Operation.

(*c*) condemning and forbidding further use of any rolling stock therein specified; Rolling stock.

the company shall for each such refusal or neglect forfeit to His Majesty the sum of two thousand dollars. Penalty.

2. Any person wilfully and knowingly aiding or abetting any such disobedience or non-compliance shall be liable therefor, upon conviction, to a penalty of not less than twenty dollars, and not more than two hundred dollars. Aiding or abetting.

No prosecution without leave of Board.

3. No prosecution for any penalty under this section shall be instituted without the authority of the Board first obtained. R. S., c. 37, s. 383.

Non-compliance with notice of engineer forbidding the running of trains.

**412.** If any railway company refuses or neglects to comply with any notice in writing of any inspecting engineer, given under the authority of this Act, and duly served upon the company, forbidding the running of any train over the railway of the company, or any portion thereof, or requiring that trains be run only at such times, under such conditions and with such precautions as specified in such notice, or forbidding the running or using of any rolling stock specified in the notice, such company shall forfeit to His Majesty the sum of two thousand dollars. R. S., s. 37, s. 385.

Penalty.

*Notification of Accidents.*

Omitting to give notice of accident.

**413.** Every railway company which wilfully or negligently omits to give immediate notice as by this Act required, with full particulars, to the Board of the occurrence, upon the railway belonging to such company, of any accident attended with serious personal injury to any person using the railway, or to any employee of the company, or whereby any bridge, cu vert, viaduct or tunnel on or of the railway has been broken, or so damaged as to be impassable or unfit for immediate use, shall forfeit to His Majesty the sum of two hundred dollars for every day during which the omission to give such notice continues. R. S., c. 37, s. 412.

Penalty.

*Operation and Equipment.*

Violation of by-laws and rules.

**414.** Every person who wilfully or negligent'y violates any by-law, rule or regu ation of the company is liable, on summary conviction, for each offence, to a penalty not exceeding the amount therein prescribed, or if no amount is so prescribed, to a penalty not exceeding twenty dollars: Provided that no such person shall be convicted of any such offence, unless at the time of the commission thereof a printed copy of such by-law, rule or regulation was openly affixed to a conspicuous part of the station at which the offender entered the train, or at or near which the offence was committed. R. S., c. 37, s. 416.

Printed copy must be posted.

Failure of company to properly equip its trains.

**415.** Every railway company required by this Act,—

(*a*) to provide and cause to be used on its trains modern and efficient apparatus, appliances and means, or any apparatus, appliances and means in this Act specified, for the providing of communication between the conductor and the engine driver, or for the checking of the speed of any train or the bringing of the same expeditiously to a standstill, or for the secure coupling

and connecting of the cars and the engine composing the train; or,

(*b*) to equip its box freight cars, for the security of its employees, with outside ladders and hand-grips, or if the Board so requires, with any other improved side attachment required by the Board; or, Box freight cars.

(*c*) to adopt and use upon its rolling stock draw bars of a height determined by the Board; Draw bars.

which fails to comply with any requirement of this Act in that behalf shall forfeit to his Majesty a sum not exceeding two hundred dollars for every day during which such default continues. R. S., c. 37, s. 386 (1). Penalty.

**416.** (*a*) If any railway company upon whose railway there is a telegraph or telephone line in operation wilfully neglects, omits or refuses to have a blackboard put upon the outside of the station house over the platform of the station, in some conspicuous place, at each station of such company in which there is a telegraph or telephone office; or, Blackboard

(*b*) if, when any passenger train is overdue at any such station according to the time-table of such company, the station agent, or person in charge at such station, wilfully neglects, omits or refuses to write or cause to be written in white chalk on such blackboard a notice, in English and French in the province of Quebec, and in English in the other provinces, stating to the best of his knowledge and belief the time when such overdue train may be expected to reach such station; or, Notice of overdue trains.

(*c*) if, when there is any further change in the expected time of arrival, such station agent, or person in charge of the station, wilfully neglects, omits or refuses to write or cause to be written on the blackboard, in like manner, a fresh notice stating to the best of his knowledge and belief the time when such overdue train may then be expected to reach such station; Further notice.

such company shall be liable, upon summary conviction, to a penalty not exceeding five dollars for each such wilful neglect, omission or refusal. Penalty.

2. Such station agent or person in charge at any such station shall likewise be liable to a penalty not exceeding five dollars for every wilful neglect, omission or refusal to write or cause to be written upon such blackboard any of such notices as hereinbefore required. R. S., c. 37, s. 395. Am. Station master also liable.

**417.** Every officer or employee of any railway company who directs or knowingly permits any freight, merchandise or lumber car to be placed in any passenger train, in the rear of any passenger car in which any passenger is carried, is guilty of an indictable offence. R. S., c. 37, s. 387. Freight car in rear of passenger car. Penalty.

Penalty for not stopping at swing bridges.

**418.** A company shall be liable to a penalty not exceeding four hundred dollars, if when the railway passes over any navigable water or canal by means of a draw or swing bridge which is subject to be opened for navigation, any train of the company upon such railway is not brought to a full stop before coming on or crossing over such bridge, or if such train thereafter proceeds before a proper signal has been given for that purpose.

Board may permit.

2. This section shall not apply in the case of any bridge over which, by order of the Board under the authority of this Act, engines and trains are permitted to pass without stopping. R.S., c. 37, s. 389.

Employee of company failing to comply.

**419.** Every employee of the company who fails to comply with the rules of the company made for carrying into effect the provisions of this Act with regard to the stopping of trains before crossing any such draw or swing bridge, or for preventing such trains from proceeding over any such bridge before a proper signal has been given for that purpose, shall be liable to a penalty not exceeding four hundred dollars, or to six months' imprisonment, or to both. R.S., c. 37, s. 390.

Penalty.

Penalty for failure.

**420.** The company shall incur a penalty of eight dollars if, when any train of the company is approaching a highway crossing at rail level,—

To sound whistle.

(*a*) the engine whistle is not sounded at least eighty rods before reaching such crossing; and,

And ring bell.

(*b*) the bell is not rung continuously from the time of the sounding of the whistle until the engine has crossed the highway.

Damages.

2. The company shall also be liable for all damage sustained by any person by reason of any failure or neglect to so sound the whistle or ring the bell.

Exception.

3. Where a municipal by-law of a city or town prohibits such sounding of the whistle or such ringing of the bell in respect of any such crossing or crossings within the limits of such city or town, such by-law shall, to the extent of such prohibition, relieve the company from any penalty or liability under this section. R. S., c. 37, s. 391. Am.

Employee neglecting to sound bell or whistle.

**421.** Every employee of the company whose duty it is to sound the whistle or ring the bell at any such highway crossing, who neglects to perform such duty as required by this Act, shall for each offence incur a penalty of eight dollars. R.S., c. 37, s. 392.

Penalty.

Penalty for—

**422.** The company shall incur a penalty of one hundred dollars if,—

(*a*) any train or engine of the company passes over any crossing where two main lines of railway, or the main tracks of any branch lines, cross each other at rail level, whether they are owned by different companies or by the same company, before a proper signal has been received by the conductor or engineer in charge of such train or engine, from a competent person or watchman in charge of such crossing, that the way is clear; or, Crossing level railway crossing without signal.

(*b*) any train of the company, before it passes over any such crossing, is not brought to a full stop, unless engines and trains are, by order of the Board under the authority of this Act, permitted to pass over such crossing without stopping; or, Train not stopping.

(*c*) any train of the company passes in or through any thickly peopled portion of any city, town or village at a speed greater than ten miles an hour, unless the track is fenced or properly protected in the manner prescribed by this Act, or unless permission to pass at greater speed is given by some regulation or order of the Board; or, Excessive speed in thickly peopled places where track not fenced.

(*d*) any train of the company passes over any highway crossing at rail level in any thickly peopled portion of any city, town or village at a speed greater than ten miles an hour, unless such crossing is constructed and thereafter maintained and protected in accordance with the orders, regulations and directions specially issued by the Railway Committee of the Privy Council or of the Board in force with respect to such crossing, or unless permission is given by some regulation or order of the Board; or, Over highway crossings in thickly peopled places.

(*e*) any train of the company passes over any highway crossing at rail level at a speed greater than ten miles an hour, if at such crossing, subsequent to the first day of January, one thousand nine hundred and five, a person or vehicle using such crossing, or an animal being ridden or driven over the same, has been struck by a moving train, and bodily injury or death thereby caused to such person or to any other person using such crossing, unless and until such crossing is protected to the satisfaction of the Board; or, Over highway crossing where accident has happened.

(*f*) any train of the company passes at a speed greater than ten miles an hour over any highway crossing at rail level in respect of which crossing an order of the Board has been made to provide protection for the safety and convenience of the public and which order has not been complied with; or, Over highway crossing not protected as ordered.

(*g*) whenever in any city, town or village, any train of the company not headed by an engine moving forward in the ordinary manner is allowed to pass over or along a Moving reversely without warning.

highway at rail level which is not adequately protected by gates or otherwise the company does not station on that part of the train, or of the tender if the tender is in front, which is then foremost, a person who shall warn persons standing on or crossing or about to cross the track of such railway.

Electric railway companies.

2. Every company operating an electric street railway shall incur a penalty of one hundred dollars if,—

Crossing at rail level without signal from watchman.

(*a*) any electric car of such company passes over any crossing, where its line of railway crosses any line of railway subject to the provisions of this Act, at rail level, before a proper signal has been received by the conductor in charge of such electric car, from a competent person or watchman in charge of such crossing, that the way is clear; or,

Or from conductor if no watchman.

(*b*) if there is no competent person or watchman in charge of such crossing, the conductor, before crossing the same, does not go forward and see that the track to be crossed is clear, before giving the signal to the motorman that the way is clear and to proceed; or,

Not stopping.

(*c*) any such electric car, before it passes over such crossing, is not brought to a full stop, unless electric cars are by order of the Board under the authority of this Act permitted to pass over such crossing without stopping. R.S., c. 37, s. 393. Am.

Obstructing highway.

**423.** Whenever at any highway crossing at rail level any engine, tender or car, or any part thereof, is wilfully allowed by the company, its officers, agents or employees to stand on any part of such highway for a longer period than five minutes at one time, or, in shunting, to obstruct public traffic for a longer period than five minutes at one time, every officer, agent or employee of the company, who has directly under or subject to his control, management or direction any such engine, tender or car, shall be

Penalty.

liable on summary conviction to a penalty not exceeding fifty dollars, and the company shall also be liable to a like penalty: Provided that, if the offence is in the opinion of the court excusable, the prosecution for the penalty may be dismissed and the costs shall be in the discretion of the court. R. S., c. 37, s. 394.

When observing rules of company causes obstruction.

2. No employee shall be liable to such penalty if he proves that the carrying out or observing of the rules of the company was the cause of such obstruction, and in such case the company and its superintendent or other officer in charge of the operation of the railway, or of the division thereof upon which such obstruction occurs, shall each be guilty of the offence mentioned in this section and liable to a penalty not exceeding two hundred dollars. New.

*Intoxication of Employees.*

Intoxication of railway employees.

**124.** Every conductor, locomotive engineer, train dispatcher, telegraph operator, station agent, switchman, signal man, bridge tender or any other person who is intoxicated, or under the influence of liquor, while on duty, in charge of or in any employment having to do with the movement of trains upon any railway, is guilty of an offence, and shall be punished by fine, not exceeding four hundred dollars, or imprisonment, not exceeding five years, or both, in the discretion of the court before which the conviction is had, and according as such court considers the offence proved to be more or less grave as causing injury to any person or property, or as exposing or likely to expose any person or property to injury, although no actual injury occurs. R. S., c. 37, s. 413.

Penalty.

Selling liquor to railway employees on duty.

**125.** Every person who sells, gives or barters any spirituous or intoxicating liquor to or with any servant or employee of any company, while on duty, is liable on summary conviction to a penalty not exceeding fifty dollars, or to imprisonment, with or without hard labour, for a period not exceeding one month, or to both. R.S., c. 37, s. 414.

Penalty.

*Traffic, Tolls, and Tariffs.*

Contraventions in respect of tolls.

**126.** If any company or any director or officer thereof, or any receiver, trustee, lessee, agent or person, acting for or employed by such company, either alone or with any other company or person, shall,—

(*a*) wilfully do or cause to be done, or willingly suffer to be done, any act, matter or thing, contrary to any order, direction, decision or regulation of the Board made or given under this Act, in respect of tolls; or,

(*b*) wilfully omit or fail to do any act, matter, or thing thereby required to be done; or,

(*c*) cause or willingly suffer or permit any act, matter or thing, so directed or required to be done, not to be so done; or,

(*d*) contravene any such order, direction, decision or regulation, or any of the provisions of this Act, in respect of tolls;

such company, director, officer, receiver, trustee, lessee, agent or person shall for each such offence be liable to a penalty of not more than one thousand dollars, and not less than one hundred dollars.

Penalty.

2. No prosecution shall be had or instituted for any such penalty without the leave of the Board first being obtained. R. S., c. 37, s. 398.

Prosecution by leave.

False billing, etc., by company.

**427.** Any company or any officer or agent thereof, or any person acting for or employed by such company, who, by means of false billing, false classification, false report of weight, or by any other device or means, knowingly, wilfully or willingly suffers or permits any person or persons to obtain transportation for goods at less than the required tolls then authorized and in force on the railway of the company, shall for each offence be liable to a penalty not exceeding one thousand dollars and not less than one hundred dollars.

Penalty.

Prosecution by leave.

2. No prosecution shall be had or instituted for any such penalty without the leave of the Board first being obtained. R.S., c. 37, s. 399.

False billing etc., by any person.

**428.** Any person, or any officer or agent of any incorporated company, who shall deliver goods for transportation to such company, or for whom as consignor or consignee the company shall transport goods, who knowingly or wilfully, by false billing, false classification, false weighing, false representation of the contents of the package, or false report of weight, or by any other device or means, whether with or without the consent or connivance of the company, its agent or agents, obtains transportation for such goods at less than the regular tolls then authorized and in force on the railway shall, for each offence, be liable to a penalty not exceeding one thousand dollars and not less than one hundred dollars.

Penalty.

Further toll.

2. The Board may make regulations providing that any such persons or company shall, in addition to the regular toll, be liable to pay to the company a further toll not exceeding fifty per centum of the regular charge.

Opening of packages.

3. The company may, and when ordered by the Board shall, open and examine any package, box, case or shipment, for the purpose of ascertaining whether this section has been violated.

Prosecution by leave.

4. No prosecution shall be had or instituted for any such penalty without the leave of the Board first being obtained. R. S., c. 37, s. 400.

Unjust discrimination.

**429.** Any person or company, or any officer or agent of any company,—

(*a*) who shall offer, grant, or give, or shall solicit, accept or receive any rebate, concession, or discrimination in respect of the transportation of any traffic by the company, whereby any such traffic shall, by any device whatsoever, be transported at a less rate than that named in the tariffs then in force; or,

(*b*) for whom the company or any of its officers or agents, shall by any such means be induced to transport traffic, and thereby to discriminate unjustly in favour of any

such person, company, officer or agent as against any other person or company; or,

(*c*) who shall aid or abet the company in any unjust discrimination;

shall for each offence be liable to a penalty not exceeding one thousand dollars and not less than one hundred dollars. Penalty.

2. No prosecution shall be had or instituted for any such penalty without the leave of the Board first being obtained. Prosecution by leave. R.S., c. 37, s. 401.

**430.** If the company files with the Board any tariff, and such tariff comes into force and is not disallowed by the Board under this Act, or if the company participates in any such tariff, any departure from the tolls in such tariff, while so in force, shall, as against such company, its officers, agents or employees, be an offence under this Act. Departure from tolls in tariff. Penalty.

2. No prosecution shall be had or instituted in respect of any such offence without the leave of the Board first being obtained. Prosecution by leave. R.S., c. 37, s. 402.

**431.** All goods carried or being carried over any continuous route, from a point in Canada through a foreign country into Canada, operated by two or more companies whether Canadian or foreign, shall, unless such companies have filed with the Board a joint tariff for such continuous route, be subject upon admission into Canada, to Customs duties, as if such goods were of foreign production and coming into Canada for the first time. Neglect to file joint tariff. Goods subject to Customs duties.

2. Such goods shall be subject to a Customs duty of thirty per centum of the value thereof, if they would not be subject to any Customs duty in case they were of foreign production, and coming into Canada for the first time. 30 per cent.

3. If any such duty is paid by the consignor or consignee of such goods, the same shall be repaid on demand to the person so paying, by the company or companies owning or operating so much of such continuous line or route as lies within Canada. Payable by company. R.S., c. 37, s. 397.

**432.** Every person who,—

(*a*) sends by any railway any gunpowder, dynamite, nitroglycerine, or any other goods which are of a dangerous or explosive nature, without distinctly marking their nature on the outside of the package containing the same, and otherwise giving notice thereof in writing to the station agent or employee of the company whose duty it is to receive such goods, and to whom the same are delivered; or, Sending of explosives.

(*b*) carries or takes upon any train any such goods for the purpose of carriage; Taking them on train.

Penalty.

shall be liable on conviction to a penalty not exceeding two thousand dollars or imprisonment for any period not exceeding two years, or both. R.S., c. 37, s. 410. Am.

Carrying dangerous goods.

**433.** Every company which carries any goods of an explosive or dangerous nature except in conformity with the regulations, or an order, made by the Board in that behalf, shall for each such offence incur a penalty of five hundred dollars. R. S., c. 37, s. 411. Am.

Refusing to check baggage.

**434.** If any railway company improperly refuses upon demand to affix a check to any parcel of baggage, having a handle, loop or suitable means for attaching a check thereupon, delivered by a passenger to the company for transport, or to deliver a duplicate of such check to such passenger, the company shall be liable to such passenger for the sum of eight dollars recoverable in a civil action. R.S., c. 37, s. 388.

Penalty.

Opening package with intent to steal contents.

**435.** Every person who,—

(*a*) bores, pierces, cuts, opens or otherwise injures any cask, box or package, which contains, wine, spirits or other liquors, or any case, box, sack, wrapper, package or roll of goods, in, on or about any car, wagon, boat, vessel, warehouse, station house, wharf, quay or premises of or belonging to any company, with intent to steal or otherwise unlawfully to obtain or to injure the contents, or any part thereof; or,

Drinking or wasting liquor.

(*b*) unlawfully drinks or wilfully spills or allows to run to waste any such liquors, or any part thereof;

Penalty.

is liable, on summary conviction, to a penalty not exceeding twenty dollars over and above the value of the goods or liquors so taken or destroyed, or to imprisonment, with or without hard labour, for a term not exceeding one month, or to both. R.S., c. 37, s. 426.

*Express Business.*

Carrying by express without filing tariff, etc.

**436.** Every company which carries or transports, and every officer or employee thereof who directs or knowingly permits to be carried or transported, any goods by express,—

(*a*) unless and until the tariff of express tolls therefor or in connection therewith has been submitted to and filed with the Board in the manner required by this Act; or,

(*b*) in the case of competitive tariffs, unless such tariffs are filed in accordance with the rules and regulations of the Board made in relation thereto; or,

(*c*) in any case where such express toll in any tariff has been disallowed by the Board;

shall be liable to a penalty not exceeding one hundred dollars for each such offence. R.S., c. 37, s. 403. Penalty.

*Statistics and Returns.*

**437.** Every railway, telegraph, telephone or express company and every carrier by water that fails or neglects to prepare and furnish to the Minister within the time and in the manner and form, and with such particulars and verification as by or under this Act are required or intended,— Failure to furnish returns to Minister.

(*a*) any return of its capital, traffic and working expenditure, or of any other information required as indicated in the forms for the time being required and furnished by the Minister; or, Capital, traffic and working expenditure.

(*b*) any weekly return of its traffic in accordance with the forms for the time being required and furnished by the Minister, if such weekly return is required by the Minister; or, Weekly traffic.

(*c*) any other information which may be from time to time required by the Minister under this Act; Other information.

shall incur a penalty not exceeding ten dollars for every day during which such default continues. Penalty.

2. Every person who knowing the same to be false in any particular signs any such return is guilty of an offence punishable on summary conviction. R.S., c. 37, s. 419. Am. Signing false return

**438.** Any railway, telegraph, telephone or express company and any carrier by water that fails or neglects to deliver to the Minister within the time provided in this Act or when required by the Minister, and in the form ordered and directed by the Minister, or specified in this Act,— Returns to Minister.

(*a*) a true and particular return of all accidents and casualties, whether to persons, or to animals or other property, which have occurred on the property of the company or carrier, or in connection with the operation of the undertaking of the company or carrier, setting forth the particulars and verified in manner as by this Act required; or, Accidents.

(*b*) if required by the Minister, a true copy of the existing by-laws of the company or carrier and of its rules and regulations for the management of the company or carrier and of its railway or such other undertaking or business as it is authorized to carry on, within fourteen days after having been so required by the Minister; or, By-laws, rules and regulations.

Additional returns of serious accidents.

(*c*) in the case of a railway company, any other or additional returns of serious accidents occurring in the course of the public traffic on the railway, if thereunto required with a view to public safety by the Minister, within fourteen days after the same have been so required;

Penalty.

shall forfeit to His Majesty the sum of one hundred dollars for every day during which the company so neglects to deliver such return. R.S., c. 37, s. 420. Am.

Refusal to make returns required by Board.

**439.** If the Board at any time, by notice served upon any railway, telegraph, telephone or express company or any officer, servant or agent of such company, requires such company or such officer, servant or agent to furnish to the Board, at or within any time stated in such notice, a written statement or statements showing in so far and with such detail and particulars as the Board requires,—

Assets and liabilities.

(*a*) the assets and liabilities of such company;

Stock.

(*b*) the amount of such company's stock issued and outstanding and the date at which any such stock was so issued;

Consideration therefor.

(*c*) the amount and nature of the consideration received by such company for such issue, and in case the whole of such consideration was not paid to such company in cash, the nature of the service rendered to or property received by such company for which any stock was issued;

Receipts and expenditures.

(*d*) the gross earnings or receipts or expenditure by such company during any period specified by the Board, and the purposes for which such expenditure was made;

Bonus and subsidies.

(*e*) the amount and nature of any bonus, gift or subsidy received by such company from any source whatsoever and the source from which and the time when, and the circumstances under which, the same was so received or given;

Bonds.

(*f*) the bonds issued at any time by such company and what portion of the same is outstanding, and what portion, if any, has been redeemed;

Consideration therefor.

(*g*) the amount and nature of the consideration received by such company for the issue of such bonds;

Liabilities.

(*h*) the character and extent of any liabilities outstanding, chargeable upon the property or undertaking of such company, or any part thereof, and the consideration received by such company for such liabilities, and the circumstances under which the same were created;

Cost of construction.

(*i*) the cost of construction of such company's railway or other works or of any part thereof;

(*j*) the amount and nature of the consideration paid or given by such company for any property acquired by it; Cost of property.

(*k*) the particulars of any lease, contract or arrangement entered into between such company and any other company or person; and, Leases and contracts.

(*l*) generally, the extent, nature, value and particulars of the property, earnings and business of such company; or, Generally.

(*m*) any of the matters in this section mentioned; Any matter.

and if such company, officer, servant or agent wilfully or negligently refuses to make such return when and as thereunto required by the Board, or fails to make any such return to the utmost of its or his knowledge, or means of knowledge, such company and every such officer, servant or agent, so in default, shall severally be liable on conviction to a penalty not exceeding one thousand dollars. If wilful or negligent. Penalty.

2. Each such officer, servant or agent so convicted shall, in addition to such penalty, be liable to imprisonment, in the common gaol of the county in which such conviction is made, for any period not exceeding twelve months. R.S., c. 37, s. 421. Imprisonment for officer or servant.

**440.** If any company or any officer, servant or agent of such company wilfully or negligently makes any such return to the Board falsely, or makes any false statement in any such return, such company and every such officer, servant or agent shall be severally liable on conviction to a penalty not exceeding one thousand dollars. Making false returns. Penalty.

2. Such officer, servant or agent shall also, on such conviction, be liable to imprisonment, for any period not exceeding twelve months, in the common gaol of the county where such conviction is had. R.S., c. 37, s. 422. Imprisonment.

**441.** If any officer or servant of the Board, or any person having access to or knowledge of any return made to the Board, or of any evidence taken by the Board in connection therewith, shall, without the authority of the Board first obtained, publish or make known any information, having obtained the same, or knowing the same to have been derived from such return or evidence, he shall be liable, on conviction to a penalty not exceeding five hundred dollars for each offence, and to imprisonment not exceeding six months, in the common gaol of the county where such conviction is had. R.S., c. 37, s. 423. Publishing information without leave. Penalty.

*Railway Constables Failing in Duty.*

**442.** Every constable appointed under the authority of this Act who is guilty of any neglect or breach of duty in his Failure of constable in duty.

Penalty.

office of constable shall be liable, on summary conviction, to a penalty not exceeding eighty dollars, or to imprisonment with or without hard labour for a term not exceeding two months.

Deduction from salary of constable.

2. Such penalty may, if the constable is in receipt of a salary from the company, be deducted from any such salary due to such offending constable.

Venue.

3. Any offence under this section may be prosecuted and adjudged within any county, city, district, or other local jurisdiction wherein the railway passes. R.S., c. 37, s. 418.

*Various Offences.*

Destroying or injuring structures.

**443.** Every person who,—

(*a*) wilfully breaks down, injures, weakens or destroys any gate, fence, erection, building or structure of a company; or,

Removing or defacing notices.

(*b*) removes, obliterates, defaces or destroys any printed or written notice, direction, order, by-law or regulation of a company, or any section of or extract from this Act or any other Act of Parliament, which a company or any of its officers or agents have caused to be posted, attached or affixed to or upon any fence, post, gate, building or erection of the company, or any car upon any railway; or,

Fraudulently entering train.

(*c*) enters upon any railway train, without the knowledge or consent of an officer or servant of the company, with intent fraudulently to be carried upon the said railway without paying fare thereon; or,

Obstructing officer of company.

(*d*) wilfully obstructs or impedes any officer or agent of any company in the execution of his duty upon any train, or railway, or upon any of the premises of the company; or,

Trespass on property of company.

(*e*) not being an employee of the company, wilfully trespasses by entering upon any of the stations, cars or buildings of the company in order to occupy the same for his own purposes;

Penalty.

shall be liable on summary conviction to a penalty not exceeding fifty dollars, or in default of payment to imprisonment with or without hard labour for a term not exceeding two months. R. S., c. 37, s. 425. Am.

*Penalties not otherwise provided.*

Company or officer doing or omitting to do anything against this Act.

**444.** Any company, or any director or officer thereof, or any receiver, trustee, lessee, agent, or person, acting for or employee by such company, or any contractor or other person having to do with the railway or other works of the company, that does, causes or permits to be done, any

matter, act or thing contrary to the provisons of this or the Special Act, or to the orders or directions of the Governor in Council, or of the Minister, or of the Board, made under this Act, or omits to do any matter, act or thing, thereby required to be done on the part of any such company or person, shall, if no other penalty is provided in this or the Special Act for any such act or omission, be liable for each such offence to a penalty of not less than twenty dollars, and not more than five thousand dollars, in the discretion of the court before which the same is recoverable. R.S., c. 37, s. 427 (1). Am.

Penalty.

*Continuing Offences.*

**445.** When the violation of or failure to comply with any provision of this Act, or with any regulation, order or direction of the Governor in Council, the Minister, the Board or any inspecting engineer, is made, by this Act or any regulation thereunder, an offence subject to penalty, each day's continuance of such violation, or failure, to comply, shall constitute a new and distinct offence. R.S., c. 37, s. 428.

Each day's violation of this Act a distinct offence.

*Company Liable for Acts of its Officers and Agents.*

**446.** For the purpose of enforcing any penalty under any of the provisions of this Act, or enforcing any regulation, order, or direction of the Governor in Council, the Minister, the Board, or any inspecting engineer, made under this Act, the act, omission, or failure of any officer, agent, or other person acting for, or employed by the company, shall, if within the scope of his employment, in every case be also deemed to be the act, omission or failure of such company.

Company liable for act or omission of officer, etc.

2. Anything done or omitted to be done by the company which if done or omitted to be done by any director, or officer thereof, or any receiver, trustee, lessee, agent or person acting for or employed by the company, would constitute an offence under this Act, shall also be held to be an offence committed by such company, and, upon conviction of any such offence, the company shall be subject to the like penalties as are prescribed by this Act with reference to such persons. R.S., c. 37, s. 429.

Company liable to same penalty as individual offender.

*Penalties Constitute a Charge.*

**447.** If any company has been convicted of any penalty under this Act, such penalty shall be the first lien or charge upon the railway, property, assets, rents and revenues of the company. R.S., c. 37, s. 430.

Penalties a first charge on railway.

*Procedure.*

If penalty $100 or less.

**448.** If any penalty, prescribed for any offence under this Act, or under any order, rule or regulation of the Board, is one hundred dollars or less, with or without imprisonment, the penalty may, subject to the provisions of this Act, be imposed and recovered on summary conviction before a justice of the peace.

If more than $100 and less than $500.

2. If the penalty prescribed is more than one hundred dollars and less than five hundred dollars, the penalty may, subject as aforesaid, be imposed and recovered on summary conviction before two or more justices, or before a police magistrate, a stipendiary magistrate, or any person with the power or authority of two or more justices of the peace.

Board may require Attorney General to proceed.

3. Whenever the Board shall have reasonable ground for belief that any company, or any person or corporation is violating or has violated any of the provisions of this Act, or any order, rule or regulation of the Board, in respect of which violation a penalty may be imposed under this Act, the Board may request the Attorney General of Canada to institute and prosecute proceedings, on behalf of His Majesty, against such company or person for the imposition and recovery of the penalty provided under this Act for such violation, or the Board may cause an information to be filed in the name of the Attorney General of Canada for the imposition and recovery of such penalty.

Leave required when penalty exceeds $100.

4. No prosecution shall be had against the company for any penalty under this Act, in which the company might be held liable for a penalty exceeding one hundred dollars, without the leave of the Board being first obtained. R. S., c. 37, s. 431. Am.

RAILWAY CONSTABLES.

*Appointment.*

Who may make appointments.

**449.** A superior or county court judge, two justices of the peace, or a stipendiary or police magistrate, in any part of Canada, a clerk of the peace, clerk of the Crown or judge of the sessions of the peace in the province of Quebec, or a commissioner of a parish court in the province of New Brunswick, within whose jurisdiction the railway runs, may, on the application of the company or any clerk or agent of the company, appoint any persons who are British subjects recommended for that purpose by such company, clerk, or agent, to act as constables on and along such railway.

Qualifications.

Oath to be taken.

2. Every person so appointed shall take an oath or make a solemn declaration, which may be administered by any

judge or other official authorized to make the appointment or to administer oaths, in the form or to the effect following, that is to say:—

'I, A.B., having been appointed a constable to act upon and along (*here name the railway*), under the provisions of *The Railway Act*, do swear that I will well and truly serve our Sovereign Lord the King in the said office of constable, without favour or affection, malice or ill-will; that I will, to the best of my power, cause the peace to be kept, and prevent all offences against the peace; and that, while I continue to hold the said office, I will, to the best of my skill and knowledge, discharge the duties thereof faithfully according to law. So help me God.' Form of oath.

3. Such appointment shall be made in writing signed by the official making the appointment, and the fact that the person appointed thereby has taken such oath or declaration shall be endorsed on such written appointment by the person administering such oath or declaration. R.S., c. 37, s. 300. Am. Appointment in writing.

*Territorial Limits and Powers.*

**450.** Every constable so appointed, who has taken such oath or made such declaration, may act as a constable for the preservation of the peace, and for the security of persons and property against unlawful acts,— Territorial limits of constable.

(*a*) on such railway, and on any of the works belonging thereto;

(*b*) on and about any trains, roads, wharfs, quays, landing places, warehouses, lands and premises belonging to such company, whether the same are in the county, city, town, parish, district or other local jurisdiction within which he was appointed, or in any other place through which such railway passes, or in which the same terminates, or through or to which any railway passes which is worked or leased by such company; and,

(*c*) in all places not more than a quarter of a mile distant from such railway.

2. Every such constable shall have all such powers, protection and privileges for the apprehending of offenders, as well by night as by day, and for doing all things for the prevention, discovery and prosecution of offences, and for keeping the peace, as any constable duly appointed has within his constablewick. R.S., c. 37, s. 301. Powers of constable.

**451.** Any such constable may take such persons as are charged with any offence against the provisions of this Act, or any of the Acts or by-laws affecting the railway, punishable by summary conviction, before any justice or justices Justices.

appointed for any county, city, town, parish, district or other local jurisdiction within which such railway passes.

2. Every such justice may deal with all such cases, as though the offence has been committed and the persons taken within the limits of his jurisdiction. R.S., c. 37, s. 302.

*Dismissal.*

Dismissal of constables by judge or magistrate.

**452.** A superior or county court judge or a stipendiary or police magistrate, in any part of Canada, or a judge of the sessions of the peace in the province of Quebec, may dismiss any such constable who is acting within his jurisdiction.

By company or agent.

2. The company, or any clerk or agent of the company, may also dismiss any such constable who is acting on such railway.

Powers to cease on dismissal.

3. Upon every such dismissal, all powers, protection and privileges, which belonged to any such person by reason of such appointment, shall wholly cease.

Reappointment.

4. No person so dismissed shall be again appointed or act as constable for such railway, without the consent of the authority by whom he was dismissed. R.S., c. 37, s. 303. Am.

*Records and Evidence Respecting Appointment and Dismissal.*

Company to record appointments and dismissals with clerk of peace.

**453.** The company shall within one week after the date of the appointment or dismissal, as the case may be, of any such constable appointed at the instance of the company, cause to be recorded in the office of the clerk of the peace for every county, parish, district, or other local jurisdiction in which any such constable is so appointed,—

(*a*) such appointment or a certified copy thereof;

(*b*) the name and designation of any such constable;

(*c*) the date of his appointment;

(*d*) the name of the authority making such appointment; and, in the case of dismissal,

(*e*) the fact of the dismissal of any such constable;

(*f*) the date of any such dismissal; and,

(*g*) the name of the authority making such dismissal. R.S., c. 37, s. 304.

Book to be kept by clerk of peace.

**454.** Such clerk of the peace shall keep a record of all such facts in a book which shall be open to public inspection, and shall be entitled to a fee of fifty cents for each entry of appointment or dismissal, and twenty-five cents for each search or inspection, including the taking of extracts. R.S., c. 37, s. 305.

**455.** The records relating to appointments and dismissals of railway constables, required by this Act to be kept by the respective clerks of the peace for the counties, parishes, districts or other local jurisdictions in which such constables are appointed, shall, without further proof than the mere production of such records, be *prima facie* evidence of the due appointments of such constables, of their jurisdiction to act as such, and of the other facts by this Act required to be so recorded. R.S., c. 37, s. 75.

Records as to railway constables to be evidence.

## Miscellaneous.

### *Sunday Observance.*

**456.** Notwithstanding anything in this Act, or in any other Act, every railway, situate wholly within one province of Canada and declared by the Parliament of Canada to be either wholly or in part a work for the general advantage of Canada, and every person employed thereon, in respect of such employment, and every person, company, corporation or municipality owning, controlling or operating the same wholly or partly, in respect of such ownership, control or operation, shall be subject to any Act of the legislature of the province in which any such railway is situate which was in force on the tenth day of August, one thousand nine hundred and four, in so far as such Act prohibits or regulates work, business or labour upon the first day of the week, commonly called Sunday.

Railway to be subject to provincial legislation in force in 1904.

2. Every such Act, in so far as it purports to prohibit, within the legislative authority of the province, work, business or labour upon the said first day of the week, is hereby ratified and confirmed and made as valid and effectual, for the purposes of this section, as if it had been duly enacted by the Parliament of Canada.

Such legislation confirmed.

3. The Governor in Council may, by proclamation, confirm, for the purposes of this section, any Act of the legislature of any province passed after the tenth day of August, one thousand nine hundred and four, in so far as such Act purports to prohibit or regulate, within the legislative authority of the province, work, business or labour upon the said first day of the week; and such Act shall, to the extent aforesaid, be by force of such proclamation, ratified and confirmed and made as valid and effectual, for the purposes of this section, as if it had been enacted by the Parliament of Canada.

Subsequent legislation may be adopted by proclamation.

4. Notwithstanding anything in this Act, or in any other Act, every railway, wholly situate within the province, and which has been declared by the Parliament of Canada

Effect of proclamation.

to be in whole or in part a work for the general advantage of Canada, and every person employed thereon, in respect of such employment, and every person, company, corporation or municipality, owning, controlling, or operating the same wholly or partly, in respect of such ownership, control or operation, shall, from and after such proclamation, be subject to such Act in so far as it has been so confirmed.

Exceptions.

5. Nothing in this section shall apply to any railway or part of a railway,—

(*a*) which forms part of a continuous route or system operated between two or more provinces, or between any province and a foreign country, so as to interfere with or affect through traffic thereon; or,

(*b*) between any of the ports on the Great Lakes and such continuous route or system, so as to interfere with or affect through traffic thereon; or,

(*c*) which the Governor in Council by proclamation declares to be exempt from the provisions of this section. R.S., c. 37, s. 9.

*Ascertaining Grand Trunk Pacific Railway Earnings.*

Ascertainment of true net earnings of G.T.P.R.

**157.** In order to the ascertainment of the true net earnings of,—

(*a*) the Eastern Division of the Grand Trunk Pacific railway, for the purposes of the scheduled agreements referred to in the Act passed in the fourth year of His Majesty's reign, chapter twenty-four, intituled *An Act to amend The National Transcontinenta Railway Act;* and,

(*b*) the Grand Trunk Pacific Railway Company, upon its system of railways, at all times while the principal or interest of any bonds made by the said Company and guaranteed by the Government are unpaid by the said Company;

Inquiry by Board.

the Board shall, upon the request of the Minister, inquire into, hear and determine any question as to the justness and reasonableness of the apportionment of any through rate or rates between the Grand Trunk Pacific Railway Company and any other transportation company, whether such company is or is not a railway company, or, if a railway company, whether it is or not as such subject to the legislative jurisdiction of the Parliament of Canada.

Government interests.

2. In any such determination the Board shall have due regard to the interests of the Government of Canada as owner of the said Eastern Division, and of the Intercolonial Railway, or as guarantor of any such principal or interest,

and to the provisions of the National Transcontinental Railway Act, and of the said Act in amendment thereof, and of the said scheduled agreements.

Net earnings.

3. Although, in any such case, the Grand Trunk Pacific Railway Company has agreed to any apportionment, the net earnings shall be ascertained upon the basis of the receipt by the Grand Trunk Pacific Railway Company of such share of such through rate or rates as, in the opinion of the Board, the said Company should have received under a just and reasonable apportionment; and such agreement shall be material evidence only and not conclusive.

Apportionment.

Appeal.

4. Either party to any such question may appeal from any such determination to the Supreme Court of Canada. R.S., c. 37, s. 27.

*Regulations and Orders of the Railway Committee of the Privy Council.*

Regulations and orders continued.

**458.** All regulations and orders made by the Railway Committee of the Privy Council, under the provisions of the Railway Act, 1888, in force on the first day of February, one thousand nine hundred and four, shall continue in force until repealed, rescinded, changed or varied under the provisions of this Act.

Board may repeal.

2. The Board shall have the like powers to repeal, rescind, change or vary such regulations and orders, as in the case of regulations or of orders which the Board may make under this Act. R.S., c. 37, s. 32.

Existing orders of Railway Committee

**459.** Notwithstanding the repeal of the Railway Act, 1888, the orders of the Railway Committee of the Privy Council in force on the first day of February, one thousand nine hundred and four, may be made rules or orders of the Exchequer Court, or of any superior court of any province in Canada, and may be enforced in all respects, as nearly as may be, in the same manner as provided by this Act, in the case of similar orders by the Board.

Penalties for disobeying.

2. All penalties, forfeitures and liabilities attaching, under this Act, to the violation of any regulation or disobedience to any order of the Board, shall apply and attach to any violation of or disobedience to any regulation or order of the Railway Committee of the Privy Council occurring after the first day of February, one thousand nine hundred and four, in all respects, as nearly as may be, as if such regulation or order of the Railway Committee of the Privy Council were a regulation or order of the Board. R.S., c. 37, s. 33.

Powers of Governor in Council continued.

**460.** The Governor in Council shall continue to have authority and jurisdiction to sanction, confirm, rescind or vary, or to take any other action upon any report, order or decision of the Railway Committee of the Privy Council made before the first day of February, one thousand nine hundred and four, under the Railway Act, 1888, in as full and ample a manner as if the said Act had not been repealed and as if this Act had not been passed.

Orders and decisions confirmed.

2. Any order or decision so sanctioned or confirmed shall have the same validity, force and effect as if the said order or decision had been so sanctioned or confirmed prior to the first day of February, one thousand nine hundred and four. R.S., c. 37, s. 34.

REPEAL.

Repeal.

**461.** The following Acts of the Parliament of Canada are hereby repealed:—

R. S. c. 37. Chapter 37 of the Revised Statutes, 1906;

1907, c. 37, and c. 38 in part. Chapters 37 and 38 of 6-7 Edward VII., except sections 3, 5 and 6 of said Chapter 38;

1908, c. 18 in part, cc. 60, 61, 62. Chapters 60, 61 and 62 and Section 15 of Chapter 18 of 7-8 Edward VII.;

1909, cc. 31, 32. Chapters 31 and 32 of 8-9 Edward VII.;

1910, cc. 50, 57; 1911, c. 22. Chapters 50 and 57 of 9-10 Edward VII.;

Chapter 22 of 1-2 George V; and

Chapter 44 of 3-4 George V;

Provided that the effect of any provision respecting pending litigation contained in any such repealed Act shall not be impaired by such repeal. New.

# TABLE OF CORRESPONDING SECTIONS.

## Showing how Acts consolidated are disposed of.

| The Railway Act, R.S., 1906, chap. 37. | Corresponding Sec. of new Act, or other Disposition. |
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| 2 | 2 |
| 3 | 3 |
| 4 | 4 |
| 5 | 5 |
| 6 | 7 |
| 7 (1) | 358 |
| (2) | 359 |
| 8 | 8 |
| 9 | 456 |
| 10 (1) | Repealed. See 7-8 E. VII, c. 62, s. 1. (1908). |
| (2) | 9 (2). |
| (3) | (3) |
| (4) | (4) |
| (5) | Repealed. See 7-8 E. VII, c. 62, s. 2. (1908). |
| (6) | 11 (1) |
| 11 | 32 |
| 12 | Repealed. See 7-8 E. VII, c. 62, s. 3. (1908). |
| 13 | Repealed. See 7-8 E. VII, c. 62, s. 4. (1908). |
| 14 | 13 |
| 15 | Repealed. See 7-8 E. VII, c. 62, s. 5. (1908). |
| 16 | 15 |
| 17 | 16 |
| 18 | 17 (1) |
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| 28 (1) | 36 |
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| 29 | Repealed. See 7-8 E. VII, c. 62, s. 8. (1908). |
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| (a) | 289 (a) |
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| 56 (1) | 52 (1) |
| (2) | (2) |
| (3) | Repealed. See 9-10 E. VII, c. 50, s. 1. (1910). |
| (4) | 52 (5) |
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| 62 | Repealed. See 7-8 E. VII, c. 62, s. 11 (1908), & 8-9 E. VII, c. 33, s. 12. (1909). |
| 63 | 62 |
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| 136 (1) | 132 |
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| (4) | Omitted. |
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| 168 (1) | 167 |
| (2) | See c. 44, s. 2 (1913). |
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| (4) | Omitted. |
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| 235 | 256 |
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| 237 | Repealed. See 8-9 E. VII, c. 32, s. 4. (1909). |
| 238 | Repealed. See 8-9 E. VII, c. 32, s. 5. (1909). |
| 239 | 262 |
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| 241 | Repealed. See 8-9 E. VII, c. 32, s. 8. (1909). |
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| (4) | Omitted. |
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| 254 (1) | 276 (1) |
| (2) | (2) |
| (3) | (3) |
| (4) | Repealed. See 1-2 G. V, c. 22, s. 9. (1911). |
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| (4) | Repealed. See 9-10 E. VII., c. 50, s. 8. (1910). |

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| 298..... | Repealed. See 9-10 E.VII., c. 50, s. 10 (1910); 1-2 G. V., c. 22, s. 10. (1911). |
| 299 (1)..... | 151 (1) |
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| (5)..... | Repealed. See 6-7 E.VII., c. 38, s. 9. (1907). |
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| 314..... | Repealed. See 7-8 E. VII., c. 61, s. 11. (1908). |
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| (c)..... | Repealed. See 9-10 E.VII., C. 50, s. 11. (1910). |
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| 355..... | Repealed. See 7-8 E. VII., c. 61, ss. 1-7. (1908). |
| 356..... | Repealed. See 7-8 E. VII., c. 61, ss. 1-7. (1908). |
| 357..... | Repealed. See 7-8 E. VII., c. 61, ss. 1-7. (1908). |
| 358..... | Repealed. See 7-8 E. VII., c. 31, ss. 1-7. (1908). |
| 359..... | Repealed. See 7-8 E. VII., c. 61, ss. 1-7. (1908). |
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| 370..... | Repealed. See 8-9 E. VII., c. 31, s. 2. (1908). |
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| 7 | Repealed. 7-8 E. VII., c. 60, s. 1. (1908). |
| 8 | 132 (2) |
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| 15 | Repeals former section 415. |
| **7-8 Edward VII., Chap. 60 (1908.)** | |
| 1 | Repeals s. 7, c. 38, of 1907. |
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| 8 | Repealed. See 8-9 E. VII., c. 32, s. 1. (1909). |
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| 13 | Repealed. See 8-9 E. VII., c. 32, s. 8. (1909). |

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| 11 | Repealed. See 8-9 E. VII., c. 32, s. 12. (1909). |
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| 10 | Repealed. See 1-2 G.V., c. 2·, s. 10. (1911). |
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| 9-10 Edward VII., chap. 50, (1910). | Corresponding Sec. of New Act, or Other Disposition. |
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| 4 | Repealed. See 1-2 G.V., c. 22, s. 7. (1911). |
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3rd Session, 12th Parliament, 4 George V., 1914

THE SENATE OF CANADA.

# BILL

# $B_2$

An Act to consolidate and amend The Railway Act.

Received and read a first time

Friday, 20th March, 1914.

Second reading

Wednesday, 25th March, 1914.

Honourable MR. LOUGHEED.

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1914

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL $C_2$.

An Act for the relief of Johann Andreas Horn.

Preamble.

WHEREAS Johann Andreas Horn, of the city of Calgary, in the province of Alberta, machinist, has by his petition alleged, in effect, that on the eighth day of February, A.D. 1903, at the town of Langenburg, Assineboia, now in the province of Saskatchewan, he was lawfully married to Eleanora Loewenberger, that she was then of the said town of Langenburg, a spinster; that his legal domicile was then and is now in Canada; that shortly after the said marriage she deserted him and has since then on divers occasions committed adultery; that he has not connived at nor condoned the said adultery; that there has been no collusion, directly or indirectly, between him and her in the proceedings for divorce; and whereas by his petition he has prayed for the passing of an Act dissolving his said marriage, authorizing him to marry again, and affording him such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

**1.** The said marriage between Johann Andreas Horn and Eleanora Loewenberger, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

**2.** The said Johann Andreas Horn may at any time hereafter marry any woman he might lawfully marry if the said marriage with the said Eleanora Loewenberger had not been solemnized.

3rd Session, 12th Parliament, 4 George V., 1914

THE SENATE OF CANADA.

# BILL

$C_2$

An Act for the relief of Johann Andreas Horn.

Received and read a first time

Friday, 20th March, 1914.

Second reading

Wednesday, 25th March, 1914.

Honourable MR. TALBOT.

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1914

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL $C_2$.

**AS PASSED BY THE SENATE, 26th MARCH, 1914.**

An Act for the relief of Johann Andreas Horn.

Preamble.

WHEREAS Johann Andreas Horn, of the city of Calgary, in the province of Alberta, machinist, has by his petition alleged, in effect, that on the eighth day of February, A.D. 1903, at the town of Langenburg, Assineboia, now in the province of Saskatchewan, he was lawfully married to Eleanora Loewenberger, that she was then of the said town of Langenburg, a spinster; that his legal domicile was then and is now in Canada; that shortly after the said marriage she deserted him and has since then on divers occasions committed adultery; that he has not connived at nor condoned the said adultery; that there has been no collusion, directly or indirectly, between him and her in the proceedings for divorce; and whereas by his petition he has prayed for the passing of an Act dissolving his said marriage, authorizing him to marry again, and affording him such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

**1.** The said marriage between Johann Andreas Horn and Eleanora Loewenberger, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

**2.** The said Johann Andreas Horn may at any time hereafter marry any woman he might lawfully marry if the said marriage with the said Eleanora Loewenberger had not been solemnized.

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL $D_2$.

An Act respecting The Western Life Assurance Company.

Preamble. Man. 1910, c. 116. Man. 1911, c. 113. Man. 1912, c. 142.

WHEREAS The Western Life Assurance Company has by its petition represented that it is incorporated by chapter 116 of the statutes of Manitoba of 1910, and amendments thereto, and has prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

**1.** The shareholders of the company mentioned in the preamble, hereinafter called "the Manitoba Company," together with such persons as become shareholders in the company incorporated by this Act, are hereby incorporated under the name of "The Western Life Assurance Company", hereinafter called "the Company."

Name.

Capital stock.

**2.** The capital stock of the Company shall be one million dollars.

Head office.

**3.** The head office of the Company shall be in the city of Winnipeg, in the province of Manitoba.

Shares.

**4.** Each shareholder of the Manitoba Company is hereby declared to be the holder of as many shares in the Company as the shares he holds in the Manitoba Company at the time this Act takes effect, with the same percentage paid on each such share in the Company as shall then have been paid in upon each share held by him in the Manitoba Company.

Liability of shareholders

**5.** Nothing in this Act shall be so construed as to affect the liability of the shareholders of the Manitoba

in Manitoba Company.

Company who have not paid the calls already made upon the shares of the Manitoba Company to pay the said calls.

Ditto.

**6.** Nothing in this Act shall be so construed as to lessen the liability of the shareholders of the Manitoba Company to the present creditors or to the present policy holders of the Manitoba Company.

Business authorized.

**7.** The Company may make contracts of life insurance with any person, and may grant, sell or purchase life annuities and endowments depending upon the contingency of human life, and may generally carry on the business of life insurance in all its branches and forms.

Commencement of business.

**8.** The Company shall not commence business until at least two hundred and fifty thousand dollars of its capital stock have been *bonâ fide* subscribed and at least sixty five thousand dollars have been paid thereon.

1910, c. 32 to apply.

**9.** Except as otherwise provided by this Act, the Company shall have all the powers, privileges and immunities, and shall be subject to all the liabilities and provisions, in *The Insurance Act, 1910*, so far as they may be applicable to the Company.

Acquisition of Manitoba Company's assets.

**10.** The Company may acquire all assets, rights, credits, effects and property, real, personal, or mixed, of whatever kind and wheresoever situated, belonging to the Manitoba Company, or to which it is or may be, or may become entitled, subject, however, to existing mortgages or liens, if any; and in such case the Company shall be liable for and subject to, and shall pay, discharge, carry out and perform all debts, liabilities, obligations and contracts of the Manitoba Company; and such debts, liabilities, obligations and contracts of the Manitoba Company shall be a first charge on the said assets, rights, credits, effects and property belonging to the Manitoba Company and acquired by the Company; and any person having any claim, demand, right, cause of action, or complaint against the Manitoba Company, or to whom the Manitoba Company is under any obligation, liability or contract, shall have the same rights and powers with respect thereto and to the collection and enforcement thereof, from and against the Company and its shareholders, as such person has against the Manitoba Company and its shareholders; Provided, however, that the shareholders of the Company shall not be individually liable, under section 162 of *The Insurance Act, 1910*, with respect to their shares in the Company, to such person,

Liability for its obligations.

Individual liability of shareholders.

unless such person abandons his right in respect of the shares in the Manitoba Company.

Issue of license.

**11.** A license shall not be issued to the Company, nor shall any license issued be renewed, unless and until the Superintendent of Insurance has been satisfied by such evidence as he may require that the Manitoba Company is ceasing to do business, nor unless and until such undertaking as he may require has been given that the Manitoba Company will entirely cease to do business within such reasonable time as he may fix .

Commencement of Act.

**12.** This Act shall not take effect until it has been accepted and approved by a vote of the shareholders of the Manitoba Company, present or represented by proxy, at a general meeting of the Manitoba Company duly called for considering the said Act and representing two-thirds in value of the paid-up stock of the Manitoba Company; and if so accepted and approved this Act shall come into force upon a subsequent day to be fixed for that purpose by resolution passed at such meeting.

Publication of notice.

2. Notice of such acceptance and approval and of the day so fixed shall be published by the Company in *The Canada Gazette*.

3rd Session, 12th Parliament, 4 George V., 1914

THE SENATE OF CANADA.

# BILL

# $D_2$

An Act respecting The Western Life Assurance Company.

Received and read a first time

Friday, 20th March, 1914.

Second reading

Wednesday, 25th March, 1914.

Honourable Mr. Ross.
(Moosejaw.)

OTTAWA
Printed by J. de L. Taché
Printer to the King's most Excellent Majesty
1914

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL D2.

**AS PASSED BY THE SENATE, 23rd APRIL, 1914.**

An Act respecting The Western Life Assurance Company.

Preamble. Man. 1910, c. 116. Man. 1911, c. 113. Man. 1912, c. 142.

WHEREAS The Western Life Assurance Company has by its petition represented that it is incorporated by chapter 116 of the statutes of Manitoba of 1910, and amendments thereto, and has prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation. Name.

**1.** The shareholders of the company mentioned in the preamble, hereinafter called "the Manitoba Company," together with such persons as become shareholders in the company incorporated by this Act, are hereby incorporated under the name of "The Western Life Assurance Company", hereinafter called "the Company."

Capital stock.

**2.** The capital stock of the Company shall be one million dollars.

Head office.

**3.** The head office of the Company shall be in the city of Winnipeg, in the province of Manitoba.

Shares.

**4.** Each shareholder of the Manitoba Company is hereby declared to be the holder of as many shares in the Company as the shares he holds in the Manitoba Company at the time this Act takes effect, with the same percentage paid on each such share in the Company as shall then have been paid in upon each share held by him in the Manitoba Company.

Liability of shareholders.

**5.** Nothing in this Act shall be so construed as to affect the liability of the shareholders or any shares issued under section four hereof.

Ditto.

**6.** Nothing in this Act shall be so construed as to lessen the liability of the shareholders of the Manitoba Company to the present creditors or to the present policy holders of the Manitoba Company.

Business authorized.

**7.** The Company may make contracts of life insurance with any person, and may grant, sell or purchase life annuities and endowments depending upon the contingency of human life, and may generally carry on the business of life insurance in all its branches and forms.

Commencement of business.

**8.** The Company shall not commence business until at least two hundred and fifty thousand dollars of its capital stock have been *bonâ fide* subscribed and at least sixty-five thousand dollars have been paid thereon in cash, nor until its assets exceed its liabilities, excluding capital stock, by at least sixty-five thousand dollars.

1910, c. 32 to apply.

**9.** Except as otherwise provided by this Act, the Company shall have all the powers, privileges and immunities, and shall be subject to all the liabilities and provisions, in *The Insurance Act, 1910*, so far as they may be applicable to the Company.

Acquisition of Manitoba Company's assets.

**10.** The Company may acquire all assets, rights, credits, effects and property, real, personal, or mixed, of whatever kind and wheresoever situated, belonging to the Manitoba Company, or to which it is or may be, or may become entitled, subject, however, to existing mortgages or liens, if any; and in such case the Company shall be liable for and subject to, and shall pay, discharge, carry out and perform all debts, liabilities, obligations and contracts of the Manitoba Company; and any person having any claim, demand, right, cause of action, or complaint against the Manitoba Company, or to whom the Manitoba Company is under any obligation, liability or contract, shall have the same rights and powers with respect thereto and to the collection and enforcement thereof, from and against the Company and its shareholders, as such person has against the Manitoba Company and its shareholders.

Liability for its obligations.

Issue of license.

**11.** A license shall not be issued to the Company, nor shall any license issued be renewed, unless and until the Superintendent of Insurance has been satisfied by such evidence as he may require that the Manitoba Company is ceasing to do business, nor unless and until such undertaking as he may require has been given that the Manitoba Company will entirely cease to do business within such reasonable time as he may fix.

**12.** This Act shall not take effect until it has been accepted and approved by a vote of the shareholders of the Manitoba Company, present or represented by proxy, at a general meeting of the Manitoba Company duly called for considering the said Act and representing two-thirds in value of the paid-up stock of the Manitoba Company; and if so accepted and approved this Act shall come into force upon a subsequent day to be fixed for that purpose by resolution passed at such meeting. Commencement of Act.

2. Notice of such acceptance and approval and of the day so fixed shall be published by the Company in *The Canada Gazette*. Publication of notice.

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL $E_2$.

An Act for the relief of Henry Elmer Bicknell.

Preamble.

WHEREAS Henry Elmer Bicknell, of the city of Toronto, in the province of Ontario, student, has by his petition alleged, in effect, that on the twenty-second day of May, A.D., 1909, at the said city of Toronto, he was lawfully married to Sadie Moore Vancy McWhinney, that she was then of the said city of Toronto, a spinster; that his legal domicile was then and is now in Canada; that on divers occasions since the said marriage she has committed adultery; that he has not connived at nor condoned the said adultery; that there has been no collusion, directly or indirectly, between him and her in the proceedings for divorce; and whereas by his petition he has prayed for the passing of an Act dissolving his said marriage, authorizing him to marry again, and affording him such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

**1.** The said marriage between Henry Elmer Bicknell and Sadie Moore Vancy McWhinney, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

**2.** The said Henry Elmer Bicknell may at any time hereafter marry any woman he might lawfully marry if the said marriage with the said Sadie Moore Vancy McWhinney had not been solemnized.

3rd Session, 12th Parliament, 4 George V., 1914

THE SENATE OF CANADA.

# BILL

E2

An Act for the relief of Henry Elmer Bicknell.

Received and read a first time

Tuesday, March 24, 1914.

Second reading

Thursday, March 26, 1914.

Honourable MR. DERBYSHIRE.

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1914

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL E2.

### AS PASSED BY THE SENATE, 27th MARCH, 1914.

An Act for the relief of Henry Elmer Bicknell.

Preamble.

WHEREAS Henry Elmer Bicknell, of the city of Toronto, in the province of Ontario, student, has by his petition alleged, in effect, that on the twenty-second day of May, A.D., 1909, at the said city of Toronto, he was lawfully married to Sadie Moore Vancy McWhinney; that she was then of the said city of Toronto, a spinster; that his legal domicile was then and is now in Canada; that on divers occasions since the said marriage she has committed adultery; that he has not connived at nor condoned the said adultery; that there has been no collusion, directly or indirectly, between him and her in the proceedings for divorce; and whereas by his petition he has prayed for the passing of an Act dissolving his said marriage, authorizing him to marry again, and affording him such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

**1.** The said marriage between Henry Elmer Bicknell and Sadie Moore Vancy McWhinney, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry ag in.

**2.** The said Henry Elmer Bicknell may at any time hereafter marry any woman he might lawfully marry if the said marriage with the said Sadie Moore Vancy McWhinney had not been solemnized.

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL $F_2$.

An Act for the relief of George Gracie Smith.

Preamble.

WHEREAS George Gracie Smith, of Stewart Valley, in the province of Saskatchewan, rancher, has by his petition alleged, in effect, that on the ninth day of November, A.D. 1904, at Saskatchewan Landing, Saskatchewan, he was lawfully married to Muriel Agnes Louisa Goodwin, that she was then of Saskatchewan Landing, Saskatchewan, a spinster; that his legal domicile was then and is now in Canada; that since the said marriage she has deserted him and has on divers occasions committed adultery; that he has not connived at nor condoned the said adultery; that there has been no collusion, directly or indirectly, between him and her in the proceedings for divorce ; and whereas by his petition he has prayed for the passing of an Act dissolving his said marriage, authorizing him to marry again, and affording him such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

**1.** The said marriage between George Gracie Smith and Muriel Agnes Louisa Goodwin, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

**2.** The said George Gracie Smith may at any time hereafter marry any woman he might lawfully marry if the said marriage with the said Muriel Agnes Louisa Goodwin had not been solemnized.

3rd Session, 12th Parliament, 4 George V., 1914

THE SENATE OF CANADA.

# BILL

F2

An Act for the rel.ef of George Gracie Smith.

Received and read a first time

Thursday, 26th March, 1914.

Second reading

Tuesday, 31st March, 1914.

Honourable Mr. DeVeber.

OTTAWA
Printed by J. de L. Taché
Printer to the King's most Excellent Majesty
1914

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL F2.

### AS PASSED BY THE SENATE, 1st APRIL, 1914.

An Act for the relief of George Gracie Smith.

Preamble.

WHEREAS George Gracie Smith, of Stewart Valley, in the province of Saskatchewan, rancher, has by his petition alleged, in effect, that on the ninth day of November, A.D. 1904, at Saskatchewan Landing, Saskatchewan, he was lawfully married to Muriel Agnes Louisa Goodwin, that she was then of Saskatchewan Landing, Saskatchewan, a spinster; that his legal domicile was then and is now in Canada; that since the said marriage she has deserted him and has on divers occasions committed adultery; that he has not connived at nor condoned the said adultery; that there has been no collusion, directly or indirectly, between him and her in the proceedings for divorce ; and whereas by his petition he has prayed for the passing of an Act dissolving his said marriage, authorizing him to marry again, and affording him such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

**1.** The said marriage between George Gracie Smith and Muriel Agnes Louisa Goodwin, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

**2.** The said George Gracie Smith may at any time hereafter marry any woman he might lawfully marry if the said marriage with the said Muriel Agnes Louisa Goodwin had not been solemnized.

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL $G_2$.

An Act for the relief of Harry Cracroft Pugh.

Preamble.

WHEREAS Harry Cracroft Pugh, of the city of Winnipeg, in the province of Manitoba, managing clerk, has by his petition alleged, in effect, that on the eleventh day of January, A.D. 1902, at the city of London, England, he was lawfully married to Grace Darling Haines, that she was then of the said city of London, a spinster; that his legal domicile was then in England, and is now in Canada; that since the said marirage she has deserted him and has committed adultery on divers occasions; that he has not connived at nor condoned the said adultery; that there has been no collusion, directly or indirectly, between him and her in the proceedings for divorce; and whereas by his petition he has prayed for the passing of an Act dissolving his said marriage, authorizing him to marry again, and affording him such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

**1.** The said marriage between Harry Cracroft Pugh and Grace Darling Haines, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

**2.** The said Harry Cracroft Pugh may at any time hereafter marry any woman he might lawfully marry if the said marriage with the said Grace Darling Haines had not been solemnized.

3rd Session, 12th Parliament, 4 George V., 1914

THE SENATE OF CANADA.

# BILL

$G_2$

An Act for the Relief of Harry Cracroft Pugh.

Received and read a first time

Thursday, 26th March, 1914.

Second reading

Tuesday, 31st March, 1914.

Honourable Mr. Derbyshire.

OTTAWA
Printed by J. de L. Taché
Printer to the King's most Excellent Majesty
1914

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL G2

**AS PASSED BY THE SENATE, 1st APRIL, 1914.**

An Act for the relief of Harry Cracroft Pugh.

Preamble

WHEREAS Harry Cracroft Pugh, of the city of Winnipeg, in the province of Manitoba, managing clerk, has by his petition alleged, in effect, that on the eleventh day of January, A.D. 1902, at the city of London, England, he was lawfully married to Grace Darling Haines; that she was then of the said city of London, a spinster; that his legal domicile was then in England, and is now in Canada; that since the said marirage she has deserted him and has committed adultery on divers occasions; that he has not connived at nor condoned the said adultery; that there has been no collusion, directly or indirectly, between him and her in the proceedings for divorce; and whereas by his petition he has prayed for the passing of an Act dissolving his said marriage, authorizing him to marry again, and affording him such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

**1.** The said marriage between Harry Cracroft Pugh and Grace Darling Haines, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

**2.** The said Harry Cracroft Pugh may at any time hereafter marry any woman he might lawfully marry if the said marriage with the said Grace Darling Haines had not been solemnized.

3rd Session, 12th Parliament. 4 George V., 1914

# THE SENATE OF CANADA.

## BILL $H_2$.

An Act to incorporate The Prudential Life of Canada.

Preamble.

WHEREAS The Prudential Life Insurance Company has by its petition represented that it was incorporated by chapter 67 of the statutes of 1902 of the province of Manitoba, and that it has since the date of its incorporation carried on the business of life insurance in the province of Manitoba; and whereas the said company has prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Man., 1902. c. 67.
Man., 1910. c. 109.
Man., 1911, c. 103.

Incorporation.

**1.** The shareholders of the Company mentioned in the preamble, hereinafter called "the old Company," together with such persons as become shareholders in the company incorporated by this Act, are hereby incorporated under the name of "The Prudential Life of Canada," hereinafter called "the new Company."

Corporate name.

Capital stock.

**2.** The capital stock of the new Company shall be two million dollars, divided into twenty thousand shares of one hundred dollars each.

Shares in old and new companies.

**3.** Each shareholder of the old Company is hereby declared to be the holder of as many shares in the new Company as he holds shares in the old Company at the time that this Act takes effect, with the same percentage paid on each such share in the new Company as shall then have been paid in to the old Company upon each share held by such shareholder.

Liability of shareholders in new company.

2. The liability of a shareholder of the new Company, upon the said shares of the new Company so held by him, shall amount per share to the difference only between the sum already paid upon each share and the sum of one hundred dollars.

Liability of shareholders of old company to pay calls.

**4.** Nothing in this Act shall be construed so as to affect the liability of the shareholders of the old Company, who have not paid the calls already made upon the shares of the old Company, to pay the said calls.

To creditors and policyholders.

**5.** Nothing in this Act shall be so construed as to lessen the liability of the shareholders of the old Company to the present creditors or to the present policyholders of the old Company.

Acquisition of old company's assets.

**6.** The new Company may acquire all assets, rights, credits, effects and properties, real, personal or mixed, of whatever kind and wheresoever situated, belonging to the old Company, or to which it is, or may be, or may become entitled, subject, however, to existing mortgages or liens, if any; and in such case the new Company shall be liable for and subject to, and shall pay, discharge, carry out and perform all the debts, liabilities, obligations and contracts of the old Company; and any person having any claim, demand, right, cause of action or complaint against the old Company, or to whom the old Company is under any obligation, liability or contract, shall have the same rights and powers with respect thereto and to the collection and enforcement thereof, from and against the new Company and its shareholders: Provided, however, that the shareholders of the new Company shall not be individually liable, under section 162 of *The Insurance Act, 1910*, with respect to their shares in the new Company, to such person, unless such person abandons his right in respect of the shares in the old Company.

Liability for old company's obligations.

Individual liability of shareholders.

1910, c. 32, s. 162.

Continuance of officers and by-laws.

**7.** The directors and officers of the old Company shall be, respectively, the officers and directors of the new Company until their successors are duly elected or appointed; and all by-laws, rules, and regulations of the old Company, not contrary to law or inconsistent with this Act or *The Insurance Act, 1910*, shall be the by-laws, rules and regulations of the new Company until amended or repealed.

1910, c. 32.

Head office.

**8.** The head office of the new Company shall be at the city of Winnipeg, in the province of Manitoba.

Business. Life insurance.

**9.** The new Company may make contracts of life insurance with any person and may grant, sell or purchase life annuities and endowments depending upon the contingency of human life, and, generally, may carry on the business of life insurance in all its branches and forms.

Commencement of business.

**10.** The new Company shall not commence business until at least one hundred thousand dollars have been paid upon its capital stock.

Application of Insurance Act.

1910, c. 32.

**11.** Except as otherwise provided by this Act, the new Company shall have all the powers, privileges, and immunities, and shall be subject to all liabilities and provisions, set out in *The Insurance Act, 1910,* so far as they may be applicable to the new Company.

Issue of license conditional.

**12.** A license shall not be issued to the new Company unless and until the Superintendent of Insurance has been satisfied, by such evidence as he may require, that the old Company is ceasing to do business, nor unless and until such undertaking as he may require has been given that the old Company will entirely cease to do business within such reasonable time as he may fix.

Commencement of Act.

**13.** This Act shall not take effect unless and until accepted and approved by resolution passed by a vote of not less than three-fourths in value of the shareholders of the old Company, present or represented by proxy, at a special general meeting of the old Company duly called for the purpose of considering this Act; and, if so accepted and approved, this Act shall come into force upon a subsequent day to be fixed for that purpose by the said resolution.

Notice.

2. Notice of such acceptance and approval, and of the day so fixed, shall be published by the new Company in *The Canada Gazette.*

3rd Session, 12th Parliament, 4 George V., 1914

THE SENATE OF CANADA.

# BILL

# H2

An Act to incorporate The Prudential Life of Canada.

Received and read a first time

Thursday, March 26, 1914.

Second reading

Tuesday, March 31, 1914.

Honourable MR. YOUNG.

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1914

3rd Session. 12th Parliament. 4 George V., 1914

# THE SENATE OF CANADA.

## BILL H2.

### AS PASSED BY THE SENATE, 2nd APRIL, 1914.

An Act to incorporate The Prudential Life of Canada.

Preamble.

WHEREAS The Prudential Life Insurance Company has by its petition represented that it was incorporated by chapter 67 of the statutes of 1902 of the province of Manitoba, and that it has carried on the business of life insurance in the province of Manitoba; and whereas the said company has prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Man., 1902. c. 67. Man., 1910. c. 109. Man., 1911, c. 103.

Incorporation.

**1.** The shareholders of the Company mentioned in the preamble, hereinafter called "the old Company," together with such persons as become shareholders in the company incorporated by this Act, are hereby incorporated under the name of "The Prudential Life of Canada," hereinafter called "the new Company."

Corporate name.

Capital stock.

**2.** The capital stock of the new Company shall be two million dollars, divided into twenty thousand shares of one hundred dollars each.

Shares in old and new companies.

**3.** Each shareholder of the old Company is hereby declared to be the holder of as many shares in the new Company as he holds shares in the old Company at the time that this Act takes effect, with the same percentage paid on each such share in the new Company as shall then have been paid in to the old Company upon each share held by such shareholder.

Liability of shareholders in new company.

2. The liability of a shareholder of the new Company, upon the said shares of the new Company so held by him, shall amount per share to the difference only between the sum already paid upon each share and the sum of one hundred dollars.

Liability of shareholders of old company to pay calls.

**4.** Nothing in this Act shall be construed so as to affect the liability of the shareholders of the old Company, who have not paid the calls already made upon the shares of the old Company, to pay the said calls.

To creditors and policyholders.

**5.** Nothing in this Act shall be so construed as to lessen the liability of the shareholders of the old Company to the present creditors or to the present policyholders of the old Company.

Acquisition of old company's assets.

**6.** The new Company may acquire all assets, rights, credits, effects and properties, real, personal or mixed, of whatever kind and wheresoever situated, belonging to the old Company, or to which it is, or may be, or may become entitled, subject, however, to existing mortgages or liens, if any; and in such case the new Company shall be liable for and subject to, and shall pay, discharge, carry out and perform all the debts, liabilities, obligations and contracts of the old Company; and any person having any claim, demand, right, cause of action or complaint against the old Company, or to whom the old Company is under any obligation, liability or contract, shall have the same rights and powers with respect thereto and to the collection and enforcement thereof, from and against the new Company and its shareholders: Provided, however, that the shareholders of the new Company shall not be individually liable, under section 162 of *The Insurance Act, 1910,* with respect to their shares in the new Company, to such person, unless such person abandons his right in respect of the shares in the old Company.

Liability for old company's obligations.

Individual liability of shareholders.

1910, c. 32, s. 162.

Continuance of officers and by-laws.

**7.** The directors and officers of the old Company shall be, respectively, the officers and directors of the new Company until their successors are duly elected or appointed; and all by-laws, rules, and regulations of the old Company, not contrary to law or inconsistent with this Act or *The Insurance Act, 1910,* shall be the by-laws, rules and regulations of the new Company until amended or repealed.

1910, c. 32.

Head office.

**8.** The head office of the new Company shall be at the city of Winnipeg, in the province of Manitoba.

Business. Life insurance.

**9.** The new Company may make contracts of life insurance with any person and may grant, sell or purchase life annuities and endowments depending upon the contingency of human life, and, generally, may carry on the business of life insurance in all its branches and forms.

**10.** The new Company shall not commence business until at least one hundred thousand dollars have been paid upon its capital stock. Commencement of business.

**11.** Except as otherwise provided by this Act, the new Company shall have all the powers, privileges, and immunities, and shall be subject to all liabilities and provisions, set out in *The Insurance Act, 1910*, so far as they may be applicable to the new Company. Application of Insurance Act. 1910, c. 32.

**12.** A license shall not be issued to the new Company unless and until the Superintendent of Insurance has been satisfied, by such evidence as he may require, that the old Company is ceasing to do business, nor unless and until such undertaking as he may require has been given that the old Company will entirely cease to do business within such reasonable time as he may fix. Issue of license conditional.

**13.** This Act shall not take effect unless and until accepted and approved by resolution passed by a vote of not less than three-fourths in value of the shareholders of the old Company, present or represented by proxy, at a special general meeting of the old Company duly called for the purpose of considering this Act; and, if so accepted and approved, this Act shall come into force upon a subsequent day to be fixed for that purpose by the said resolution. Commencement of Act.

2. Notice of such acceptance and approval, and of the day so fixed, shall be published by the new Company in *The Canada Gazette*. Notice.

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL I$_2$.

An Act to incorporate The North American Accident Insurance Company.

WHEREAS the persons hereinafter named have by their petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

**1.** Douglas Kay Ridout, capitalist, W. Parkyn Murray, gentleman, W. T. Bradshaw, merchant, all of the city of Toronto in the province of Ontario; Charles Franklin Dale, insurance manager, and John Joseph Meagher, advocate, both of the city of Montreal in the province of Quebec, together with such persons as become shareholders in the company, are incorporated under the name of "The North American Accident Insurance Company," hereinafter called "the Company."

Name.

Provisional directors.

**2.** The persons named in section 1 of this Act shall be the provisional directors of the Company.

Capital stock

**3.** The capital stock of the Company shall be five hundred thousand dollars which may be increased to one million dollars.

Subscription before general meeting.

**4.** The amount to be subscribed before the general meeting for the election of directors is called shall be three hundred and six thousand four hundred dollars.

Commencement of business.

**5.** The Company shall not commence business until three hundred and six thousand four hundred dollars of the capital stock have been subscribed and eighty-eight thousand seven hundred and ninety-nine dollars and ninety-five cents paid thereon.

Head office.

**6.** The head office of the Company shall be in the city of Montreal in the province of Quebec.

Business.

**7.** The Company may make contracts of insurance of any of the following classes as defined by *The Insurance Act, 1910*,—

(*a*) Accident insurance;
(*b*) Sickness insurance.
(*c*) Burglary insurance;

and may also make contracts of insurance—

(*d*) guaranteeing the fidelity of persons in positions of trust or confidence, public or private, and the due performance by them of the duties and obligations imposed on them by contract, agreement or otherwise;
(*e*) against the breakage of plate or other glass either local or in transit by land; and
(*f*) of such other classes as may be permitted by the provisions of *The Insurance Act, 1910*.

Acquisition of property of Ontario Company.

Ont. 1912, c. 31.

**8.** The Company may acquire the whole or any part of the rights and property of The North American Accident Insurance Company incorporated by letters patent granted under the provisions of *The Ontario Companies Act*, and dated the twelfth day of December, 1912.

Power to acquire business of other companies.

**9.** The Company may acquire and undertake the whole or any part of the business, property and liabilities of any company carrying on the business which the Company is authorized to carry on and may issue debentures for the purpose thereof.

1910, c. 32.

**10.** *The Insurance Act, 1910*, shall apply to the company.

3rd Session, 12th Parliament, 4 George V., 1914

THE SENATE OF CANADA

BILL

2

An Act to incorporate The North American Accident Insurance Company.

Received and read a first time

Thursday, March 26, 1914.

Second reading

Tuesday, March 31, 1914.

Honourable Mr. Pope.

OTTAWA
Printed by J. de L. Taché
Printer to the King's most Excellent Majesty
1914

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL I2.

### AS PASSED BY THE SENATE, 24th APRIL, 1914.

An Act to incorporate The North American Accident Insurance Company.

WHEREAS the persons hereinafter named have by their petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

**1.** Douglas Kay Ridout, capitalist, W. Parkyn Murray, gentleman, W. T. Bradshaw, merchant, all of the city of Toronto in the province of Ontario; Charles Franklin Dale, insurance manager, and John Joseph Meagher, advocate, both of the city of Montreal in the province of Quebec, together with such persons as become shareholders in the company, are incorporated under the name of "The North American Accident Insurance Company," hereinafter called "the Company."

Name.

Provisional directors.

**2.** The persons named in section 1 of this Act shall be the provisional directors of the Company.

Capital stock

**3.** The capital stock of the Company shall be five hundred thousand dollars which may be increased to one million dollars.

Subscription before general meeting.

**4.** The amount to be subscribed before the general meeting for the election of directors is called shall be three hundred and six thousand four hundred dollars.

Commencement of business.

**5.** The Company shall not commence the business of accident insurance, sickness insurance and plate glass insurance until three hundred and six thousand four hundred dollars of the capital stock have been subscribed and eighty-eight thousand seven hundred and ninety-nine dollars and ninety-five cents paid thereon.

2. The Company shall not commence the business of burglary insurance and guarantee insurance until an additional sum of seventy-five thousand dollars, has been paid thereon.

Head office.

**6.** The head office of the Company shall be in the city of Montreal in the province of Quebec.

Business.

**7.** The Company may make contracts of insurance of any of the following classes as defined by *The Insurance Act, 1910*,—

(*a*) Accident insurance;
(*b*) Sickness insurance;
(*c*) Burglary insurance;

and may also make contracts of insurance—

(*d*) guaranteeing the fidelity of persons in positions of trust or confidence, public or private, and the due performance by them of the duties and obligations imposed on them by contract, agreement or otherwise;
(*e*) against the breakage of plate or other glass either local or in transit by land.

Acquisition of property of Ontario Company.

Ont. 1912, c. 31.

**8.** The Company may acquire the whole or any part of the rights and property of The North American Accident Insurance Company incorporated by letters patent granted under the provisions of *The Ontario Companies Act*, and dated the twelfth day of December, 1912; and in such case the Company shall perform and discharge all such duties, obligations and liabilities of that company with respect to the rights and property acquired as are not performed or discharged by that company.

1910, c. 32.

**9.** *The Insurance Act, 1910*, shall apply to the company.

Issue of license.

**10.** A license shall not be issued to the Company, nor shall any license issued be renewed, unless and until the Superintendent of Insurance has been satisfied by such evidence as he may require that The North American Accident Insurance Company, incorporated by letters patent granted under the provisions of *The Ontario Companies Act* and dated the twelfth day of December, 1912, is ceasing to do business, nor unless and until such undertaking as he may require has been given that the said company will entirely cease to do business within such reasonable time as he may fix.

Ont., 1912, c. 31.

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL J$_2$.

An Act respecting The Berlin, Waterloo, Wellesley ane Lake Huron Railway Company.

WHEREAS a petition has been presented praying that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— 1903, c. 84. 1904, c. 47.

**1.** The name of The Berlin, Waterloo, Wellesley and Lake Huron Railway Company, hereinafter called "the Company", is hereby changed to "The Grand River Railway Company", but such change in name shall not in any way impair, alter, or affect the rights or liabilities of the Company, nor in any way affect any suit or proceeding now pending, or judgment existing, either by, or in favour of, or against the Company, which, notwithstanding such change in the name of the Company, may be prosecuted, continued, completed and enforced as if this Act had not been passed. Change of name. Rights saved.

3rd Session, 12th Parliament 4 George V., 1914

THE SENATE OF CANADA.

# BILL

# J2

An Act respecting The Berlin, Waterloo, Wellesley and Lake Huron Railway Company.

Received and read a first time

Tuesday, 31st March, 1914.

Second reading

Thursday, 2nd April, 1914.

Honourable MR. BOSTOCK.

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1914

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL J2.

### AS PASSED BY THE SENATE, 24th APRIL, 1914.

An Act respecting The Berlin, Waterloo, Wellesley ane Lake Huron Railway Company.

WHEREAS a petition has been presented praying that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— 1903, c. 84; 1904, c. 47.

**1.** The name of The Berlin, Waterloo, Wellesley and Lake Huron Railway Company, hereinafter called "the Company", is hereby changed to "The Grand River Railway Company", but such change in name shall not in any way impair, alter, or affect the rights or liabilities of the Company, nor in any way affect any suit or proceeding now pending, or judgment existing, either by, or in favour of, or against the Company, which, notwithstanding such change in the name of the Company, may be prosecuted, continued, completed and enforced as if this Act had not been passed. Change of name. Rights saved.

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL K$_2$.

An Act respecting The Western Dominion Railway Company and The Alberta Pacific Railway Company.

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

1912, c. 168. Alberta, 1906, c. 48, Alberta, 1909, c. 51. Alberta, 1910, 2nd Sess., c. 47. Alberta, 1911-12, c. 30.

**1.** The Western Dominion Railway Company, hereinafter called "the Company" may lay out, construct and operate the following branch lines of railway:— Branch lines of railway authorized.

(*a*) From a point on the Company's line of railway in or near section fifteen (15), township ten (10), range two (2), west of the fifth (5th) meridian, in the province of Alberta, westerly and northwesterly along the north fork of the Oldman River to the boundary between Alberta and British Columbia;

(*b*) From a point on the Company's line in or near section nineteen (19), township eighteen (18), range two (2), west of the fifth (5th) meridian, in the province of Alberta, westerly along Highwood River to the boundary between Alberta and British Columbia;

(*c*) From a point on the Company's line in or near section thirty-five (35), township nineteen (19), range three (3), west of the fifth (5th) meridian, in the province of Alberta, westerly along the south branch of Sheep River to the boundary between Alberta and British Columbia.

**2.** The securities issued by the Company on the branch lines of railway authorized by this Act, shall not exceed fifty thousand dollars per mile, and may be issued only in proportion to the length of railway constructed or to be constructed. Issue of securities.

Time for construction of railway extended.

**3.** The Company may, within one year after the passing of this Act, commence the construction of its railways heretofore, and by this Act, authorized, and shall expend within one year, including expenditure already made, an amount equal to fifteen per cent of its capital stock on its railways, and may complete the said railways and put them in operation within three years after the passing of this Act; and if, within the said periods respectively, the said railways are not commenced and such expenditure is not so made, or if the said railways are not completed and put in operation, the powers of construction conferred upon the Company by Parliament shall cease and be null and void as respects so much of the said railways as then remains uncompleted.

Agreement confirmed.

**4.** The Agreement set out in the Schedule to this Act is hereby ratified and confirmed and declared to be valid and binding on the parties thereto.

SCHEDULE.

This Indenture made the seventh day of November, A.D. 1912 between The Western Dominion Railway Company, hereinafter called the Western Dominion, of the first part, and The Alberta Pacific Railway Company, hereinafter called the Alberta Company, of the second part Whereas the companies, parties hereto, are respectively authorized by statutory authority to enter into this agreement and have agreed to amalgamate upon the terms and conditions hereinafter set out, and this agreement has been duly submitted to the shareholders of each company at meetings duly held, at which shareholders representing two-thirds in value of the capital stock of each company were present in person or represented by proxy, and at such meetings respectively this agreement has been duly approved of, sanctioned and authorized by at least two-thirds of the votes of the shareholders of each company.

Witnesseth as follows:

1. In this agreement the phrase "amalgamated company" shall mean the company formed by the amalgamation of the companies parties hereto.

2. The companies, parties hereto, hereby agree to amalgamate and do amalgamate to form one company upon the terms and conditions hereinafter set out.

3. The name of the amalgamated company shall be the Western Dominion Railway Company.

4. The amount of the capital stock of the amalgamated company shall be $6,000,000, being the total capital of the

two companies parties hereto, the said capital to be divided into shares of $100 each.

5. The head office of the amalgamated company shall be at the city of Ottawa in the province of Ontario.

6. Each shareholder in the Western Dominion shall be entitled to the same amount of stock of the amalgamated company as he now holds in the Western Dominion and shall be taken and held to have paid upon his shares in the amalgamated company the same amount as he had paid upon his shares in the Western Dominion.

7. Each shareholder in the Alberta Company shall be entitled to receive and there shall be issued to him by the amalgamated company shares of the capital stock of the amalgamated company, issued as fully paid up and free from calls and other liability, to an amount equal to the amount paid on the shares held by him or to which under any contract with the Alberta Company he may be or become entitled in the capital of the Alberta Company.

8. The by-laws, rules and regulations of the Western Dominion shall, as far as applicable, be the by-laws, rules and regulations of the amalgamated company until repealed, altered or added to by the by-laws, rules and regulations of the amalgamated company.

9. The Board of Directors of the amalgamated company and the President, Vice President, Secretary and other officers thereof shall be the same as the Board of Directors, the President, Vice President, Secretary and other officers of the Western Dominion as constituted immediately prior to the time of the execution of this agreement.

10. The necessary steps shall be taken to secure the approval and sanction of this agreement by the proper authorities.

In witness whereof this Indenture has been duly executed by the parties hereto.

THE WESTERN DOMINION RAILWAY COMPANY,

(Signed) Chas. McCrea,
*Vice President.*

(Seal)

(Signed) O. E. Culbert,
*Secretary.*

THE ALBERTA PACIFIC RAILWAY COMPANY,

(Signed) Geo. L. Dore,
*Vice President.*

(Seal)

(Signed) O. E. Culbert,
*Secretary.*

3rd Session, 12th Parliament, 4 George V., 1914

THE SENATE OF CANADA

# BILL

# $K_2$

An Act respecting The Western Dominion Railway Company and The Alberta Pacific Railway Company.

Received and read a first time

Tuesday, 31st March, 1914.

Second reading

Thursday, 2nd April, 1914.

Honourable Mr. Talbot.

OTTAWA
Printed by J. de L. Taché
Printer to the King's most Excellent Majesty
1914

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL K2.

### AS PASSED BY THE SENATE, 24th APRIL, 1914.

An Act respecting The Western Dominion Railway Company and The Alberta Pacific Railway Company.

WHEREAS a petition has been presented praying that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— 1912, c. 168. Alberta, 1906, c. 48, Alberta, 1909, c. 51. Alberta, 1910, 2nd Sess., c. 47. Alberta, 1911-12, c. 30.

**1.** The Western Dominion Railway Company, hereinafter called "the Company" may lay out, construct and operate the following branch lines of railway:— Branch lines of railway authorized.

(*a*) From a point on the Company's line of railway in or near section fifteen (15), township ten (10), range two (2), west of the fifth (5th) meridian, in the province of Alberta, westerly and northwesterly along the north fork of the Oldman River to the boundary between Alberta and British Columbia;

(*b*) From a point on the Company's line in or near section nineteen (19), township eighteen (18), range two (2), west of the fifth (5th) meridian, in the province of Alberta, westerly along Highwood River to the boundary between Alberta and British Columbia;

(*c*) From a point on the Company's line in or near section thirty-five (35), township nineteen (19), range three (3), west of the fifth (5th) meridian, in the province of Alberta, westerly along the south branch of Sheep River to the boundary between Alberta and British Columbia.

**2.** The securities issued by the Company on the branch lines of railway authorized by this Act, shall not exceed fifty thousand dollars per mile, and may be issued only in proportion to the length of railway constructed or to be constructed. Issue of securities.

Time for construction of railway extended.

**3.** The Company may, within one year after the passing of this Act, commence the construction of its railways heretofore, and by this Act, authorized, and shall expend within one year, including expenditure already made, an amount equal to fifteen per cent of its capital stock on its railways, and may complete the said railways and put them in operation within three years after the passing of this Act; and if, within the said periods respectively, the said railways are not commenced and such expenditure is not so made, or if the said railways are not completed and put in operation, the powers of construction conferred upon the Company by Parliament shall cease and be null and void as respects so much of the said railways as then remains uncompleted.

Agreement confirmed.

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

## SCHEDULE.

This Indenture made the seventh day of November, A.D. 1912 between The Western Dominion Railway Company, hereinafter called the Western Dominion, of the first part, and The Alberta Pacific Railway Company, hereinafter called the Alberta Company, of the second part Whereas the companies, parties hereto, are respectively authorized by statutory authority to enter into this agreement and have agreed to amalgamate upon the terms and conditions hereinafter set out, and this agreement has been duly submitted to the shareholders of each company at meetings duly held, at which shareholders representing two-thirds in value of the capital stock of each company were present in person or represented by proxy, and at such meetings respectively this agreement has been duly approved of, sanctioned and authorized by at least two-thirds of the votes of the shareholders of each company.

Witnesseth as follows:

1. In this agreement the phrase "amalgamated company" shall mean the company formed by the amalgamation of the companies parties hereto.

2. The companies, parties hereto, hereby agree to amalgamate and do amalgamate to form one company upon the terms and conditions hereinafter set out.

3. The name of the amalgamated company shall be the Western Dominion Railway Company.

4. The amount of the capital stock of the amalgamated company shall be $6,000,000, being the total capital of the

two companies parties hereto, the said capital to be divided into shares of $100 each.

5. The head office of the amalgamated company shall be at the city of Ottawa in the province of Ontario.

6. Each shareholder in the Western Dominion shall be entitled to the same amount of stock of the amalgamated company as he now holds in the Western Dominion and shall be taken and held to have paid upon his shares in the amalgamated company the same amount as he had paid upon his shares in the Western Dominion.

7. Each shareholder in the Alberta Company shall be entitled to receive and there shall be issued to him by the amalgamated company shares of the capital stock of the amalgamated company, issued as fully paid up and free from calls and other liability, to an amount equal to the amount paid on the shares held by him or to which under any contract with the Alberta Company he may be or become entitled in the capital of the Alberta Company.

8. The by-laws, rules and regulations of the Western Dominion shall, as far as applicable, be the by-laws, rules and regulations of the amalgamated company until repealed, altered or added to by the by-laws, rules and regulations of the amalgamated company.

9. The Board of Directors of the amalgamated company and the President, Vice President, Secretary and other officers thereof shall be the same as the Board of Directors, the President, Vice President, Secretary and other officers of the Western Dominion as constituted immediately prior to the time of the execution of this agreement.

10. The necessary steps shall be taken to secure the approval and sanction of this agreement by the proper authorities.

In witness whereof this Indenture has been duly executed by the parties hereto.

THE WESTERN DOMINION RAILWAY COMPANY,

(Signed) Chas. McCrea,
*Vice President.*

(Seal)

(Signed) O. E. Culbert,
*Secretary.*

THE ALBERTA PACIFIC RAILWAY COMPANY,

(Signed) Geo. L. Dore,
*Vice President.*

(Seal)

(Signed) O. E. Culbert,
*Secretary.*

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL L2.

An Act for the relief of Charles Low Hutcheon.

Preamble.

WHEREAS Charles Low Hutcheon, formerly of the city of Toronto, in the province of Ontario, now residing at McOwan, in the province of Saskatchewan, farmer, has by his petition alleged, in effect, that on the twenty-seventh day of December, A.D. 1902, at the city of Toronto, in the province of Ontario, he was lawfully married to Ethel M. Knowland; that she was then of the said city of Toronto, a spinster; that his legal domicile was then and is now in Canada; that on or about the thirtieth day of April, A.D. 1903, she deserted him; that in the year 1905 she went to the state of South Dakota, one of the United States of America, and there obtained, according to the law of that state, a decree of divorce from him; that subsequently she went through a form of marriage with one Frederick Wynne and has since then lived with the said Frederick Wynne, as his wife;that he has not connived at nor condoned the said form of marriage and her so living with the said Frederick Wynne; that there has been no collusion, directly or indirectly, between him and her in the proceedings for divorce; and whereas by his petition he has prayed for the passing of an Act dissolving his said marriage, authorizing him to marry again, and affording him such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

**1.** The said marriage between Charles Low Hutcheon and Ethel M. Knowland, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

**2.** The said Charles Low Hutcheon may at any time hereafter marry any woman he might lawfully marry if the said marriage with the said Ethel M. Knowland had not been solemnized.

3rd Session, 12th Parliament, 4 George V., 1914

THE SENATE OF CANADA.

# BILL

L2

An Act for the relief of Charles Low Hutcheon.

Received and read a first time

Tuesday, 31st March, 1914.

Second reading

Thursday, 2nd April, 1914.

Honourable MR. DERBYSHIRE.

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1914

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL L2.

**AS PASSED BY THE SENATE, 3rd APRIL, 1914.**

An Act for the relief of Charles Low Hutcheon.

Preamble.

WHEREAS Charles Low Hutcheon, formerly of the city of Toronto, in the province of Ontario, now residing at McOwan, in the province of Saskatchewan, farmer, has by his petition alleged, in effect, that on the twenty-seventh day of December, A.D. 1902, at the city of Toronto, in the province of Ontario, he was lawfully married to Ethel M. Knowland; that she was then of the said city of Toronto, a spinster; that his legal domicile was then and is now in Canada; that on or about the thirtieth day of April, A.D. 1903, she deserted him; that in the year 1905 she went to the state of South Dakota, one of the United States of America, and there obtained, according to the law of that state, a decree of divorce from him; that subsequently she went through a form of marriage with one Frederick Wynne and has since then lived with the said Frederick Wynne, as his wife;that he has not connived at nor condoned the said form of marriage and her so living with the said Frederick Wynne; that there has been no collusion, directly or indirectly, between him and her in the proceedings for divorce; and whereas by his petition he has prayed for the passing of an Act dissolving his said marriage, authorizing him to marry again, and affording him such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

**1.** The said marriage between Charles Low Hutcheon and Ethel M. Knowland, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

**2.** The said Charles Low Hutcheon may at any time hereafter marry any woman he might lawfully marry if the said marriage with the said Ethel M. Knowland had not been solemnized.

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL M2.

An Act for the relief of Jessie Eleanor Grassett Parkhurst.

Preamble.

WHEREAS Jessie Eleanor Grassett Parkhurst, presently residing at the city of Toronto, in the province of Ontario, wife of Archie Albert Parkhurst, of the said city of Toronto, restauranteur, has by her petition alleged, in effect, that they were lawfully married on the ninth day of June, A.D. 1906, at the said city of Toronto, she then being Jessie Eleanor Grassett, spinster; that the legal domicile of the said Archie Albert Parkhurst was then and is now in Canada; that since their said marriage he has committed adultery on divers occasions; that she has not connived at nor condoned the said adultery; that there has been no collusion, directly or indirectly, between him and her in the proceedings for divorce; and whereas by her petition she has prayed for the passing of an Act dissolving her said marriage, authorizing her to marry again, and affording her such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

**1.** The said marriage between Jessie Eleanor Grassett and Archie Albert Parkhurst, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again

**2.** The said Jessie Eleanor Grassett may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Archie Albert Parkhurst had not been solemnized.

3rd Session, 12th Parliament, 4 George V., 1914

THE SENATE OF CANADA.

# BILL

# $M_2$

An Act for the relief of Jessie Eleanor Grassett Parkhurst.

Received and read a first time

Tuesday, 31st March, 1914.

Second reading

Thursday 2nd April, 1914.

Honourable MR. DERBYSHIRE.

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1914

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL M2.

**AS PASSED BY THE SENATE, 3rd APRIL, 1914.**

An Act for the relief of Jessie Eleanor Grassett Parkhurst.

Preamble.

WHEREAS Jessie Eleanor Grassett Parkhurst, presently residing at the city of Toronto, in the province of Ontario, wife of Archie Albert Parkhurst, of the said city of Toronto, restauranteur, has by her petition alleged, in effect, that they were lawfully married on the ninth day of June, A.D. 1906, at the said city of Toronto, she then being Jessie Eleanor Grassett, spinster; that the legal domicile of the said Archie Albert Parkhurst was then and is now in Canada; that since their said marriage he has committed adultery on divers occasions; that she has not connived at nor condoned the said adultery; that there has been no collusion, directly or indirectly, between him and her in the proceedings for divorce; and whereas by her petition she has prayed for the passing of an Act dissolving her said marriage, authorizing her to marry again, and affording her such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

**1.** The said marriage between Jessie Eleanor Grassett and Archie Albert Parkhurst, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again

**2.** The said Jessie Eleanor Grassett may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Archie Albert Parkhurst had not been solemnized.

3rd Session, 12th Parliament. 4 George V., 1914

# THE SENATE OF CANADA.

## BILL N2.

An Act for the relief of William Godfrey Thorp.

Preamble.

WHEREAS William Godfrey Thorp, of the city of Winnipeg, in the province of Manitoba, foreman, has by his petition alleged, in effect, that on the thirtieth day of August, A.D. 1902, in the parish of St. Thomas, in the city of Hull, in the county of York, England, he was lawfully married to Annie Maud Lofthouse, that she was then of the said city of Hull, a spinster; that his legal domicile was then in England and is now in Canada; that since the said marriage she has deserted him and has on divers occasions committed adultery; that he has not connived at nor condoned the said adultery; that there has been no collusion, directly or indirectly, between him and her in the proceedings for divorce; and whereas by his petition he has prayed for the passing of an Act dissolving his said marriage, authorizing him to marry again, and affording him such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

**1.** The said marriage between William Godfrey Thorp and Annie Maud Lofthouse, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

**2.** The said William Godfrey Thorp may at any time hereafter marry any woman he might lawfully marry if the said marriage with the said Annie Maud Lofthouse had not been solemnized.

3rd Session, 12th Parliament, 4 George V., 1914

THE SENATE OF CANADA.

# BILL

# $N_2$

An Act for the relief of William Godfrey Thorp.

Received and read a first time

Tuesday, 31st March, 1914.

Second reading

Thursday, 2nd April, 1914.

Honourable MR. TALBOT.

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1914

3rd Session, 12th Parliament. 4 George V., 1914

# THE SENATE OF CANADA.

## BILL N2.

**AS PASSED BY THE SENATE, 3rd APRIL, 1914.**

An Act for the relief of William Godfrey Thorp.

Preamble.

WHEREAS William Godfrey Thorp, of the city of Winnipeg, in the province of Manitoba, foreman, has by his petition alleged, in effect, that on the thirtieth day of August, A.D. 1902, in the parish of St. Thomas, in the city of Hull, in the county of York, England, he was lawfully married to Annie Maud Lofthouse, that she was then of the said city of Hull, a spinster; that his legal domicile was then in England and is now in Canada; that since the said marriage she has deserted him and has on divers occasions committed adultery; that he has not connived at nor condoned the said adultery; that there has been no collusion, directly or indirectly, between him and her in the proceedings for divorce; and whereas by his petition he has prayed for the passing of an Act dissolving his said marriage, authorizing him to marry again, and affording him such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

**1.** The said marriage between William Godfrey Thorp and Annie Maud Lofthouse, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

**2.** The said William Godfrey Thorp may at any time hereafter marry any woman he might lawfully marry if the said marriage with the said Annie Maud Lofthouse had not been solemnized.

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL O2.

An Act for the relief of Bertha Hetu.

Preamble.

WHEREAS Bertha Hetu, presently residing at the city of Edmonton, in the province of Alberta, wife of Henry Hetu, of the said city of Edmonton, has by her petition alleged, in effect, that they were lawfully married on the thirteenth day of December, A.D. 1888, at Lethbridge, in the province of Alberta, she then being Bertha Wardman, spinster; that the legal domicile of the said Henry Hetu, was then and is now in Canada; that since the said marriage he has on divers occasions committed adultery; that she has not connived at nor condoned the said adultery; that there has been no collusion, directly or indirectly, between him and her in the proceedings for divorce; and whereas by her petition she has prayed for the passing of An Act dissolving her said marriage, authorizing her to marry again, and affording her such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

**1.** The said marriage between Bertha Wardman and Henry Hetu, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

**2.** The said Bertha Wardman may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Henry Hetu had not been solemnized.

3rd Session, 12th Parliament, 4 George V., 1914

THE SENATE OF CANADA.

# BILL

$O_2$

An Act for the relief of Bertha Hetu.

Received and read a first time

Wednesday, 1st April, 1914.

Second reading

Friday, 3rd April, 1914.

Honourable Mr. Talbot.

OTTAWA
Printed by J. de L. Taché
Printer to the King's most Excellent Majesty
1914

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL O2.

**AS PASSED BY THE SENATE, 15th APRIL, 1914.**

An Act for the relief of Bertha Hetu.

Preamble.

WHEREAS Bertha Hetu, presently residing at the city of Edmonton, in the province of Alberta, wife of Henry Hetu, of the said city of Edmonton, has by her petition alleged, in effect, that they were lawfully married on the thirteenth day of December, A.D. 1888, at Lethbridge, in the province of Alberta, she then being Bertha Wardman, spinster; that the legal domicile of the said Henry Hetu, was then and is now in Canada; that since the said marriage he has on divers occasions committed adultery; that she has not connived at nor condoned the said adultery; that there has been no collusion, directly or indirectly, between him and her in the proceedings for divorce; and whereas by her petition she has prayed for the passing of an Act dissolving her said marriage, authorizing her to marry again, and affording her such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

**1.** The said marriage between Bertha Wardman and Henry Hetu, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

**2.** The said Bertha Wardman may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Henry Hetu had not been solemnized.

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL P2.

An Act for the relief of Frederick Joseph Campbell.

Preamble.

WHEREAS Frederick Joseph Campbell, of Windsor Mills, in the province of Quebec, paper manufacturer, has by his petition alleged, in effect, that on the twenty-fifth day of June, A.D. 1898, at the city of Toronto, in the province of Ontario, he was lawfully married to Kathleen Coates; that she was then of the said city of Toronto, a spinster; that his legal domicile was then and is now in Canada; that in the year 1911 she deserted him and, in the state of South Dakota, one of the United States of America, obtained according to the law of that state a decree of divorce from him; that on the fifteenth day of July, A.D. 1912, at the city of New York, in the state of New York, one of the United States of America, she went through a form of marriage with one Edward R. Peacock with whom she has since lived as his wife; that he has not connived at nor condoned the said form of marriage and her so living with the said Edward R. Peacock; that there has been no collusion, directly or indirectly, between him and her in the proceedings for divorce; and whereas by his petition he has prayed for the passing of an Act dissolving his said marriage, authorizing him to marry again, and affording him such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canda, enacts as follows:—

Marriage dissolved.

**1.** The said marriage between Frederick Joseph Campbell and Kathleen Coates, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

**2.** The said Frederick Joseph Campbell may at any time hereafter marry any woman he might lawfully marry if the said marriage with the said Kathleen Coates had not been solemnized.

3rd Session, 12th Parliament, 4 George V., 1914

THE SENATE OF CANADA

# BILL

# P$_2$

An Act for the relief of Frederick Joseph Campbell.

Received and read a first time

Thursday, 2nd April, 1914.

Second reading

Wednesday, 15th April, 1914.

Honourable MR. POPE.

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1914

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL $P_2$

**AS PASSED BY THE SENATE, 21st APRIL, 1914.**

An Act for the relief of Frederick Joseph Campbell.

Preamble.

WHEREAS Frederick Joseph Campbell, of Windsor Mills, in the province of Quebec, paper manufacturer, has by his petition alleged, in effect, that on the twenty-fifth day of June, A.D. 1898, at the city of Toronto, in the province of Ontario, he was lawfully married to Kathleen Coates; that she was then of the said city of Toronto, a spinster; that his legal domicile was then and is now in Canada; that in the year 1911 she deserted him and, in the state of South Dakota, one of the United States of America, obtained according to the law of that state a decree of divorce from him; that on the fifteenth day of July, A.D. 1912, at the city of New York, in the state of New York, one of the United States of America, she went through a form of marriage with one Edward R. Peacock with whom she has since lived as his wife; that he has not connived at nor condoned the said form of marriage and her so living with the said Edward R. Peacock; that there has been no collusion, directly or indirectly, between him and her in the proceedings for divorce; and whereas by his petition he has prayed for the passing of an Act dissolving his said marriage, authorizing him to marry again, and affording him such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

**1.** The said marriage between Frederick Joseph Campbell and Kathleen Coates, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

**2.** The said Frederick Joseph Campbell may at any time hereafter marry any woman he might lawfully marry if the said marriage with the said Kathleen Coates had not been solemnized.

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL Q2.

An Act to incorporate The Farnham and Granby Railway Company of Canada.

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

Incorporation.

**1.** Chilian Longly Hervey, of the city of Montreal, in the province of Quebec, civil engineer, and Robert Hatfield Pringle, agent, Thomas A. Burgess, barrister-at-law, and Louis Cote, barrister-at-law, all three of the city of Ottawa, in the county of Carleton, in the province of Ontario, together with such persons as become shareholders in the company, are hereby incorporated under the name of "The Farnham and Granby Railway Company of Canada," hereinafter called "the Company."

Name.

Provisional directors.

**2.** The persons named in section 1 of this Act are hereby constituted provisional directors of the Company.

Capital stock.

**3.** The capital stock of the Company shall be five hundred thousand dollars. No one call thereon shall exceed ten per cent on the shares subscribed.

Preference stock.

**4.** The Company, if previously authorized by a resolution passed by the ordinary shareholders at any annual meeting or at any special general meeting duly called for that purpose, at which meeting shareholders representing at least three-fourths in value of the subscribed ordinary stock of the Company are present, or represented by proxy, may issue any portion of its capital stock as preference stock, and preference stock so issued shall have such preference and priority, as respects dividends and otherwise, over ordinary stock as is declared by such resolution.

Rights of holders. R.S., c. 37.

2. Holders of such preference stock shall be shareholders within the meaning of this Act and of *The Railway Act*, and shall, in all respects other than the preference and priority provided for by this section, possess the rights and be subject to the liabilities of such shareholders.

Head office.

**5.** The head office of the Company shall be at the city of Montreal in the province of Quebec.

Annual meeting.

**6.** The annual meeting of the shareholders shall be held on the first Tuesday in September.

Directors.

**7.** The number of directors shall be not less than five nor more than nine, one or more of whom may be paid directors.

Line of railway authorized.

**8.** 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 at or near Farnham in the county of Missisquoi, in the province of Quebec, thence easterly through the county of Brome or the county of Rouville to the town of Granby in the county of Shefford; thence north easterly passing through the county of Shefford to Windsor Mills or Richmond in the county of Richmond.

Consent of municipalities.

**9.** The Company shall not construct or operate its railway along any highway, street or other public place without first obtaining the consent, expressed by by-law, of the municipality having jurisdiction over the said highway, street, or other public place, and upon terms to be agreed upon with such municiaplity.

Steamships.

**10.** The Company may, for the purposes of its undertaking, construct, acquire, charter and navigate steam and other vessels for the conveyance of passengers, goods and merchandise; and may construct, acquire, and dispose of

Wharves, etc.

wharves, docks, elevators, warehouses, offices and other structures to be used to facilitate the carrying on of business in connection therewith; and may carry on the business of warehousemen and wharfingers; and may charge wharfage and other dues for the use of any such property.

Electric and other power.

**11.** For the purposes of its undertaking and subject to the provisions of section 247 of *The Railway Act*, the Company may acquire, but not by expropriation, electric or other power or energy, which may be transmitted and deliv-

ered to any place in the municipalities through which the railway has been constructed, and may receive, transform, transmit, distribute and supply such power or energy in any form, and may dispose of the surplus thereof, and may collect rates and charges therefor; but no such rate or charge shall be demanded or taken until it has been approved of by the Board of Railway Commissioners for Canada, which may also revise such rates and charges. R.S., c. 37.

**12.** The Company may, subject to the provisions of *The Railway Act*, construct and operate telegraph and telephone lines upon its railway, and establish offices for, and undertake the transmission of messages for the public, and collect tolls therefor; and for the purposes of operating such lines, or of exchanging or transmitting messages, may, subject to the provisions of the said Act, enter into contracts with any companies having telegraph or telephone powers, and may connect its own lines with the lines of, or lease its own lines to, any such companies. Telegraph and telephone lines.

2. No toll or charge shall be demanded or taken for the transmission of any message, or for leasing or using the telegraphs or telephones of the Company, until it has been approved of by the Board of Railway Commissioners for Canada, which may also revise such tolls and charges. Tolls and charges.

3. Part II of *The Telegraphs Act*, except such portions thereof as are inconsistent with this Act or with *The Railway Act*, shall apply to the telegraphic business of the Company. Application of R.S., c. 126

**13.** Nothing in this Act or in *The Telegraphs Act* shall authorize the Company to construct or operate any telegraph or telephone lines, or any lines for the purpose of distributing electricity for lighting, heating or motor purposes, or disposing of surplus power generated by the Company's works and not required for the undertaking of the Company, upon, along or across any highway or public place, without first obtaining the consent, expressed by by-law, of the municipality having jurisdiction over such highway or public place, and upon terms to be agreed upon with such municipality, or to sell, dispose of or distribute power or energy within or for use within the limits of any municipality, without the consent, expressed by by-law, of such municipality. Consent of municipalities. R.S., c. 126.

**14.** The securities issued by the Company in respect of its railway shall not exceed forty thousand dollars per mile of its railway, and such securities may be issued only in proportion to the length of railway constructed or under contract to be constructed. Issue of securities.

Securities in respect of property other than the railway.

**15.** In addition to the securities authorized by section 14 of this Act, the directors, if previously authorized as prescribed by section 136 of *The Railway Act*, may borrow moneys for the acquisition, construction, extension or development of any of such properties, assets, or works other than the railway, as the Company is authorized to acquire, construct or operate; and, to provide for the repayment of moneys so borrowed, may issue bonds, debentures, debenture stock, perpetual or terminable, or other securities; but such bonds, debentures, debenture stock or other securities shall not exceed in amount the value of the properties, assets or works, in respect whereof the issue is made.

Telegraph Agreements with other companies.

**16.** Subject to the provisions of sections 361, 362 and 363 of *The Railway Act*, the Company may, for any of the purposes specified in the said section 361, enter into agreements with The Canadian Pacific Railway Company and The Central Vermont Railway Company.

3rd Session, 12th Parliament, 4 George V., 1914

THE SENATE OF CANADA

# BILL

Q2

An Act to incorporate The Farnham and Granby Railway Company of Canada.

Received and read a first time

Friday, 3rd April, 1914.

Second reading

Wednesday, 15th April, 1914.

Honourable MR. BOYER.

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1914

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL Q2.

**AS PASSED BY THE SENATE, 24th APRIL, 1914.**

An Act to incorporate The Farnham and Granby Railway Company of Canada.

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

Incorporation.

**1.** Chilian Longly Hervey, of the city of Montreal, in the province of Quebec, civil engineer, and Robert Hatfield Pringle, agent, Thomas A. Burgess, barrister-at-law, and Louis Cote, barrister-at-law, all three of the city of Ottawa, in the county of Carleton, in the province of Ontario, together with such persons as become shareholders in the company, are hereby incorporated under the name of "The Farnham and Granby Railway Company of Canada," hereinafter called "the Company."

Name.

Declaration.

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

Provisional directors.

**2.** The persons named in section 1 of this Act are hereby constituted provisional directors of the Company.

Capital stock.

**3.** The capital stock of the Company shall be five hundred thousand dollars. No one call thereon shall exceed ten per cent on the shares subscribed.

Preference stock.

**4.** The Company, if previously authorized by a resolution passed by the ordinary shareholders at any annual meeting or at any special general meeting duly called for that purpose, at which meeting shareholders representing at least three-fourths in value of the subscribed ordinary stock of the Company are present, or represented by proxy, may issue any portion of its capital stock as preference

stock, and preference stock so issued shall have such preference and priority, as respects dividends and otherwise, over ordinary stock as is declared by such resolution.

Rights of holders. R.S., c. 37.

2. Holders of such preference stock shall be shareholders within the meaning of this Act and of *The Railway Act*, and shall, in all respects other than the preference and priority provided for by this section, possess the rights and be subject to the liabilities of such shareholders.

Head office.

**5.** The head office of the Company shall be at the city of Montreal in the province of Quebec.

Annual meeting.

**6.** The annual meeting of the shareholders shall be held on the first Tuesday in September.

Directors.

**7.** The number of directors shall be not less than five nor more than nine, one or more of whom may be paid directors.

Line of railway authorized.

**8.** 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 at or near Farnham in the county of Missisquoi, in the province of Quebec, thence easterly through the county of Brome or the county of Rouville to the town of Granby in the county of Shefford; thence northeasterly passing through the county of Shefford to Windsor Mills or Richmond in the county of Richmond.

Consent of municipalities.

**9.** The Company shall not construct or operate its railway along any highway, street or other public place without first obtaining the consent, expressed by by-law, of the municipality having jurisdiction over the said highway, street, or other public place, and upon terms to be agreed upon with such municipality.

Steamships.

**10.** The Company may, for the purposes of its undertaking, construct, acquire, charter and navigate steam and other vessels for the conveyance of passengers, goods and merchandise; and may construct, acquire, and dispose of

Wharves, etc.

wharves, docks, elevators, warehouses, offices and other structures to be used to facilitate the carrying on of business in connection therewith; and may carry on the business of warehousemen and wharfingers; and may charge wharfage and other dues for the use of any such property.

Electric and other power.

**11.** For the purposes of its undertaking and subject to the provisions of section 247 of *The Railway Act*, the Company may acquire, but not by expropriation, electric or other power or energy, which may be transmitted and deliv-

ered to any place in the municipalities through which the railway has been constructed, and may receive, transform, transmit, distribute and supply such power or energy in any form, and may dispose of the surplus thereof, and may collect rates and charges therefor; but no such rate or charge shall be demanded or taken until it has been approved of by the Board of Railway Commissioners for Canada, which may also revise such rates and charges. R.S., c. 37.

**12.** The Company may, subject to the provisions of *The Railway Act*, construct and operate telegraph and telephone lines upon its railway, and establish offices for, and undertake the transmission of messages for the public, and collect tolls therefor; and for the purposes of operating such lines, or of exchanging or transmitting messages, may, subject to the provisions of the said Act, enter into contracts with any companies having telegraph or telephone powers, and may connect its own lines with the lines of, or lease its own lines to, any such companies. Telegraph and telephone lines.

2. No toll or charge shall be demanded or taken for the transmission of any message, or for leasing or using the telegraphs or telephones of the Company, until it has been approved of by the Board of Railway Commissioners for Canada, which may also revise such tolls and charges. Tolls and charges.

3. Part II of *The Telegraphs Act*, except such portions thereof as are inconsistent with this Act or with *The Railway Act*, shall apply to the telegraphic business of the Company. Application of R.S., c. 126.

**13.** Nothing in this Act or in *The Telegraphs Act* shall authorize the Company to construct or operate any telegraph or telephone lines, or any lines for the purpose of distributing electricity for lighting, heating or motor purposes, or disposing of surplus power generated by the Company's works and not required for the undertaking of the Company, upon, along or across any highway or public place, without first obtaining the consent, expressed by by-law, of the municipality having jurisdiction over such highway or public place, and upon terms to be agreed upon with such municipality, or to sell, dispose of or distribute power or energy within or for use within the limits of any municipality, without the consent, expressed by by-law, of such municipality. Consent of municipalities. R.S., c. 126.

**14.** The securities issued by the Company in respect of its railway shall not exceed forty thousand dollars per mile of its railway, and such securities may be issued only in proportion to the length of railway constructed or under contract to be constructed. Issue of securities.

Securities in respect of property other than the railway.

**15.** In addition to the securities authorized by section 14 of this Act, the directors, if previously authorized as prescribed by section 136 of *The Railway Act*, may borrow moneys for the acquisition, construction, extension or development of any of such properties, assets, or works other than the railway, as the Company is authorized to acquire, construct or operate; and, to provide for the repayment of moneys so borrowed, may issue bonds, debentures, debenture stock, perpetual or terminable, or other securities; but such bonds, debentures, debenture stock or other securities shall not exceed in amount the value of the properties, assets or works, in respect whereof the issue is made.

Telegraph Agreements with other companies.

**16.** Subject to the provisions of sections 361, 362 and 363 of *The Railway Act*, the Company may, for any of the purposes specified in the said section 361, enter into agreements with The Canadian Pacific Railway Company and The Central Vermont Railway Company, or either of the said companies.

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL R2.

An Act for the relief of Elizabeth Chausse.

Preamble.

WHEREAS Elizabeth Chausse, presently residing at the city of Toronto, in the province of Ontario, wife of George Napoleon Chausse, of the city of Montreal, in the province of Quebec, marble worker, has by her petition alleged, in effect, that they were lawfully married on the twenty-first day of October, A.D. 1893, at the said city of Toronto, she then being Elizabeth Peterson, spinster; that the legal domicile of the said George Napoleon Chausse was then and is now in Canada; that since the said marriage he has deserted her and on divers occasions has committed adultery; that she has not connived at nor condoned the said adultery; that there has been no collusion, directly or indirectly, between him and her in the proceedings for divorce; and whereas by her petition she has prayed for the passing of an Act dissolving her said marriage, authorizing her to marry again, and affording her such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

**1.** The said marriage between Elizabeth Peterson and George Napoleon Chausse, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

**2.** The said Elizabeth Peterson may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said George Napoleon Chausse had not been solemnized.

3rd Session, 12th Parliament, 4 George V., 1914

THE SENATE OF CANADA.

# BILL

# $R_2$

An Act for the relief of Elizabeth Chausse.

Received and read a first time

Friday, 3rd April, 1914.

Second reading

Wednesday, 15th April, 1914.

Honourable MR. TALBOT.

OTTAWA
Printed by the King's Printer
1914

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL R2.

**AS PASSED BY THE SENATE, 22nd APRIL, 1914.**

An Act for the relief of Elizabeth Chausse.

Preamble.

WHEREAS Elizabeth Chausse, presently residing at the city of Toronto, in the province of Ontario, wife of George Napoleon Chausse, of the city of Montreal, in the province of Quebec, marble worker, has by her petition alleged, in effect, that they were lawfully married on the twenty-first day of October, A.D. 1893, at the said city of Toronto, she then being Elizabeth Peterson, spinster; that the legal domicile of the said George Napoleon Chausse was then and is now in Canada; that since the said marriage he has deserted her and on divers occasions has committed adultery; that she has not connived at nor condoned the said adultery; that there has been no collusion, directly or indirectly, between him and her in the proceedings for divorce; and whereas by her petition she has prayed for the passing of an Act dissolving her said marriage, authorizing her to marry again, and affording her such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

**1.** The said marriage between Elizabeth Peterson and George Napoleon Chausse, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

**2.** The said Elizabeth Peterson may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said George Napoleon Chausse had not been solemnized.

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL S2.

An Act for the relief of Beatrice Mae Stinson Fotheringham.

Preamble.

WHEREAS Beatrice Mae Stinson Fotheringham, presently residing at the city of Montreal, in the province of Quebec, wife of Frederick Henry Fotheringham, presently of the city of Toronto, in the province of Ontario, commercial traveller, has by her petition alleged, in effect, that they were lawfully married on the twenty-sixth day of May, A.D. 1903, at the said city of Montreal, she then being Beatrice Mae Stinson, a spinster; that the legal domicile of the said Frederick Henry Fotheringham was then and is now in Canada; that since the month of October, A.D. 1913, he has committed adultery on divers occasions; that she has not connived at nor condoned the said adultery; that there has been no collusion, directly or indirectly, between him and her in the proceedings for divorce; and whereas by her petition she has prayed for the passing of an Act dissolving her said marriage, authorizing her to marry again, and affording her such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

**1.** The said marriage between Beatrice Mae Stinson and Frederick Henry Fotheringham, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again

**2.** The said Beatrice Mae Stinson may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Frederick Henry Fotheringham had not been solemnized.

3rd Session, 12th Parliament, 4 George V., 1914

THE SENATE OF CANADA.

# BILL

S2

An Act for the relief of Beatrice Mae Stinson Fotheringham.

Received and read a first time

Friday, 3rd April, 1914.

Second reading

Wednesday, 15th April, 1914.

Honourable Mr. Derbyshire.

OTTAWA
Printed by J. de L. Taché
Printer to the King's most Excellent Majesty
1914

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL S2.

**AS PASSED BY THE SENATE, 21st APRIL, 1914.**

An Act for the relief of Beatrice Mae Stinson Fotheringham.

Preamble.

WHEREAS Beatrice Mae Stinson Fotheringham, presently residing at the city of Montreal, in the province of Quebec, wife of Frederick Henry Fotheringham, presently of the city of Toronto, in the province of Ontario, commercial traveller, has by her petition alleged, in effect, that they were lawfully married on the twenty-sixth day of May, A.D. 1903, at the said city of Montreal, she then being Beatrice Mae Stinson, a spinster; that the legal domicile of the said Frederick Henry Fotheringham was then and is now in Canada; that since the month of October, A.D. 1913, he has committed adultery on divers occasions; that she has not connived at nor condoned the said adultery; that there has been no collusion, directly or indirectly, between him and her in the proceedings for divorce; and whereas by her petition she has prayed for the passing of an Act dissolving her said marriage, authorizing her to marry again, and affording her such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

**1.** The said marriage between Beatrice Mae Stinson and Frederick Henry Fotheringham, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

**2.** The said Beatrice Mae Stinson may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Frederick Henry Fotheringham had not been solemnized.

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL T2.

An Act for the relief of Eva Jane Bateman.

Preamble.

WHEREAS Eva Jane Bateman, presently residing at Beaverton, in the province of Ontario, wife of John Henry Bateman, presently residing at the city of Niagara Falls, in the state of New York, one of the United States of America, has by her petition alleged, in effect, that they were lawfully married on the twenty-third day of December, A.D. 1891, at the village of Bolsover, in the said province of Ontario, she then being Eva Jane Jewell, a spinster; that the legal domicile of the said John Henry Bateman was then and is now in Canada; that in A.D. 1897 he deserted her and has, since then, committed adultery on divers occasions; that she has not connived at nor condoned the said adultery; that there has been no collusion, directly or indirectly, between him and her in the proceedings for divorce; and whereas by her petition she has prayed for the passing of an Act dissolving her said marriage, authorizing her to marry again, and affording her such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows—

Marriage dissolved.

**1.** The said marriage between Eva Jane Jewell and John Henry Bateman, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

**2.** The said Eva Jane Jewell may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said John Henry Bateman had not been solemnized.

3rd Session, 12th Parliament, 4 George V., 1914

THE SENATE OF CANADA.

# BILL

# $T_2$

An Act for the relief of Eva Jane Bateman.

Received and read a first time

Friday, 3rd April, 1914.

Second reading

Wednesday, 15th April, 1914.

Honourable MR. DERBYSHIRE.

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1914

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL T2.

**AS PASSED BY THE SENATE, 21st APRIL, 1914.**

An Act for the relief of Eva Jane Bateman.

Preamble.

WHEREAS Eva Jane Bateman, presently residing at Beaverton, in the province of Ontario, wife of John Henry Bateman, presently residing at the city of Niagara Falls, in the state of New York, one of the United States of America, has by her petition alleged, in effect, that they were lawfully married on the twenty-third day of December, A.D. 1891, at the village of Bolsover, in the said province of Ontario, she then being Eva Jane Jewell, a spinster; that the legal domicile of the said John Henry Bateman was then and is now in Canada; that in A.D. 1897 he deserted her and has, since then, committed adultery on divers occasions; that she has not connived at nor condoned the said adultery; that there has been no collusion, directly or indirectly, between him and her in the proceedings for divorce; and whereas by her petition she has prayed for the passing of an Act dissolving her said marriage, authorizing her to marry again, and affording her such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

**1.** The said marriage between Eva Jane Jewell and John Henry Bateman, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

**2.** The said Eva Jane Jewell may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said John Henry Bateman had not been solemnized.

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL U2.

An Act for the relief of Florence Relf.

Preamble.

WHEREAS Florence Relf, presently residing at the city of Toronto, in the province of Ontario, wife of Herbert Charles Relf, presently of St. Vincent de Paul, in the province of Quebec, has by her petition alleged, in effect, that they were lawfully married on the thirtieth day of December, A.D. 1908, at the said city of Toronto, she then being Florence Cullen, a spinster; that the legal domicile of the said Herbert Charles Relf was then and is now in Canada; that since the said marriage he has committed adultery on divers occasions; that she has not connived at nor condoned the said adultery; that there has been no collusion, directly or indirectly, between him and her in the proceedings for divorce; and whereas by her petition she has prayed for the passing of an Act dissolving her said marriage, authorizing her to marry again, and affording her such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

**1.** The said marriage between Florence Cullen and Herbert Charles Relf, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

**2.** The said Florence Cullen may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Herbert Charles Relf had not been solemnized.

3rd Session, 12th Parliament, 4 George V., 1914

THE SENATE OF CANADA

# BILL

# $U_2$

An Act for the relief of Florence Relf.

Received and read a first time

Friday, 3rd April, 1914

Second reading

Wednesday, 15th April, 1914.

Honourable MR. DERBYSHIRE.

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1914

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL U2.

**AS PASSED BY THE SENATE, 21st APRIL, 1914.**

An Act for the relief of Florence Relf.

Preamble.

WHEREAS Florence Relf, presently residing at the city of Toronto, in the province of Ontario, wife of Herbert Charles Relf, presently of St. Vincent de Paul, in the province of Quebec, has by her petition alleged, in effect, that they were lawfully married on the thirtieth day of December, A.D. 1908, at the said city of Toronto, she then being Florence Cullen, a spinster; that the legal domicile of the said Herbert Charles Relf was then and is now in Canada; that since the said marriage he has committed adultery on divers occasions; that she has not connived at nor condoned the said adultery; that there has been no collusion, directly or indirectly, between him and her in the proceedings for divorce; and whereas by her petition she has prayed for the passing of an Act dissolving her said marriage, authorizing her to marry again, and affording her such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

**1.** The said marriage between Florence Cullen and Herbert Charles Relf, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

**2.** The said Florence Cullen may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Herbert Charles Relf had not been solemnized.

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL V2.

An Act to incorporate The Cornwall and Hawkesbury Railway Company of Canada.

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

Incorporation.

**1.** Chilian Longly Hervey, of the city of Montreal, in the province of Quebec, civil engineer, and Robert Hatfield Pringle, agent, Thomas A. Burgess, barrister-at-law, and Louis Cote, barrister-at-law, all three of the city of Ottawa, in the county of Carleton, in the province of Ontario, together with such persons as become shareholders in the company, are hereby incorporated under the name of "The Cornwall and Hawkesbury Railway Company of Canada," hereinafter called "the Company."

Name.

Provisional directors.

**2.** The persons named in section 1 of this Act are hereby constituted provisional directors of the Company.

Capital stock.

**3.** The capital stock of the Company shall be one million dollars. No one call thereon shall exceed ten per cent on the shares subscribed.

Preference stock.

**4.** The Company, if previously authorized by a resolution passed by the ordinary shareholders at any annual meeting or at any special general meeting duly called for that purpose, at which meeting shareholders representing at least three-fourths in value of the subscribed ordinary stock of the Company are present, or represented by proxy, may issue any portion of its capital stock as preference stock, and preference stock so issued shall have such preference and priority, as respects dividends and otherwise, over ordinary stock as is declared by such resolution.

Rights of holders. R.S., c. 37.

2. Holders of such preference stock shall be shareholders within the meaning of this Act and of *The Railway Act*, and shall, in all respects other than the preference and priority provided for by this section, possess the rights and be subject to the liabilities of such shareholders.

Head office.

**5.** The head office of the Company shall be at the city of Montreal in the province of Quebec.

Annual meeting.

**6.** The annual meeting of the shareholders shall be held on the first Tuesday in September.

Directors.

**7.** The number of directors shall be not less than five nor more than nine, one or more of whom may be paid directors.

Line of railway authorized.

**8.** 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 Cornwall in the county of Stormont, thence north-easterly through the county of Stormont to a point in or near the village of Martintown in the county of Glengarry; thence to a point in or near the town of Alexandria in the said county of Glengarry; thence northerly through the counties of Glengarry and Prescott to a point in or near the town of Hawkesbury; thence to a point on the line of the Canadian Pacific Railway Company at or near Grenville or Calumet in the county of Argenteuil in the province of Quebec.

Consent of municipalities.

**9.** The Company shall not construct or operate its railway along any highway, street or other public place without first obtaining the consent, expressed by by-law, of the municipality having jurisdiction over the said highway, street, or other public place, and upon terms to be agreed upon with such municipality.

Steamships.

**10.** The Company may, for the purposes of its undertaking, construct, acquire, charter and navigate steam and other vessels for the conveyance of passengers, goods and merchandise; and may construct, acquire and dispose of

Wharves, etc.

wharves, docks, elevators, warehouses, offices and other structures to be used to facilitate the carrying on of business in connection therewith; and may carry on the business of warehousemen and wharfingers; and may charge wharfage and other dues for the use of any such property.

Electric and other power.

**11.** For the purposes of its undertaking and subject to the provisions of section 247 of *The Railway Act*, the Company may acquire, but not by expropriation, electric or

other power or energy, which may be transmitted and delivered to any place in the municipalities through which the railway has been constructed, and may receive, transform, transmit, distribute and supply such power or energy in any form, and may dispose of the surplus thereof, and may collect rates and charges therefor; but no such rate or charge shall be demanded or taken until it has been approved of by the Board of Railway Commissioners for Canada, which may also revise such rates and charges. R.S., c. 37.

**12.** The Company may, subject to the provisions of *The Railway Act*, construct and operate telegraph and telephone lines upon its railway, and establish offices for, and undertake the transmission of messages for the public, and collect tolls therefor; and for the purposes of operating such lines, or of exchanging or transmitting messages, may, subject to the provisions of the said Act, enter into contracts with any companies having telegraph or telephone powers, and may connect its own lines with the lines of, or lease its own lines to, any such companies. Telegraph and telephone lines.

2. No toll or charge shall be demanded or taken for the transmission of any message, or for leasing or using the telegraphs or telephones of the Company, until it has been approved of by the Board of Railway Commissioners for Canada, which may also revise such tolls and charges. Tolls and charges.

3. Part II of *The Telegraphs Act*, except such portions thereof as are inconsistent with this Act or with *The Railway Act*, shall apply to the telegraphic business of the Company. Application of R.S., c. 126

**13.** Nothing in this Act or in *The Telegraphs Act* shall authorize the Company to construct or operate any telegraph or telephone lines, or any lines for the purpose of distributing electricity for lighting, heating or motor purposes, or disposing of surplus power generated by the Company's works and not required for the undertaking of the Company, upon, along or across any highway or public place, without first obtaining the consent, expressed by by-law, of the municipality having jurisdiction over such highway or public place, and upon terms to be agreed upon with such municipality, or to sell, dispose of or distribute power or energy within or for use within the limits of any municipality, without the consent, expressed by by-law, of such municipality. Consent of municipalities. R.S., c. 126.

**14.** The securities issued by the Company in respect of its railway shall not exceed forty thousand dollars per mile of its railway, and such securities may be issued only in proportion to the length of railway constructed or under contract to be constructed. Issue of securities.

**15.** In addition to the securities authorized by section 14 of this Act, the directors, if previously authorized as prescribed by section 136 of *The Railway Act*, may borrow moneys for the acquisition, construction, extension or development of any of such properties, assets, or works, other than the railway, as the Company is authorized to acquire, construct or operate; and, to provide for the repayment of moneys so borrowed, may issue bonds, debentures, debenture stock, perpetual or terminable, or other securities; but such bonds, debentures, debenture stock or other securities shall not exceed in amount the value of the properties, assets or works in respect whereof the issue is made.

Securities in respect of property other than the railway.

**16.** Subject to the provisions of sections 361, 362 and 363 of *The Railway Act*, the Company may enter into agreements with all or any of the companies hereinafter named, for any of the purposes specified in the said section 361, such companies being The Canadian Pacific Railway Company, The Ottawa and New York Railway Company, The Grand Trunk Railway Company of Canada, The New York Central Railway Company, and The Canadian Northern Railway Company.

Agreements with other companies.

3rd Session, 12th Parliament, 4 George V., 1914

THE SENATE OF CANADA.

# BILL

V 2

An Act to incorporate The Cornwall and Hawkesbury Railway Company of Canada.

Received and read first and second times Tuesday, 21st April, 1914.

Honourable Mr. DERBYSHIRE.

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1914

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL V2.

### AS PASSED BY THE SENATE, 24th APRIL, 1914.

An Act to incorporate The Cornwall and Hawkesbury Railway Company of Canada.

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

Incorporation.

**1.** Chilian Longly Hervey, of the city of Montreal, in the province of Quebec, civil engineer, and Robert Hatfield Pringle, agent, Thomas A. Burgess, barrister-at-law, and Louis Cote, barrister-at-law, all three of the city of Ottawa, in the county of Carleton, in the province of Ontario, together with such persons as become shareholders in the company, are hereby incorporated under the name of "The Cornwall and Hawkesbury Railway Company of Canada," hereinafter called "the Company."

Name.

Provisional directors.

**2.** The persons named in section 1 of this Act are hereby constituted provisional directors of the Company.

Capital stock.

**3.** The capital stock of the Company shall be one million dollars. No one call thereon shall exceed ten per cent on the shares subscribed.

Preference stock.

**4.** The Company, if previously authorized by a resolution passed by the ordinary shareholders at any annual meeting or at any special general meeting duly called for that purpose, at which meeting shareholders representing at least three-fourths in value of the subscribed ordinary stock of the Company are present, or represented by proxy, may issue any portion of its capital stock as preference stock, and preference stock so issued shall have such preference and priority, as respects dividends and otherwise, over ordinary stock as is declared by such resolution.

Rights of holders. R.S., c. 37.

2. Holders of such preference stock shall be shareholders within the meaning of this Act and of *The Railway Act*, and shall, in all respects other than the preference and priority provided for by this section, possess the rights and be subject to the liabilities of such shareholders.

Head office.

**5.** The head office of the Company shall be at the city of Montreal in the province of Quebec.

Annual meeting.

**6.** The annual meeting of the shareholders shall be held on the first Tuesday in September.

Directors.

**7.** The number of directors shall be not less than five nor more than nine, one or more of whom may be paid directors.

Line of railway authorized.

**8.** 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 Cornwall in the county of Stormont, thence northeasterly through the county of Stormont to a point in or near the village of Martintown in the county of Glengarry; thence to a point in or near the town of Alexandria in the said county of Glengarry; thence northerly through the counties of Glengarry and Prescott to a point in or near the town of Hawkesbury; thence to a point on the line of the Canadian Pacific Railway Company at or near Grenville or Calumet in the county of Argenteuil in the province of Quebec.

Consent of municipalities.

**9.** The Company shall not construct or operate its railway along any highway, street or other public place without first obtaining the consent, expressed by by-law, of the municipality having jurisdiction over the said highway, street, or other public place, and upon terms to be agreed upon with such municipality.

Steamships.

**10.** The Company may, for the purposes of its undertaking, construct, acquire, charter and navigate steam and other vessels for the conveyance of passengers, goods and merchandise; and may construct, acquire and dispose of

Wharves, etc.

wharves, docks, elevators, warehouses, offices and other structures to be used to facilitate the carrying on of business in connection therewith; and may carry on the business of warehousemen and wharfingers; and may charge wharfage and other dues for the use of any such property.

Electric and other power.

**11.** For the purposes of its undertaking and subject to the provisions of section 247 of *The Railway Act*, the Company may acquire, but not by expropriation, electric or

other power or energy, which may be transmitted and delivered to any place in the municipalities through which the railway has been constructed, and may receive, transform, transmit, distribute and supply such power or energy in any form, and may dispose of the surplus thereof, and may collect rates and charges therefor; but no such rate or charge shall be demanded or taken until it has been approved of by the Board of Railway Commissioners for Canada, which may also revise such rates and charges. R.S., c. 37.

**12.** The Company may, subject to the provisions of *The Railway Act*, construct and operate telegraph and telephone lines upon its railway, and establish offices for, and undertake the transmission of messages for the public, and collect tolls therefor; and for the purposes of operating such lines, or of exchanging or transmitting messages, may, subject to the provisions of the said Act, enter into contracts with any companies having telegraph or telephone powers, and may connect its own lines with the lines of, or lease its own lines to, any such companies. Telegraph and telephone lines.

2. No toll or charge shall be demanded or taken for the transmission of any message, or for leasing or using the telegraphs or telephones of the Company, until it has been approved of by the Board of Railway Commissioners for Canada, which may also revise such tolls and charges. Tolls and charges.

3. Part II of *The Telegraphs Act*, except such portions thereof as are inconsistent with this Act or with *The Railway Act*, shall apply to the telegraphic business of the Company. Application of R.S., c. 126.

**13.** Nothing in this Act or in *The Telegraphs Act* shall authorize the Company to construct or operate any telegraph or telephone lines, or any lines for the purpose of distributing electricity for lighting, heating or motor purposes, or disposing of surplus power generated by the Company's works and not required for the undertaking of the Company, upon, along or across any highway or public place, without first obtaining the consent, expressed by by-law, of the municipality having jurisdiction over such highway or public place, and upon terms to be agreed upon with such municipality, or to sell, dispose of or distribute power or energy within or for use within the limits of any municipality, without the consent, expressed by by-law, of such municipality. Consent of municipalities. R.S., c. 126.

**14.** The securities issued by the Company in respect of its railway shall not exceed forty thousand dollars per mile of its railway, and such securities may be issued only in proportion to the length of railway constructed or under contract to be constructed. Issue of securities.

Securities in respect of property other than the railway.

**15.** In addition to the securities authorized by section 14 of this Act, the directors, if previously authorized as prescribed by section 136 of *The Railway Act*, may borrow moneys for the acquisition, construction, extension or development of any of such properties, assets, or works, other than the railway, as the Company is authorized to acquire, construct or operate; and, to provide for the repayment of moneys so borrowed, may issue bonds, debentures, debenture stock, perpetual or terminable, or other securities; but such bonds, debentures, debenture stock or other securities shall not exceed in amount the value of the properties, assets or works in respect whereof the issue is made.

Agreements with other companies.

**16.** Subject to the provisions of sections 361, 362 and 363 of *The Railway Act*, the Company may enter into agreements with all or any of the companies hereinafter named, for any of the purposes specified in the said section 361, such companies being The Canadian Pacific Railway Company, The Ottawa and New York Railway Company, The Grand Trunk Railway Company of Canada, The New York Central Railway Company, and The Canadian Northern Railway Company.

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL W2.

An Act respecting The Toronto Terminals Railway Company.

WHEREAS a petition has been presented praying that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— 1906, c. 170. 1913, c. 202.

**1.** Section 14 of chapter 170 of the statutes of 1906, as amended by section 2 of chapter 202 of the statutes of 1913, is hereby further amended by substituting for the words "ten million," in the second line thereof, the words "twelve million." Issue of securities increased.

3rd Session, 12th Parliament, 4 George V., 1914

THE SENATE OF CANADA.

# BILL

# W2

An Act respecting The Toronto Terminals Railway Company.

Received and read a first time

Wednesday, 22nd April, 1914.

Second reading

Friday, 24th April, 1914.

Honourable MR. WATSON.

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1914

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL W2.

**AS PASSED BY THE SENATE, 1st MAY, 1914.**

An Act respecting The Toronto Terminals Railway Company.

WHEREAS a petition has been presented praying that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— 1906, c. 170. 1913, c. 202.

**1.** Section 14 of chapter 170 of the statutes of 1906, as amended by section 2 of chapter 202 of the statutes of 1913, is hereby further amended by substituting for the words "ten million," in the second line thereof, the words "twelve million." Issue of securities increased.

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL X2.

An Act respecting The Grand Council of the Catholic Mutual Benefit Association of Canada.

WHEREAS The Grand Council of the Catholic Mutual Benefit Association of Canada has, by its petition, prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

**1.** Chapter 90 of the statutes of 1893, as amended by chapter 77 of the statutes of 1905, is hereby further amended by adding thereto the following sections:— 1893, c. 90; 1905, c. 77; 1910, c. 32 s. 188.

Power to vary certain contracts of insurance.

"**18.** Notwithstanding anything contained in the contract of insurance to the contrary the grand trustees may increase the amount of the assessments payable by the members admitted to the Association before the 1st November, 1907, to any amount which the grand trustees may deem necessary to make the Association actuarily solvent.

Liability of members under varied contracts.

"**19.** The members of the Association admitted before the 1st November, 1907, shall be bound by and be liable to pay such increased assessments to the same extent and subject to the same penalties and losses as if they had contracted in their certificates to pay the same.

Power to contract for certain purposes.

"**20.** To make the Association actuarily solvent the grand trustees in the name of the Association may make any contract with its members for increasing the rates, reducing the amount payable on certificates of insurance, securing liens on certificates of insurance, or converting life contracts into term contracts of insurance, as they may deem necessary in the interests of the Association."

3rd Session, 12th Parliament, 4 George V., 1914

THE SENATE OF CANADA.

# BILL

# $X_2$

An Act respecting The Grand Council of the Catholic Mutual Benefit Association of Canada.

Received and read a first time

Wednesday, 22nd April, 1914.

Second reading

Friday, 24th April, 1914.

Honourable MR. COFFEY.

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1914

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL X2.

### AS PASSED BY THE SENATE, 15th MAY, 1914.

An Act respecting The Grand Council of the Catholic Mutual Benefit Association of Canada.

WHEREAS The Grand Council of the Catholic Mutual Benefit Association of Canada has, by its petition, prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

**1.** Chapter 90 of the statutes of 1893, as amended by chapter 77 of the statutes of 1905, is hereby further amended by adding thereto the following sections:— 1893, c. 90; 1905, c. 77; 1910, c. 32 s. 188.

"**18.** Notwithstanding anything contained in the contract of insurance to the contrary the grand trustees may, at any times before the first of July, 1916, increase the amount of the assessments payable by the members admitted to the Association before the 1st November, 1907, to any amount which the grand trustees may deem necessary to make the Association actuarily solvent: Provided that such increased rates shall not exceed the net premium rates on the bases of the National Fraternal Congress Table of Mortality with interest at four per cent applicable to the ages of the members attained at the times when such rates become effective. Power to vary certain contracts of insurance.

"**19.** The members of the Association admitted before the 1st November, 1907, shall be bound by and be liable to pay such increased assessments to the same extent and subject to the same penalties and losses as if they had contracted in their certificates to pay the same. Liability of members under varied contracts.

"**20.** To make the Association actuarily solvent the grand trustees in the name of the Association may make any contract with its members for increasing the rates, reducing the amount payable on certificates of insurance, securing liens on certificates of insurance, or converting life contracts into term contracts of insurance, as they may deem necessary in the interests of the Association." Power to contract for certain purposes.

3rd Session, 12th Parliament. 4 George V., 1914

# THE SENATE OF CANADA.

## BILL Y2.

An Act respecting The Canadian Northern Ontario Railway Company, and to ratify and confirm its purchase of a portion of the property of the Carillon and Grenville Railway Company.

WHEREAS The Canadian Northern Ontario Railway Company has by its petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

**1.** The sale by the Carillon and Grenville Railway Company and the purchase by The Canadian Northern Ontario Railway Company of those portions of the right of way and other properties of the Carillon and Grenville Railway Company mentioned and described in, and not specifically reserved by, the deed of sale thereof set forth in the schedule to this Act, are hereby ratified and confirmed and shall be deemed to have vested the said portions of the right of way and other properties of the Carillon and Grenville Railway Company in The Canadian Northern Ontario Railway Company on and from the twenty-fifth day of July, 1911, the date of the passing of the said deed.

Ratification of sale of certain property by the Carillon and Grenville Ry. Co. to The Canadian Northern Ontario Ry. Co.

SCHEDULE.

Before Mtre. Robert Bennett Hutcheson, the undersigned Notary Public for the province of Quebec, residing in the city of Westmount, and practising in the city of Montreal, appeared:

The Carillon and Grenville Railway Company, a body corporate duly incorporated, herein acting and represented by the Honourable William Owens of the said city of West-

mount, Senator, the President, and Albert E. Blagg, the Secretary-Treasurer thereof, duly authorized to the effect hereof by resolutions passed at meetings of the shareholders and directors of the said Company held on this day, duly certified copies of which resolutions remain hereunto annexed, signed for identification by the said Notary. Which said Company acting as aforesaid hath by these presents sold with legal warranty unto:

The Canadian Northern Ontario Railway Company, a body corporate duly incorporated herein acting and represented by Gerard Ruel of the city of Toronto, in the province of Ontario, Chief Solicitor, duly authorized to the effect hereof by resolution passed at a meeting of the Directors of the said Company held on the twenty-fourth day of July inst., a duly certified copy of which resolution remains hereunto annexed signed for identification by the said Notary, said Company acting and represented as aforesaid hereto present and accepting, the following immoveable property, namely:—

DESCRIPTION.

That certain line of railway, as constructed of the Carillon and Grenville Railway Company, extending from the wharf at Grenville to the crossing of the highway at Carillon, together with running rights over the rails to the wharf property at Carillon, also all and singular the tracks, sidings, roadbed, right of way, station grounds, station houses, freight houses, sheds, rolling stock and equipment and works of every description, and all other property real and personal owned, acquired, or used in any manner in connection with the portion of the line of railway above described.

The Vendor reserves all franchises and powers of the Company under its charter and also all land-grants and other subsidies earned or which may hereafter be earned by the said Company, Vendor.

POSSESSION.

The purchaser will have the absolute ownership of said property as and from the date hereof and will take possession thereof forthwith.

VENDOR'S DECLARATIONS.

The Vendor declared and covenanted:

That said property is free and clear of all assessments and rates general and special for the past year and of all encumbrances.

CONDITIONS.

The Purchaser assumes to the exoneration of the Vendor all assessments and rates general and special other than those above mentioned.

PRICE.

This sale is thus made for the price or sum of one dollar ($1.00) and other good and valuable consideration which the Vendor acknowledged to have received from the Purchaser previous to the execution hereof, whereof quit. Whereof acte.

Thus done and passed at the said city of Montreal on the twenty-fifth day of July, nineteen hundred and eleven, and remains of record in the office of the undersigned Notary under the number eleven thousand two hundred and eighty-three.

And after due reading hereof the parties signed in the presence of the said Notary.

THE CARILLON AND GRENVILLE RAILWAY CO.
by W. Owens,
*President.*

"A. E. Blagg,
*Sec. -Tres.*

THE CANADIAN NORTHERN ONTARIO RY CO.
by Gerard Ruel,
*Chief Solicitor.*

"R. B. Hutcheson,
*N. P.*

3rd Session, 12th Parliament, 4 George V., 1914

THE SENATE OF CANADA.

# BILL

# Y 2.

An Act respecting The Canadian Northern Ontario Railway Company, and to ratify and confirm its purchase of a portion of the property of the Carillon and Grenville Railway Company.

Received and read a first time

Friday, 24th April, 1914.

Second reading

Wednesday, 29th April, 1914.

Honourable MR. MCHUGH.

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1914

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL Y2.

**AS PASSED BY THE SENATE, 8th MAY, 1914.**

An Act respecting The Canadian Northern Ontario Railway Company, and to ratify and confirm its purchase of a portion of the property of the Carillon and Grenville Railway Company.

WHEREAS The Canadian Northern Ontario Railway Company has by its petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Ratification of sale of certain property by the Carillon and Grenville Ry. Co. to The Canadian Northern Ontario Ry. Co.

**1.** The sale by the Carillon and Grenville Railway Company and the purchase by The Canadian Northern Ontario Railway Company of those portions of the right of way and other properties of the Carillon and Grenville Railway Company mentioned and described in, and not specifically reserved by, the deed of sale thereof set forth in the schedule to this Act, are hereby ratified and confirmed and shall be deemed to have vested the said portions of the right of way and other properties of the Carillon and Grenville Railway Company in The Canadian Northern Ontario Railway Company on and from the twenty-fifth day of July, 1911, the date of the passing of the said deed.

Declaration as to certain land grants.

**2.** It is hereby enacted and declared that the Carillon and Grenville Railway Company shall not, nor shall any person claiming in any way directly or indirectly through or under the said company, be entitled to claim or receive any land grant or grants or benefits whatsoever under the provisions of the statutes of the late Province of Canada 19 and 20 Victoria, chapter 112, and 24 Victoria, chapter 80, or either of them, or any amending or substituted Act or Acts.

## SCHEDULE.

Before Mtre. Robert Bennett Hutcheson, the undersigned Notary Public for the province of Quebec, residing in the city of Westmount, and practising in the city of Montreal, appeared:

The Carillon and Grenville Railway Company, a body corporate duly incorporated, herein acting and represented by the Honourable William Owens of the said city of Westmount, Senator, the President, and Albert E. Blagg, the Secretary-Treasurer thereof, duly authorized to the effect hereof by resolutions passed at meetings of the shareholders and directors of the said Company held on this day, duly certified copies of which resolutions remain hereunto annexed, signed for identification by the said Notary. Which said Company acting as aforesaid hath by these presents sold with legal warranty unto:

The Canadian Northern Ontario Railway Company, a body corporate duly incorporated herein acting and represented by Gerard Ruel of the city of Toronto, in the province of Ontario, Chief Solicitor, duly authorized to the effect hereof by resolution passed at a meeting of the Directors of the said Company held on the twenty-fourth day of July inst., a duly certified copy of which resolution remains hereunto annexed signed for identification by the said Notary, said Company acting and represented as aforesaid hereto present and accepting, the following immoveable property, namely:—

### DESCRIPTION.

That certain line of railway, as constructed of the Carillon and Grenville Railway Company, extending from the wharf at Grenville to the crossing of the highway at Carillon, together with running rights over the rails to the wharf property at Carillon, also all and singular the tracks, sidings, roadbed, right of way, station grounds, station houses, freight houses, sheds, rolling stock and equipment and works of every description, and all other property real and personal owned, acquired, or used in any manner in connection with the portion of the line of railway above described.

The Vendor reserves all franchises and powers of the Company under its charter and also all land-grants and other subsidies earned or which may hereafter be earned by the said Company, Vendor.

### POSSESSION.

The purchaser will have the absolute ownership of said property as and from the date hereof and will take possession thereof forthwith.

VENDOR'S DECLARATIONS.

The Vendor declared and covenanted:

That said property is free and clear of all assessments and rates general and special for the past year and of all encumbrances.

CONDITIONS.

The Purchaser assumes to the exoneration of the Vendor all assessments and rates general and special other than those above mentioned.

PRICE.

This sale is thus made for the price or sum of one dollar ($1.00) and other good and valuable consideration which the Vendor acknowledged to have received from the Purchaser previous to the execution hereof, whereof quit. Whereof acte.

Thus done and passed at the said city of Montreal on the twenty-fifth day of July, nineteen hundred and eleven, and remains of record in the office of the undersigned Notary under the number eleven thousand two hundred and eighty-three.

And after due reading hereof the parties signed in the presence of the said Notary.

THE CARILLON AND GRENVILLE RAILWAY CO.
by W. Owens,
*President.*

A. E. Blagg,
*Sec.-Treas.*

THE CANADIAN NORTHERN ONTARIO RY CO.
by Gerard Ruel,
*Chief Solicitor.*

R. B. Hutcheson,
*N. P.*

Y2—3

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL Z2

An Act to incorporate The Title Insurance Company of Canada.

WHEREAS the persons hereinafter named have by their petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

**1.** R. Lacey Johnson, Russell E. Popham and R. C. McMichael, all of the city of Montreal, in the province of Quebec, William Denver Mabourg and Milton Flynn, both of the city of New York, in the state of New York, one of the United States of America, E. Stuart McDougall and H. W. Jackson, both of the city of Montreal, in the province of Quebec, and James F. Smellie, of the city of Ottawa, in the province of Ontario, together with such persons as become shareholders in the Company, are hereby incorporated under the name of "The Title Insurance Company of Canada," hereinafter called "the Company."

Name.

Provisional directors.

**2.** The persons named in section 1 of this Act shall be the provisional directors of the Company.

Capital stock.

**3.** The capital stock of the Company shall be one million dollars.

Subscription before general meeting.

**4.** The amount to be subscribed before the general meeting for the election of directors is called, shall be one hundred thousand dollars.

Subscription before commencing business.

**5.** The Company shall not commence business until five hundred thousand dollars of the capital stock have been subscribed and one hundred thousand dollars paid thereon.

Head office.

**6.** The head office of the Company shall be in the city of Montreal, in the province of Quebec.

Business authorized.

**7.** The Company may guarantee the title to, or the quiet enjoyment of, real property, either absolutely or subject to qualifications and conditions, and may guarantee any person interested in or about to become interested in, or owning, or about to purchase or acquire any real property, against any losses, actions, proceedings, claims or demands by reason of any insufficiency or imperfections or deficiency of title or in respect of encumbrances, burdens or outstanding rights; and may guarantee the due payment of the whole or part of any loan, advance, mortgage or claim, hypothecary or otherwise, or the interest thereon; and may issue its guarantee certificates or policies in such form as it determines and for such remuneration as it fixes. The business above described may be known as "title insurance."

1910, c. 32.

**8.** *The Insurance Act, 1910* shall apply to the Company.

Deposit.

**9.** The initial deposit with the Receiver-General for a license for the said business shall be fifty thousand dollars; provided that within two years from the issue of such license the said deposit shall be increased to the sum of at least seventy-five thousand dollars; provided further that the Treasury Board may at any time and from time to time require such increases in the said deposit as may be deemed expedient.

3rd Session, 12th Parliament, 4 George V., 1914

THE SENATE OF CANADA

# BILL

Z2

An Act to incorporate The Title Insurance Company of Canada.

Received and read a first time

Friday 24th April, 1914.

Second reading

Wednesday 29th April, 1914.

Honourable Mr. Taylor.

OTTAWA
Printed by J. de L. Taché
Printer to the King's most Excellent Majesty
1914

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL Z2.

**AS PASSED BY THE SENATE, 27th MAY, 1914.**

An Act to incorporate The Title Insurance Company of Canada.

WHEREAS the persons hereinafter named have by their petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

**1.** R. Lacey Johnson, Russell E. Popham and R. C. McMichael, all of the city of Montreal, in the province of Quebec, William Denver Mabourg and Milton Flynn, both of the city of New York, in the state of New York, one of the United States of America, E. Stuart McDougall and H. W. Jackson, both of the city of Montreal, in the province of Quebec, and James F. Smellie, of the city of Ottawa, in the province of Ontario, together with such persons as become shareholders in the Company, are hereby incorporated under the name of "The Title Insurance Company of Canada," hereinafter called "the Company."

Name.

Provisional directors.

**2.** The persons named in section 1 of this Act shall be the provisional directors of the Company.

Capital stock.

**3.** The capital stock of the Company shall be one million dollars.

Subscription before general meeting.

**4.** The amount to be subscribed before the general meeting for the election of directors is called, shall be one hundred thousand dollars.

Subscription before commencing business.

**5.** The Company shall not commence business until five hundred thousand dollars of the capital stock have been subscribed and one hundred thousand dollars paid thereon.

Head office.

**6.** The head office of the Company shall be in the city of Montreal, in the province of Quebec.

Business authorized.

**7.** The Company may guarantee the title to, or the quiet enjoyment of, real property, either absolutely or subject to qualifications and conditions, and may guarantee any person interested in or about to become interested in, or owning, or about to purchase or acquire any real property, against any losses, actions, proceedings, claims or demands by reason of any insufficiency or imperfections or deficiency of title or in respect of encumbrances, burdens or outstanding rights; and may guarantee the due payment of the whole or part of any loan, advance, mortgage or claim, hypothecary or otherwise, or the interest thereon; and may issue its guarantee certificates or policies in such form as it determines and for such remuneration as it fixes. The business above described may be known as "title insurance."

1910, c. 32.

**8.** *The Insurance Act, 1910* shall apply to the Company.

Deposit.

**9.** The initial deposit with the Receiver-General for a license for the said business shall be fifty thousand dollars; provided that within two years from the issue of such license the said deposit shall be increased to the sum of at least seventy-five thousand dollars; provided further that the Treasury Board may at any time and from time to time require such increases in the said deposit as may be deemed expedient.

Application of deposit.

2. Such deposit shall be kept and applied for the security and payment of losses and expenses which may be incurred by reason of the guarantee or insurance made, and so long as such guarantee or insurance is outstanding such deposit shall not be subject to liabilities of the Company other than such guarantee or insurance. In the event of the failure of the Company to pay any loss after final judgment of a court of law has been given, such deposit may be applied to the payment of such loss in such manner as the Governor in Council may direct.

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL A3.

An Act respecting certain patents of the F. N. Burt Company, Limited.

Preamble.

WHEREAS the F. N. Burt Company, Limited, of the city of Toronto, Ontario, has by its petition represented that it is a company duly incorporated under *The Ontario Companies Act*, having its chief place of business at number 53 King Street West, in the said city, and that it is the holder of patents numbered, respectively, sixty-nine thousand two hundred and thirty-five, sixty-nine thousand two hundred and thirty-six, sixty-nine thousand two hundred and thirty-seven, and sixty-nine thousand two hundred and thirty-eight, issued under the seal of the Patent Office of Canada and dated the sixth day of November, nineteen hundred, for improvements in manifold-order-books; that it is also the holder of a patent numbered seventy thousand and fourteen, issued under the seal of the Patent Office of Canada and dated the twenty-ninth day of January, nineteen hundred and one, for a manifold-sales-pad and holder; that the said patents have expired by reason of the non-payment of the fees required by *The Patent Act*; and whereas the said Company has by its petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Extension of time for payment of fees.

**1.** Notwithstanding anything in *The Patent Act*, or in the patents mentioned in the preamble, the Commissioner of Patents may, within three months after the passing of this Act, receive from the holder of any or all of the said patents payment of the partial fee required by the said Act for the further term of six years, and such payment in each case shall avail to the same extent as if it had been made within the term for which the partial fee has been paid.

R.S., c. 69, s. 23.

Saving of rights acquired.

**2.** If any person has, in the period between the expiry of twelve years from the date of any such patent and the seventh day of March, nineteen hundred and fourteen, commence to construct, manufacture, use or sell in Canada the invention covered by that patent, such person may continue to construct, manufacture, use or sell the invention in as full and ample a manner as if this Act had not been passed.

3rd Session, 12th Parliament, 4 George V., 1914

THE SENATE OF CANADA

# BILL

A3

An Act respecting certain patents of the F. N. Burt Company, Limited.

Received and read a first time

Friday, 24th April, 1914.

Second reading

Wednesday, 29th April, 1914.

Honourable MR. KERR.

OTTAWA

Printed by J. DE L. TACHÉ

Printer to the King's most Excellent Majesty

1914

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL A3.

**AS PASSED BY THE SENATE, 19th MAY, 1914.**

An Act respecting certain patents of the F. N. Burt Company, Limited.

Preamble.

WHEREAS the F. N. Burt Company, Limited, of the city of Toronto, Ontario, has by its petition represented that it is a company duly incorporated under *The Ontario Companies Act*, having its chief place of business at number 53 King Street West, in the said city, and that it is the holder of patents numbered, respectively, sixty-nine thousand two hundred and thirty-five, sixty-nine thousand two hundred and thirty-six, sixty-nine thousand two hundred and thirty-seven, and sixty-nine thousand two hundred and thirty-eight, issued under the seal of the Patent Office of Canada and dated the sixth day of November, nineteen hundred, for improvements in manifold-order-books; that it is also the holder of a patent numbered seventy thousand and fourteen, issued under the seal of the Patent Office of Canada and dated the twenty-ninth day of January, nineteen hundred and one, for a manifold-sales-pad and holder; that the said patents have expired by reason of the non-payment of the fees required by *The Patent Act*; and whereas the said Company has by its petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Extension of time for payment of fees.

**1.** Notwithstanding anything in *The Patent Act*, or in the patents mentioned in the preamble, the Commissioner of Patents may, within three months after the passing of this Act, receive from the holder of any or all of the said patents payment of the partial fee required by the said Act for the further term of six years, and such payment in each case shall avail to the same extent as if it had been made within the term for which the partial fee has been paid.

R.S., c. 69, s. 23.

Saving of rights acquired.

**2.** If any person has, in the period between the expiry of twelve years from the date of any such patent and the seventh day of March, nineteen hundred and fourteen, commence to construct, manufacture, use or sell in Canada the inventions covered by that patent, or has installed or commenced to instal machinery for the manufacture of the said inventions, such person may continue to construct, manufacture, use or sell the inventions in as full and ample a manner as if this Act had not been passed.

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL B3.

An Act to amend The Civil Service Amendment Act, 1908, as respects the Senate of Canada.

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

**1.** *The Civil Service Amendment Act, 1908*, chapter 15 of the statutes of 1908, and its amendments shall not apply to the Senate of Canada, and is hereby amended in the manner shown in the schedule to this Act. 1908, c. 15 not to apply to the Senate.

SCHEDULE.

| *Section.* | *Amendment.* |
|---|---|
| 2, paragraph (*b*)..... | For "the Clerks of both Houses" substitute "the Clerk of the House of Commons." |
| 2, paragraph (*c*)..... | For "the Speakers of both Houses" substitute "the Speaker of the House of Commons." |
| 3, subs. 2..... | For "both Houses of Parliament" substitute "the House of Commons." |
| 45..... | For "or the Senate, shall be taken by the House of Commons or the Senate, as the case may be" substitute "shall be taken by the House of Commons." |

3rd Session, 12th Parliament, 4 George V., 1914

THE SENATE OF CANADA

# BILL

# $B_3$

An Act to amend The Civil Service Amendment Act, 1908, as respects the Senate of Canada.

Received and read a first time

Tuesday 28th April, 1914.

Second reading

Thursday 30th April, 1914.

Honourable Mr. Thompson.

OTTAWA
Printed by J. de L. Taché
Printer to the King's most Excellent Majesty
1914

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL B3.

### AS PASSED BY THE SENATE, 1st JUNE, 1914.

An Act to amend The Civil Service Amendment Act, 1908, as respects the Senate of Canada.

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

**1.** *The Civil Service Amendment Act, 1908*, chapter 15 of the statutes of 1908, and its amendments shall not apply to the Senate of Canada, and is hereby amended in the manner shown in the schedule to this Act. 1908, c. 15 not to apply to the Senate.

**2.** *The Civil Service Amendment Act, 1908*, shall be deemed not to have affected in any manner the privileges, immunities and powers of the Senate of Canada, as respects its officers, clerks and other employees, and those privileges, immunities and powers shall remain as they were at the time of the passing of that Act. Privileges, etc., of the Senate.

SCHEDULE.

| *Section.* | *Amendment.* |
|---|---|
| 2, paragraph (*b*)..... | For "the Clerks of both Houses" substitute "the Clerk of the House of Commons." |
| 2, paragraph (*c*)..... | For "the Speakers of both Houses" substitute "the Speaker of the House of Commons." |
| 3, subs. 2..... | For "both Houses of Parliament" substitute "the House of Commons." |
| 45..... | For "or the Senate, shall be taken by the House of Commons or the Senate, as the case may be" substitute "shall be taken by the House of Commons." |
| 46..... | By striking out the words "or of the Senate." |

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL C3.

An Act respecting a patent of Frederick Sinclair Corrigan.

Preamble.

WHEREAS Frederick Sinclair Corrigan, of the city of Toronto, in the province of Ontario, has by his petition represented that he is the owner of the patent, Number 102967, issued under the seal of the Patent Office of Canada and dated the eighth day of January, 1907, for improvements in machines for making pipe elbows, and that the partial fee for a second term of six years was not paid before the termination of the term of six years from the date of the said patent, and has prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Power to Commissioner to extend duration of patent.

**1.** Notwithstanding anything in *The Patent Act*, or in the patent mentioned in the preamble, the Commissioner of Patents may, within three months after the passing of this Act, receive from the said Frederick Sinclair Corrigan an application for a certificate of payment of further fees and the usual fees for the second and third terms of the said patent, and may grant and issue to the said Frederick Sinclair Corrigan the certificate of payment of further fees provided for by *The Patent Act*, and an extension of the term of duration of the said patent, in as full and ample a manner as if the application therefor had been duly made and the fees paid within six years from the date of the issue of the said patent.

Certain rights saved.

**2.** If any person has in the period between the expiry of six years from the date of the said patent, and the twenty-second day of April, nineteen hundred and fourteen commenced to construct, manufacture, use or sell in Canada the invention covered by the said patent, such person may continue to construct, manufacture, use or sell the said invention in as full and ample a manner as if this Act had not been passed.

3rd Session, 12th Parliament, 4 George V., 1914

THE SENATE OF CANADA.

# BILL

C3

An Act respecting a patent of Frederick Sinclair Corrigan.

Received and read a first time

Tuesday, 28th April, 1914.

Second reading

Thursday, 30th April, 1914.

HONOURABLE MR. KERR.

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1914

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL C3.

**AS PASSED BY THE SENATE, 26th MAY, 1914.**

An Act respecting a patent of Frederick Sinclair Corrigan.

Preamble.

WHEREAS Frederick Sinclair Corrigan, of the city of Toronto, in the province of Ontario, has by his petition represented that he is the owner of the patent, Number 102967, issued under the seal of the Patent Office of Canada and dated the eighth day of January, 1907, for improvements in machines for making pipe elbows, and that the partial fee for a second term of six years was not paid before the termination of the term of six years from the date of the said patent, and has prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Power to Commissioner to extend duration of patent.

**1.** Notwithstanding anything in *The Patent Act*, or in the patent mentioned in the preamble, the Commissioner of Patents may, within three months after the passing of this Act, receive from the said Frederick Sinclair Corrigan an application for a certificate of payment of further fees and the usual fees for the second and third terms of the said patent, and may grant and issue to the said Frederick Sinclair Corrigan the certificate of payment of further fees provided for by *The Patent Act*, and an extension of the term of duration of the said patent, in as full and ample a manner as if the application therefor had been duly made and the fees paid within six years from the date of the issue of the said patent.

Certain rights saved.

**2.** If any person has in the period between the expiry of six years from the date of the said patent, and the twenty-second day of April, nineteen hundred and fourteen commenced to construct, manufacture, use or sell in Canada the invention covered by the said patent, such person may continue to construct, manufacture, use or sell the said invention in as full and ample a manner as if this Act had not been passed.

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL D3.

An Act to incorporate The General Council of the Canadian Branch of the St. John Ambulance Association.

Preamble.

WHEREAS The St. John Ambulance Association is a foundation of the Grand Priory of the Order of the Hospital of St. John of Jerusalem in England, hereinafter called "the Order", which was duly incorporated by a charter granted on the fourteenth day of May, A.D. 1888, by Her late Majesty Queen Victoria; and the Order has since its incorporation formed the St. John Ambulance Brigade from certificated pupils of the St. John Ambulance Association and has divided it into two portions, that is to say the St. John Ambulance Brigade, which carries out its work within the United Kingdom of Great Britain and Ireland, and the St. John Ambulance Brigade Overseas, which carries out its work in the British Dominions Overseas, and has placed each portion under the command of an officer who is responsible to the Order, but not to the said St. John Ambulance Association; and whereas in the year 1910 a branch of the said St. John Ambulance Association was established in Canada and is known as the Canadian Branch of the St. John Ambulance Association and is governed by a council known as The Canadian General Council of the St. John Ambulance Association and whereas a petition has been presented praying that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

**1.** The Hon. Mr. Justice Sir Louis Davies, K.C.M.G., Ottawa, Col. the Hon. James Mason, Senator, Toronto, Major F. C. McTavish, M.D., Vancouver, B.C., A. M. Nanton, Esq., Winnipeg, Major H. B. Yates, M.D., Montreal, George Burn, Esq., Ottawa, Frederic Cook,

Esq., Ottawa, Col. Sir H. M. Pellatt, C.V.O., Toronto, W. F. Angus, Esq., Montreal, the Hon. Hewitt Bostock, Senator, Monte Creek, B.C., Lt.-Col. J. H. Burland, Montreal, Michael Clark, Esq., M.D., M.P., Red Deer, Alberta, J. L. Chabot, Esq., M.D., M.P., Ottawa, J. A. Chisholm, Esq., Halifax, C. J. Copp, Esq., M.D., Toronto, J. M. Courtney, Esq., C.M.G., I.S.O., Ottawa, Major David Donald, M.D., Victoria, B.C., George E. Drummond, Esq., Montreal, Sanford Evans, Esq., Winnipeg, Lt.-Col. J. T. Fotheringham, M.D., Toronto, W. K. George, Esq., Toronto, Lt.-Col. W. A. Grant, Montreal, F. P. Gutelius, Esq., Moncton, N.B., D. B. Hanna, Esq., Toronto, Lt.-Col. C. A. Hodgetts, M.D., Ottawa, J. Alexander Hutchison, Esq., M.D., Montreal, Col. D. T. Irwin, C.M.G., Ottawa, W. D. Brydone-Jack, Esq., M.D., Vancouver, Lt.-Col. Lacey R. Johnson, Montreal, Col. G. Carleton Jones, M.D., Ottawa, James Manuel, Esq., Ottawa, Rev. E. G. Miller, Victoria, B.C., F. Montizambert, Esq., I.S.O., M.D., Ottawa, D. McNichol, Esq., Montreal, The Hon. Wallace Nesbitt, K.C., Toronto, Col. J. L. H. Neilson, M.D., Quebec, J. F. Orde, Esq., K.C., Ottawa, J. D. Pagé, Esq., M.D., Quebec, H. L. Pavey, Esq., M.D., Montreal, C. G. Pennock, Esq., Vancouver, D. Pottinger, Esq., I.S.O., Ottawa, Col. G. S. Ryerson, M.D., Toronto, Sir Thomas Shaughnessy, K.C.V.O., Montreal, John Stanfield, Esq., M.P., Truro, N.S., Alfred Thompson, Esq., M.D., M.P., Dawson, Yukon Territory, William Trant, Esq., Regina, Sask., J. W. Ward, Esq., Edmonton, Alta., and Ira Yeo, Esq., M.D., Charlottetown, P.E.I., being the members of the present Canadian General Council of the St. John Ambulance Association, together with their successors in the corporation hereby created are hereby incorporated under the name of "The General Council of the Canadian Branch of the St. John Ambulance Association," hereinafter called "the Corporation."

Name.

**2.** The purposes of the Corporation shall be to enable The Canadian Branch of the St. John Ambulance Association to promote and carry out in Canada the objects of the said Canadian Branch, namely:—

Purposes.

(*a*) The instruction of persons in rendering first aid in cases of accidents or sudden illness, and in the transport of the sick and injured;

(*b*) The instruction of persons in the elementary principles and practice of nursing, and also of hygiene and sanitation;

(*c*) The manufacture and distribution by sale or presentation of ambulance material, and the formation of ambulance depots in mines, factories, and other centres of industry and traffic;

(*d*) The organization of ambulance corps, invalid transport corps and nursing corps (provided that any scheme for the formation or organization of such corps be first approved by the Chapter General of the Order of the Hospital of St. John of Jerusalem in England on the recommendation being made through the authorized channel of communication); and the assistance of the St. John Ambulance Brigade Overseas within the Dominion of Canada;

(*e*) And generally the promotion of instruction and carrying out of works for the relief of suffering of the sick and injured in peace and war, independently of class, nationality or denomination.

Real property.

**3.** The Corporation may receive, acquire, accept, and hold real property by grant, gift, purchase, devise, lease or otherwise, for the purposes of The Canadian Branch of the St. John Ambulance Association, and may sell, lease, invest or otherwise dispose thereof in such manner as it may deem advisable for such purposes: Provided however that the annual value of the real estate held by the Corporation shall not exceed the sum of fifty thousand dollars.

Limitation.

Powers and duties as to aid granted.

**4.** The Corporation may, through The Canadian Branch of the St. John Ambulance Association, receive and distribute any votes or grants of money or contributions made by the Government of Canada or by the Government of any of the provinces of Canada or by any municipality, or by any other incorporated body or by any society or by any other person, and shall distribute the same in accordance with the terms, provisions, and stipulations, if any, of such votes, grants, or contributions; and shall in all such cases report to the donors of such moneys or contributions as soon as practicable after the distribution thereof has been effected.

Membership.

**5.** The membership of the Corporation shall be governed and determined from time to time by the constitution, by-laws, rules and regulations of the Canadian Branch of the St. John Ambulance Association.

Resignations

**6.** Any member of the Corporation who, in accordance with the said constitution, by-laws, rules and regulations

resigns his office in the Council mentioned in the preamble of this Act or is not re-elected thereto, shall thereupon cease to be a member of the Corporation.

Limitation of powers.

**7.** The Corporation shall not by virtue of this Act acquire any rights or powers not in accordance with the said constitution, by-laws, rules and regulations, save and except the powers conferred by the preceding sections of this Act; and nothing in this Act contained shall empower the Corporation to make or adopt any by-laws, rules or regulations inconsistent with the constitution, by-laws, rules or regulations of the said Order or its Departments.

3rd Session, 12th Parliament, 4 George V., 1914

THE SENATE OF CANADA

# BILL

D3

An Act to incorporate The General Council of The Canadian Branch of The St. John Ambulance Association.

Received and read a first time

Thursday, 30th April, 1914.

Second reading

Tuesday, 5th May, 1914.

Honourable Colonel Mason.

OTTAWA
Printed by J. de L. Taché
Printer to the King's most Excellent Majesty
1914

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL D3.

**AS PASSED BY THE SENATE, 15th MAY, 1914.**

An Act to incorporate The General Council of the Canadian Branch of the St. John Ambulance Association.

Preamble.

WHEREAS The St. John Ambulance Association is a foundation of the Grand Priory of the Order of the Hospital of St. John of Jerusalem in England, hereinafter called "the Order", which was duly incorporated by a charter granted on the fourteenth day of May, A.D. 1888, by Her late Majesty Queen Victoria; and the Order has since its incorporation formed the St. John Ambulance Brigade from certificated pupils of the St. John Ambulance Association and has divided it into two portions, that is to say the St. John Ambulance Brigade, which carries out its work within the United Kingdom of Great Britain and Ireland, and the St. John Ambulance Brigade Overseas, which carries out its work in the British Dominions Overseas, and has placed each portion under the command of an officer who is responsible to the Order, but not to the said St. John Ambulance Association; and whereas in the year 1910 a branch of the said St. John Ambulance Association was established in Canada and is known as the Canadian Branch of the St. John Ambulance Association and is governed by a council known as The Canadian General Council of the St. John Ambulance Association and whereas a petition has been presented praying that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

**1.** The Hon. Mr. Justice Sir Louis Davies, K.C.M.G., Ottawa, Col. the Hon. James Mason, Senator, Toronto, Major F. C. McTavish, M.D., Vancouver, B.C., A. M. Nanton, Esq., Winnipeg, Major H. B. Yates, M.D., Montreal, George Burn, Esq., Ottawa, Frederic Cook,

Esq., Ottawa, Col. Sir H. M. Pellatt, C.V.O., To onto, W. F. Angus, Esq., Montreal, the Hon. Hewitt Bostock, Senator, Monte Creek, B.C., Lt.-Col. J. H. Burland, Montreal, Michael Clark, Esq., M.D., M.P., Red Deer, Alberta, J. L. Chabot, Esq., M.D., M.P., Ottawa, J. A. Chisholm, Esq., Halifax, C. J. Copp, Esq., M.D., Toronto, J. M. Courtney, Esq., C.M.G., I.S.O., Ottawa, Major David Donald, M.D., Victoria, B.C., George E. Drummond, Esq., Montreal, Sanford Evans, Esq., Winnipeg, Lt.-Col. J. T. Fotheringham, M.D., Toronto, W. K. George, Esq., Toronto, Lt.-Col. W. A. Grant, Montreal, F. P. Gutelius, Esq., Moncton, N.B., D. B. Hanna, Esq., Toronto, Lt.-Col. C. A. Hodgetts, M.D., Ottawa, J. Alexander Hutchison, Esq., M.D., Montreal, Col. D. T. Irwin, C.M.G., Ottawa, W. D. Brydone-Jack, Esq., M.D., Vancouver, Lt.-Col. Lacey R. Johnson, Montreal, Col. G. Carleton Jones, M.D., Ottawa, James Manuel, Esq., Ottawa, Rev. E. G. Miller, Victoria, B.C., F. Montizambert, Esq., I.S.O., M.D., Ottawa, D. McNichol, Esq., Montreal, The Hon. Wallace Nesbitt, K.C., Toronto, Col. J. L. H. Neilson, M.D., Quebec, J. F. Orde, Esq., K.C., Ottawa, J. D. Pagé, Esq., M.D., Quebec, H. L. Pavey, Esq., M.D., Montreal, C. G. Pennock, Esq., Vancouver, D. Pottinger, Esq., I.S.O., Ottawa, Col. G. S. Ryerson, M.D., Toronto, Sir Thomas Shaughnessy, K.C.V.O., Montreal, John Stanfield, Esq., M.P., Truro, N.S., Alfred Thompson, Esq., M.D., M.P., Dawson, Yukon Territory, William Trant, Esq., Regina, Sask., J. W. Ward, Esq., Edmonton, Alta., and Ira Yeo, Esq., M.D., Charlottetown, P.E.I., being the members of the present Canadian General Council of the St. John Ambulance Association, together with their successors in the corporation hereby created are hereby incorporated under the name of "The General Council of the Canadian Branch of the St. John Ambulance Association," hereinafter called "the Corporation."

Name.

**2.** The purposes of the Corporation shall be to enable The Canadian Branch of the St. John Ambulance Association to promote and carry out in Canada the objects of the said Canadian Branch, namely:—

Purposes.

(*a*) The instruction of persons in rendering first aid in cases of accidents or sudden illness, and in the transport of the sick and injured;

(*b*) The instruction of persons in the elementary principles and practice of nursing, and also of hygiene and sanitation;

(*c*) The manufacture and distribution by sale or presentation of ambulance material, and the formation of ambulance depots in mines, factories, and other centres of industry and traffic;

(*d*) The organization of ambulance corps, invalid transport corps and nursing corps (provided that any scheme for the formation or organization of such corps be first approved by the Chapter General of the Order of the Hospital of St. John of Jerusalem in England on the recommendation being made through the authorized channel of communication); and the assistance of the St. John Ambulance Brigade Overseas within the Dominion of Canada;

(*e*) And generally the promotion of instruction and carrying out of works for the relief of suffering of the sick and injured in peace and war, independently of class, nationality or denomination.

Real property.

**3.** The Corporation may receive, acquire, accept, and hold real property by grant, gift, purchase, devise, lease or otherwise, for the purposes of The Canadian Branch of the St. John Ambulance Association, and may sell, lease, invest or otherwise dispose thereof in such manner as it may deem advisable for such purposes: Provided however that the annual value of the real estate held by the Corporation shall not exceed the sum of fifty thousand dollars.

Limitation.

Powers and duties as to aid granted.

**4.** The Corporation may, through The Canadian Branch of the St. John Ambulance Association, receive and distribute any votes or grants of money or contributions made by the Government of Canada or by the Government of any of the provinces of Canada or by any municipality, or by any other incorporated body or by any society or by any other person, and shall distribute the same in accordance with the terms, provisions, and stipulations, if any, of such votes, grants, or contributions; and shall in all such cases report to the donors of such moneys or contributions as soon as practicable after the distribution thereof has been effected.

Membership.

**5.** The membership of the Corporation shall be governed and determined from time to time by the constitution, by-laws, rules and regulations of the Canadian Branch of the St. John Ambulance Association.

Resignations

**6.** Any member of the Corporation who, in accordance with the said constitution, by-laws, rules and regulations

resigns his office in the Council mentioned in the preamble of this Act or is not re-elected thereto, shall thereupon cease to be a member of the Corporation.

Limitation of powers.

**7.** The Corporation shall not by virtue of this Act acquire any rights or powers not in accordance with the said constitution, by-laws, rules and regulations, save and except the powers conferred by the preceding sections of this Act; and nothing in this Act contained shall empower the Corporation to make or adopt any by-laws, rules or regulations inconsistent with the constitution, by-laws, rules or regulations of the said Order or its Departments.

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL E3.

An Act respecting The North Shore Power, Railway and Navigation Company, and to change the name thereof to "Gulf Pulp and Paper Company."

WHEREAS The North Shore Power, Railway and Navigation Company has by its petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— 1902, c. 85.

**1.** The name of The North Shore Power, Railway and Navigation Company, incorporated by chapter 85 of the statutes of 1902 and hereinafter called "the Company," is hereby changed to "Gulf Pulp and Paper Company"; but such change in name shall not in any way impair, alter or affect the rights or liabilities of the Company, nor in any way affect any suit or proceeding now pending, or judgment existing, either by, or in favour of, or against the Company, which, notwithstanding such change in the name of the Company, may be prosecuted, continued, completed and enforced as if this Act had not been passed. Name changed. Existing rights not affected.

**2.** Subject to and together with such legislative, governmental, municipal or other authority, concession, license or consent, as is necessary, the Company may, without the limits of the Dominion of Canada, erect, acquire and operate saw-mills and factories of all kinds, grist-mills, flour-mills, woollen-mills, cotton-mills, paper-mills, and elevators, and buy, deal in and dispose of the products of the said mills and factories in any form, and acquire materials of all kinds necessary for the manufacture of such products, and otherwise carry on the business, undertakings and objects of the Company as empowered by its said Act of incorporation; and for all or any of the purposes aforesaid the Company may enter into and carry out such contracts, concessions and agreements as it thinks necessary. Authority to carry on business outside of Canada.

3rd Session, 12th Parliament, 4 George V., 1914

THE SENATE OF CANADA

# BILL

# E3

An Act respecting The North Shore Power, Railway and Navigation Company, and to change the name thereof to "Gulf Pulp and Paper Company."

Received and read a first time

Thursday, 30th April, 1914.

Second reading

Tuesday, 5th May, 1914.

Honourable Mr. Boyer.

OTTAWA
Printed by J. de L. Taché
Printer to the King's most Excellent Majesty
1914

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL E3.

### AS PASSED BY THE SENATE, 8th MAY, 1914.

An Act respecting The North Shore Power, Railway and Navigation Company, and to change the name thereof to "Gulf Pulp and Paper Company."

WHEREAS The North Shore Power, Railway and Navigation Company has by its petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— 1902, c. 85.

Name changed.

**1.** The name of The North Shore Power, Railway and Navigation Company, incorporated by chapter 85 of the statutes of 1902 and hereinafter called "the Company," is hereby changed to "Gulf Pulp and Paper Company"; but such change in name shall not in any way impair, alter or affect the rights or liabilities of the Company, nor in any way affect any suit or proceeding now pending, or judgment existing, either by, or in favour of, or against the Company, which, notwithstanding such change in the name of the Company, may be prosecuted, continued, completed and enforced as if this Act had not been passed.

Existing rights not affected.

Authority to carry on business outside of Canada.

**2.** Subject to and together with such legislative, governmental, municipal or other authority, concession, license or consent, as is necessary, the Company may, without the limits of the Dominion of Canada, erect, acquire and operate saw-mills and factories of all kinds, grist-mills, flour-mills, woollen-mills, cotton-mills, paper-mills, and elevators, and buy, deal in and dispose of the products of the said mills and factories in any form, and acquire materials of all kinds necessary for the manufacture of such products, and otherwise carry on the business, undertakings and objects of the Company as empowered by its said Act of incorporation; and for all or any of the purposes aforesaid the Company may enter into and carry out such contracts, concessions and agreements as it thinks necessary.

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL F3.

An Act to amend The Secret Commissions Act, 1909.

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

**1.** *The Secret Commissions Act,* 1909, is hereby amended by inserting therein immediately after section 3 the following as section 3A:— 1909, c. 33 amended.

"**3A.** Every one is guilty of an offence and liable, upon summary conviction, to two months' imprisonment or to a fine not exceeding one hundred dollars, or to both, who:— Penalty.

"(*a*) being an employee or servant, accepts, or obtains, or agrees to accept, or attempts to obtain, from any person, for himself, or for any other person, any gift, gratuity or consideration, as an inducement to perform or as a reward for having performed, any duty or service for which such employee or servant has been or is to be paid by the employer or master of such employee or servant; or,— Employee or servant taking or asking for tip.

"(*b*) being an employer or master, permits or allows any of his employees or servants to solicit or to accept any gift, gratuity or consideration, as an inducement to perform or as a reward for having performed, any duty or service for which such employee or servant has been or is to be paid by such employer or master; or,— Employer or master allowing solicitation or acceptance of tip.

"(*c*) gives, agrees to give, or offers to any employee or servant any gift, gratuity or consideration, as an inducement to perform or as a reward for having performed, any duty or service for which such employee or servant has been or is to be paid by the employer or master of such employee or servant." Giving or offering tips.

3rd Session, 12th Parliament, 4 George V., 1914

THE SENATE OF CANADA.

# BILL

# $F_3$

An Act to amend The Secret Commissions Act, 1909.

Received and read a first time

Friday, 1st May, 1914.

Second reading

Wednesday, 6th May, 1914.

Honourable MR. DAVIS.

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1914

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL F3.

### AS PASSED BY THE SENATE, 28th MAY, 1914.

An Act to amend The Secret Commissions Act, 1909.

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

**1.** *The Secret Commissions Act*, 1909, is hereby amended by inserting therein immediately after section 3 the following as section 3A:— 1909, c. 33 amended.

"**3A.** Every one is guilty of an offence and liable, upon summary conviction, to a fine not exceeding one hundred dollars, or to imprisonment not exceeding two months, or to both, who:— Penalty.

"(*a*) being an employee or servant, accepts, or obtains, or agrees to accept, or attempts to obtain, from any person, for himself, or for any other person, any gift, gratuity or consideration, as an inducement to perform or as a reward for having performed, any duty or service for which such employee or servant has been employed or is to be paid by the employer or master of such employee or servant; or,— Employee or servant taking or asking for tip.

"(*b*) being an employer or master, permits or allows any of his employees or servants to solicit or to accept any gift, gratuity or consideration, as an inducement to perform or as a reward for having performed, any duty or service for which such employee or servant has been or is to be paid by such employer or master; or if he carries on business as the keeper of a hotel, inn, restaurant, café, place for the sale of alcoholic beverages, barber's shop or place for polishing boots and shoes, or operates a railroad, dining, buffet, sleeping or parlour car, fails to post up and to keep posted up in at least two conspicuous places in the premises in which such business is carried on, or in such car, a notice that tipping is forbidden under penalty of fine and imprisonment; or,— Employer or master allowing solicitation or acceptance of tip. Or failing to post notice as to tips.

Giving or offering tips.

"(*c*) gives, agrees to give, or offers to any employee or servant any gift, gratuity or consideration, as an inducement to perform or as a reward for having performed, any duty or service for which such employee or servant has been or is to be paid by the employer or master of such employee or servant."

Exception from Act.

**2.** This Act shall not apply to servants in private residences.

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL G3.

An Act to incorporate The Canadian General Council of The Boy Scouts Association.

Preamble.

WHEREAS The Boy Scouts Association was duly incorporated in the United Kingdom by Imperial Royal Charter granted on the 4th January, A.D. 1912; and thereafter a branch of the Association was established in Canada, and is governed by a Canadian General Council: And whereas a petition has been presented praying that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

**1.** Lieutenant-Colonel Francis Douglas Farquhar, D.S.O., Secretary to His Royal Highness the Governor-General, Lieutenant-Colonel Arthur Percy Sherwood, C.M.G., Chief Commissioner of Police, William Horsley Rowley, Justice of the Peace, Gerald Horace Brown, Assistant Deputy Minister of Labour, and Travers Lewis, King's Counsel, all of the City of Ottawa, in the Province of Ontario; Lieutenant-Colonel Albert E. Gooderham, Noel Marshall, esquire, and William K. George, manufacturer, all of the city of Toronto, in the said province; and Colonel Jeffery Hale Burland and Lieutenant-Colonel Frederick Minden Cole, agent, both of the city of Montreal, in the province of Quebec, and their successors in the corporation hereby created, are hereby incorporated under the name of "The Canadian General Council of the Boy Scouts Association", hereinafter called "the Corporation."

Name.

Purposes.

**2.** The purposes and powers of the Corporation shall be to promote and carry out in Canada the objects of the said Association, namely:—

(*a*) The instructing of boys in the principles of discipline, loyalty, and good citizenship, and otherwise as provided in and by the Royal Charter of the said Association;

(*b*) To promote and make, and assist in the establishment of, provincial and local associations, committees, and councils, on such terms and under such regulations as the Corporation may from time to time by by-law provide;

(*c*) To publish, distribute, and sell books and other information for the furtherance of the objects of the Association in Canada;

(*d*) Generally to do all things necessary or requisite for providing and maintaining an efficient organization for the purposes of the Association in Canada.

2. For any of the purposes authorized by this Act, the Corporation may by by-law or resolution delegate any of its powers to its Executive Committee.

Head office.

**3.** The head office of the Corporation shall be in the city of Ottawa, or elsewhere as may be fixed by by-law from time to time.

Provisional executive committee.

**4.** The five persons first named in section 1 of this Act shall be the provisional executive committee of the Corporation, and until the first general meeting of the Corporation may exercise on its behalf all the powers conferred by this Act on the Corporation.

First general meeting.

**5.** The first general meeting of the Corporation shall be held within one year after the passing of this Act, at such place and time as the provisional executive committee may direct, by notice mailed to each of the incorporators one week before the holding of such general meeting.

Executive committee.

**6.** At the first general meeting of the Corporation, and at each subsequent annual general meeting, the Corporation shall elect an executive committee from among its members, in manner provided by the by-laws of the Corporation from time to time in force.

By-laws.

**7.** The Corporation, at its first general meeting, and thereafter at any annual or special general meeting, may make, amend, or repeal by-laws and regulations for all purposes of the Corporation, and for defining and regulating—

(*a*) the terms and conditions of membership in the Corporation, and the rights, duties, and privileges of all classes of members;

(*b*) the constitution, powers, duties, quorum, term of office, and method of election of the Executive Committee, and the numbers, powers, and duties of the officers of the Corporation;

(*c*) the time and place for holding in Canada annual and special general meetings of the Corporation, and the notice and other requirements thereof;

(*d*) the calling of regular and special meetings of the executive committee, the notice to be given thereof, and the quorum and procedure in all respects at or concerning such meetings;

(*e*) the administration and management of the affairs of the Corporation in all respects.

Property.

**8.** The Corporation may receive, acquire, accept, and hold real property, by grant, gift, purchase, devise, legacy, lease or otherwise, for the purposes of the Corporation; and may sell, lease, dispose of, mortgage, invest, or otherwise deal therewith in such manner as it may from time to time deem advisable for such purposes: Provided, however, that the annual value of the real estate held by the Corporation shall not at any time exceed the sum of fifty thousand dollars.

Limitation as to real estate.

Powers and duties as to aid granted.

**9.** The Corporation may receive and distribute any gifts, grants of money, or contributions made by the Government of Canada, or by the Government of any province of Canada, or by any municipality, incorporated body, society, or persons, and shall apply the same in accordance with the terms, provisions, and conditions of such gifts, grants, or contributions; or, if there be none such, in accordance with the objects set forth in section 2 of this Act.

3rd Session, 12th Parliament, 4 George V., 1914

THE SENATE OF CANADA

# BILL

G3

An Act to incorporate The Canadian General Council of the Boy Scouts Association.

Received and read a first time

Friday, 1st May, 1914.

Second reading

Wednesday, 6th May, 1914.

Honourable MR. YEO.

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1914

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL G3.

**AS PASSED BY THE SENATE, 12th MAY, 1914.**

An Act to incorporate The Canadian General Council of The Boy Scouts Association.

Preamble.

WHEREAS The Boy Scouts Association was duly incorporated in the United Kingdom by Imperial Royal Charter granted on the 4th January, A.D. 1912; and thereafter a branch of the Association was established in Canada, and is governed by a Canadian General Council: And whereas a petition has been presented praying that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

**1.** Lieutenant-Colonel Francis Douglas Farquhar, D.S.O., Secretary to His Royal Highness the Governor-General, Lieutenant-Colonel Arthur Percy Sherwood, C.M.G., Chief Commissioner of Police, William Horsley Rowley, Justice of the Peace, Gerald Horace Brown, Assistant Deputy Minister of Labour, and Travers Lewis, King's Counsel, all of the city of Ottawa, in the Province of Ontario; Lieutenant-Colonel Albert E. Gooderham, Noel Marshall, esquire, and William K. George, manufacturer, all of the city of Toronto, in the said province; and Colonel Jeffery Hale Burland and Lieutenant-Colonel Frederick Minden Cole, agent, both of the city of Montreal, in the province of Quebec, and their successors in the corporation hereby created, are hereby incorporated under the name of "The Canadian General Council of the Boy Scouts Association", hereinafter called "the Corporation."

Name.

Purposes.

**2.** The purposes and powers of the Corporation shall be to promote and carry out in Canada the objects of the said Association, namely:—

(*a*) The instructing of boys in the principles of discipline, loyalty, and good citizenship, and otherwise as provided in and by the Royal Charter of the said Association;

(*b*) To promote and make, and assist in the establishment of, provincial and local associations, committees, and councils, on such terms and under such regulations as the Corporation may from time to time by by-law provide;

(*c*) To publish, distribute, and sell books and other information for the furtherance of the objects of the Association in Canada;

(*d*) Generally to do all things necessary or requisite for providing and maintaining an efficient organization for the purposes of the Association in Canada.

2. For any of the purposes authorized by this Act, the Corporation may by by-law or resolution delegate any of its powers to its Executive Committee.

Head office.

**3.** The head office of the Corporation shall be in the city of Ottawa, or elsewhere as may be fixed by by-law from time to time.

Provisional executive committee.

**4.** The five persons first named in section 1 of this Act shall be the provisional executive committee of the Corporation, and until the first general meeting of the Corporation may exercise on its behalf all the powers conferred by this Act on the Corporation.

First general meeting.

**5.** The first general meeting of the Corporation shall be held within one year after the passing of this Act, at such place and time as the provisional executive committee may direct, by notice mailed to each of the incorporators one week before the holding of such general meeting.

Executive committee.

**6.** At the first general meeting of the Corporation, and at each subsequent annual general meeting, the Corporation shall elect an executive committee from among its members, in manner provided by the by-laws of the Corporation from time to time in force.

By-laws.

**7.** The Corporation, at its first general meeting, and thereafter at any annual or special general meeting, may make, amend, or repeal by-laws and regulations for all purposes of the Corporation, and for defining and regulating—

(*a*) the terms and conditions of membership in the Corporation, and the rights, duties, and privileges of all classes of members;

(*b*) the constitution, powers, duties, quorum, term of office, and method of election of the Executive Committee, and the numbers, powers, and duties of the officers of the Corporation;

(*c*) the time and place for holding in Canada annual and special general meetings of the Corporation, and the notice and other requirements thereof;

(*d*) the calling of regular and special meetings of the executive committee, the notice to be given thereof, and the quorum and procedure in all respects at or concerning such meetings;

(*e*) the administration and management of the affairs of the Corporation in all respects.

Property.

**8.** The Corporation may receive, acquire, accept, and hold real property, by grant, gift, purchase, devise, legacy, lease or otherwise, for the purposes of the Corporation; and may sell, lease, dispose of, mortgage, invest, or otherwise deal therewith in such manner as it may from time to time deem advisable for such purposes: Provided, however, that the annual value of the real estate held by the Corporation shall not at any time exceed the sum of fifty thousand dollars.

Limitation as to real estate.

Powers and duties as to aid granted.

**9.** The Corporation may receive and distribute any gifts, grants of money, or contributions made by the Government of Canada, or by the Government of any province of Canada, or by any municipality, incorporated body, society, or persons, and shall apply the same in accordance with the terms, provisions, and conditions of such gifts, grants, or contributions; or, if there be none such, in accordance with the objects set forth in section 2 of this Act.

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL H3.

An Act for the relief of Georgina Beatrice Boyd.

Preamble.

WHEREAS Georgina Beatrice Boyd, presently residing at the city of Montreal, in the province of Quebec, wife of George Boyd, of the said city of Montreal, sales agent, has by her petition alleged, in effect, that they were lawfully married on the thirteenth day of September, A.D. 1904, at the said city of Montreal, she then being Georgina Beatrice Harte, spinster; that the legal domicile of the said George Boyd was then and is now in Canada; that on divers occasions since the month of July, A.D. 1912, he has committed adultery; that she has not connived at nor condoned the said adultery; that there has been no collusion, directly or indirectly, between him and her in the proceedings for divorce; and whereas by her petition she has prayed for the passing of an Act dissolving her said marriage, authorizing her to marry again, and affording her such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

**1.** The said marriage between Georgina Beatrice Harte and George Boyd, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

**2.** The said Georgina Beatrice Harte may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said George Boyd had not been solemnized.

3rd Session, 12th Parliament, 4 George V., 1914

THE SENATE OF CANADA.

# BILL

# H3

An Act for the relief of Georgina Beatrice Boyd.

Received and read a first time

Tuesday, 5th May, 1914.

Second reading

Thursday, 7th May, 1914.

Honourable Mr. Derbyshire.

OTTAWA
Printed by J. de L. Taché
Printer to the King's most Excellent Majesty
1914

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL H3.

**AS PASSED BY THE SENATE, 8th MAY, 1914.**

An Act for the relief of Georgina Beatrice Boyd.

Preamble.

WHEREAS Georgina Beatrice Boyd, presently residing at the city of Montreal, in the province of Quebec, wife of George Boyd, of the said city of Montreal, sales agent, has by her petition alleged, in effect, that they were lawfully married on the thirteenth day of September, A.D. 1904, at the said city of Montreal, she then being Georgina Beatrice Harte, spinster; that the legal domicile of the said George Boyd was then and is now in Canada; that on divers occasions since the month of July, A.D. 1912, he has committed adultery; that she has not connived at nor condoned the said adultery; that there has been no collusion, directly or indirectly, between him and her in the proceedings for divorce; and whereas by her petition she has prayed for the passing of an Act dissolving her said marriage, authorizing her to marry again, and affording her such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

**1.** The said marriage between Georgina Beatrice Harte and George Boyd, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again

**2.** The said Georgina Beatrice Harte may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said George Boyd had not been solemnized.

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL I3.

An Act for the relief of Robert Markle Richardson.

Preamble.

WHEREAS Robert Markle Richardson, of the township of Ancaster, in the province of Ontario, mason, has by his petition alleged, in effect, that on the twenty-eighth day of September, A.D. 1911, at the city of Hamilton, in the said province, he was lawfully married to Robina Wilson, that she was then of the said township of Ancaster, a widow; that his legal domicile was then and is now in Canada; that at divers times in the year 1912 she committed adultery; that he has not connived at nor condoned the said adultery; that there has been no collusion, directly or indirectly, between him and her in the proceedings for divorce; and whereas by his petition he has prayed for the passing of an Act dissolving his said marriage, authorizing him to marry again, and affording him such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

**1.** The said marriage between Robert Markle Richardson and Robina Wilson, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

**2.** The said Robert Markle Richardson may at any time hereafter marry any woman he might lawfully marry if the said marriage with the said Robina Wilson had no been solemnized.

3rd Session, 12th Parliament, 4 George V., 1914

THE SENATE OF CANADA.

# BILL

I3

An Act for the relief of Robert Markle Richardson.

Received and read a first time

Thursday, 7th May, 1914.

Second reading

Tuesday, 12th May, 1914.

Honourable Mr. Derbyshire.

OTTAWA
Printed by J. de L. Taché
Printer to the King's most Excellent Majesty
1914

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL I3.

### AS PASSED BY THE SENATE, 13th MAY, 1914.

An Act for the relief of Robert Markle Richardson.

Preamble.

WHEREAS Robert Markle Richardson, of the township of Ancaster, in the province of Ontario, mason, has by his petition alleged, in effect, that on the twenty-eighth day of September, A.D. 1911, at the city of Hamilton, in the said province, he was lawfully married to Robina Wilson, that she was then of the said township of Ancaster, a widow; that his legal domicile was then and is now in Canada; that at divers times in the year 1912 she committed adultery; that he has not connived at nor condoned the said adultery; that there has been no collusion, directly or indirectly, between him and her in the proceedings for divorce; and whereas by his petition he has prayed for the passing of an Act dissolving his said marriage, authorizing him to marry again, and affording him such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

**1.** The said marriage between Robert Markle Richardson and Robina Wilson, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

**2.** The said Robert Markle Richardson may at any time hereafter marry any woman he might lawfully marry if the said marriage with the said Robina Wilson had no been solemnized.

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL J3.

An Act for the relief of George Andrew Crooks.

Preamble.

WHEREAS George Andrew Crooks, of the city of Calgary, in the province of Alberta, has by his petition alleged, in effect, that on the eighth day of April, A.D. 1903, at the said city of Calgary, he was lawfully married to Isabel Timms, that she was then of the city of Winnipeg, in the province of Manitoba, a spinster; that his legal domicile was then and is now in Canada; that in the year 1909 she deserted him and has since then on divers occasions committed adultery; that he has not connived at nor condoned the said adultery; that there has been no collusion, directly or indirectly, between him and her in the proceedings for divorce; and whereas by his petition he has prayed for the passing of an Act dissolving his said marriage, authorizing him to marry again, and affording him such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

**1.** The said marriage between George Andrew Crooks and Isabel Timms, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

**2.** The said George Andrew Crooks may at any time hereafter marry any woman he might lawfully marry if the said marriage with the said Isabel Timms had not been solemnized.

3rd Session, 12th Parliament, 4 George V., 1914

THE SENATE OF CANADA.

# BILL

J3

An Act for the relief of George Andrew Crooks.

Received and read a first time

Thursday, 7th May, 1914.

Second reading

Tuesday, 12th May, 1914.

Honourable MR. DERBYSHIRE.

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1914

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL J3.

### AS PASSED BY THE SENATE, 13th MAY, 1914.

An Act for the relief of George Andrew Crooks.

Preamble.

WHEREAS George Andrew Crooks, of the city of Calgary, in the province of Alberta, has by his petition alleged, in effect, that on the eighth day of April, A.D. 1903, at the said city of Calgary, he was lawfully married to Isabel Timms, that she was then of the city of Winnipeg, in the province of Manitoba, a spinster; that his legal domicile was then and is now in Canada; that in the year 1909 she deserted him and has since then on divers occasions committed adultery; that he has not connived at nor condoned the said adultery; that there has been no collusion, directly or indirectly, between him and her in the proceedings for divorce; and whereas by his petition he has prayed for the passing of an Act dissolving his said marriage, authorizing him to marry again, and affording him such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

**1.** The said marriage between George Andrew Crooks and Isabel Timms, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

**2.** The said George Andrew Crooks may at any time hereafter marry any woman he might lawfully marry if the said marriage with the said Isabel Timms had not been solemnized.

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL K3.

An Act for the relief of Florence Merritt.

Preamble.

WHEREAS Florence Merritt, presently residing at the city of Toronto, in the province of Ontario, wife of Robert Norris Merritt, of the said city of Toronto, insurance agent, has by her petition alleged, in effect, that they were lawfully married on the fourteenth day of July, A.D. 1909, at the said city of Toronto, she then being Florence McCullough, spinster; that the legal domicile of the said Robert Norris Merritt was then and is now in Canada; that since the said marriage he has committed adultery on divers occasions; that she has not connived at nor condoned the said adultery; that there has been no collusion, directly or indirectly, between him and her in the proceedings for divorce; and whereas by her petition she has prayed for the passing of an Act dissolving her said marriage, authorizing her to mary again and affording her such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice end consent of the Senate and House of Commons of Canada, anacts as follows:—

Marriage dissolved.

**1.** The said marriage between Florence McCullough and Robert Norris Merritt, her husband is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

**2.** The said Florence McCullough may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Robert Norris Merritt had not been solemnized.

3rd Session, 12th Parliament, 4 George V., 1914

THE SENATE OF CANADA

# BILL

# $K_3$

An Act for the relief of Florence Merritt.

Received and read a first time

Friday, 8th May, 1914.

Second reading

Wednesday, 13th May, 1914.

Honourable MR. RATZ.

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1914

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL K3.

### AS PASSED BY THE SENATE, 14th MAY, 1914.

An Act for the relief of Florence Merritt.

Preamble.

WHEREAS Florence Merritt, presently residing at the city of Toronto, in the province of Ontario, wife of Robert Norris Merritt, of the said city of Toronto, insurance agent, has by her petition alleged, in effect, that they were lawfully married on the fourteenth day of July, A.D. 1909, at the said city of Toronto, she then being Florence McCullough, spinster; that the legal domicile of the said Robert Norris Merritt was then and is now in Canada; that since the said marriage he has committed adultery on divers occasions; that she has not connived at nor condoned the said adultery; that there has been no collusion, directly or indirectly, between him and her in the proceedings for divorce; and whereas by her petition she has prayed for the passing of an Act dissolving her said marriage, authorizing her to mary again and affording her such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

**1.** The said marriage between Florence McCullough and Robert Norris Merritt, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

**2.** The said Florence McCullough may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Robert Norris Merritt had not been solemnized.

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL L3.

An Act respecting certain patents of The Dominion Forged Steel Car Wheel Company, Limited.

Preamble.

WHEREAS The Dominion Forged Steel Car Wheel Company, Limited, has by its petition represented that it is the owner of certain patents issued under the seal of the Patent Office of Canada, namely:—

Patent number 35201, dated the thirteenth day of October, one thousand eight hundred and ninety, for new and useful improvements in the process of manufacturing steel car wheels;

Patent number 35202, dated the thirteenth day of October, one thousand eight hundred and ninety, for new and useful improvements on steam hammers for forging steel wheels;

Patent number 35283, dated the twenty-fourth day of October, one thousand eight hundred and ninety, for new and useful improvements on steam hammers for forging steel wheels;

Patent number 53321, dated the twenty-fourth day of August, one thousand eight hundred and eighty-six, for new and useful improvement on machines for forging car wheels;

that under the provisions of chapter 91 of the statutes of 1905, the period of duration of patent number 53321 was extended until the twenty-fourth day of August, A.D. 1914, and the periods of duration of patents numbers 35201, 35202 and 35283 were extended until the thirteenth day of October, A.D. 1914; and whereas the said company has by its petition prayed that the period of duration of the said patents be still further extended and that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1905, c. 91.

Conditions of extension of duration of patents.

**1.** If The Dominion Forged Steel Car Wheel Company, Limited—

(*a*) applies, before the twenty-fourth day of August, A.D. 1914, to the Commissioner of Patents, for an extension of the term of duration of any or all of the patents mentioned in the preamble of this Act; and

(*b*) pays to him a fee of dollars for each patent in respect of which the application is made;

he shall give the company a certificate that, pursuant to this Act, such application and payment have been made and that the term of duration of each patent in respect of which the application has been made has been extended as provided by this Act, and shall cause notice of the issue of such certificate to be published in *The Canada Gazette*.

Extension.

R.S. c. 69 1905, c. 91.

2. Upon the publication of such notice, notwithstanding any provision as to term of duration contained in *The Patent Act*, or in chapter 91 of the statutes of 1905, or in any of the patents mentioned in the preamble of this Act, each patent mentioned in the notice shall continue to be in force, subject to all other provisions of *The Patent Act*, until the twenty-fourth day of August, A.D. 1916.

3rd Session, 12th Parliament, 4 George V., 1914

THE SENATE OF CANADA.

# BILL

L3

An Act respecting certain patents of The Dominion Forged Steel Car Wheel Company, Limited.

Received and read a first time

Friday, 8th May, 1914.

Second reading

Wednesday, 8th May, 1914.

Honourable Mr. BELCOURT.

OTTAWA
Printed by J. de L. Taché
Printer to the King's most Excellent Majesty
1914

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL M3.

An Act for the relief of Gustav Oscar Lindquist.

Preamble.

WHEREAS Gustav Oscar Lindquist, of the town of Sudbury, in the province of Ontario, restaurant keeper, has by his petition alleged, in effect, that on the thirty-first day of May, A.D. 1910, at the town of Sault Ste. Marie, in the said province, he was lawfully married to May Lamothe; that she was then of the township of Mattawa, in the said province, a spinster; that his legal domicile was then and is now in Canada; that in the month of July, A.D. 1913, she committed adultery and has since then on divers occasions committed adultery; that he has not connived at nor condoned the said adultery; that there has been no collusion, directly or indirectly, between him and her in the proceedings for divorce; and whereas by his petition he has prayed for the passing of an Act dissolving his said marriage, authorizing him to marry again, and affording him such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

**1.** The said marriage between Gustav Oscar Lindquist and May Lamothe, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

**2.** The said Gustav Oscar Lindquist may at any time hereafter marry any woman he might lawfully marry if the said marriage with the said May Lamothe had not been solemnized.

3rd Session, 12th Parliament, 4 George V., 1914

THE SENATE OF CANADA

# BILL

# M3

An Act for the relief of Gustav Oscar Lindquist.

Received and read a first time

Tuesday, 12th May, 1914.

Second reading

Thursday, 14th May, 1914.

Honourable Mr. Gordon.

OTTAWA
Printed by J. de L. Taché
Printer to the King's most Excellent Majesty
1914

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL M3.

### AS PASSED BY THE SENATE, 15th MAY, 1914.

An Act for the relief of Gustav Oscar Lindquist.

Preamble

WHEREAS Gustav Oscar Lindquist, of the town of Sudbury, in the province of Ontario, restaurant keeper, has by his petition alleged, in effect, that on the thirty-first day of May, A.D. 1910, at the town of Sault Ste. Marie, in the said province, he was lawfully married to May Lamothe; that she was then of the township of Mattawa, in the said province, a spinster; that his legal domicile was then and is now in Canada; that in the month of July, A.D. 1913, she committed adultery and has since then on divers occasions committed adultery; that he has not connived at nor condoned the said adultery; that there has been no collusion, directly or indirectly, between him and her in the proceedings for divorce; and whereas by his petition he has prayed for the passing of an Act dissolving his said marriage, authorizing him to marry again, and affording him such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

**1.** The said marriage between Gustav Oscar Lindquist and May Lamothe, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

**2.** The said Gustav Oscar Lindquist may at any time hereafter marry any woman he might lawfully marry if the said marriage with the said May Lamothe had not been solemnized.

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL N3.

An Act for the relief of William Ewan Laurie.

Preamble.

WHEREAS William Ewan Laurie, of the city of Montreal, in the province of Quebec, pattern manufacturer, has by his petition alleged, in effect, that on the twentieth day of March, A.D. 1889, at the said city of Montreal, he was lawfully married to Susan Knox; that she was then of the said city of Montreal, a spinster; that his legal domicile was then and is now in Canada; that about four years after the said marriage she deserted him and since the said desertion has on divers occasions frequented houses of ill-fame and committed adultery; that he has not connived at nor condoned the said adultery; that there has been no collusion, directly or indirectly, between him and her in the proceedings for divorce; and whereas by his petition he has prayed for the passing of an Act dissolving his said marriage, authorizing him to marry again, and affording him such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

**1.** The said marriage between William Ewan Laurie and Susan Knox, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

**2.** The said William Ewan Laurie may at any time hereafter marry any woman he might lawfully marry if the said marriage with the said Susan Knox had not been solemnized.

3rd Session, 12th Parliament, 4 George V., 1914

THE SENATE OF CANADA.

# BILL

# $N_3$

An Act for the relief of William Ewan Laurie.

Received and read a first time

Wednesday, 13th May, 1914.

Second reading

Friday, 15th May, 1914.

Honourable MR. DERBYSHIRE.

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1914

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL N3.

**AS PASSED BY THE SENATE, 19th MAY, 1914.**

An Act for the relief of William Ewan Laurie.

Preamble.

WHEREAS William Ewan Laurie, of the city of Montreal, in the province of Quebec, pattern manufacturer, has by his petition alleged, in effect, that on the twentieth day of March, A.D. 1889, at the said city of Montreal, he was lawfully married to Susan Knox; that she was then of the said city of Montreal, a spinster; that his legal domicile was then and is now in Canada; that about four years after the said marriage she deserted him and since the said desertion has on divers occasions frequented houses of ill-fame and committed adultery; that he has not connived at nor condoned the said adultery; that there has been no collusion, directly or indirectly, between him and her in the proceedings for divorce; and whereas by his petition he has prayed for the passing of an Act dissolving his said marriage, authorizing him to marry again, and affording him such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

**1.** The said marriage between William Ewan Laurie and Susan Knox, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

**2.** The said William Ewan Laurie may at any time hereafter marry any woman he might lawfully marry if the said marriage with the said Susan Knox had not been solemnized.

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL O3.

An Act for the relief of Magaret Van Dusen.

Preamble.

WHEREAS Margaret Van Dusen, presently residing at the city of St. Catharines, in the province of Ontario, wife of De Witt Cook Van Dusen of the said city, hotel-keeper, has by her petition alleged, in effect, that they were lawfully married on the twenty-seventh day of November, A.D. 1893, at the said city, she then being Margaret Spence, spinster; that the legal domicile of the said De Witt Cook Van Dusen is now in Canada; that on divers occasions in the years 1913 and 1914 he has committed adultery; that she has not connived at nor condoned the said adultery; that there has been no collusion, directly or indirectly, between him and her in the proceedings for divorce; and whereas by her petition she has prayed for the passing of an Act dissolving her said marriage, authorizing her to marry again, and affording her such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

**1.** The said marriage between Margaret Spence and De Witt Cook Van Dusen, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

**2.** The said Margaret Spence may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said De Witt Cook Van Dusen had not been solemnized.

3rd Session, 12th Parliament, 4 George V., 1914

THE SENATE OF CANADA.

# BILL

$O_3$

An Act for the relief of Margaret Van Dusen.

Received and read a first time

Wednesday, 13th May, 1914.

Second reading

Friday, 15th May, 1914.

Honourable MR. DERBYSHIRE.

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1914

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL O3.

### AS PASSED BY THE SENATE, 19th MAY, 1914.

An Act for the relief of Magaret Van Dusen.

Preamble.

WHEREAS Margaret Van Dusen, presently residing at the city of St. Catharines, in the province of Ontario, wife of De Witt Cook Van Dusen of the said city, hotel-keeper, has by her petition alleged, in effect, that they were lawfully married on the twenty-seventh day of November, A.D. 1893, at the said city, she then being Margaret Spence, spinster; that the legal domicile of the said De Witt Cook Van Dusen is now in Canada; that on divers occasions in the years 1913 and 1914 he has committed adultery; that she has not connived at nor condoned the said adultery; that there has been no collusion, directly or indirectly, between him and her in the proceedings for divorce; and whereas by her petition she has prayed for the passing of an Act dissolving her said marriage, authorizing her to marry again, and affording her such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

**1.** The said marriage between Margaret Spence and De Witt Cook Van Dusen, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

**2.** The said Margaret Spence may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said De Witt Cook Van Dusen had not been solemnized.

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL P3.

An Act for the relief of Frederick Dwight Chesley.

Preamble

WHEREAS Frederick Dwight Chesley, of Coaticook, in the province of Quebec, labourer, has by his petition alleged, in effect, that on the nineteenth day of November, A.D. 1891, at Coaticook aforesaid, he was lawfully married to Elizabeth Reid; that she was then of Coaticook aforesaid a spinster; that his legal domicile was then and is now in Canada; that since the year 1910 she has on divers occasions committed adultery; that he has not connived at nor condoned the said adultery; that there has been no collusion, directly or indirectly, between him and her in the proceedings for divorce; and whereas by his petition he has prayed for the passing of an Act dissolving his said marriage, authorizing him to marry again, and affording him such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

**1.** The said marriage between Frederick Dwight Chesley and Elizabeth Reid, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

**2.** The said Frederick Dwight Chesley may at any time hereafter marry any woman he might lawfully marry if the said marriage with the said Elizabeth Reid had not been solemnized.

3rd Session, 12th Parliament, 4 George V., 1914

THE SENATE OF CANADA.

# BILL

# P3

An Act for the relief of Frederick Dwight Chesley.

Received and read a first time

Thursday, 14th May, 1914.

Second reading

Tuesday, 19th May, 1914.

Honourable MR. DERBYSHIRE.

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1914

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL P3.

**AS PASSED BY THE SENATE, 20th MAY, 1914.**

An Act for the relief of Frederick Dwight Chesley.

Preamble.

WHEREAS Frederick Dwight Chesley, of Coaticook, in the province of Quebec, labourer, has by his petition alleged, in effect, that on the nineteenth day of November, A.D. 1891, at Coaticook aforesaid, he was lawfully married to Elizabeth Reid; that she was then of Coaticook aforesaid a spinster; that his legal domicile was then and is now in Canada; that since the year 1910 she has on divers occasions committed adultery; that he has not connived at nor condoned the said adultery; that there has been no collusion, directly or indirectly, between him and her in the proceedings for divorce; and whereas by his petition he has prayed for the passing of an Act dissolving his said marriage, authorizing him to marry again, and affording him such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

**1.** The said marriage between Frederick Dwight Chesley and Elizabeth Reid, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

**2.** The said Frederick Dwight Chesley may at any time hereafter marry any woman he might lawfully marry if the said marriage with the said Elizabeth Reid had not been solemnized.

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL Q3.

An Act to incorporate The International Suburban Railway Company.

Preamble.

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

Incorporation.

**1.** John Fletcher Gundy, broker, of the city of Toronto, Albert F. Healy, barrister, Augustus Soper, capitalist, both of the town of Windsor, William R. Haldane, gentleman, of the town of Sandwich, all in the province of Ontario, R. Adlington Newman, capitalist, and James W. Sibley, broker, both of the city of Detroit, in the state of Michigan, one of the United States of America, together with such persons as become shareholders in the company, are hereby incorporated under the name of "The International Suburban Railway Company," hereinafter called "the Company."

Name.

Declaratory.

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

Provisional directors.

**3.** The persons named in section 1 of this Act are hereby constituted provisional directors of the Company.

Capital stock.

**4.** The capital stock of the Company shall be one million dollars. No one call thereon shall exceed ten per cent on the shares subscribed.

Head office.

**5.** The head office of the Company shall be in the city of Windsor, in the Province of Ontario.

Annual meeting.

**6.** The annual meeting of the shareholders shall be held on the second Tuesday in September.

Directors.

**7.** The number of directors shall be not less than five nor more than nine, one or more of whom may be paid directors.

Line of railway described.

**8.** The Company may lay out, construct and operate lines of railway, of the gauge of four feet eight and one half inches, in the counties of Essex and Kent, in the province of Ontario, and may connect its railway with the city of Detroit in the state of Michigan, one of the United States of America, by ferry or tunnel across the Detroit river. Said lines of railway to be operated by electricity or gas, gasoline, steam or other motive power, and to be as follows:—

(*a*) From a point in the township of Sandwich West at or near the town of Ojibway by one or more routes through the said town of Ojibway, the town of Sandwich, the city of Windsor, the town of Walkerville, the village of Ford City, the townships of Sandwich East and Maidstone, to a point in the village of Belle River in the county of Essex, and easterly from the said point to the city of Chatham in the county of Kent, passing through the intervening municipalities;

(*b*) From the point of commencement in the township of Sandwich West, southwesterly to the town of Amherstburg, through the Townships of Anderdon and Malden.

Consent of municipalities.

**9.** The Company shall not construct or operate its railway along any highway, street or other public place without first obtaining the consent, expressed by by-law, of the municipality having jurisdiction over such highway, street or other public place, and upon terms to be agreed upon with such municipality.

Issue of securities.

**10.** The securities issued by the Company shall not exceed fifty thousand dollars per mile of the railway, and may be issued only in proportion to the length of railway constructed or under contract to be constructed.

Telegraphs and telephones.

**11.** The Company may, subject to the provisions of *The Railway Act*, construct and operate telegraph and telephone lines upon its railway, and establish offices for and undertake the transmission of messages for the public and collect tolls therefor; and for the purposes of operating such lines, or exchanging or transmitting messages, may, subject to the provisions of *The Railway Act*, enter into contracts with any companies having telegraph or telephone powers, and may connect its own lines with the lines of, or may lease its own lines to, any such companies.

R.S., c. 37.

Tolls and charges.

2. No toll or charge shall be demanded or taken for the transmission of any message, or for leasing or using

the telegraphs or telephones of the Company, until it has been approved of by the Board of Railway Commissioners for Canada, which may also revise such tolls and charges.

3. Part II of *The Telegraphs Act*, except such portions therof as are inconsistent with *The Railway Act*,, or with this Act, shall apply to the telegraphic business of the Company. R.S., c. 126.

Acquisition, transmission and delivery of electric and other power.

**12.** For the purposes of its undertaking, and subject to the provisions of section 247 of *The Railway Act*, the Company may acquire, but not by expropriation, electric or other power or energy, which may be transmitted and delivered to any place in the municipalities through which the railway is constructed; and may receive, transform, transmit, distribute and supply such power or energy in any form, and may dispose of the surplus thereof, and may collect rates and charges therefor; but no such rate or charge shall be demanded or taken until it has been approved of by the Board of Railway Commissioners for Canada, which may also revise such rates and charges.

Consent of municipalities as to telephones and telegraphs.

**13.** Nothing in this Act or in *The Telegraphs Act* shall authorize the Company to construct or operate any telegraph or telephone lines, or any lines for the purpose of distributing electricity for lighting, heating or motor purposes, or disposing of surplus power generated by the Company's works and not required for the undertaking of the Company, upon, along or across any highway or public place, without first obtaining the consent, expressed by by-law, of the municipality having jurisdiction over such highway or public place, and upon terms to be agreed on with such municipality, or to sell, dispose of or distribute power or energy within or for use within the limits of any municipality, without the consent, expressed by by-law, of such municipality.

Hotels, etc.

Parks.

**14.** The Company may, for the purposes of its undertaking, construct, acquire or lease buildings for hotels or restaurants along its railway, and may carry on such business in connection therewith as tends to the comfort and convenience of the travelling public; and may lay out, manage and lease parks and summer pleasure resorts, with the approval, expressed by by-law of the municipality having jurisdiction over the place in which such parks and summer pleasure resorts are situated and upon terms to be agreed upon with such municipality.

Vessels.

**15.** The Company may, for the purposes of its undertaking, construct, acquire, charter and navigate steam and

other vessels for the conveyance of passengers, goods and merchandise; and may construct, acquire and dispose of wharves, docks, elevators, warehouses, offices and other structures to be used to facilitate the carrying on of business in connection therewith; and may carry on the business or warehousemen and wharfingers, and charge wharfage and other dues for the use of any such property.

Wharfs, docks.

Warehousemen and wharfingers.

**16.** Subject to the provisions of sections 361, 362 and 363 of *The Railway Act*, the Company may enter into agreements with all or any of the companies hereinafter named for the purposes specified in the said section 361, such conpanies being The Grand Trunk Railway Company of Canada, and The Canadian Pacific Railway Company.

Agreements with other companies.

3rd Session, 12th Parliament, 4 George V., 1914

THE SENATE OF CANADA.

# BILL

Q3

An Act to incorporate The International Suburban Railway Company.

Received and read a first time

Friday, 15th May, 1914.

Second reading

Wednesday, 20th May, 1914.

Honourable Mr. DERBYSHIRE.

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1914

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL Q3.

**AS PASSED BY THE SENATE, 28th MAY, 1914.**

An Act to incorporate The International Suburban Railway Company.

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

**1.** John Fletcher Gundy, broker, of the city of Toronto, Albert F. Healy, barrister, Walter Boug, merchant, both of the town of Windsor, all in the province of Ontario, William C. Stuart, attorney-at-law, and James W. Sibley, broker, both of the city of Detroit, in the state of Michigan, one of the United States of America, together with such persons as become shareholders in the company, are hereby incorporated under the name of "The International Suburban Railway Company," hereinafter called "the Company." Incorporation. Name.

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

**3.** The persons named in section 1 of this Act are hereby constituted provisional directors of the Company. Provisional directors.

**4.** The capital stock of the Company shall be one million dollars. No one call thereon shall exceed ten per cent on the shares subscribed. Capital stock.

**5.** The head office of the Company shall be in the city of Windsor, in the province of Ontario. Head office.

**6.** The annual meeting of the shareholders shall be held on the second Tuesday in September. Annual meeting.

Directors.

**7.** The number of directors shall be not less than five nor more than nine, one or more of whom may be paid directors.

Line of railway described.

**8.** The Company may lay out, construct and operate lines of railway, of the gauge of four feet eight and one-half inches, in the county of Essex, in the province of Ontario, and may connect its railway with the city of Detroit in the state of Michigan, one of the United States of America, by ferry or tunnel across the Detroit river. Said lines of railway to be operated by electricity or gas, gasolene, steam or other motive power, and to be as follows:—

(*a*) From a point in the township of Sandwich West at or near the town of Ojibway by one or more routes through the said town of Ojibway, the town of Sandwich, the city of Windsor, the town of Walkerville, the village of Ford City, the townships of Sandwich East and Maidstone, and the village of St. Clair Beach, to a point in the village of Belle River in the county of Essex;

(*b*) From the point of commencement in the township of Sandwich West, southwesterly to the town of Amherstburg, through the townships of Anderdon and Malden.

Consent of municipalities.

**9.** The Company shall not construct or operate its railway along any highway, street or other public place without first obtaining the consent, expressed by by-law, of the municipality having jurisdiction over such highway, street or other public place, and upon terms to be agreed upon with such municipality.

Issue of securities.

**10.** The securities issued by the Company in respect of its railway shall not exceed forty thousand dollars per mile of single track of railway, nor fifty thousand dollars per mile of double track railway, and may be issued only in proportion to the length of railway constructed or under contract to be constructed.

Telegraphs and telephones.

R.S., c. 37.

**11.** The Company may, subject to the provisions of *The Railway Act*, construct and operate telegraph and telephone lines upon its railway, and establish offices for and undertake the transmission of messages for the public and collect tolls therefor; and for the purposes of operating such lines, or exchanging or transmitting messages, may, subject to the provisions of *The Railway Act*, enter into contracts with any companies having telegraph or telephone powers, and may connect its own lines with the lines of, or may lease its own lines to, any such companies.

Tolls and charges.

2. No toll or charge shall be demanded or taken for the transmission of any message, or for leasing or using

the telegraphs or telephones of the Company, until it has been approved of by the Board of Railway Commissioners for Canada, which may also revise such tolls and charges.

3. Part II of *The Telegraphs Act*, except such portions thereof as are inconsistent with *The Railway Act*, or with this Act, shall apply to the telegraphic business of the Company. R.S., c. 126.

Consent of municipalities as to telephones and telegraphs.

**12.** Nothing in this Act or in *The Telegraphs Act* shall authorize the Company to construct or operate any telegraph or telephone lines upon, along or across any highway or public place, without first obtaining the consent, expressed by by-law, of the municipality having jurisdiction over such highway or public place, and upon terms to be agreed on with such municipality.

Hotels, etc.

**13.** The Company may, for the purposes of its undertaking, construct, acquire or lease buildings for hotels or restaurants along its railway, and may carry on such business in connection therewith as tends to the comfort and convenience of the travelling public; and may lay out, manage and lease parks and summer pleasure resorts, with the approval, expressed by by-law of the municipality having jurisdiction over the place in which such parks and summer pleasure resorts are situated and upon terms to be agreed upon with such municipality. Parks.

Vessels.

**14.** The Company may, for the purposes of its undertaking, construct, acquire, charter and navigate steam and other vessels for the conveyance of passengers, goods and merchandise; and may construct, acquire and dispose of wharves, docks, elevators, warehouses, offices and other structures to be used to facilitate the carrying on of business in connection therewith; and may carry on the business of warehousemen and wharfingers, and charge wharfage and other dues for the use of any such property. Wharfs, docks. Warehousemen and wharfingers.

Issue of securities for purposes other than railway.

**15.** In addition to the securities authorized by section 10 of this Act, the directors, if previously authorized as prescribed by section 136 of *The Railway Act*, may, from time to time, borrow moneys for the acquisition, construction, extension, or development of any of such properties, assets, or works, other than the railway, as the Company is authorized to acquire, construct or operate; and, to provide for the repayment of moneys so borrowed, may issue bonds, debentures, debenture stock, perpetual or terminable, or other securities; but such bonds, debentures, debenture stock or other securities shall not exceed in amount the value of the properties, assets, or works, in respect whereof the issue is made. Limitation.

Agreements with other companies.

**16.** Subject to the provisions of sections 361, 362 and 363 of *The Railway Act*, the Company may enter into agreements with all or any of the companies hereinafter named for the purposes specified in the said section 361, such conpanies being The Grand Trunk Railway Company of Canada, The Canadian Pacific Railway Company, The Michigan Central Railroad Company, The Canada Southern Railway Company, The Père Marquette Railroad Company, The Sandwich, Windsor and Amherstburg Railway Company, The Windsor, Essex and Lake Shore Rapid Railway Company, The Detroit River Tunnel Company, The Essex Terminal Railway Company, The Wabash Railroad Company and The Detroit, Belle Isle and Windsor Ferry Company.

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL R3.

An Act for the relief of Alberta Ring.

Preamble.

WHEREAS Alberta Ring, presently residing at Linwood, in the province of Ontario, wife of Albert Edward Ring, presently of the city of Worcester, in the state of Massachusetts, one of the United States of America, has by her petition alleged, in effect, that they were lawfully married on the seventeenth day of August, A.D. 1900, at the village of Magnetawan, in the said province, she then being Alberta Nickle, spinster; that the legal domicile of the said Albert Edward Ring was then in Canada; that he has on divers occasions since the said marriage committed adultery; that she has not connived at nor condoned the said adultery; that there has been no collusion, directly or indirectly, between him and her in the proceedings for divorce; and whereas by her petition she has prayed for the passing of an Act dissolving her said marriage, authorizing her to marry again, and affording her such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

**1.** The said marriage between Alberta Nickle and Albert Edward Ring, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

**2.** The said Alberta Nickle may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Albert Edward Ring had not been solemnized.

3rd Session, 12th Parliament, 4 George V., 1914

THE SENATE OF CANADA.

# BILL

# $R_3$

An Act for the relief of Alberta Ring.

Received and read a first time

Tuesday, 19th May, 1914.

Second reading

Friday, 22nd May, 1914.

Honourable MR. DERBYSHIRE.

OTTAWA
Printed by J. DE L. TACHÉ
Printer to the King's most Excellent Majesty
1914

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL R3.

**AS PASSED BY THE SENATE, 27th MAY, 1914.**

An Act for the relief of Alberta Ring.

Preamble.

WHEREAS Alberta Ring, presently residing at Linwood, in the province of Ontario, wife of Albert Edward Ring, presently of the city of Worcester, in the state of Massachusetts, one of the United States of America, has by her petition alleged, in effect, that they were lawfully married on the seventeenth day of August, A.D. 1900, at the village of Magnetawan, in the said province, she then being Alberta Nickle, spinster; that the legal domicile of the said Albert Edward Ring was then in Canada; that he has on divers occasions since the said marriage committed adultery; that she has not connived at nor condoned the said adultery; that there has been no collusion, directly or indirectly, between him and her in the proceedings for divorce; and whereas by her petition she has prayed for the passing of an Act dissolving her said marriage, authorizing her to marry again, and affording her such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

**1.** The said marriage between Alberta Nickle and Albert Edward Ring, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

**2.** The said Alberta Nickle may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Albert Edward Ring had not been solemnized.

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL S3.

An Act for the relief or John Robinson.

Preamble.

WHEREAS John Robinson, of the township of Brooks, in the province of Ontario, has by his petition alleged, in effect, that on the seventeenth day of June, A.D. 1895, at the said township he was lawfully married to Mabel Kimball; that she was then of the said township, a spinster; that his legal domicile was then and is now in Canada; that on or about the twentieth day of March, A.D. 1913, she deserted him, and has since then on divers occasions committed adultery; that he has not connived at nor condoned the said adultery; that there has been no collusion, directly or indirectly, between h'm and her in the proceedings for divorce; and whereas by his petition he has prayed for the passing of an Act dissolving his said marriage, authorizing him to marry again, and affording him such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

**1.** The said marriage between John Robinson and Mabel Kimball, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

**2.** The said John Robinson may at any time hereafter marry any woman he might lawfully marry if the said marriage with the said Mabel Kimball had not been solemnized.

3rd Session, 12th Parliament, 4 George V., 1914

THE SENATE OF CANADA.

# BILL

S3

An Act for the relief of John Robinson.

Received and read a first time

Tuesday, 26th May, 1914.

Second reading

Thursday, 28th May, 1914.

Honourable Mr. Derbyshire.

OTTAWA
Printed by J. de L. Taché
Printer to the King's most Excellent Majesty
1914

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL S3.

### AS PASSED BY THE SENATE, 29th MAY, 1914.

An Act for the relief of John Robinson.

Preamble.

WHEREAS John Robinson, of the township of Brooks, in the province of Ontario, has by his petition alleged, in effect, that on the seventeenth day of June, A.D. 1895, at the said township he was lawfully married to Mabel Kimball; that she was then of the said township, a spinster; that his legal domicile was then and is now in Canada; that on or about the twentieth day of March, A.D. 1913, she deserted him, and has since then on divers occasions committed adultery; that he has not connived at nor condoned the said adultery; that there has been no collusion, directly or indirectly, between him and her in the proceedings for divorce; and whereas by his petition he has prayed for the passing of an Act dissolving his said marriage, authorizing him to marry again, and affording him such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

**1.** The said marriage between John Robinson and Mabel Kimball, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

**2.** The said John Robinson may at any time hereafter marry any woman he might lawfully marry if the said marriage with the said Mabel Kimball had not been solemnized.

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL T3.

An Act for the relief of Bertha Lucinda Graham.

Preamble.

WHEREAS Bertha Lucinda Graham, presently residing at the village of Pine Grove, in the prvoince of Ontario, wife of Russell Albert Graham, formerly of Grand Valley, in the said province, has by her petition alleged, in effect, that they were lawfully married on the sixth day of February, A.D. 1895, at Woodbridge, in the said province, she then being Bertha Lucinda Thompson, spinster; that the legal domicile of the said Russell Albert Graham, was then and is now in Canada; that on divers occasions in the month of December, A.D. 1911, he committed adultery; that she has not connived at nor condoned the said adultery; that there has been no collusion, directly or indirectly, between him and her in the proceedings for divorce; and whereas by her petition she has prayed for the passing of an Act dissolving her said marriage, authorizing her to marry again, and affording her such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

**1.** The said marriage between Bertha Lucinda Thomspon and Russell Albert Graham, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

**2.** The said Bertha Lucinda Thompson may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Russell Albert Graham had not been solemnized.

3rd Session, 12th Parliament, 4 George V., 1914

THE SENATE OF CANADA.

# BILL

T3

An Act for the relief of Bertha Lucinda Graham.

Received and read a first time

Tuesday, 26th May, 1914.

Second reading

Tuesday, 26th May, 1914.

Honourable Mr. Taylor.

OTTAWA
Printed by J. de L. Taché
Printer to the King's most Excellent Majesty
1914

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL T3.

**AS PASSED BY THE SENATE, 27th MAY, 1914.**

An Act for the relief of Bertha Lucinda Graham.

Preamble.

WHEREAS Bertha Lucinda Graham, presently residing at the village of Pine Grove, in the province of Ontario, wife of Russell Albert Graham, formerly of Grand Valley, in the said province, has by her petition alleged, in effect, that they were lawfully married on the sixth day of February, A.D. 1895, at Woodbridge, in the said province, she then being Bertha Lucinda Thompson, spinster; that the legal domicile of the said Russell Albert Graham was then and is now in Canada; that on divers occasions in the month of December, A.D. 1911, he committed adultery; that she has not connived at nor condoned the said adultery; that there has been no collusion, directly or indirectly, between him and her in the proceedings for divorce; and whereas by her petition she has prayed for the passing of an Act dissolving her said marriage, authorizing her to marry again, and affording her such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

**1.** The said marriage between Bertha Lucinda Thomspon and Russell Albert Graham, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

**2.** The said Bertha Lucinda Thompson may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Russell Albert Graham had not been solemnized.

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL U3.

### An Act for the relief of Helen Vineberg.

Pre

WHEREAS Helen Vineberg, presently residing at the city of Toronto, in the province of Ontario, wife of Solomon Vineberg, of the city of Montreal, in the province of Quebec, manufacturer, has by her petition alleged, in effect, that they were lawfully married on the twenty-fifth day of April, A.D. 1906, at the said city of Montreal, she then being Helen Singer, spinster; that the legal domicile of the said Solomon Vineberg was then and is now in Canada; that since the said marriage he has treated her with great cruelty and has on divers occasions committed adultery; that she has not connived at nor condoned the said adultery; that there has been no collusion, directly or indirectly, between him and her in the proceedings for divorce; and whereas by her petition she has prayed for the passing of an Act dissolving her said marriage, authorizing her to marry again, and affording her such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

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**1.** The said marriage between Helen Singer and Solomon Vineberg, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

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**2.** The said Helen Singer may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Solomon Vineberg had not been solemnized.

3rd Session, 12th Parliament, 4 George V., 1914

THE SENATE OF CANADA.

# BILL

U3

An Act for the relief of Helen Vineberg.

Received and read first and second times
Wednesday, 27th May, 1914.

Honourable Mr. Taylor.

OTTAWA
Printed by J. de L. Taché
Printer to the King's most Excellent Majesty
1914

3rd Session, 12th Parliament, 4 George V., 1914

# THE SENATE OF CANADA.

## BILL U3.

**AS PASSED BY THE SENATE, 29th MAY, 1914.**

An Act for the relief of Helen Vineberg.

Preamble.

WHEREAS Helen Vineberg, presently residing at the city of Toronto, in the province of Ontario, wife of Solomon Vineberg, of the city of Montreal, in the province of Quebec, manufacturer, has by her petition alleged, in effect, that they were lawfully married on the twenty-fifth day of April, A.D. 1906, at the said city of Montreal, she then being Helen Singer, spinster; that the legal domicile of the said Solomon Vineberg was then and is now in Canada; that since the said marriage he has treated her with great cruelty and has on divers occasions committed adultery; that she has not connived at nor condoned the said adultery; that there has been no collusion, directly or indirectly, between him and her in the proceedings for divorce; and whereas by her petition she has prayed for the passing of an Act dissolving her said marriage, authorizing her to marry again, and affording her such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

**1.** The said marriage between Helen Singer and Solomon Vineberg, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

**2.** The said Helen Singer may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Solomon Vineberg had not been solemnized.

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