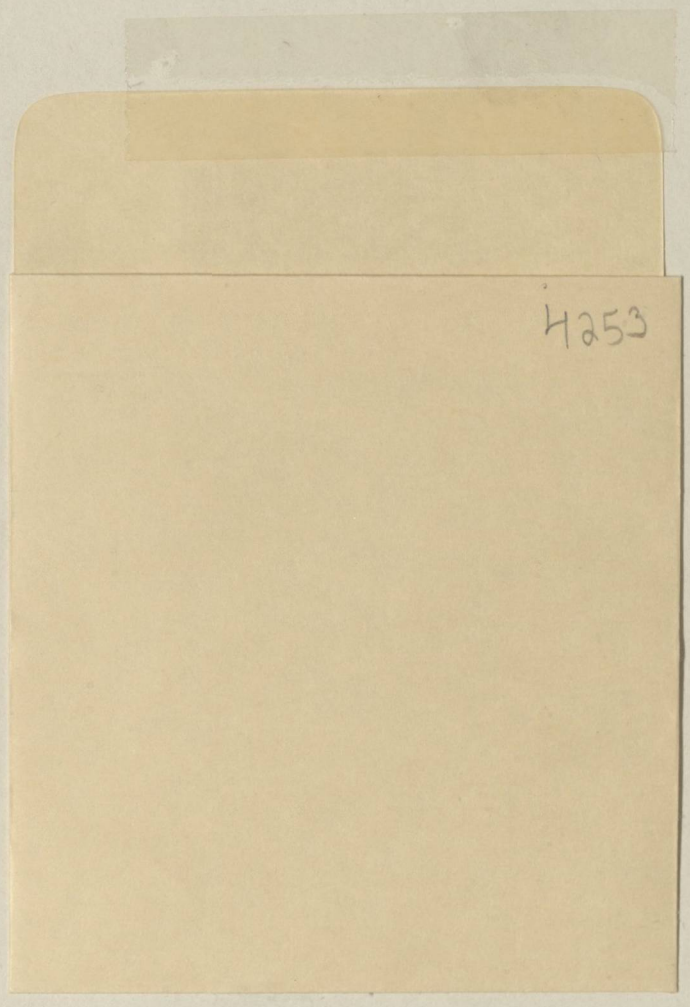
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THE SENATE OF CANADA.

B.] **BILL.** [1907-8

An Act respecting The Occidental Fire Insurance Company.

Preamble.

WHEREAS The Occidental Fire Insurance Company has by its petition represented that it was incorporated by an Act of the Legislature of the Province of Manitoba, chapter 65 of the statutes of 1902, and that it has since the day of A.D. 1902, carried on the business of fire insurance in the Province of Manitoba; 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:—

Manitoba Statutes.

1902, c. 65; 1902, c. 66; 1905, c. 64.

Incorporation.

1. The shareholders of The Occidental Fire Insurance Company, hereinafter called "the old company," with such persons as become shareholders in the company hereby incorporated, are hereby incorporated under the name of "The Occidental Fire Insurance Company," hereinafter called "the new company."

Corporate name.

Capital.

Shares.

2. The capital stock of the new company shall be five hundred thousand dollars, divided into five thousand shares of one hundred dollars each.

Shares allotted.

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 in the old company, but only the sums which have been or are hereafter paid by such shareholder on the issue of shares of the old company, shall be credited as paid on the shares of capital stock of the new company. 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 only to the difference between the sums so credited as paid upon each share and one hundred dollars.

Liability of shareholders.

Liability of shareholders of old company.

4. Nothing in this Act shall affect the liability of 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; and 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 policy-holders of the old company; provided, however, that any payment made upon the shares of the new company shall reduce the liability of the shareholders of the old company by the amount of such payment.

Proviso.

New company liable for old company's obligations.

5. 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 or powers with respect thereto, and to the collecting and enforcement thereof from and against the new company, as such person has against the old company; Provided, however, that the shareholders of the new company shall not be individually liable under section 150 of *The Companies Act* in respect to their shares in the new company to such persons unless such persons abandon their rights in respect of their shares in the old company.

Proviso.

R.S., 1906, c. 79.

Property of old company vested in new company.

6. All the estate, rights, effects and properties, real, personal or mixed, of whatever kind and wheresoever situate, belonging to the old company which it may be or may become entitled to, shall be vested in the new company, subject to existing mortgages or liens, if any, upon due execution of an indenture in the form contained in the schedule to this Act or to the like effect.

Calls on shares.

7. The directors may, from time to time, make such calls as they think fit upon the shareholders in respect of all moneys unpaid on the shares of the new company held by them respectively. Such calls shall be payable at such times and places and in such payments or instalments as the directors appoint; Provided that no call shall exceed twenty-five per cent, and that not less than thirty days' notice of any call shall be given.

Proviso, amount and notice.

Officers. Directors.

8. The president, vice-president and directors of the old company shall continue to be such in the new company until their successors are appointed; and all by-laws, rules and regulations of the old company not contrary to law or not inconsistent with this Act shall be the by-laws, rules and regulations of the new company until amended or repealed under the provisions of this Act.

By-laws.

Board of directors.

Qualification.

9. The affairs of the new company shall be managed by a board of not less than five or more than nine directors, a majority of whom shall be a quorum. No person shall be a director unless he holds in his own name and for his own use at least twenty-five shares of the capital stock of the new company and has paid all calls thereon and all liabilities incurred by him to the new company.

Head office.

10. The head office of the new company shall be in the Village of Wawanesa, in the Province of Manitoba, but local advisory sub-boards or agencies may be established and main-

tained either within Canada or elsewhere, in such manner as the directors may from time to time direct. Local agencies.

11. A general meeting of the new company shall be called once in each year at its head office, and at every such meeting a statement of the affairs of the new company shall be submitted by the directors. Special general meetings may be called in such manner as the by-laws prescribe. General meetings.

12. The new company may make and effect contracts of insurance, throughout Canada and elsewhere, with any person against damage by fire, windstorm or lightning in or to any house, dwelling, store, factory, mill or other building whatsoever, or to any goods, chattels, bridges, railway plants or personal estate whatsoever, for such time, for such premiums or considerations, and upon such modifications, restrictions and conditions as are agreed upon between the new company and the insured, and, generally, may carry on the business of fire insurance in all its branches and forms. Business powers.

2. The new company may also cause itself to be insured against any risk it may undertake in the course of its business.

3. The new company may also undertake the reinsurance of the risks of other companies.

13. The new company may acquire and hold real estate required in part or whole for the use and accommodation of the new company, and may sell, convey, mortgage, lease or otherwise dispose of the same and acquire other property in its place as may be deemed expedient; but the annual value of such property held in any province of Canada shall not exceed ten thousand dollars, except in the province of Manitoba where it shall not exceed twenty-five thousand dollars. Real estate.

14. Part II. of *The Companies Act*, except sections 125, 141 and 165 thereof, and except such provisions thereof as are inconsistent with *The Insurance Act* or with this Act, shall apply to the new company. Application of R.S., 1906, c. 79. R.S., 1906, c. 34.

15. This Act and the Company hereby incorporated and the exercise of the powers hereby conferred shall be subject to the provisions of *The Insurance Act* and of any amendments thereof. Application of R.S., 1906, c. 34.

16. The Company may invest its funds or any part thereof in any of the public securities of the Dominion of Canada or of any of the provinces thereof, or in the stock of any chartered bank, or in the bonds or debentures of any incorporated city, town, municipality or school district authorized to issue bonds or debentures, or in mortgages or liens upon real estate. Investment of funds.

17. This Act shall not take effect unless and until accepted and approved of by a vote of not less than two-thirds 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 of, this Act shall come into force upon a subsequent day to be fixed for that purpose by the said vote. Conditions of operation of Act.

Notice.

2. Notice of such acceptance and approval and of the day so fixed shall be published by the Company in *The Canada Gazette*.

SCHEDULE.

This indenture made the day of , 190 , between The Occidental Fire Insurance Company, incorporated by Act of the Legislature of the Province of Manitoba, of the first part, hereinafter called "the old company" and The Occidental Fire Insurance Company, incorporated by an Act of the Parliament of Canada, of the second part, hereinafter called "the new company."

Whereas the shareholders of the old company have accepted and approved of the new company's Act of Incorporation, being Chapter of the Statutes of Canada of 1907–8, intituled "An Act respecting the Occidental Fire Insurance Company," and by the resolutions of shareholders duly passed in that behalf the day of was fixed as the date from which the said Act should take effect;

And whereas by the said Act the new company is authorized to acquire all the assets, rights, credits, effects and property, real personal and mixed, of the old company, and whereas the old company has agreed to convey the same to the new company;

Now this indenture witnesseth: That, in consideration of the said Act and of the shares in the capital stock of the new company which are hereby vested in the shareholders of the old company, and in consideration of the covenants by the new company hereineafter contained, the old company hereby grants, assigns, transfers and sets over unto the new company, its successors and assigns, for ever, all the assets, credits, effects and property, real, personal and mixed, of whatever kind and wheresoever situated, belonging to the old company or to which it is or may be or may become entitled. To have and to hold unto the new company, its successors and assigns, to and for its sole and only use; and the old company covenants with the new company to execute and deliver at the expense of the new company all such further and other separate and formal assurances, assignments, transfers and conveyances for registration purposes or otherwise, as may be required to vest in the new company, its successors and assigns, the full legal and beneficial title and interest to and in the said assets, rights, credits, effects and property, and each and every part thereof.

And in consideration of the foregoing the new company covenants with the old company, its successors and assigns, that it shall and will discharge, carry out and perform all debts, liabilities, obligations and contracts for or in respect of which the old company is now liable, or which it should pay, discharge, carry out or perform, and the new company shall and will indemnify and save harmless the old company in respect thereof.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

THE SENATE OF CANADA.

BILL.

B

An Act respecting The Occidental Fire Insurance Company.

Received and read a first time,

Wednesday, 29th January, 1908.

Second reading,

Friday, 31st January, 1908.

Honourable Mr. WATSON.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

THE SENATE OF CANADA.

BILL AS PASSED MARCH 17, 1908.

B.] [1907-8

An Act respecting The Occidental Fire Insurance Company.

Preamble.

WHEREAS The Occidental Fire Insurance Company has by its petition represented that it was incorporated by an Act of the Legislature of the Province of Manitoba, chapter 65 of the statutes of 1902, and that it has since the first day of May, A.D. 1902, carried on the business of fire insurance in the Province of Manitoba; 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:—

Manitoba Statutes.
1902, c. 65; 1902, c. 66; 1905, c. 64.

Incorporation.

1. The shareholders of The Occidental Fire Insurance Company, hereinafter called "the old company," with such persons as become shareholders in the company hereby incorporated, are hereby incorporated under the name of "The Occidental Fire Insurance Company," hereinafter called "the new company."

Corporate name.

Capital.
Shares.

2. The capital stock of the new company shall be five hundred thousand dollars, divided into five thousand shares of one hundred dollars each.

Shares allotted.

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 in the old company, but only the sums which have been or are hereafter paid by such shareholder on the issued shares of the old company, shall be credited as paid on the shares of capital stock of the new company. 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 only to the difference between the sums so credited as paid upon each share and one hundred dollars.

Liability of shareholders.

Liability of shareholders of old company.

4. Nothing in this Act shall affect the liability of 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; and 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 policy-holders of the old compeny; provided, however, that any payment made upon the shares of the new company shall reduce the liability of the shareholders of the old company by the amount of such payment.

Proviso.

New company liable for old company's obligations.

5. The new company shall be liable for and subject to, and shall pay, discharge, carry out and perform all the dabts, 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, as such person has against the old company; Provided, however, that the shareholders of the new company shall not be individually liable under section 150 of *The Companies Act* in respect to their shares in the new company to such persons unless such persons abandon their rights in respect of their shares in the old company.

Proviso.

R.S., 1906, c. 79.

Property of old company vested in new company.

6. All the assets, rights, effects and properties, real, personal and mixed, of whatever kind and wheresoever situate, belonging to the old company which it may be or may become entitled to, shall be vested in the new company, subject to existing mortgages or liens, if any, upon due execution of an indenture in the form contained in the schedule to this Act or to the like effect.

Calls on shares.

7. The directors may, from time to time, make such calls as they think fit upon the shareholders in respect of all moneys unpaid on the shares of the new company held by them respectively. Such calls shall be payable at such times and places and in such payments or instalments as the directors appoint; Provided that no call shall exceed twenty-five per cent, and that not less than thirty days' notice of any call shall be given.

Proviso, amount and notice.

Officers. Directors.

8. The president, vice-president and directors of the old company shall continue to be such in the new company until their successors are appointed; and all by-laws, rules and regulations of the old company not contrary to law or not inconsistent with this Act shall be the by-laws, rules and regulations of the new company until amended or repealed under the provisions of this Act.

By-laws.

Board of directors.

9. The affairs of the new company shall be managed by a board of not less than five or more than nine directors, a majority

of whom shall be a quorum. No person shall be a director unless he holds in his own name and for his own use at least twenty-five shares of the capital stock of the new company and has paid all calls due thereon and all liabilities incurred by him to the new company. Qualification.

10. The head office of the new company shall be in the Village of Wawanesa, in the Province of Manitoba, but local advisory boards or agencies may be established and maintained either within Canada or elsewhere, in such manner as the directors may from time to time direct. Head office. Local agencies.

11. A general meeting of the new company shall be called once in each year at its head office, and at every such meeting a statement of the affairs of the new company shall be submitted by the directors. Special general meetings may be called in such manner as the by-laws prescribe. General meetings.

12. The new company may make and effect contracts of insurance, throughout Canada and elsewhere, with any person against damage by fire, windstorm or lightning in or to any house, dwelling, store, factory, mill or other building whatsoever, or to any goods, chattels, bridges, railway plants or personal estate whatsoever, for such time, for such premiums or considerations, and upon such modifications, restrictions and conditions as are agreed upon between the new company and the insured, and, generally, may carry on the business of fire insurance in all its branches and forms. Business powers.

2. The new company may also cause itself to be insured against any risk it may undertake in the course of its business.

3. The new company may also undertake the reinsurance of the risks of other companies.

13. The new company may acquire and hold real estate required in part or whole for the use and accommodation of the new company, and may sell, convey, mortgage, lease or otherwise dispose of the same and acquire other property in its place as may be deemed expedient; but the annual value of such property held in any province of Canada shall not exceed five thousand dollars, except in the province of Manitoba where it shall not exceed ten thousand dollars. Real estate.

14. Part II. of *The Companies Act*, except sections 125, 134, 141, 158 and 165 thereof, and except such provisions thereof as are inconsistent with *The Insurance Act* or with this Act, shall apply to the new company. Application of R.S., 1906, c. 79. R.S., 1906, c. 34.

15. This Act and the Company hereby incorporated and the exercise of the powers hereby conferred shall be subject to the provisions of *The Insurance Act* and of any amendments thereof. Application of R.S., 1906, c. 34.

Annual payment upon capital stock.
R.S., 1906, c. 34.

16. In each year for five years after the issue of a license to the Company under *The Insurance Act* a sum of fifteen thousand dollars shall be paid annually in cash upon the capital stock of the Company.

Conditions of operation of Act.

17. This Act shall not take effect unless and until accepted and approved of by a vote of not less than two-thirds 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 of, this Act shall come into force upon a subsequent day to be fixed for that purpose by the said vote.

Notice.

2. Notice of such acceptance and approval and of the day so fixed shall be published by the Company in *The Canada Gazette*.

SCHEDULE.

This indenture made the day of , 190 , between The Occidental Fire Insurance Company, incorporated by Act of the Legislature of the Province of Manitoba, of the first part, hereinafter called "the old company" and The Occidental Fire Insurance Company, incorporated by an Act of the Parliament of Canada, of the second part, hereinafter called "the new company."

Whereas the shareholders of the old company have accepted and approved of the new company's Act of Incorporation, being Chapter of the Statutes of Canada of 1907–8, intituled "An Act respecting the Occidental Fire Insurance Company," and by the resolutions of shareholders duly passed in that behalf the day of was fixed as the date from which the said Act should take effect;

And whereas by the said Act the new company is authorized to acquire all the assets, rights, credits, effects and property, real personal and mixed, of the old company, and whereas the old company has agreed to convey the same to the new company;

Now this indenture witnesseth: That, in consideration of the said Act and of the shares in the capital stock of the new company which are hereby vested in the shareholders of the old company, and in consideration of the covenants by the new company hereineafter contained, the old company hereby grants, assigns, transfers and sets over unto the new company, its successors and assigns, for ever, all the assets, rights, credits, effects and property, real, personal and mixed, of whatever kind and wheresoever situated, belonging to the old company or to which it is or may be or may become entitled. To have and to hold unto the new company, its successors and assigns, to and for its sole and only use; and the old company covenants with the new company to execute and deliver at the expense of the new company all such further and other separate and formal

assurances, assignments, transfers and conveyances for registration purposes or otherwise, as may be required to vest in the new company, its successors and assigns, the full legal and beneficial title and interest to and in the said assets, rights, credits, effects and property, and each and every part thereof.

And in consideration of the foregoing the new company covenants with the old company, its successors and assigns, that it shall and will discharge, carry out and perform all debts, liabilities, obligations and contracts for or in respect of which the old company is now liable, or which it should pay, discharge, carry out or perform, and the new company shall and will indemnify and save harmless the old company in respect thereof.

THE SENATE OF CANADA.

C.] **BILL.** [1907-8

An Act to incorporate The Standard Accident and Guarantee Company.

Preamble.

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. Francis Joseph Lightbourn, insurance agent, Francis McPhillips, journalist, Henry Ferguson Darrell, stockbroker, Edmund Tucker Lightbourn, estate and insurance agent, Rupert G. Muntz, accountant, Harry Guy Ord, clerk, and Frank J. J. Stark, insurance agent, all of the city of Toronto, in the province of Ontario, together with such persons as become shareholders in the company are hereby incorporated under the name of "The Standard Accident and Guarantee Company," hereinafter called "the Company."

Corporate name.

Provisional directors and their powers.

2. The persons named in section 1 of this Act, together with such persons, not exceeding six, as they associate with them shall be the provisional directors of the Company, a majority of whom shall be a quorum for the transaction of business, and they may forthwith open stock books, procure subscriptions of stock for the undertaking, make calls on stock subscribed and receive payments thereon, and shall deposit in a chartered bank in Canada all moneys received by them on account of stock subscribed or otherwise received by them on account of the Company, and may withdraw the same for the purposes of the Company only, and may do generally whatever is necessary to organize the Company.

Organization.

Head office.

3. The head office of the Company shall be in the city of Toronto, in the province of Ontario, or some other place in Canada as a majority of the directors select.

Sub-boards.

2. The directors may establish local advisory sub-boards or agencies, either within Canada or elsewhere, at such times and in such manner as they deem expedient.

Capital.

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

Shares.

Increase of capital.

2. The directors may, after the whole capital stock has been subscribed and fifty per cent paid thereon in cash, increase the amount of the capital stock from time to time to an amount not exceeding two million dollars, but the stock shall not be increased until a resolution of the board of directors authorizing such increase has been first submitted to and confirmed by two-thirds in value of the shareholders present or represented by proxy at a special general meeting of the shareholders duly called for that purpose.

First general meeting.

Election of directors.

5. So soon as one hundred and fifty thousand dollars of the capital stock have been subscribed and ten per cent of that amount has been paid into some chartered bank in Canada, the provisional directors shall call a general meeting of the shareholders at some place to be named in the said city of Toronto at which meeting the shareholders present or represented by proxy who have paid not less than ten per cent on the amount of shares subscribed for by them shall elect a board of not less than seven nor more than twenty directors, who shall thereafter manage the affairs of the Company, and a majority of whom shall be a quorum.

Qualification of directors.

2. No person shall be a director unless he holds in his own name and for his own use at least twenty-five shares of the capital stock, and has paid all calls due thereon and all liabilities incurred by him to the Company.

Special meetings.

6. A general meeting of the Company shall be called at its head office once in each year after the organization of the Company and commencement of business, and at such meeting a statement of the affairs of the Company shall be submitted, and special general or extraordinary meetings may at any time be called by any five of the directors, or by requisition of any twenty-five shareholders, specifying in the notice the object of such meeting.

Notice.

2. Notice of each such meeting shall be sufficiently given by printed or written notice to each of the shareholders mailed at least twenty days before the day for which the meeting is called, and addressed by registered letter to the addresses of the shareholders respectively given in the books of the Company.

Calls.

7. The shares of the capital stock subscribed for shall be paid by such instalments and at such times and places as the directors appoint; the first instalment shall not exceed twenty-five per cent, and no subsequent instalment shall exceed ten per cent and not less than thirty days notice shall be given of any call. Provided that the whole amount so paid in by any shareholder shall not be less than ten per cent of the amount subscribed by such shareholder.

Commencement of business.

8. The Company shall not commence the business of accident, sickness and guarantee insurance as provided for by this Act until two hundred and fifty thousand dollars of the capital stock have been subscribed and ninety thousand dollars have been paid in cash into the funds of the Company under this Act: Provided that the Company may commence the business of accident or accident and sickness insurance when one hundred

and fifty thousand dollars of the capital stock have been subscribed and thirty-five thousand dollars have been paid in cash into the funds of the Company: Provided further that in case the business of accident and sickness insurance has not been so taken up, the Company may commence the business of guarantee insurance when one hundred and seventy-five thousand dollars of the capital stock have been subscribed and sixty thousand dollars have been paid in cash into the funds of the Company.

Accident and sickness insurance.

9. The Company may make and effect contracts of insurance with any person against any accident or casualty, of whatever nature or from whatever cause arising, to individuals, whereby the insured suffers loss or injury or is disabled, including sickness not ending in death, or, in the case of death from any accident or casualty not including sickness, securing to the representative of the person assured the payment of a certain sum of money upon such terms and conditions as are agreed upon, and in like manner may also make and effect contracts of indemnity with any person against claims and demands of the workmen and employees of such person, or of the legal representatives of such workmen and employees, with respect to accidents or casualties, of whatever nature or from whatever cause arising, whereby the insured suffers pecuniary loss or damage or incurs costs and expenses, and may generally carry on the business of accident and sickness insurance as defined by *The Insurance Act*.

R.S., 1906, c. 34.

Guarantee insurance.

10. The Company may make and effect contracts—

(*a*) guaranteeing the fidelity of persons filling or about to fill situations of trust or confidence, and the due performance and discharge by such persons of all or any of the duties and obligations imposed upon them by contract or otherwise;

(*b*) guaranteeing the due performance and discharge by receivers, officials and other liquidators, committees, guardians, executors, administrators, trustees, attorneys, brokers and agents of their respective duties and obligations;

(*c*) guaranteeing persons filling or about to fill situations of trust or confidence against liabilities in connection therewith, and in particular against liabilities resulting from the misconduct of any co-trustee, co-agent, sub-agent or other person.

2. The Company may carry on, generally, the business of guarantee insurance as defined by *The Insurance Act*.

R.S., 1906, c. 34.

Reinsurance.

11. The Company may also cause itself to be insured against any risk undertaken in the course of its business.

Holding of real property limited.

12. The Company may acquire and hold any real property required in part or wholly for its use and accommodation, and may dispose thereof when necessary, but the annual value of such property held in any province of Canada shall not exceed three thousand dollars, except in the province of Ontario where it shall not exceed five thousand dollars.

R.S. 1906, c. 34 to apply.

13. This Act, and the Company hereby incorporated, and the exercise of the powers hereby conferred, shall be subject to the provisions of *The Insurance Act*.

Application of R.S., 1906, c. 79.

14. Notwithstanding anything contained in *The Companies Act*, Part II. thereof, except sections 141 and 165, shall apply to the Company in so far as the said Part is not inconsistent with any of the provisions of *The Insurance Act* or of this Act.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

THE SENATE OF CANADA.

BILL.

C

An Act to incorporate The Standard Accident and Guarantee Company.

Received and read a first time, Wednesday, January 29, 1908.

Second reading, Friday, January 31, 1908.

Honourable Mr. KERR.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8.

THE SENATE OF CANADA.

BILL AS PASSED MARCH 17, 1908.

C.] [1907-8

An Act to incorporate The Standard Accident and Guarantee 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:- Preamble.

1. Francis Joseph Lightbourn, insurance agent, Francis McPhillips, journalist, Henry Ferguson Darrell, stockbroker, Edmund Tucker Lightbourn, estate and insurance agent, Rupert G. Muntz, accountant, Harry Guy Ord, clerk, and Frank J. J. Stark, insurance agent, all of the city of Toronto, in the province of Ontario, together with such persons as become shareholders in the company are hereby incorporated under the name of "The Standard Accident and Guarantee Company," hereinafter called "the Company." Incorporation. Corporate name.

2. The persons named in section 1 of this Act, together with such persons, not exceeding six, as they associate with them shall be the provisional directors of the Company, a majority of whom shall be a quorum for the transaction of business, and they may forthwith open stock books, procure subscriptions of stock for the undertaking, make calls on stock subscribed and receive payments thereon, and shall deposit in a chartered bank in Canada all moneys received by them on account of stock subscribed or otherwise received by them on account of the Company, and may withdraw the same for the purposes of the Company only, and may do generally whatever is necessary to organize the Company. Provisional directors and their powers. Organization.

3. The head office of the Company shall be in the city of Toronto, in the province of Ontario. Head office.

2. The directors may establish local advisory boards or agencies, either within Canada or elsewhere, at such times and in such manner as they deem expedient. Local boards.

Capital.

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

Shares.

2. The directors may, after the whole capital stock has been subscribed and fifty per cent paid thereon in cash, increase the amount of the capital stock from time to time to an amount not exceeding two million dollars, but the stock shall not be increased until a resolution of the board of directors authorizing such increase has been first submitted to and confirmed by two-thirds in value of the shareholders present or represented by proxy at a special general meeting of the shareholders duly called for that purpose.

Increase of capital.

First general meeting.

5. So soon as one hundred and fifty thousand dollars of the capital stock have been subscribed and ten per cent of that amount has been paid into some chartered bank in Canada, the provisional directors shall call a general meeting of the shareholders at some place to be named in the said city of Toronto at which meeting the shareholders present or represented by proxy who have paid not less than ten per cent on the amount of shares subscribed for by them shall elect a board of not less than seven nor more than twenty directors, a majority of whom shall be a quorum.

Election of directors.

Qualification of directors.

2. No person shall be a director unless he holds in his own name and for his own use at least twenty-five shares of the capital stock, and has paid all calls due thereon and all liabilities incurred by him to the Company.

Special meetings.

6. A general meeting of the Company shall be called at its head office once in each year after the organization of the Company and commencement of business, and at such meeting a statement of the affairs of the Company shall be submitted, and special general or extraordinary meetings may at any time be called by any five of the directors, or by requisition of any twenty-five shareholders, specifying in the notice the object of such meeting.

Notice.

2. Notice of each such meeting shall be sufficiently given by printed or written notice to each of the shareholders mailed at least twenty days before the day for which the meeting is called, and addressed by registered letter to the addresses of the shareholders respectively given in the books of the Company.

Calls.

7. The shares of the capital stock subscribed for shall be paid by such instalments and at such times and places as the directors appoint; the first instalment shall not exceed twenty-five per cent, and no subsequent instalment shall exceed ten per cent and not less than thirty days notice shall be given of any call. Provided that the whole amount so paid in by any shareholder shall not be less than ten per cent of the amount subscribed by such shareholder.

8. The Company shall not commence the business of accident, sickness and guarantee insurance as provided for by this Act until two hundred and fifty thousand dollars of the capital stock have been subscribed and ninety thousand dollars have been paid in cash into the funds of the Company to be appropriated only for the purposes of the Company under this Act: Provided that the Company may commence the business of accident or accident and sickness insurance when one hundred and fifty thousand dollars of the capital stock have been subscribed and thirty-five thousand dollars have been paid in cash into the funds of the Company: Provided further that in case the business of accident and sickness insurance has not been so taken up, the Company may commence the business of guarantee insurance when one hundred and seventy-five thousand dollars of the capital stock have been subscribed and sixty thousand dollars have been paid in cash into the funds of the Company. Commencement of business.

2. No subscription to capital stock upon which less than ten per cent has been paid in cash shall be taken into account in ascertaining the total amount of capital stock required to be subscribed under subsection 1 of this section.

3. No sum paid by any shareholder who has paid in cash less than ten per cent of the amount subscribed by such shareholder shall be reckoned in ascertaining the several sums required to be paid prior to the commencement of the several classes of business provided for in this section.

9. The Company may make and effect contracts of insurance with any person against any accident or casualty, of whatever nature or from whatever cause arising, to individuals, whereby the insured suffers loss or injury or is disabled, including sickness not ending in death, or, in the case of death from any accident or casualty not including sickness, securing to the representative of the person assured the payment of a certain sum of money upon such terms and conditions as are agreed upon, and in like manner may also make and effect contracts of indemnity with any person against claims and demands of the workmen and employees of such person, or of the legal representatives of such workmen and employees, with respect to accidents or casualties, of whatever nature or from whatever cause arising, whereby the insured suffers pecuniary loss or damage or incurs costs and expenses, and may generally carry on the business of accident and sickness insurance as defined by *The Insurance Act*. Accident and sickness insurance. R.S., 1906, c. 34.

10. The Company may make and effect contracts— Guarantee insurance.

(*a*) guaranteeing the fidelity of persons filling or about to fill situations of trust or confidence, and the due performance and discharge by such persons of all or any of the duties and obligations imposed upon them by contract or otherwise;

(*b*) guaranteeing the due performance and discharge by receivers, officials and other liquidators, committees, guardians, executors, administrators, trustees, attorneys, brokers and agents of their respective duties and obligations;

(*c*) guaranteeing persons filling or about to fill situations of trust or confidence against liabilities in connection therewith, and in particular against liabilities resulting from the misconduct of any co-trustee, co-agent, sub-agent or other person.

R.S., 1906, c. 34.

2. The Company may carry on, generally, the business of guarantee insurance as defined by *The Insurance Act*.

Reinsurance.

11. The Company may also cause itself to be insured against any risk undertaken in the course of its business.

Holding of real property limited.

12. The Company may acquire and hold any real property required in part or wholly for its use and accommodation, and may dispose thereof when necessary, but the annual value of such property held in any province of Canada shall not exceed three thousand dollars, except in the province of Ontario where it shall not exceed five thousand dollars.

R.S., 1906, c. 34 to apply.

13. This Act, and the Company hereby incorporated, and the exercise of the powers hereby conferred, shall be subject to the provisions of *The Insurance Act*.

Application of R.S., 1906, c. 79.

14. Notwithstanding anything contained in *The Companies Act*, Part II. thereof, except sections 125, 134, 141, 158 and 165, shall apply to the Company in so far as the said Part is not inconsistent with any of the provisions of *The Insurance Act* or of this Act.

THE SENATE OF CANADA.

D.] **BILL.** [1907-8

An Act respecting The Grand Trunk Railway Company of Canada.

WHEREAS The Grand Trunk Railway Company 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:— Preamble.

Prov. of Canada, 1852, c. 37, s. 3, amended. Passenger fares and third class carriages.

1. Section 3 of chapter 37 of the statutes of the late Province of Canada, passed in the year 1852 (16 Victoria), is hereby amended by striking out all the words after "travelled" in line 7 thereof.

4th Session, 10th Parliament, 7-8 Edward VII.. 1907-8

THE SENATE OF CANADA.

BILL.

D

An Act respecting The Grand Trunk Railway Company of Canada.

Received and read a first time,

Wednesday, 29th January, 1908.

Second reading,

Friday, 31st January, 1908.

Honourable Mr. GIBSON.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8.

THE SENATE OF CANADA.

E.] **BILL.** [1907-8

An Act respecting a certain Patent of Frederick C. Rehm, Elias Frank and Isidor Frank.

Preamble.

WHEREAS Frederick C. Rehm, Elias Frank and Isidor Frank, all of the city of Detroit, in the State of Michigan, one of the United States of America, have by their petition represented that they are the holders and owners of a certain patent, issued to the said Frederick C. Rehm, Elias Frank and Isidor Frank, under the Seal of the Patent Office, and numbered 63,842, dated the twelfth day of September, 1899, for new and useful improvements in knitting machines; and whereas they have prayed by their said petition that it be enacted as hereinafter set forth, and it is expedient to grant the prayer thereof: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Commissioner of Patents may extend duration of patents.

1. Notwithstanding anything in *The Patent Act*, or in the patent mentioned in the preamble, the Commissioner of Patents may receive from the holders of the said patent petitions for certificates of payment of further fees and the usual fees for one or more terms for the said patent, and may grant and issue to such holders certificates of payment of further fees, provided for by *The Patent Act*, granting extensions of the term or duration of the said patent, in as full and ample a manner as if the application therefor had been duly made within the first six years from the date of issue of the said patent.

R.S., 1906, c. 69.

Certain rights saved. Proviso.

2. If any person, other than the licensees, has, in the period between the expiry of six years from the date of the said patent and the twenty-eighth day of November, 1907, commenced to manufacture, use and sell in Canada any of the patented inventions covered by the said patent, such person may continue to manufacture, use and sell such invention in as full and ample a manner as if this Act had not been passed: Provided that this exemption shall not extend to any person who, without the consent of the holders of such patent, has commenced the construction or manufacture of the said invention before the expiry of the patent.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

THE SENATE OF CANADA.

BILL.

E

An Act respecting a certain Patent of Frederick C. Rehm, Elias Frank and Isidor Frank.

Received and read a first time,

Wednesday, 29th January, 1908.

Second reading,

Friday, 31st January, 1908.

Honourable Mr. BEITH.

OTTAWA
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1907-8

THE SENATE OF CANADA.

BILL AS PASSED FEBRUARY 25, 1908.

E.] [1907-8

An Act respecting a certain Patent of Frederick C. Rehm, Elias Frank and Isidor Frank.

Preamble.

WHEREAS Frederick C. Rehm, Elias Frank and Isidor Frank, all of the city of Detroit, in the State of Michigan, one of the United States of America, have by their petition represented that they are the holders and owners of a certain patent, issued to the said Frederick C. Rehm, Elias Frank and Isidor Frank, under the Seal of the Patent Office, and numbered 63,842, dated the twelfth day of September, 1899, for new and useful improvements in knitting machines; and whereas they have prayed by their said petition that it be enacted as hereinafter set forth, and it is expedient to grant the prayer thereof: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Commissioner of Patents may extend duration of patents.

1. Notwithstanding anything in *The Patent Act*, or in the patent mentioned in the preamble, the Commissioner of Patents may receive from the holders of the said patent petitions for certificates of payment of further fees and the usual fees for one or more terms for the said patent, and may grant and issue to such holders certificates of payment of further fees, provided for by *The Patent Act*, granting extensions of the term or duration of the said patent, in as full and ample a manner as if the application therefor had been duly made within the first six years from the date of issue of the said patent.

R.S., 1906, c. 69.

Certain rights saved. Proviso.

2. If any person, other than the licensees, has, in the period between the expiry of six years from the date of the said patent and the twenty-eighth day of November, 1907, commenced to manufacture, use and sell in Canada any of the patented inventions covered by the said patent, such person may continue to manufacture, use and sell such invention in as full and ample a manner as if this Act had not been passed: Provided that this exemption shall not extend to any person who, without the consent of the holders of such patent, has commenced the construction or manufacture of the said invention before the expiry of the patent.

THE SENATE OF CANADA.

F.] **BILL.** [1907-8

An Act respecting The St. Clair and Erie Ship Canal Company.

Preamble.

1899, c. 128, 1900, c. 119, 1902, c. 98, 1904, c. 122, 1906, c. 158.

WHEREAS the St. Clair and Erie Ship Canal Company has by its petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Time for construction of undertaking extended.

1. The St. Clair and Erie Ship Canal Company may commence the construction of its undertaking, and expend ten per cent of the amount of its capital stock thereon, within two years after the passing of this Act, and may complete the said undertaking and put it in operation within five years after the passing of this Act; and if the said undertaking is not so commenced and such expenditure is not so made, or if the said undertaking is not completed and put in operation, within the said periods respectively, 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 undertaking as then remains uncompleted.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

THE SENATE OF CANADA.

BILL.

F

An Act respecting The St. Clair and Erie Ship Canal Company.

Received and read a first time,

Wednesday, 29th January, 1908.

Second reading,

Friday, 31st January, 1908.

Honourable Mr. LOUGHEED.

OTTAWA
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1907-8.

98

THE SENATE OF CANADA.

BILL AS PASSED FEBRUARY 13, 1908.

7.] [1908.

An Act respecting The St. Clair and Erie Ship Canal Company.

WHEREAS the St. Clair and Erie Ship Canal Company has by its petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. 1899, c. 128, 1900, c. 119, 1902, c. 98, 1904, c. 122, 1906, c. 158.

1. The St. Clair and Erie Ship Canal Company may commence the construction of its undertaking, and expend ten per cent of the amount of its capital stock thereon, within two years after the passing of this Act, and may complete the said undertaking and put it in operation within five years after the passing of this Act; and if the said undertaking is not so commenced and such expenditure is not so made, or if the said undertaking is not completed and put in operation, within the said periods respectively, 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 undertaking as then remains uncompleted. Time for construction of undertaking extended.

THE SENATE OF CANADA.

G.] **BILL.** [1907-8

An Act respecting The Eastern Trust Company.

Preamble.

WHEREAS the Eastern Trust 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: —

1893, c. 84.
1899, c. 110.

1893, c. 84, s. 8.
Holdings of real estate.

1. Section 8 of chapter 84 of the Statutes of 1893 is amended by substituting for the word "three" in the second line thereof the word "five."

1893, c. 84, s. 11.
Board of directors.

2. Section 11 of the said Act is amended by substituting for the word "eighteen" in the third line thereof the word "twenty-six."

Storage and safe deposit of property.

3. The Company may construct or lease, and may maintain and operate, suitable buildings and structures for the reception and storage of personal property of every kind and nature, and may act as agents, consignees and bailees thereof, and may take all kinds of personal property for deposit and safe-keeping on such terms as may be agreed upon.

Executive Committee.

4. The directors from time to time may, by by-law, delegate such of their powers as they see fit to an executive committee consisting of the president, the vice-president and not less than four other members of the board of directors.

New Brunswick Board.

5. The directors from time to time may, by by-law, delegate such of their powers as they see fit to a committee to be called "The New Brunswick Board," to consist of the vice-president at St. John, in the province of New Brunswick, and of not less than two nor more than three other members of the board of directors.

4th Session. 10th Parliament. 7-8 Edward VII., 1907-8

THE SENATE OF CANADA.

BILL.

G

An Act respecting the Eastern Trust Company.

Received and read a first time,

Wednesday, 29th January, 1908.

Second reading,

Friday, 31st January, 1908.

Honourable Mr. MacKeen.

OTTAWA
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1907-8

THE SENATE OF CANADA.

BILL AS PASSED FEBRUARY 19, 1908.

G.] [1907-8

An Act respecting The Eastern Trust Company.

Preamble.

WHEREAS the Eastern Trust 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: —

1893, c. 84. 1899, c. 110.

1893, c. 84, s. 8. Holdings of real estate.

1. Section 8 of chapter 84 of the Statutes of 1893 is amended by substituting for the word "three" in the second line thereof the word "five."

1893, c. 84, s. 11. Board of directors.

2. Section 11 of the said Act is amended by substituting for the word "eighteen" in the third line thereof the word "twenty-six."

Storage and safe deposit of property.

3. The Company may construct or lease, and may maintain and operate, suitable buildings and structures for the reception and storage of personal property of every kind and nature, and may act as agents, consignees and bailees thereof, and may take all kinds of personal property for deposit and safekeeping on such terms as may be agreed upon.

Executive Committee.

4. The directors from time to time may, by by-law, appoint an executive committee consisting of the president, the vice-president and not less than four other members of the board of directors, with such powers as the board may designate.

New Brunswick Board.

5. The directors from time to time may, by by-law, appoint a committee to be called "The New Brunswick Board," to consist of the vice-president at St. John, in the province of New Brunswick, and of not less than two nor more than three other members of the board of directors, with such powers as the board may designate.

THE SENATE OF CANADA.

H.] **BILL.** [1907-8

An Act to incorporate the Dominion Lumbering and Power Development Company.

Preamble.

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. Ralph Locke, of the town of Westmount, in the province of Quebec, manufacturer; Raoul Lacroix, architect, and Francis Samuel Mackay, notary public, both of the city of Montreal, in the province of Quebec, and A. B. Mackay, of the city of Hamilton, in the province of Ontario, vessel owner, together with such persons as become shareholders in the company, are hereby incorporated under the name of "The Dominion Lumbering and Power Development Company," hereinafter called "the Company."

Corporate name.

Provisional directors.

2. The persons named in section 1 of this Act are hereby constituted provisional directors of the Company, three of whom shall form a quorum, and they shall have all the powers conferred upon directors by Part II of *The Companies Act* and by this Act.

R.S., 1906. c. 79.

Capital stock.

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

Shares.

Increase of capital stock.

4. The directors may, at any time after the whole of the capital stock of the Company has been subscribed and fifty per cent paid in thereon, make a by-law for increasing the capital stock of the Company to any amount which they consider requisite for the due carrying out of the objects of the Company.

Requisites of by-law.

2. Such by-law shall declare the number of the shares of the new stock, and may prescribe the manner in which they shall be allotted, and in default of its so doing, the control of such allotment shall vest absolutely in the directors.

3. No by-law for increasing the capital stock of the Company shall have any force whatsoever until it is approved, by the votes of shareholders representing at least two-thirds in value of all the subscribed stock of the Company, at a special general meeting of the Company duly called for considering it

Head office.

5. The head office of the Company shall be at the city of Toronto, in the province of Ontario, or at such other place in Canada as is from time to time determined by by-law

First general meeting.

6. So soon as twenty-five per cent of the capital stock has been subscribed and ten per cent has been paid up on the stock so subscribed and has been deposited in some chartered bank in Canada to the credit of the Company, the provisional directors, or any five of them, may call a general meeting of the shareholders of the Company to be held at the city of Toronto

Business.

at such time as the said provisional directors determine, for the purpose of passing or ratifying the by-laws of the Company, of electing directors, and of considering and determining any other business specified in the notice calling such meeting; and notice in writing, signed by the provisional directors calling such

Notice.

meeting, of the date and place of holding the same, mailed by registered letter to the address of each shareholder not less than fifteen days previously shall be deemed sufficient notice of such meeting.

Proxies.

2. Only shareholders eligible to vote may hold proxies at any meeting of the Company.

Annual general meeting.

7. The annual general meeting of the Company shall be held on the second Monday in May in each year, or on such other day in each year as the directors from time to time determine by by-law.

Directors.

8. At such meeting the subscribers for the capital stock assembled, who have paid all calls due on their shares, shall choose not less than three and not more than nine persons to be directors of the Company, one or more of whom may be paid directors, and a majority of whom shall form a quorum.

Powers of Company.

9. The Company may,—

Lumber business.

(*a*) carry on, throughout Canada and elsewhere, the business of lumberers, timber merchants and manufacturers of timber and lumber in all its branches, and all other business incident thereto or connected therewith;

Manufactures of wood.

(*b*) carry on, throughout Canada and elsewhere, the business in all its branches, of manufacturing pulpwood, pulp and paper, and all other business incident thereto; and also the business of general merchants,

General merchants, &c.

general manufacturers, millers, common carriers, wharfingers and warehousemen;

Vessels.

(*c*) construct, charter, acquire and navigate steam and other vessels between any port and place in Canada, and any other port or place in Canada or elsewhere;

Factories and mills.

(*d*) erect, acquire and operate saw-mills and factories of all kinds, elevators, flour mills, woollen mills, cotton mills and paper mills; 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;

Farming, &c.

(*e*) carry on the business of farming and stock raising;

Mining.

(*f*) acquire and operate mines and mineral and mining rights, and smelt, reduce, refine, amalgamate or otherwise manufacture and treat metals, minerals and ores, and dispose thereof, and generally carry on the business of manufacturing therefrom;

Manufacture of chemicals.

(*g*) manufacture calcium carbide and other chemicals, and erect such factories and works as are necessary for such purposes;

Production and supply of electricity.

(*h*) produce, manufacture, supply and dispose of electricity for the purposes of light, heat and motive power and any other purposes for which the same may be used, and construct, erect, maintain and operate works, poles and all other appliances necessary or useful for the production, sale and distribution of electricity for the purposes of light, heat or power to or from any places in Canada; provided that the Company shall not exercise the powers granted by this paragraph for the purpose of selling or disposing of electricity for the purposes of light, heat and power, or any other purposes for which electricity may be used, until it has first obtained the consent and approval of the municipal council of the city, town, village or other local municipality or district within which the powers hereby given are to be exercised by the Company,—such consent to be by by-law, and to be on such terms and conditions as such by-law provides;

Consent of municipality affected.

Acquisition of property.

(*i*) acquire, lease and dispose of timber berths, timber licenses, land, water-powers, hydraulic properties, buildings, docks, wharfs, carts, vehicles, goods, wares, merchandise and such other property, real or personal, as is deemed necessary or useful in connection with any of the works or operations which the Company is authorized to carry on;

Shares of other companies.

(*j*) acquire, hold, deal with and dispose of shares of any other company, any of whose powers are within the scope of those of the Company;

Patent rights.

(*k*) acquire, lease and dispose of patent rights, letters patent of invention, processes and options to facilitate the carrying out of any of the objects of the Company;

Acquisition, &c., of other undertakings.

(*l*) acquire any business within any of the objects of the Company, and lands, properties, privileges, rights and contracts appertaining thereto; and let or sublet any property, and sell or otherwise dispose of any business, property or undertaking of the Company;

Construction, acquisition, &c., of facilities for doing business.

(*m*) construct, acquire and maintain, or aid and subscribe towards the construction, acquisition and maintenance of, roads, tramways, docks, piers, wharfs, viaducts, aqueducts, flumes, bridges, ditches and similar works; and construct, charter or employ vessels, roads and tramways for the purposes afore-

said, and for transporting the products of the said mills, factories, mines and works to any place in Canada or elsewhere, and for bringing and conveying to the properties of the Company all materials required thereat;

Telegraph and telephone lines.

(*n*) for the purposes of its undertaking only, construct, operate and dispose of telegraph lines and telephone lines;

Connections with railways.

(*o*) for the purposes of its undertaking only, construct, maintain and operate all such railway sidings, tramways, switches or spur lines, not exceeding ten miles in length, as are necessary to connect any property of the Company with the factories and mills of the Company or with any line of railway, or with any harbour, wharf, dock or other shipping point.

Issue of paid-up stock for certain purposes.

10. The directors may, by by-law, make and issue as paid-up stock, shares of the capital stock of the Company in payment of and for any business, franchise, undertaking, property, right, power, privilege, letters patent or any interest therein, contract, real estate, timber limits, stocks, assets and other property, which it may lawfully acquire, and may allot and hand over such shares to any person or to any company or to the shareholders of any company, and the Company may pay for any such property, right, power, privilege, letters patent, contract, real estate, timber limits, stock, assets and other property, either wholly or partly in paid-up shares or wholly or partly in bonds or debentures as the directors deem proper; and any such issue or allotment of stock shall be binding upon the Company and shall not be assessable for calls, nor shall the holder thereof be liable in any way thereon; provided that any allotment and issue of stock under the authority of this section shall be approved of by the holders of at least two-thirds in value of the stock of the Company previously issued and held at the date of such issue or allotment.

Issue of bonds, &c., for acquisition of vessels and property.

11. The Company, if first authorized by a resolution passed at a special general meeting of its shareholders duly called for that purpose, at which meeting shareholders representing at least two-thirds in value of the subscribed capital stock of the Company are present or represented by proxy, may, from time to time, issue bonds or debentures in aid of or for the acquisition of any vessels or other property which the Company is authorized to acquire, but such bonds or debentures shall not exceed in amount the value of such vessels or property.

Mortgage as security.

2. For the purpose of securing the issue of such bonds the Company may execute a mortgage or mortgages, not inconsistent with law or with the provisions of this Act, in such form and containing such provisions as are approved of by a resolution passed at the special general meeting of shareholders mentioned in the preceding subsection.

Form and provisions.

Contents of mortgage deed.

3. The said mortgages shall be made to the trustees appointed for that purpose at the said special general meeting, and may contain provisions establishing the amount secured upon the vessels or class of vessels or property to which such mortgages relate, the rank and privilege to appertain to the bonds intended

to be secured thereby, the rights and remedies to be enjoyed by the respective holders of such bonds, the mode of assuring the application of the proceeds of such bonds to the purposes for which they are to be issued, the rate of interest payable thereon, the place and time of payment of such interest and of the capital thereof, the creation of a sinking fund for the redemption of such bonds, and all the conditions, provisions and restrictions requisite for the effectual carrying out of the terms thereof, and for the protection of the holders of such bonds.

Charge on tolls and revenues.

4. The Company may charge and bind the tolls and revenues of the vessels or class of vessels, or property, to which any such mortgage relates, in the manner and to the extent therein specified; and each such mortgage shall create absolutely a first lien and encumbrance on the vessels or class of vessels, or property therein described, as well as on the tolls, revenues and subsidy therein hypothecated, the whole being for the benefit of the holders of the bonds in respect of which such mortgage is made.

Effect of mortgage.

Ranking of bonds.

12. Each issue of bonds intended to be secured by any of the mortgages referred to in the next preceding section shall entitle the respective holders of each such issue to rank with each other *pari passu*, and a duplicate of each mortgage shall be filed in the office of the Secretary of State of Canada.

Further borrowing powers.

13. In addition to the amounts which the Company, from time to time may borrow, secured or unsecured as aforesaid, the Company may borrow on current account or on promissory notes or other negotiable instruments, such further sums as the directors decide are required for the operations of the Company or for the acquisition of its properties or assets.

Power to receive aid in works, etc.

14. The Company may receive as aid in the construction or carrying on of any of the works or operations authorized by this Act, any lands, properties, franchises, sums of money or debentures, and may alienate and dispose thereof in promoting any of the affairs, businesses, and operations of the Company; and the Company may receive exemptions from taxation and all other exemptions granted by municipal or other authority by by-law, resolution or otherwise which may, by by-law, be granted by such municipality.

Power to expropriate lands for certain works.

R.S., 1906, c. 37.

15. Lands actually acquired for the construction, maintenance and operation of the transmission lines or conduits of the Company, may be taken and acquired by the Company, and to this end, after the plan of such work and the lands required therefor has been approved by the Governor in Council, all the provisions of *The Railway Act* which are applicable to such taking and acquisition shall, so far as they are applicable thereto, and *mutatis mutandis*, apply as if they were included in this Act; and all the provisions of *The Railway Act* which are applicable shall, in like manner, *mutatis mutandis*, apply to the valuation and payment of the compensation for, or damages to lands, arising out of such taking and acquisition, or the construction, maintenance and operation of the works and undertaking of

the Company, or the exercise of any of the powers of the Company.

R.S., 1906, c. 79.

16. Sections 141 and 168 of *The Companies Act* shall not apply to the Company.

Application of certain Provincial laws relating to electricity.

17. The Company and its undertaking shall be subject to such provisions of any general Act now or hereafter passed by the legislature of the province of Ontario or of the province of Quebec, as the case may be, as provide, in the interest of public health or safety, for the control and regulation of the transmission, distribution or supply of electricity in any form.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

THE SENATE OF CANADA.

BILL.

H

An Act to incorporate The Dominion Lumbering and Power Development Company.

Received and read a first time, Wednesday, January 29, 190 .

Second reading, Friday, January 31, 1908.

Honourable Mr. BÉIQUE.

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1907-8

Reprinted as amended and reported, May 13, 1908, by the Standing Committee of the Senate on Railways, Telegraphs and Harbours.

THE SENATE OF CANADA.

H.] **BILL.** [1907-8

An Act to incorporate the Dominion Power Development Company.

Preamble.

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.

Corporate name.

1. Ralph Locke, of the town of Westmount, in the province of Quebec, manufacturer; Raoul Lacroix, architect, and Francis Samuel Mackay, notary public, both of the city of Montreal, in the province of Quebec, Charles Albert Davies, of the city of Toronto, and A. B. Mackay, of the city of Hamilton, in the province of Ontario, vessel owner, together with such persons as become shareholders in the company, are hereby incorporated under the name of "The Dominion Power Development Company," hereinafter called "the Company."

Objects and general powers.

2. For the purposes of obtaining, developing, improving or generating water-power, using water-power by any means of application, converting water-power into electricity, heat, light or any other form of energy, storing water-power, compressed air, electricity, heat, light or any other form of energy, and of transmitting, supplying and disposing of the same by any means for use in any manner at any places in the province of Ontario or in the province of Quebec, the Company may—

Acquisition of lands and waters.

(*a*) acquire lands, easements, privileges, water and water-rights at any places in the said provinces;

Lands and works.

(*b*) acquire all necessary lands, easements, privileges and other rights for the acquisition, construction, erection, maintenance, use, operation and management of, and acquire, construct, erect, maintain, use operate and manage, all necessary works, structures, buildings, machinery, plant, appliances, instruments and devices, erect poles, sink wells and lay pipes, cables, wires and other conductors;

Telegraph and telephone lines.

(*c*) construct, maintain and operate telegraph lines and telephone lines;

Patents, etc.

(*d*) acquire patent rights, letters patent of invention, processes, options and other such rights and privileges, and again dispose thereof;

Incidentals.

(*e*) do all other things necessary for or incidental to the purposes and objects aforesaid.

Plans to be deposited.

3. Plans of all works to be constructed under the powers conferred by this Act, showing dimensions and quantities in each part thereof, shall be filed by the Company in the Department of Public Works at Ottawa; and forthwith thereafter the Company shall give public notice of such deposit, in at least one daily paper published in or adjacent to the locality in which the works are situated, for two consecutive weeks, stating the date, hour and place at which an application will be made to the Governor in Council for his approval to be given to such plans; and the Governor in Council, after hearing such application and determining all matters in relation thereto then brought before him by any person interested, may approve of such plans, and until such approval the Company shall have no authority to proceed with the construction of such works or any of them.

Notice of application for approval.

Approval by Governor in Council.

Power to expropriate lands.

4. Lands or easements actually required for the construction, maintenance and operation of any means of transmission of compressed air, electricity, heat, light or any other form of energy, may be taken and acquired by the Company; and, to this end, after a plan of any such lands or easements required has been approved by the Governor in Council, all the provisions of *The Railway Act* which are applicable to such taking and acquisition shall, so far as they are applicable thereto, and *mutatis mutandis*, apply as if they were included in this Act; and all the provisions of *The Railway Act* which are applicable shall, in like manner, *mutatis mutandis*, apply to the valuation and payment of the compensation for, or of any damage to lands, arising out of such taking and acquisition for the purposes aforesaid, or out of the construction, maintenance and operation of such means of transmission.

Application of R.S., c. 37.

2. Section 247 of *The Railway Act* shall apply to the Company and to any work authorized by this Act.

Application of certain Provincial Acts.

5. The provisions of any general Act of the Legislature of the province of Ontario or of the province of Quebec, now or at any time hereinafter in force, shall, in so far as such provisions are not inconsistent with *The Electricity Inspection Act*, 1907, *The Electricity and Fluid Exportation Act*, or any other general Act relating to the transmission and distribution of electricity hereafter passed by the Parliament of Canada, apply to the works and operations of the Company.

1907, c. 14.
1907, c. 16.

Acquisition of, and amalgamation with other companies.

6. The Company may acquire and operate the works of any company having powers wholly or in part similar to the powers of the Company; and may acquire the capital stock, bonds, rights, franchises, powers, privileges or properties of any such company; and may enter into agreements for an amalgamation with any such company, on such terms and conditions as are agreed upon, and subject to such restrictions as to the directors seem fit; provided that any such agreement

has been first approved by two-thirds of the votes at a special general meeting of the shareholders duly called for the purpose of considering it, at which meeting shareholders representing at least two-thirds in value of the stock are present or represented by proxy. Approval of shareholders.

7. The Company may receive as aid in the construction or carrying on of any of the works or operations authorized by this Act, any lands, properties, franchises, sums of money or debentures, and may alienate and dispose thereof in promoting any of the affairs, businesses and operations of the Company; and the Company may receive exemptions from taxation and all other exemptions granted by municipal or other authority by by-law, resolution or otherwise. Power to receive aid in works, etc.

8. The persons named in section 1 of this Act are hereby constituted provisional directors of the Company, three of whom shall form a quorum, and they shall have all the powers conferred upon directors by Part II of *The Companies Act* and by this Act. Provisional directors. R.S., 1906. c. 79.

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

10. Sections 47, 48, 49 and 51 to 57, both inclusive, of *The Companies Act* shall apply to the Company. Preference stock. Increase of capital, etc., etc.

11. The head office of the Company shall be at the city of Toronto, in the province of Ontario, or at such other place in Canada as is from time to time determined by by-law Head office.

12. So soon as twenty-five per cent of the capital stock has been subscribed and ten per cent has been paid up on the stock so subscribed and has been deposited in some chartered bank in Canada to the credit of the Company, the provisional directors, or any three of them, may call a general meeting of the shareholders of the Company to be held at the city of Toronto at such time as the said provisional directors determine, for the purpose of passing or ratifying the by-laws of the Company, of electing directors, and of considering and determining any other business specified in the notice calling such meeting; and notice in writing, signed by not less than two of the provisional directors calling such meeting, of the date and place of holding the same, mailed by registered letter to the address of each shareholder not less than fifteen days previously shall be deemed sufficient notice of such meeting. First general meeting. Business. Notice.

2. Only shareholders eligible to vote may hold proxies at any meeting of the Company. Proxies.

13. The annual general meeting of the Company shall be held on the first Tuesday in September in each year, or on such other day in each year as the directors from time to time determine by by-law. Annual general meeting.

Directors.

14. At such meeting the subscribers for the capital stock assembled, who have paid all calls due on their shares, shall choose not less than three and not more than nine persons to be directors of the Company, one or more of whom may be paid directors.

Borrowing powers.

15. 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.

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

Amount.

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

Bonds, etc.

(*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;

Mortgages.

(*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.

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.

R.S., 1906, c. 79.

16. Sections 141, 165 and 168 of *The Companies Act* shall not apply to the Company.

SECOND REPRINT.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

THE SENATE OF CANADA.

BILL.

H

An Act to incorporate The Dominion Power Development Company.

Reprinted as amended and reported, May 13, 1908, by The Committee on Railways, Telegraphs and Harbours.

OTTAWA
Printed by S. E. Dawson
Printer to the King's most Excellent Majesty
1907-8.

172

THE SENATE OF CANADA.

BILL AS PASSED MAY 19, 1908.

H.] [1907-8

An Act to incorporate the Dominion Power Development 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:— Preamble.

1. Ralph Locke, of the town of Westmount, in the province of Quebec, manufacturer; Raoul Lacroix, architect, and Francis Samuel Mackay, notary public, both of the city of Montreal, in the province of Quebec, Charles Albert Davies, of the city of Toronto, and A. B. Mackay, of the city of Hamilton, in the province of Ontario, vessel owner, together with such persons as become shareholders in the company, are hereby incorporated under the name of "The Dominion Power Development Company," hereinafter called "the Company." Incorporation. Corporate name.

2. For the purposes of obtaining, developing, improving or generating water-power, using water-power by any means of application, converting water-power into electricity, heat, light or any other form of energy, storing water-power, compressed air, electricity, heat, light or any other form of energy, and of transmitting, supplying and disposing of the same by any means for use in any manner at any places in the province of Ontario or in the province of Quebec, the Company may— Objects and general powers.

(*a*) acquire lands, easements, privileges, water and water-rights at any places in the said provinces; Acquisition of lands and waters.

(*b*) acquire all necessary lands, easements, privileges and other rights for the acquisition, construction, erection, maintenance, use, operation and management of, and acquire, construct, erect, maintain, use operate and manage, all necessary works, structures, buildings, machinery, plant, appliances, instruments and devices, erect poles, sink wells and lay pipes, cables, wires and other conductors; Lands and works.

(*c*) construct, maintain and operate telegraph lines and telephone lines; Telegraph and telephone lines.

Patents, etc.

(*d*) acquire patent rights, letters patent of invention, processes, options and other such rights and privileges, and again dispose thereof;

Incidentals.

(*e*) do all other things necessary for or incidental to the purposes and objects aforesaid.

Plans to be deposited.

3. Plans of all works to be constructed under the powers conferred by this Act, showing dimensions and quantities in each part thereof, shall be filed by the Company in the Department of Public Works at Ottawa; and forthwith thereafter the Company shall give public notice of such deposit, in at least one daily paper published in or adjacent to the locality in which the works are situated, for two consecutive weeks, stating the date, hour and place at which an application will be made to the Governor in Council for his approval to be given to such plans; and the Governor in Council, after hearing such application and determining all matters in relation thereto then brought before him by any person interested, may approve of such plans, and until such approval the Company shall have no authority to proceed with the construction of such works or any of them.

Notice of application for approval.

Approval by Governor in Council.

Power to expropriate lands.

4. Lands or easements actually required for the construction, maintenance and operation of any means of transmission of compressed air, electricity, heat, light or any other form of energy, may be taken and acquired by the Company; and, to this end, after a plan of any such lands or easements required has been approved by the Governor in Council, all the provisions of *The Railway Act* which are applicable to such taking and acquisition shall, so far as they are applicable thereto, and *mutatis mutandis*, apply as if they were included in this Act; and all the provisions of *The Railway Act* which are applicable shall, in like manner, *mutatis mutandis*, apply to the valuation and payment of the compensation for, or of any damage to lands, arising out of such taking and acquisition for the purposes aforesaid, or out of the construction, maintenance and operation of such means of transmission.

Application of R.S., c. 37.

2. Section 247 of *The Railway Act* shall apply to the Company and to any work authorized by this Act.

Application of certain Provincial Acts.

5. The provisions of any general Act of the Legislature of the province of Ontario or of the province of Quebec, now or at any time hereinafter in force, shall, in so far as such provisions are not inconsistent with *The Electricity Inspection Act*, 1907, *The Electricity and Fluid Exportation Act*, or any other general Act relating to the transmission and distribution of electricity hereafter passed by the Parliament of Canada, apply to the works and operations of the Company.

1907, c. 14.
1907, c. 16.

Acquisition of, and amalgama-

6. The Company may acquire and operate the works of any company having powers wholly or in part similar to the

powers of the Company; and may acquire the capital stock, bonds, rights, franchises, powers, privileges or properties of any such company; and may enter into agreements for an amalgamation with any such company, on such terms and conditions as are agreed upon, and subject to such restrictions as to the directors seem fit; provided that any such agreement has been first approved by two-thirds of the votes at a special general meeting of the shareholders duly called for the purpose of considering it, at which meeting shareholders representing at least two-thirds in value of the stock are present or represented by proxy.

tion with other companies.

Approval of shareholders.

7. The Company may receive as aid in the construction or carrying on of any of the works or operations authorized by this Act, any lands, properties, franchises, sums of money or debentures, and may alienate and dispose thereof in promoting any of the affairs, businesses and operations of the Company; and the Company may receive exemptions from taxation and all other exemptions granted by municipal or other authority by by-law, resolution or otherwise.

Power to receive aid in works, etc

8. The persons named in section 1 of this Act are hereby constituted provisional directors of the Company, three of whom shall form a quorum, and they shall have all the powers conferred upon directors by Part II of *The Companies Act* and by this Act.

Provisional directors.

R.S., 1906. c. 79.

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

Capital stock.

Shares

10. Sections 47, 48, 49 and 51 to 57, both inclusive, of *The Companies Act* shall apply to the Company.

Preference stock. Increase of capital, etc., etc.

11. The head office of the Company shall be at the city of Toronto, in the province of Ontario, or at such other place in Canada as is from time to time determined by by-law

Head office

12. So soon as twenty-five per cent of the capital stock has been subscribed and ten per cent has been paid up on the stock so subscribed and has been deposited in some chartered bank in Canada to the credit of the Company, the provisional directors, or any three of them, may call a general meeting of the shareholders of the Company to be held at the city of Toronto at such time as the said provisional directors determine, for the purpose of passing or ratifying the by-laws of the Company, of electing directors, and of considering and determining any other business specified in the notice calling such meeting; and

First general meeting.

Business.

Notice.

notice in writing, signed by not less than two of the provisional directors calling such meeting, of the date and place of holding the same, mailed by registered letter to the address of each shareholder not less than fifteen days previously shall be deemed sufficient notice of such meeting.

Proxies.

2. Only shareholders eligible to vote may hold proxies at any meeting of the Company.

Annual general meeting.

13. The annual general meeting of the Company shall be held on the first Tuesday in September in each year, or on such other day in each year as the directors from time to time determine by by-law.

Directors.

14. At such meeting the subscribers for the capital stock assembled, who have paid all calls due on their shares, shall choose not less than three and not more than nine persons to be directors of the Company, one or more of whom may be paid directors.

Borrowing powers.

15. 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.

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

Amount.

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

Bonds, etc.

(*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;

Mortgages.

(*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.

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.

R.S., 1906, c. 79.

16. Sections 141, 165 and 168 of *The Companies Act* shall not apply to the Company.

THE SENATE OF CANADA.

I.] **BILL.** [1907-8

An Act to incorporate The Manufacturers' Mutual Liability Insurance Company.

Preamble.

WHEREAS the persons hereinafter named have, by their petition, prayed that they be incorporated as a company for the purpose of carrying on the business of accident insurance on the mutual principle, 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. Peleg Howland, manufacturer, George Gillies, manufacturer, James Bicknell, King's Counsel, all of the city of Toronto, in the province of Ontario; James Pringle Steadman, of the city of Hamilton, in the said province, William McMaster, manufacturer, of the city of Montreal, in the province of Quebec, together with such persons as become members in the company, are hereby incorporated under the name of "The Manufacturers' Mutual Liability Insurance Company," hereinafter called "the Company."

Corporate name.

Provisional directors.

2. The persons named in section 1 of this Act shall be the provisional directors of the Company, a majority of whom shall be a quorum, and may do generally whatever is necessary to organise the Company.

Head office.

Local boards and agencies.

3. The head office of the Company shall be in the city of Toronto, in the province of Ontario, and the directors may appoint local advisory boards and establish agencies for carrying on the business of the Company at any other place in Canada.

Business powers.

4. The Company may, on the mutual principle, insure and indemnify its members against claims by or on behalf of any other person for loss or damage by personal injuries or death.

Rights and obligations of members.

5. Every subscriber for insurance in the Company, whose application has been accepted by the Company, shall upon such acceptance become a member of the Company and remain such member while his policy is in force, and shall be holden to pay an equitable proportion of all losses, and shall be entitled to an equitable proportion of all profits during the continuance of his policy.

By-laws, &c.

6. The board of directors may, from time to time, enact such by-laws, ordinances, rules and regulations as they may see fit and proper for the efficient carrying out of the objects contemplated by this Act, and as are not inconsistent with this Act, and may, from time to time, repeal, alter and amend the same.

Restrictions as to beginning issue of policies.

7. No policy of insurance shall be issued by the Company until applications have been made and accepted by at least persons who intend to become members thereof.

Directors.

8. The affairs of the Company shall be managed by a board of not less than seven, nor more than fifteen, directors, of whom a majority shall form a quorum. No person shall be a director unless he is a British subject domiciled in Canada.

General meetings.

9. After the organization of the Company and commencement of business a general meeting of the Company shall be called at its head office once in each year for the election of directors and for such other business as may be brought before the meeting; and special general or extraordinary meetings may at any time be called by any five of the directors, or by a requisition of ten members. Notice of such meeting shall be sufficiently given by printed or written notice to each of the members at least ten days before the day for which the meeting is called, and addressed to the address of the members respectively given in the books of the Company.

Representation of corporations which are members.

10. A corporation which becomes a member of the Company may, from time to time, authorize any person to represent it in such Company, and such representative shall have all the rights of an individual member.

R.S., 1906, c. 34 to apply.

11. This Act and the Company hereby incorporated, and the exercise of the powers hereby conferred, shall be subject to the provisions of *The Insurance Act.*

Application of R.S., 1906, c. 79.

12. Notwithstanding anything contained in *The Companies Act,* Part II thereof, except sections 125, 127, 134, 135, 138, 139, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 155, 156, 157, 158, 159, 161, 162, 163, 169, 170, 172, 175, 176, shall apply to the Company in so far as the said Part is not inconsistent with any of the provisions of *The Insurance Act* or of this Act.

R.S., 1906, c. 34.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

THE SENATE OF CANADA.

BILL.

I

An Act to incorporate The Manufacturers Mutual Liability Insurance Company.

Received and read a first time,

Thursday, January 30, 1908.

Second reading,

Wednesday, February 5, 1908.

Honourable Mr. JONES.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8.

THE SENATE OF CANADA.

J.] **BILL.** [1907-8

An Act to incorporate The Bank of Canada, London and Paris.

Preamble.

WHEREAS the persons hereinafter named have by their petition prayed that an Act be passed for the purpose of establishing a bank in the city of Montreal, in the province of Quebec, 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.

Corporate name.

1. The persons hereinafter named, together with such others as become shareholders in the corporation by this Act created, are hereby constituted a corporation by the name of 'The Bank of Canada, London and Paris,' hereinafter called "the Bank."

Capital.

2. The capital stock of the Bank shall be two million five hundred thousand dollars.

2. The capital stock may be issued either in sterling or in currency or in both, as the directors determine, and if any of the capital stock is issued in sterling it shall be at the rate of four dollars and eighty-six and two-thirds cents per pound sterling.

Chief office.

3. The chief office of the Bank shall be at the city of Montreal, in the province of Quebec.

Provisional directors.

4. E. A. Baynes, capitalist, E. Evans, capitalist, both of the city of Montreal in the province of Quebec, George K. MacLeod, of the city of New York, U.S.A., capitalist, Frederick S. Wedderburn, capitalist, and James M. Scovil, merchant, both of the city of St. John, in the province of New Brunswick, shall be the provisional directors of the Bank.

Duration of charter.

R.S., 1906, c. 29, s. 16.

5. This Act shall, subject to the provisions of section sixteen of *The Bank Act*, remain in force until the first day of July, in the year one thousand nine hundred and eleven.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

THE SENATE OF CANADA.

BILL.

J

An Act to incorporate The Bank of Canada, London and Paris.

Received and read a first time,

Tuesday, 4th February, 1908.

Second reading,

Thursday, 6th February, 1908.

Honourable Mr. DE VEBER.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

THE SENATE OF CANADA.

BILL AS PASSED MARCH 31, 1908.

J.] [1907-8

An Act to incorporate The Anglo-Canadian and Continental Bank.

WHEREAS the persons hereinafter named have by their petition prayed that an Act be passed for the purpose of establishing a bank in the city of Montreal, in the province of Quebec, 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. The persons hereinafter named, together with such others as become shareholders in the corporation by this Act created, are hereby constituted a corporation by the name of 'The Anglo-Canadian and Continental Bank,' hereinafter called "the Bank." Incorporation. Corporate name.

2. The capital stock of the Bank shall be two million five hundred thousand dollars. Capital.

2. The capital stock may be issued either in sterling or in currency or in francs or in marks, as the directors determine, and if any of the capital stock is issued in sterling it shall be at the rate of four dollars and eighty-six and two-thirds cents per pound sterling, and if issued in francs or in marks it shall be at the par of exchange.

3. The chief office of the Bank shall be at the city of Montreal, in the province of Quebec. Chief office.

4. E. A. Baynes, capitalist, E. G. Evans, capitalist, both of the city of Montreal in the province of Quebec, George K. MacLeod, of the city of New York, U.S.A., capitalist, Frederick V. Wedderburn, capitalist, and James M. Scovil, merchant, both of the city of St. John, in the province of New Brunswick, shall be the provisional directors of the Bank. Provisional directors.

5. This Act shall, subject to the provisions of section sixteen of *The Bank Act*, remain in force until the first day of July, in the year one thousand nine hundred and eleven. Duration of charter. R.S., 1906, c. 29, s. 16

THE SENATE OF CANADA.

K.] **BILL.** [1907-8

An Act respecting The Western Alberta Railway Company.

Preamble.

WHEREAS The Western Alberta 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:— 1898, c. 90; 1900, c. 85; 1903, c. 200; 1905, c. 176.

Time for construction of railway extended.

1. The Western Alberta Railway Company may commence the construction of its railway, and expend fifteen per cent of the amount of its capital stock thereon, within two years after the passing of this Act, and may complete the said railway and put it in operation within five years after the passing of this Act; and if, within the said periods respectively, the said railway is not so commenced and such expenditure is not so made, or if the said railway is not so 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. 1905, c. 176, s. 1.

Former time limit repealed.

2. Section 1 of chapter 176 of the statutes of 1905 is hereby repealed.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

THE SENATE OF CANADA.

BILL.

K

An Act respecting The Western Alberta Railway Company.

Received and read a first time,

Tuesday, 4th February, 1908.

Second reading,

Thursday, 6th February, 1908.

Honourable Mr. De Veber.

OTTAWA
Printed by S. E. Dawson
Printer to the King's most Excellent Majesty
1907-8.

THE SENATE OF CANADA.

BILL AS PASSED MARCH 12, 1908.

K.] [1907-8

An Act respecting The Western Alberta Railway Company.

Preamble.

WHEREAS The Western Alberta 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:—

1898, c. 90; 1900, c. 85; 1903, c. 200; 1905, c. 176.

Time for construction of railway extended.

1. The Western Alberta Railway Company may commence the construction of its railway, and expend fifteen per cent of the amount of its capital stock thereon, within two years after the passing of this Act, and may complete the said railway and put it in operation within five years after the passing of this Act; and if, within the said periods respectively, the said railway is not so commenced and such expenditure is not so made, or if the said railway is not so 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.

1905, c. 176, s. 1.

Former time limit repealed.

2. Section 1 of chapter 176 of the statutes of 1905 is hereby repealed.

THE SENATE OF CANADA.

L.] **BILL.** [1907-8

An Act to amend The Companies Act.

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

1. It is hereby declared that Part I of *The Companies Act*, Chapter 79 of *The Revised Statutes*, 1906, applies and was intended to apply to all companies incorporated under *The Companies Act*, 1902; and there is hereby added at the end of section 2 of the said chapter the following paragraph:— Declaration as to application of R. S., 1906, c. 79, Part I. 1902, c. 15.

"(*c*) all companies incorporated under *The Companies Act*, 1902."

2. Subsection 1 of section 69 of the said chapter is hereby amended by adding at the end of paragraph (*c*) thereof the following words:— R. S., 1906, c. 79, s. 69 amended.

"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; and provided further that certificates of debenture stock, transferrable on a register only, may be issued for such amounts in Canadian currency, sterling, or other money, as the directors may determine." Issue of bonds in foreign currency. Debenture stock.

3. Section 76 of the said chapter is hereby repealed and the following substituted therefor:— R. S., 1906, c. 79, new s. 76.

"**76.** The company may, by by-law, increase to not more than fifteen, or decrease to not less than three, the number of its directors, or may change the company's chief place of business in Canada: Provided that no by-law for either of the said purposes shall be valid or acted upon unless it is approved by a vote of at least two-thirds in value of the stock represented by the shareholders present at a special general meeting duly called for considering the by-law; nor until a copy of such by-law, certified under the seal of the company has been deposited in the department of the Secretary of State and published in *The Canada Gazette*." By-laws for increase or decrease of number of directors and for change of chief place of business. When to be valid.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

THE SENATE OF CANADA.

BILL.

L

An Act to amend The Companies Act.

Received and read a first time,

Thursday, 6th February, 1908.

Second reading,

Tuesday, 11th February, 1908.

Honourable Mr. SCOTT.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8.

THE SENATE OF CANADA.

BILL AS PASSED FEBRUARY 20, 1908.

L.] [1907-8

An Act to amend The Companies Act.

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

1. It is hereby declared that Part I of *The Companies Act*, Chapter 79 of *The Revised Statutes*, 1906, applies and was intended to apply to all companies incorporated under *The Companies Act*, 1902; and there is hereby added at the end of section 2 of the said chapter the following paragraph:— Declaration as to application of R. S., 1906, c. 79, Part I. 1902, c. 15.

"(*c*) all companies incorporated under *The Companies Act*, 1902."

2. Subsection 1 of section 69 of the said chapter is hereby amended by adding at the end of paragraph (*c*) thereof the following words:— R. S., 1906, c. 79, s. 69 amended.

"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; and provided further that certificates of debenture stock, transferrable on a register only, may be issued for such amounts in Canadian currency, sterling, or other money, as the directors may determine." Issue of bonds in foreign currency. Debenture stock.

3. Section 76 of the said chapter is hereby repealed and the following substituted therefor:— R. S., 1906, c. 79, new s. 76.

"**76.** The company may, by by-law, increase to not more than fifteen, or decrease to not less than three, the number of its directors, or may change the company's chief place of business in Canada: Provided that no by-law for either of the said purposes shall be valid or acted upon unless it is approved by a vote of at least two-thirds in value of the stock represented by the shareholders present at a special general meeting duly called for considering the by-law; nor until a copy of such by-law, certified under the seal of the company has been deposited in the department of the Secretary of State and published in *The Canada Gazette*." By-laws for increase or decrease of number of directors and for change of chief place of business. When to be valid.

THE SENATE OF CANADA.

M.] **BILL.** [1907-8

An Act respecting The Trans-Canada Railway Company.

Preamble. 1895, c. 68; 1897, c. 65; 1902, c. 108; 1904, c. 136.

WHEREAS The Trans-Canada 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:—

Time for construction extended. 1904, c. 136, s. 3.

1. The time granted to the Trans-Canada Railway Company, by chapter 136 of the statutes of 1904, for the expenditure of fifteen per cent of the amount of its capital stock upon the construction of its railway, is hereby extended to a date not exceeding two years after the passing of this Act, and the delay for the completion of the works upon the said railway is hereby extended to eight years from the passing of this Act.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

THE SENATE OF CANADA.

BILL.

M

An Act respecting The Trans-Canada Railway Company.

Received and read a first time,

Thursday, 6th February, 1908.

Second reading,

Tuesday, 11th February, 1908.

Honourable Mr. CHOQUETTE.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

THE SENATE OF CANADA.

BILL AS PASSED FEBRUARY 21, 1908.

M.] [1907-8

An Act respecting The Trans-Canada Railway Company.

WHEREAS The Trans-Canada 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. 1895, c. 68; 1897, c. 65; 1902, c. 108; 1904, c. 136.

1. The time granted to the Trans-Canada Railway Company, by chapter 136 of the statutes of 1904, for the expenditure of fifteen per cent of the amount of its capital stock upon the construction of its railway, is hereby extended to a date not exceeding two years after the passing of this Act, and the delay for the completion of the works upon the said railway is hereby extended to eight years from the passing of this Act. Time for construction extended. 1904, c. 136, s. 3.

THE SENATE OF CANADA.

N.] **BILL.** [1907-8

An Act respecting The Windsor, Chatham and London Railway Company.

WHEREAS The Windsor, Chatham and London 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. 1906, c. 183.

1. The construction of the railway of The Windsor, Chatham and London Railway Company may be commenced, and fifteen per cent of the capital stock expended thereon, within two years after the passing of this Act; and the said railway may be completed and put in operation within five years after the passing of this Act; and if the said railway be not commenced and such expenditure be not made, or if the said railway is not completed and put in operation, within the said respective periods, 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. Time for construction under *The Railway Act 1903*, c. 58, s. 117, extended.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

THE SENATE OF CANADA.

BILL.

N

An Act respecting The Windsor, Chatham and London Railway Company.

Received and read a first time,

Thursday, February 6, 1908.

Second reading,

Tuesday, February 11, 1908.

Honourable Mr. COFFEY.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8.

THE SENATE OF CANADA.

BILL AS PASSED FEBRUARY 21, 1908.

N.] 1907-8

An Act respecting The Windsor, Chatham and London Railway Company.

WHEREAS The Windsor, Chatham and London 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. 1906, c. 183.

1. The construction of the railway of The Windsor, Chatham and London Railway Company may be commenced, and fifteen per cent of the capital stock expended thereon, within two years after the passing of this Act; and the said railway may be completed and put in operation within five years after the passing of this Act; and if the said railway be not commenced and such expenditure be not made, or if the said railway is not completed and put in operation, within the said respective periods, 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. Time for construction under *The Railway Act 1903*, c. 58, s. 117, extended.

THE SENATE OF CANADA.

O.] **BILL.** [1907-8

An Act to incorporate The Saskatchewan Power Company, Limited.

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.

Corporate name.

1. Fred. Engen, James F. Cairns, William C. Sutherland, James Clinkskill, James Straton and Archibald P. McNab, all of the city of Saskatoon, in the province of Saskatchewan, together with such persons as become shareholders in the company, are hereby incorporated under the name of "The Saskatchewan Power Company, Limited," hereinafter called "the Company."

Power to build dams.

Proviso, as to passage of timber and boats.

2. The Company may locate, erect and maintain in the South Saskatchewan River, within a distance of twenty-five miles from the city of Saskatoon, in the province of Saskatchewan, a dam or dams for the purpose of holding reserves of water on the said river: Provided, that in the construction of such dam or dams, an opening or openings, with the necessary slides and gates sufficient for the safe transmission of square timber, saw-logs or lumber, whether loose or in rafts, and for the passage of boats, shall be maintained free of charge for the use of all persons who may desire to transmit square timber, saw-logs or lumber, loose or in rafts, or for the passage of boats.

Entry on and taking of lands.

R.S., 1906, c. 37.

3. The Company may enter upon, take and hold such lands as are necessary for the location, erection or maintenance of its dams; and may, with its agents and teams, pass and repass over the shores of the said river, for such purposes and for the operation and management of its dams; but the Company shall make compensation therefor, as provided in case of damage to lands taken in laying out railways under *The Railway Act;* and the Company may also remove rocks and make other necessary improvements in the said river, subject to the approval of the Governor in Council, on giving one month's notice in *The Canada Gazette* of its intention to apply for such approval.

Power to do various businesses.

4. The Company may carry on the business of millers and the general business of merchants in flour, meal and other

milling products, including flax and the products thereof, and the business of elevating and storing wheat and all other grain and the products thereof, and the business of baking flour, meal and breadstuffs.

Hotels.

5. The Company may also, for the purposes of its business hereinbefore mentioned and in connection therewith, own or manage hotels or boarding houses.

Development and supply of power, heat and light.

Promotion of companies.

6. The Company may carry on the business of a power and electric heating and lighting company; may generate, transmit, use and dispose of water powers, water power franchises and privileges, and the necessary real and personal estate and property; may contract with persons, firms, municipalities and corporations for supplying them with electricity; may promote the formation of companies which will require electricity as a motive power in connection with their business.

Range of operations.

2. The operations of the Company may be carried on throughout the Dominion of Canada and elsewhere.

Vessels.

7. The Company may construct, charter and employ vessels for the purposes aforesaid, and for the purpose of transporting the produce of the mills and works to any place within Canada or elsewhere.

Acquisition of other like businesses.

Disposal of Company's business and franchises.

8. The Company may purchase or otherwise acquire any business within the objects of the Company, and any lands, property, privileges, rights, contracts, and liabilities appertaining to the same; and may let or sub-let any property of the Company; and may sell or otherwise dispose of the business, property or undertaking of the Company, or any part thereof, for such considerations as the Company may think fit, and in particular for shares, debentures or securities of any other Company having objects altogether or in part similar to those of the Company.

Limitation as to real estate.

9. Nothing in this Act contained shall be construed as enabling the Company to acquire real estate beyond what is necessary for the carrying on of its business as aforesaid.

Borrowing powers.

10. The directors, if authorized by a by-law for that purpose, passed and approved by the votes of shareholders representing at least two-thirds in value of the subscribed stock of the Company present or represented by proxy at an annual or special general meeting duly called for the purpose of considering such by-law, may, from time to time, at their discretion, borrow moneys for the purposes of the Company, annd secure the repayment of any of the moneys so borrowed, or any other moneys owing by the Company, in such manner and upon such terms and conditions as they see fit, and in particular by mortgage, pledge, hypothecation or charge of or on any or all of the assets and property of the Company.

Issue of debentures.

11. So soon as one hundred thousand dollars of the capital stock of the Company have been subscribed for and issued, and twenty per cent has been paid up thereon, the directors of the

Company, under the authority of the shareholders given at any annual or general meeting called for the purpose, at which meeting shareholders representing at least two-thirds in value of the issued capital stock of the company are present in person or represented by proxy, may also from time to time create and issue debentures, bearing such rate of interest as is agreed upon, for sums of not less than one hundred dollars each, signed by the president, or other presiding officer, under the seal of the Company, and countersigned by the secretary, and payable to bearer or order: and the directors may deliver the said debentures for the purposes set forth in this Act: and the directors may sell, or pledge the said debentures for the purpose of borrowing money or of paying or securing the indebtedness of of the Company: Provided that the total amount of debentures at any time outstanding and of moneys borrowed under the next preceding section shall not exceed in amount seventy-five per cent of the paid-up capital stock of the Company; and the said debentures and interest thereon, if intended to be secured, may be secured by mortgage upon such of the property and assets of the Company as are described in the mortgage deed: and such mortgage deed may give to the holders of the said debentures, or to the trustees for such holders named in such mortgage deed, such powers, powers of sale, rights and remedies as are specified in such mortgage deed.

Limitation of borrowing powers.

Security.

12. The capital stock of the Company shall be one million dollars, divided into shares of one hundred dollars each, and may be called up by the directors from time to time as they deem necessary, but no call subsequent to the allotment of shares shall exceed twenty per cent nor be made at less intervals than two months, and every share in the Company shall be deemed to have been issued and be held subject to the payment of the whole amount thereof in cash, except as herein otherwise provided.

Capital stock.

Calls.

13. Fred. Engen, James F. Cairns, William C. Sutherland, James Clinkskill, James Straton and Archibald P. McNab shall be the provisional directors of the Company, a majority of whom shall form a quorum.

Provisional directors.

14. The provisional directors may open stock books and procure subscriptions of stock, and shall deposit the payments thereon in a chartered bank in Canada, and may withdraw the same for the purposes of the Company only; and they shall have and possess all the powers which are conferred upon directors by Part II of *The Companies' Act* and by this Act; and, until otherwise ordered by by-law or resolution, meetings of the provisional directors shall be held at Saskatoon, in the province of Saskatchewan, at such times as they determine; notice in writing, signed by at least three of the provisional directors calling any such meeting, with the date and place of holding the same, mailed by registered letter to the address of each of the other directors not less than six days previous to the date of such meeting, shall be deemed sufficient notice of such meeting.

Powers of provisional directors.

R.S., 1906, c. 79.

Meetings.

Notice.

First general meeting of Company.

15. At any time within three months after the passing of this Act the provisional directors, or any two of them, shall call a general meeting of the shareholders of the Company to be held at the city of Saskatoon at such time and place as they determine, for the purpose of passing or ratifying the by-laws of the Company, of electing directors, and of considering and determining upon any other business specified in the notice calling such meeting; and a notice in writing signed by two or more of the provisional directors calling any such meeting, with the date and place of holding the same, mailed by registered letter to the address of each shareholder not less than ten days previously, shall be deemed sufficient notice of such meeting.

Notice.

Qualification of directors.

16. No person shall be elected a director unless he holds at least ten shares of the capital stock of the Company, absolutely in his own right, and is not in arrears in respect of any call thereon, and the directors of the Company may act notwithstanding any vacancy in their number: Provided that, if the number falls below three, the directors shall not, except for the purpose of filling vacancies, have power to act so long as the number is below the said minimum.

Head office.

17. The head office of the Company shall be in the city of Saskatoon, in the province of Saskatchewan.

Annual general meeting.

18. The annual meeting of the shareholders shall be held on the second Wednesday in March in each year, at the head office of the Company, or at such other place in Canada as may be determined by by-law.

R.S., 1906, c. 79, s. 141, as to calls on stock.

19. Section 141 of *The Companies' Act* shall not apply to the Company.

Duration of time.

21. The powers granted by sections 2 to 8, both inclusive, of this Act shall expire by non-user during three consecutive years, or if the Company does not go into actual operation within two years from the passing of this Act.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

THE SENATE OF CANADA.

BILL.

An Act to incorporate The Saskatchewan Power Company, Limited.

Received and read a first time,

Friday, February 7, 1908.

Second reading,

Wednesday, February 12, 1908.

Honourable Mr. DAVIS.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8.

THE SENATE OF CANADA.

BILL AS PASSED APRIL 2, 1908.

O.] 1907-8

An Act to incorporate The Saskatchewan Power 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. Fred. Engen, James F. Cairns, William C. Sutherland, James Straton and Archibald P. McNab, all of the city of Saskatoon, in the province of Saskatchewan, together with such persons as become shareholders in the company, are hereby incorporated under the name of "The Saskatchewan Power Company," hereinafter called "the Company."

Corporate name.

Power to build dams.

R.S., c. 115; R.S., c. 61.

2. The Company may, subject to the provisions of *The Navigable Waters Protection Act* and of *The Irrigation Act*, locate, erect and maintain in the South Saskatchewan River, within a distance of twenty-five miles from the city of Saskatoon, in the province of Saskatchewan, a dam or dams for the purpose of holding reserves of water on the said river: Provided, that in the construction of such dam or dams, an opening or openings, with the necessary slides and gates sufficient for the safe transmission of square timber, saw-logs or lumber, whether loose or in rafts, and for free navigation, shall be maintained free of charge for the use of all persons who may desire to transmit square timber, saw-logs or lumber, loose or in rafts, and for free navigation.

Proviso, as to passage of timber and boats.

Entry on lands for survey.

3. The Company may enter upon any land of which it may deem necessary to make an examination and survey, doing no unnecessary damage, and paying the actual damage done, if any.

Deposit of plans of works and of lands proposed to be taken.

2. Certified copies of the plans of any work authorized by this Act and of the lands required for such work shall be fyled by the Company in the Department of Public Works at Ottawa, in the registry office for the district in the province of Saskatchewan in which the works are to be situated, and in the office of the clerk of the municipality of the city of Saskatoon,

in the province of Saskatchewan; and the Company shall without unnecessary delay give public notice of such deposit once a week for five consecutive weeks in *The Canada Gazette, The Saskatchewan Gazette* and in a newspaper published in the city of Saskatoon; and such notice shall state the day, hour and place at which an application will be made to the Governor in Council for his approval of such plans; and the Governor in Council, after hearing such application and determining all matters in relation thereto then brought before him by any person interested, may approve of such plans, and until such approval the Company shall have no authority to proceed with the construction, erection, or making of such work.

Notice.

Approval of plans by Governor in Council.

Effect.

Power to take lands, how obtained.

3. If such approval by the Governor in Council has first been obtained the Company may, on the order or authority of a judge of the Supreme Court of the province of Saskatchewan as hereinafter provided, enter upon, take and hold such lands shown upon the said plans as are judged necessary for the location, erection or maintenance of its dams and power-houses and other buildings adjacent thereto, and may, with its agents and teams, pass and re-pass over the shores of the said river for the purposes aforesaid.

Proceedings.

4. To obtain such order or authority the company may commence proceedings according to the practice of the said court in civil matters.

Power to judge to make order.

5. If the judge is of the opinion that the granting of the application made by the Company for the lands aforesaid, is proper and just under all the circumstances of the case, he shall make such order in the premises as he deems proper and expedient, and on such conditions as he determines, and may assess the sum or sums, if any, to be paid as the value of the lands or the easement or interest therein, as may be required, or as damages for any lands injuriously affected which ought to be paid by the Company, and shall make such order as to costs as he deems just.

Assessment of damages.

Costs.

Payment.

6. The sum or sums so assessed or awarded as costs shall be paid to the party or parties entitled thereto, or into court, as the judge may direct; and any such payment to be made by the Company shall be made before the powers aforesaid or any of them shall be exercised, and within a period to be fixed by the judge, and in default the Company shall be debarred from all benefits under any such order, but the same may be proceeded on by the other party or parties thereto to enforce payment of the costs payable by the Company.

Vesting order.

7. Upon payment by the Company of money ordered to be paid by them as directed by the order, the judge may issue an order, subject to the provisions hereinbefore contained, vesting in the Company any land or any interest or easement in respect of any land in respect of which such payment has been made.

Taking of lands for transmission lines.

8. Lands actually required for the construction, maintenance and operation of the transmission lines or conduits of the Com-

pany, may be taken and acquired by the Company; and, to this end, after the plans of any such work and the lands required therefor have been approved by the Governor in Council, the provisions of this section shall apply to the taking and acquisition of such lands.

Appeal.

9. An appeal shall lie from the order of the judge to the court *in banc* of the said province, as from any other order or judgment of the like amount or amounts made by a judge of such court; and the proceedings on such appeal shall be in accordance with the law of the said province and with the practice of the said court.

Development and supply of power, heat and light.

4. The Company may carry on the business of a power and electric heating and lighting company; may generate, transmit, use and dispose of water power; may acquire water power franchises and privileges, and the necessary real and personal estate and property; may contract with persons, firms, municipalities and corporations for supplying them with electricity; may promote the formation of companies which will require electricity as a motive power in connection with their business.

Promotion of companies.

Acquisition of other like businesses.

5. The Company may purchase or otherwise acquire any business within the objects of the Company, and any lands, property, privileges, rights, contracts, and liabilities appertaining to the same; and may let or sub-let any property of the Company; and may sell or otherwise dispose of the business, property or undertaking of the Company, or any part thereof, for such considerations as the Company may think fit, and in particular for shares, debentures or securities of any other Company having objects altogether or in part similar to those of the Company.

Disposal of Company's business and franchises.

Limitation as to real estate.

6. Nothing in this Act contained shall be construed as enabling the Company to acquire real estate beyond what is necessary for the carrying on of its business as aforesaid.

Borrowing powers.

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.

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

Amount.

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

Bonds, etc.

(*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;

Mortgages.

(*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.

Proviso, as to negotiable instruments.

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.

Capital stock.

Calls

8. The capital stock of the Company shall be one million dollars, divided into shares of one hundred dollars each, and may be called up by the directors from time to time as they deem necessary, but no call subsequent to the allotment of shares shall exceed twenty per cent nor be made at less intervals than two months.

Provisional directors.

9. Fred. Engen, James F. Cairns, William C. Sutherland, James Straton and Archibald P. McNab shall be the provisional directors of the Company, a majority of whom shall form a quorum.

Powers of provisional directors.

R.S., 1906, c. 79.

Meetings.

Notice.

10. The provisional directors may open stock books and procure subscriptions of stock, and shall deposit the payments thereon in a chartered bank in Canada, and may withdraw the same for the purposes of the Company only; and they shall have and possess all the powers which are conferred upon directors by Part II of *The Companies' Act* and by this Act; and, until otherwise ordered by by-law or resolution, meetings of the provisional directors shall be held at Saskatoon, in the province of Saskatchewan, at such times as they determine; notice in writing, signed by at least three of the provisional directors calling any such meeting, with the date and place of holding the same, mailed by registered letter to the address of each of the other directors not less than six days previous to the date of such meeting, shall be deemed sufficient notice of such meeting.

First general meeting of Company.

Notice.

11. At any time within twelve months after the passing of this Act the provisional directors, or any two of them, shall call a general meeting of the shareholders of the Company to be held at the city of Saskatoon at such time and place as they determine, for the purpose of passing or ratifying the by-laws of the Company, of electing directors, and of considering and determining upon any other business specified in the notice calling such meeting; and a notice in writing signed by two or more of the provisional directors calling any such meeting, with the date and place of holding the same, mailed by registered letter to the address of each shareholder not less than ten days previously, shall be deemed sufficient notice of such meeting.

Qualification of directors.

12. No person shall be elected a director unless he holds at least ten shares of the capital stock of the Company, absolutely in his own right, and is not in arrears in respect of any call thereon, and the directors of the Company may act notwithstanding any vacancy in their number: Provided that, if the

number falls below three, the directors shall not, except for the purpose of filling vacancies, have power to act so long as the number is below the said minimum.

Head office.

13. The head office of the Company shall be in the city of Saskatoon, in the province of Saskatchewan.

Annual general meeting.

14. The annual meeting of the shareholders shall be held on the second Wednesday in March in each year, at the head office of the Company, or at such other place in Canada as may be determined by by-law.

R.S., 1906, c. 79, s. 141, as to calls on stock.

15. Section 141 of *The Companies' Act* shall not apply to the Company.

Duration of time

16. The powers granted by sections 2 to 5, both inclusive, of this Act shall expire by non-user during four consecutive years, or if the Company does not go into actual operation within three years from the passing of this Act.

THE SENATE OF CANADA.

P.] **BILL.** [1907-8

An Act respecting The Quebec and New Brunswick Railway Company.

WHEREAS The Quebec and New Brunswick Railway Company, hereinafter called "the 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. 1900, c. 75. 1903, c. 176.

1. The time limited, by chapter 176 of the statutes of 1903, for the construction and completion of the railway described in section 7 of chapter 75 of the statutes of 1900, as amended by section 3 of this Act, is hereby extended for five years from the passing of this Act; and if the said railway is not completed and put in operation within that period, then the powers of construction granted to the Company shall cease and be null and void with respect to so much of the said railway as then remains uncompleted. Time for construction extended. 1900, c. 75, s. 10. 1903, c. 176, s. 1.

2. Section 10 of chapter 75 of the statutes of 1900 and chapter 176 of the statutes of 1903 are hereby repealed. Repeal of present time limits.

3. Section 7 of chapter 75 of the statutes of 1900 is hereby amended by inserting, after the word "junction" in the eighth line thereof, the words "or a point on the Grand Trunk Pacific Railway in the valley of the river St. Francis." 1900, c. 75. s. 7 amended. Line of railway.

4. Section 7 of the said chapter 75 is hereby further amended by adding thereto the following subsections:— 1900, c. 75, s. 7, further amended.

"2. The Company may also lay out, construct and operate a line of railway of the gauge of four feet eight and one-half inches from the said point, at or near St. Charles Junction, or St. Anselme, or Chaudière Junction aforesaid, to a point on the boundary line between the province of Quebec and the State of Maine in the United States of America, in the thirteenth township of the said State of Maine. Additional line of railway authorized.

"3. The Company may, at the said point on the International boundary line, make connections between the Company's railway and any railways in the State of Maine, owned, controlled or operated by any railway company authorized to make such connections; and may, subject to the approval of the Board of Connections with railways in State of Maine.

Power for agreements respecting such railways.

Railway Commissioners of Canada, enter into any agreement for the lease of such railways or of any portions thereof necessary to effect the purpose aforesaid, or for the obtaining of running rights over such railways or portions thereof; and may construct, aid in the construction of, and when constructed, maintain and operate such railways or portions thereof as part of the continuous line of the Company's railway.

1900, c. 75, s. 9 amended.

Agreements with other companies.

5. Section 9 of the said chapter 75 is hereby amended by inserting in the third line thereof after the word "Canada," the words "or the Grand Trunk Pacific Railway Company or any other railway company."

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

THE SENATE OF CANADA.

BILL.

P

An Act respecting The Quebec and New Brunswick Railway Company.

Received and read a first time,

Tuesday, 11th February, 1908.

Second reading,

Thursday, 13th February, 1908.

Honourable Mr. COSTIGAN.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

THE SENATE OF CANADA.

BILL AS PASSED MARCH 12, 1908.

P.] [1907-8

An Act respecting The Quebec and New Brunswick Railway Company.

Preamble.

WHEREAS The Quebec and New Brunswick Railway Company, hereinafter called "the 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:—

1900, c. 75. 1903, c. 176.

Time for construction extended.

1. The time limited, by chapter 176 of the statutes of 1903, for the construction and completion of the railway described in section 7 of chapter 75 of the statutes of 1900, as amended by section 3 of this Act, is hereby extended for five years from the passing of this Act; and if the said railway is not completed and put in operation within that period, then the powers of construction granted to the Company shall cease and be null and void with respect to so much of the said railway as then remains uncompleted.

1900, c. 75, s. 10. 1903, c. 176, s. 1.

Repeal of present time limits.

2. Section 10 of chapter 75 of the statutes of 1900 and chapter 176 of the statutes of 1903 are hereby repealed.

1900, c. 75. s. 7 amended.

Line of railway.

3. Section 7 of chapter 75 of the statutes of 1900 is hereby amended by inserting, after the word "junction" in the eighth line thereof, the words "or a point on the Grand Trunk Pacific Railway in the valley of the river St. Francis."

1900, c. 75, s. 7, further amended.

Additional line of railway authorized.

4. Section 7 of the said chapter 75 is hereby further amended by adding thereto the following subsections:—

"2. The Company may also lay out, construct and operate a line of railway of the gauge of four feet eight and one-half inches from the said point, at or near St. Charles Junction, or St. Anselme, or Chaudière Junction aforesaid, to a point on the boundary line between the province of Quebec and the State of Maine in the United States of America, in the thirteenth township of the said State of Maine.

Connections with railways in State of Maine.

"3. The Company may, at the said point on the International boundary line, make connections between the Company's railway and any railways in the State of Maine, owned, controlled or operated by any railway company authorized to make such connections; and may, subject to the approval of the Board of Railway Commissioners of Canada, enter into any agreement for the lease of such railways or of any portions thereof necessary to effect the purpose aforesaid, or for the obtaining of running rights over such railways or portions thereof; and may construct, aid in the construction of, and when constructed, maintain and operate such railways or portions thereof as part of the continuous line of the Company's railway.

Power for agreements respecting such railways.

1900, c. 75, s. 9 amended.

Agreements with other companies.

5. Section 9 of the said chapter 75 is hereby amended by inserting in the third line thereof after the word "Canada," the words "or the Grand Trunk Pacific Railway Company or any other railway company."

THE SENATE OF CANADA.

Q.] **BILL.** [1907-8

An Act to incorporate The London and Lancashire Guarantee and Accident 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:— Preamble.

1. Alfred Wright, Thomas Hammond Hall, Albert Edward Blogg, Greenhow Banks, all of the city of Toronto, in the province of Ontario, and Thomas F. Dobbin, of the city of Montreal, in the province of Quebec, together with such persons as become shareholders in the Company, are hereby incorporated under the name of "The London and Lancashire Guarantee and Accident Company of Canada." Incorporation. Corporate name.

2. The persons named in section 1 of this Act, together with such persons not exceeding six as they associate with them, shall be the provisional directors of the Company, a majority of whom shall be a quorum for the transaction of business, and they may forthwith open stock books, procure subscriptions of stock for the undertaking, make calls on stock subscribed and receive payments thereon, and shall deposit in a chartered bank in Canada all moneys received by them on account of stock subscribed or otherwise received by and may withdraw the same for the purposes of the Company only, and may do generally whatever is necessary to organize the Company. Provisional directors. Powers.

3. The head office of the Company shall be in the city of Toronto, in the province of Ontario. Head office.

2. The directors may establish branches, agencies and local advisory boards, either in Canada or elsewhere, at such times and in such manner as they deem expedient. Branches.

4. The capital stock of the Company shall be five hundred thousand dollars divided into shares of fifty dollars each. Capital stock.

2. The directors may, after the whole capital stock has been subscribed and fifty per cent paid thereon in cash, increase the amount of the capital stock from time to time to an amount not exceeding one million dollars; but the stock shall not be increased until a resolution of the board of directors authorizing Increase of capital.

such increase has first been submitted to and confirmed by two thirds in value of the shareholders present or represented by proxy at a special general meeting of the shareholders duly called for that purpose.

First general meeting.

5. So soon as one hundred and fifty thousand dollars of the capital stock have been subscribed, and ten per cent of that amount has been paid into some chartered bank in Canada, the provisional directors shall call a general meeting of the shareholders at some place to be named in the city of Toronto, at which meeting the shareholders present or represented by proxy, who have paid not less than ten per cent on the amount of shares subscribed for by them, shall elect a board of not less than five nor more than twenty directors, who shall thereafter manage the affairs of the Company and a majority of whom shall be a quorum.

Election of directors.

Qualification of directors.

6. No person shall be a director unless he holds in his own name at least ten shares of the capital stock and has paid all calls due thereon and all liabilities incurred by him to the Company.

General meetings.

7. A general meeting of the Company shall be called at its head office once in each year after the organization of the Company and commencement of business, and at such meeting a statement of the affairs of the Company shall be submitted; and special general or extraordinary meetings may at any time be called by any three of the directors or by requisition of any twenty-five shareholders, specifying in the notice the object of such meeting.

Notice of meetings.

2. Notice of each such meeting shall be sufficiently given by printed or written notice to each of the shareholders mailed at least twenty days before the day for which the meeting is called and addressed by registered letter to the addresses of the shareholders respectively given in the books of the Company.

Calls on stock.

8. The shares of the capital stock subscribed for shall be paid by such instalments and at such times and places as the directors appoint, and any notice of call may be effectually given by sending the notice by registered letter, post paid to the last-known address of each shareholder: Provided that the whole amount so paid in by any shareholder shall not be less than ten per cent of the amount subscribed by such shareholder.

When business may be commenced.

9. The Company shall not commence the business of accident, sickness and guarantee insurance as provided for by this Act until two hundred thousand dollars of the capital stock have been subscribed and ninety thousand dollars have been paid in cash into the funds of the Company to be appropriated only for the purposes of the Company under this Act: Provided that the Company may commence the business of accident or accident and sickness insurance when one hundred and fifty thousand dollars of the capital stock have been subscribed and fifty thousand dollars have been paid in cash into the funds of the Company: Provided further that, in case the business of

accident and sickness insurance has not so been taken up, the Company may commence the business of guarantee and contingency insurance when one hundred and fifty thousand dollars of the capital stock have been subscribed and seventy-five thousand dollars have been paid in cash into the funds of the Company.

Accident and sickness insurance.

10. The Company may make and effect contracts of insurance against any accident or casualty, of whatever nature or from whatever cause arising, to individuals, whereby the insured suffers loss or injury or is disabled, including sickness not ending in death, or any other disability not caused from accident or old age; or, in case of death from any accident or casualty not including sickness, securing to the representative of the person assured the payment of a certain sum of money upon such terms and conditions as are agreed upon; and in like manner may also make and effect contracts of indemnity with any person against claims and demands of the workmen and employees of such person, or of the legal representatives of such workmen and employees, with respect to accidents or casualties, of whatever nature or from whatever cause arising, whereby the insured suffers pecuniary loss or damage, or incurs costs and expenses; and may generally carry on the business of accident and sickness insurance as defined by *The Insurance Act*.

R.S., 1906, c. 34.

Guarantee insurance.

11. The Company may make and effect contracts—

(*a*) guaranteeing the fidelity of persons filling or about to fill situations of trust or confidence, and the due performance and discharge by such persons of all or any of the duties and obligations imposed upon them by contract or otherwise;

(*b*) guaranteeing the due performance and discharge by receivers, official and other liquidators, special managers, committees, guardians, executors, administrators, trustees, attorneys, brokers and agents, of their respective duties and obligations;

(*c*) guaranteeing persons filling or about to fill situations of trust or confidence against liabilities in connection therewith, and in particular against liabilities resulting from the misconduct of any co-trustee, co-agent, sub-agent or other person.

2. The Company may carry on, generally, the business of guarantee insurance as defined by *The Insurance Act*.

R.S., 1906, c. 34.

Accident and transportation insurance of property.

12. The Company may also make contracts insuring the owner of personal property, other than plate-glass or other glass, against accidental damage or loss total or partial to such property, *in situ* or in transit, by reason of any cause whatsoever except loss directly or indirectly by fire or by the perils of navigation.

Power to hold real property limited.

13. The Company may acquire and hold any real property required in part or wholly for its use and accommodation, and may dispose thereof when necessary; but the annual value of such property held in any province of Canada shall not exceed three thousand dollars, except in the province of Ontario where it shall not exceed ten thousand dollars.

Re-insurance.

14. The Company may also cause itself to be insured against any risk undertaken in the course of its business.

Power to amalgamate with other companies.

R.S., 1906, c. 34.

15. The Company shall have power to amalgamate with any other company or companies duly authorized by law to carry on all or any descriptions of insurance business authorized by *The Insurance Act*; and may also sell and dispose of the whole or any portion of its own business to any company or companies duly authorized to transact business in the Dominion of Canada.

R.S., 1906, c. 34 to apply.

16. This Act, and the Company hereby incorporated, and the exercise of the powers hereby conferred, shall be subject to the provisions of *The Insurance Act*.

Application of R.S., 1906, c. 79.

R.S., 1906, c. 34.

17. Notwithstanding anything contained in *The Companies Act*, Part II thereof, except sections 120, 121, 122, 125, 141, 158 and 165, shall apply to the Company, in so far as the said Part is not inconsistent with any of the provisions of *The Insurance Act* or of this Act.

4th Session, 11th Parliament, 7-8 Edward VII., 1907-8

THE SENATE OF CANADA.

BILL.

Q

An Act to incorporate The London and Lancashire Guarantee and Accident Company of Canada.

Received and read a first time,

Tuesday, February 11, 1908.

Second reading,

Thursday, February 13, 1908.

Honourable Mr. Ross,
(Middlesex.)

OTTAWA
Printed by S. E. Dawson
Printer to the King's most Excellent Majesty
1907-8.

THE SENATE OF CANADA.

BILL AS PASSED MARCH 13, 1908.

Q.] [1907-8

An Act to incorporate The London and Lancashire Guarantee and Accident 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:— Preamble.

1. Alfred Wright, Thomas Hammond Hall, Albert Edward Blogg, Greenhow Banks, all of the city of Toronto, in the province of Ontario, and Thomas F. Dobbin, of the city of Montreal, in the province of Quebec, together with such persons as become shareholders in the Company, are hereby incorporated under the name of "The London and Lancashire Guarantee and Accident Company of Canada." Incorporation. Corporate name.

2. The persons named in section 1 of this Act, together with such persons not exceeding six as they associate with them, shall be the provisional directors of the Company, a majority of whom shall be a quorum for the transaction of business, and they may forthwith open stock books, procure subscriptions of stock for the undertaking, make calls on stock subscribed and receive payments thereon, and shall deposit in a chartered bank in Canada all moneys received by them on account of stock subscribed or otherwise received by them and may withdraw the same for the purposes of the Company only, and may do generally whatever is necessary to organize the Company. Provisional directors. Powers.

3. The head office of the Company shall be in the city of Toronto, in the province of Ontario. Head office.

2. The directors may establish branches, agencies and local advisory boards, either in Canada or elsewhere, at such times and in such manner as they deem expedient. Branches.

4. The capital stock of the Company shall be five hundred thousand dollars divided into shares of one hundred dollars each. Capital stock.

Increase of capital.

2. The directors may, after the whole capital stock has been subscribed and fifty per cent paid thereon in cash, increase the amount of the capital stock from time to time to an amount not exceeding one million dollars; but the stock shall not be increased until a resolution of the board of directors authorizing such increase has first been submitted to and confirmed by two thirds in value of the shareholders present or represented by proxy at a special general meeting of the shareholders duly called for that purpose.

First general meeting.

5. So soon as one hundred and fifty thousand dollars of the capital stock have been subscribed, and ten per cent of that amount has been paid into some chartered bank in Canada, the provisional directors shall call a general meeting of the shareholders at some place to be named in the city of Toronto, at

Election of directors.

which meeting the shareholders present or represented by proxy, who have paid not less than ten per cent on the amount of shares subscribed for by them, shall elect a board of not less than five nor more than twenty directors, who shall thereafter manage the affairs of the Company and a majority of whom shall be a quorum.

Qualification of directors.

6. No person shall be a director unless he holds in his own name at least ten shares of the capital stock and has paid all calls due thereon and all liabilities incurred by him to the Company.

General meetings.

7. A general meeting of the Company shall be called at its head office once in each year after the organization of the Company and commencement of business, and at such meeting a statement of the affairs of the Company shall be submitted; and special general or extraordinary meetings may at any time be called by any three of the directors or by requisition of any twenty-five shareholders, specifying in the notice the object of such meeting.

Notice of meetings.

2. Notice of each such meeting shall be sufficiently given by printed or written notice to each of the shareholders mailed at least twenty days before the day for which the meeting is called and addressed by registered letter to the addresses of the shareholders respectively given in the books of the Company.

Calls on stock.

8. The shares of the capital stock subscribed for shall be paid by such instalments and at such times and places as the directors appoint, and any notice of call may be effectually given by sending the notice by registered letter, post paid to the last-known address of each shareholder: Provided that the whole amount so paid in by any shareholder shall not be less than ten per cent of the amount subscribed by such shareholder.

9. The Company shall not commence the business of accident, sickness and guarantee insurance as provided for by this Act until five hundred thousand dollars of the capital stock have been subscribed and one hundred thousand dollars have been paid in cash into the funds of the Company to be appropriated only for the purposes of the Company under this Act: Provided that the Company may commence the business of accident or accident and sickness insurance when two hundred and fifty thousand dollars of the capital stock have been subscribed and fifty thousand dollars have been paid in cash into the funds of the Company: Provided further that, in case the business of accident and sickness insurance has not so been taken up, the Company may commence the business of guarantee and contingency insurance when two hundred and fifty thousand dollars of the capital stock have been subscribed and fifty thousand dollars have been paid in cash into the funds of the Company.

When business may be commenced.

10. The Company may make and effect contracts of insurance against any accident or casualty, of whatever nature or from whatever cause arising, to individuals, whereby the insured suffers loss or injury or is disabled, including sickness not ending in death, or any other disability not caused from accident or old age; or, in case of death from any accident or casualty not including sickness, securing to the representative of the person assured the payment of a certain sum of money upon such terms and conditions as are agreed upon; and in like manner may also make and effect contracts of indemnity with any person against claims and demands of the workmen and employees of such person, or of the legal representatives of such workmen and employees, with respect to accidents or casualties, of whatever nature or from whatever cause arising, whereby the insured suffers pecuniary loss or damage, or incurs costs and expenses; and may generally carry on the business of accident and sickness insurance as defined by *The Insurance Act*.

Accident and sickness insurance.

R.S., 1906, c. 34.

11. The Company may make and effect contracts of insurance—

Guarantee insurance.

(*a*) to protect principals, employers and other persons from and against injury, damage or loss by reason of fraud, theft, embezzlement, defalcation, robbery, or other misconduct or negligence, or acts or omissions, or other breaches of duty or of contract by persons in their employ, or acting on their behalf, or dealing with or having the custody or control of their property, or occupying or about to occupy a fiduciary or administrative position of trust or confidence;

(*b*) to guarantee the due performance and discharge by court and government officials, employees, agents, receivers, official and other liquidators, special managers, committees, guardians,

executors, administrators, trustees, attorneys, brokers, and agents of their respective duties and obligations;

(*c*) to guarantee persons filling or about to fill situations of trust or confidence against liabilities in connection therewith, and in particular against liabilities resulting from the misconduct of any co-trustee, co-agent, sub-agent or other person;

(*d*) to guarantee the payment of money as surety or bondsman in legal actions or proceedings or in respect of succession duties.

R.S., 1906, c. 34.

2. The Company may carry on, generally, the business of guarantee insurance as defined by *The Insurance Act*.

Accident and transportation insurance of property.

12. The Company may also make contracts insuring the owner of personal property, other than plate-glass or other glass, against accidental damage or loss total or partial to such property, *in situ* or in transit, by reason of any cause whatsoever except loss directly or indirectly by fire or by the perils of navigation.

Power to hold real property limited.

13. The Company may acquire and hold any real property required in part or wholly for its use and accommodation, and may dispose thereof when necessary; but the annual value of such property held in any province of Canada shall not exceed three thousand dollars, except in the province of Ontario where it shall not exceed ten thousand dollars.

Re-insurance.

14. The Company may also cause itself to be insured against any risk undertaken in the course of its business.

R.S., 1906, c. 34 to apply.

15. This Act, and the Company hereby incorporated, and the exercise of the powers hereby conferred, shall be subject to the provisions of *The Insurance Act*, and of any general Act relating to insurance passed during the present session of Parliament; and in any respect in which any provision of this Act is inconsistent with those Acts, the provision made by those Acts shall prevail.

Application of R.S., 1906, c. 79.

16. Notwithstanding anything contained in *The Companies Act*, Part II thereof, except sections 120, 121, 122, 125, 141, 158 and 165, shall apply to the Company, in so far as the said Part is not inconsistent with any of the provisions of *The Insurance Act* and of any general Act relating to insurance passed during the present session of Parliament, or of this Act.

R.S., 1906, c. 34.

THE SENATE OF CANADA.

R.] **BILL.** [1907-8

An Act respecting the Manitoulin and North Shore Railway Company.

Preamble.

1900, c. 64; 1901, c. 74; 1902, c. 72; 1903, c. 148; 1905, c. 120; 1906, c. 123; 1907, c. 106.

WHEREAS The Manitoulin and North Shore 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, enacts as follows:—

Extension of time for construction of certain lines.

1907, c. 106, s. 2 amended.

1. The lines of railway described in sections 1 and 2 of chapter 148 of the statutes of 1903, as amended by section 1 of chapter 106 of the statutes of 1907, and in section 7 of chapter 64 of the statutes of 1900, except those portions described in sections 2 and 3 of this Act, may be commenced within two years and completed within five years after the passing of this Act; otherwise the powers granted for such construction shall cease and be null and void as respects so much thereof as then remains uncompleted.

Extension of time for construction, Sudbury to Little Current.

1906, c. 123, s. 1 amended.

2. That part of the railway of The Manitoulin and North Shore Railway Company described in section 7 of chapter 64 of the statutes of 1900, lying between Sudbury and Little Current, may be commenced within two years after the passing of this Act; but, if the construction of the said part of the railway is not commenced at the harbour of Little Current and one hundred and fifty thousand dollars are not expended thereon within the said two years, and if the said part of the railway is not completed within three years after the passing of this Act, the powers granted for such construction shall cease and be null and void as respects so much of the said part of the railway as then remains uncompleted.

Extension of time for construction, Meaford to Owen Sound.

1906, c. 123, s. 2 amended.

3. That part of the said railway described in section 7 of chapter 64 of the statutes of 1900, lying between Meaford and Owen Sound, may be commenced within two years after the passing of this Act; but, if the construction of the said part of the railway is not commenced, and one hundred and fifty thousand dollars are not expended thereon within the said two years, and if the said part of the railway is not completed within three years after the passing of this Act, the powers

granted for such construction shall cease and be null and void as respects so much of the said part of the railway as then remains uncompleted.

Repeal, 1906, c. 123, ss. 1, 2. 1907, c. 106, s. 2.

4. Sections 1 and 2 of chapter 123 of the statutes of 1906, and section 2 of chapter 106 of the statutes of 1907 are repealed.

4th Session, 11th Parliament, 7-8 Edward VII., 1907-8

THE SENATE OF CANADA.

BILL.

R

An Act respecting The Manitoulin and North Shore Railway Company.

Received and read a first time,

Wednesday, February 12, 1908.

Second reading,

Friday, February 14, 1908.

Honourable Mr. Kerr.

OTTAWA
Printed by S. E. Dawson
Printer to the King's most Excellent Majesty
1907-8.

THE SENATE OF CANADA.

BILL AS PASSED MARCH 26, 1908.

R.] [1907-8

An Act respecting the Manitoulin and North Shore Railway Company.

Preamble.

1900, c. 64; 1901, c. 74; 1902, c. 72; 1903, c. 148; 1905, c. 120; 1906, c. 123; 1907, c. 106.

WHEREAS The Manitoulin and North Shore 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, enacts as follows:—

Extension of time for construction of certain lines. 1907, c. 106, s. 2 amended.

1. The lines of railway described in sections 1 and 2 of chapter 148 of the statutes of 1903, as amended by section 1 of chapter 106 of the statutes of 1907, and in section 7 of chapter 64 of the statutes of 1900, except those portions described in sections 2 and 3 of this Act, may be commenced within two years and completed within five years after the passing of this Act; otherwise the powers granted for such construction shall cease and be null and void as respects so much thereof as then remains uncompleted.

Extension of time for construction, Sudbury to Little Current.

1906, c. 123, s. 1 amended.

2. That part of the railway of The Manitoulin and North Shore Railway Company described in section 7 of chapter 64 of the statutes of 1900, lying between Sudbury and Little Current, may be commenced within two years after the passing of this Act; but, if the construction of the said part of the railway is not commenced at the harbour of Little Current and one hundred and fifty thousand dollars are not expended thereon within the said two years, and if the said part of the railway is not completed within three years after the passing of this Act, the powers granted for such construction shall cease and be null and void as respects so much of the said part of the railway as then remains uncompleted.

Extension of time for construction, Meaford to Owen Sound.

3. That part of the said railway described in section 7 of chapter 64 of the statutes of 1900, lying between Meaford and Owen Sound, may be commenced within two years after the passing of this Act; but, if the construction of the said part of the railway is not commenced, and one hundred and fifty

1906, c. 123, s. 2 amended.

thousand dollars are not expended thereon within the said two years, and if the said part of the railway is not completed within three years after the passing of this Act, the powers granted for such construction shall cease and be null and void as respects so much of the said part of the railway as then remains uncompleted.

Repeal, 1906, c. 123, ss. 1, 2. 1907, c. 106, s. 2

4. Sections 1 and 2 of chapter 123 of the statutes of 1906, and section 2 of chapter 106 of the statutes of 1907 are repealed.

THE SENATE OF CANADA.

S.] **BILL.** [1907-8

An Act respecting The Pacific and Atlantic Railway Company.

Preamble.

Ontario Statutes. 1886, c. 76; 1900, c. 120; 1902, c. 89; 1905, c. 104.

Statutes of Canada, 1906, c. 138.

WHEREAS The Pacific and Atlantic 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:—

Time for construction of railway extended.

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

1906, c. 138, s. 2 repealed.

2. Section 2 of chapter 138 of the statutes of 1906 is repealed.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

THE SENATE OF CANADA.

BILL.

S

An Act respecting The Pacific and Atlantic Railway Company.

Received and read a first time,

Wednesday, February 12, 1908.

Second reading,

Friday, February 14, 1908.

Honourable Mr. Kerr.

OTTAWA
Printed by S. E. Dawson
Printer to the King's most Excellent Majesty
1907-8.

138

THE SENATE OF CANADA.

BILL AS PASSED MARCH 27, 1908.

S.] [1907-8

An Act respecting The Pacific and Atlantic Railway Company.

Preamble.

WHEREAS The Pacific and Atlantic 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:—

Ontario Statutes. 1886, c. 76; 1900, c. 120; 1902, c. 89; 1905, c. 104.

Statutes of Canada, 1906, c. 138.

Time for construction of railway extended.

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

1906, c. 138, s. 2 repealed.

2. Section 2 of chapter 138 of the statutes of 1906 is repealed.

Application of Ontario Statutes in certain matters.

3. Notwithstanding anything contained in chapter 138 of the statutes of 1906, the provisions contained in chapter 76 of the statutes of Ontario of 1886, and in chapter 120 of the statutes of Ontario of 1900, respecting provisional directors, their rights, powers and duties, the organization of the Company and the first election of directors thereof, shall be deemed to have continued to apply, and shall apply, to the Company.

Directors and officers.

4. The directors and officers of the Company, lawfully elected or appointed under the authority of any Act of the legislature of the province of Ontario relating to the Company, shall be deemed to have continued to be, and shall continue to be, directors and officers of the Company until their successors

R. S., c. 34.

are elected or appointed under the provisions of *The Railway Act*.

Route of railway

5. The Company may build its lines of railway so as to connect by a branch with any railway bridge which may be built across the St. Mary's River, at or near Sault Ste. Marie, in the District of Algoma.

THE SENATE OF CANADA.

T.] **BILL.** [1907-8

An Act respecting The Atlantic, Quebec and Western Railway Company.

WHEREAS The Atlantic, Quebec and Western 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:—

Quebec—
1901, c. 63.
Canada—
1903, c. 81.
1904, c. 46.
1905, c. 59.
1906, c. 59.
1907, c. 63.

1. Section 7 of chapter 63 of the statutes of 1907 is hereby repealed.

1907, c. 63, s. 7, repealed.

2. Notwithstanding anything in the said Act, hereinafter called "the Act of 1907," section 10 of chapter 81 of the statutes of 1903, hereinafter called "the Act of 1903," and the resolutions of the Company as to the exercise of the powers conferred by the said section, shall be deemed to have remained, and shall continue, of full force and effect.

Bond issue.
1903, c. 81, s. 10, revived.
Confirmation of securities issued thereunder.

3. In addition to the bonds, debentures or other securities which the Company was and is authorized to issue by section 10 of the Act of 1903, the Company may issue, in respect of the railways by that Act authorized, bonds, debentures or other securities to the extent of twenty thousand dollars per mile of the said railways, but only in proportion to the length thereof constructed or under contract to be constructed, and subject to such charges as have been lawfully created in favour of the holders of bonds, debentures and other securities issued under the Act of 1903.

Limit of issue in respect of lines authorized by 1903, c. 81.

4. The Company may issue bonds, debentures or other securities to the extent of forty-five thousand dollars per mile of the railways which the Company is authorized, by the Act of 1907, to construct or to acquire; but such bonds, debentures or other securities may be issued only in proportion to the length constructed or under contract to be constructed of the said railways; and any bonds, debentures or other securities issued, under the authority of this section, in respect of the Metapedia section, shall be subject to any charge created to secure any bonds, debentures or other securities, or perpetual or terminal debenture stock, issued under the authority of

Limit of issue in respect of lines authorized by 1907, c. 63.

section 4B added to the Act of 1903 by section 2 of the Act of 1907, and so that no greater sum than forty-five thousand dollars in all per mile of the Metapedia section shall be charged thereon.

1903, c. 81, ss. 10A, 10B, repealed. Consolidated bonds, etc.

5. Sections 10A and 10B added to the Act of 1903 by section 8 of the Act of 1907, are hereby repealed.

New provision as to issue of consolidated bonds and of debenture stock. Applicable to all lines. "Consolidated securities." Purposes for which issue may be made. "Sectional securities."

6. The directors may, from time to time, subject to the provisions of *The Railway Act*, create and issue consolidated bonds or perpetual or terminable debenture stock (all of which are hereinafter in this Act referred to as "consolidated securities") to the extent in all of forty-five thousand dollars per mile, constructed or under contract to be constructed, of the railways which the Company has authority to construct or to acquire, and such consolidated securities may be issued:—

(i.) In exchange for bonds, debentures, or other securities issued pursuant to the powers contained in the Act of 1903 or in the Act of 1907 (all of which last mentioned bonds or other securities are hereafter in this Act referred to as "sectional securities"); or

(ii.) for the purpose of the redemption of any sectional securities; or

(iii.) in lieu of sectional securities authorized but not issued.

How sectional securities are to be dealt with, when exchanged or redeemed.

2. When any sectional securities have been exchanged or redeemed as aforesaid, such sectional securities shall be registered by the Company in the name of trustees, hereinafter called "the Trustees," and shall not be sold or re-issued; and such sectional securities shall not be considered as forming part of the outstanding bonds, debentures or other securities issued by the Company; but the share or participation to which such sectional securities before being exchanged or redeemed were entitled in the mortgage privilege or charge upon the section of the railway to which such sectional securities apply, shall thenceforth belong to and inure in favour of the Trustees, upon trust to be applied by them as may be directed by the Company. So soon as the whole of the sectional securities charged on any of the said railways have been exchanged for consolidated securities or redeemed, such sectional securities shall be surrendered to the Company for cancellation.

Surrender and cancellation

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

THE SENATE OF CANADA.

BILL.

T

An Act respecting The Atlantic, Quebec and Western Railway Company.

Received and read a first time,

Tuesday, 18th February, 1908.

Second reading,

Friday, 21st February, 1908.

Honourable Mr. Fiset.

OTTAWA
Printed by S. E. Dawson
Printer to the King's most Excellent Majesty
1907-8.

THE SENATE OF CANADA.

BILL AS PASSED MARCH 20, 1908.

T.] **1907-8**

An Act respecting The Atlantic, Quebec and Western Railway Company.

WHEREAS The Atlantic, Quebec and Western 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:—

Quebec—
1901, c. 63.
Canada—
1903, c. 81.
1904, c. 46.
1905, c. 59.
1906, c. 59.
1907, c. 63.

1. Section 7 of chapter 63 of the statutes of 1907 is hereby repealed.

1907, c. 63, s. 7, repealed.

Bond issue.

2. Notwithstanding anything in the said Act, hereinafter called "the Act of 1907," section 10 of chapter 81 of the statutes of 1903, hereinafter called "the Act of 1903," and the resolutions of the Company as to the exercise of the powers conferred by the said section, shall be deemed to have remained, and shall continue, of full force and effect.

1903, c. 81, s. 10, revived.

Confirmation of securities issued thereunder.

3. In addition to the bonds, debentures or other securities which the Company was and is authorized to issue by section 10 of the Act of 1903, the Company may issue, in respect of the railways by that Act authorized, bonds, debentures or other securities to the extent of twenty thousand dollars per mile of the said railways, but only in proportion to the length thereof constructed or under contract to be constructed, and subject to such charges as have been lawfully created in favour of the holders of bonds, debentures and other securities issued under the Act of 1903.

Limit of issue in respect of lines authorized by 1903, c. 81.

4. The Company may issue bonds, debentures or other securities to the extent of forty-five thousand dollars per mile of the railways which the Company is authorized, by the Act of 1907, to construct or to acquire; but such bonds, debentures or other securities may be issued only in proportion to the length constructed or under contract to be constructed of the said railways; and any bonds, debentures or other securities issued, under the authority of this section, in respect of the Matapedia section, shall be subject to any charge created to

Limit of issue in respect of lines authorized by 1907, c. 63.

THE SENATE OF CANADA.

U.] **BILL.** [1907-8

An Act to change the name and head-office of The Anglo-Canadian Insurance Company.

Preamble. 1906, c. 57.

WHEREAS the Anglo-Canadian Insurance Company, hereinafter called "the 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:—

Corporate name changed. 1906, c. 57, c. 1.

1. The name of the Anglo-Canadian Insurance Company is hereby changed to "The National Union Insurance Company."

Head office changed. 1906, c. 57, s. 5.

2. The head office of the Company shall hereafter be in the city of Toronto, in the province of Ontario, instead of the city of Montreal, in the province of Quebec.

Existing rights saved.

3. Nothing in this Act contained shall be held to impair, alter or affect in any way any power, right, obligation or liability of the Company: and any suit, action or proceeding now pending by or against the Company may be continued and completed, and any judgment, decree or order now existing in favour of or against the Company may be enforced, as if this Act had not been passed.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

THE SENATE OF CANADA.

BILL.

U

An Act to change the name and head-office of The Anglo-Canadian Insurance Company.

Received and read a first time,

Tuesday, February 18, 1908.

Second reading,

Friday, February 21, 1908.

Honourable Mr. CASGRAIN.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8.

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THE SENATE OF CANADA.

BILL AS PASSED MARCH 13, 1908.

U.] [1907-8

An Act to change the name and head-office of The Anglo-Canadian Insurance Company.

Preamble. 1906, c. 57.

WHEREAS the Anglo-Canadian Insurance Company, hereinafter called "the 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:—

Corporate name changed. 1906, c. 57, c. 1.

1. The name of the Anglo-Canadian Insurance Company is hereby changed to "The National Union Insurance Company."

Head office changed. 1906, c. 57, s. 5.

2. The head office of the Company shall hereafter be in the city of Toronto, in the province of Ontario, instead of the city of Montreal, in the province of Quebec.

Existing rights saved.

3. Nothing in this Act contained shall be held to impair, alter or affect in any way any power, right, obligation or liability of the Company: and any suit, action or proceeding now pending by or against the Company may be continued and completed, and any judgment, decree or order now existing in favour of or against the Company may be enforced, as if this Act had not been passed.

THE SENATE OF CANADA.

V.] **BILL.** [1907-8

An Act respecting The Dominion Guarantee Company, Limited.

WHEREAS the Dominion Guarantee Company, Limited, 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. 1893, c. 78. 1894, c. 121. 1901, c. 95. 1903, c. 113.

1. Section 11 of chapter 78 of the Statutes of 1893 is hereby amended by substituting, in the second line thereof, for the words "in Canada" the words "of Canada." 1893, c. 78, s. 11. Investment of funds.

2. If the mortgage or hypothecation of any real property lawfully acquired or held by the Company is necessary or requisite for the carrying on of any of the undertakings of the Company, the Company may mortgage or hypothecate such property. Power to mortgage property.

3. 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; Borrowing.

(*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; 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. Mortgages.

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.

4. Paragraph (*a*) of section 1 of chapter 121 of the Statutes of 1894 is hereby repealed and the following paragraph substituted therefor:— 1894, c. 121 s. 1, para (*a*).

Powers for protection of property.

"(*a*) At any place in Canada where the Company sees fit so to do, for the purpose of protecting property against fire and burglary,—

Alarm system.

"(i.) construct, install, equip, maintain, and operate by electrical or any other means, whether inside or outside of buildings, any system of detection, alarm or communication, by electric wires or otherwise;

Patrol service.

"(ii.) establish, equip, maintain and operate services of patrol and watch by persons wearing either uniform or ordinary clothing;

Manufacture of plant, &c.

"(iii.) manufacture, acquire, and dispose of all plant, equipment, implements, instruments, articles, devices and things necessary or expedient for such systems and services."

Agreement confirmed.

5. The agreement entered into by the Company with The Gresham Life Assurance Company of London, England, as set forth in the Schedule of this Act, is hereby ratified and confirmed.

SCHEDULE.

Before Mtre. Herbert Meredith Marler, the undersigned Public Notary for the province of Quebec, residing and practising at the city of Montreal, appeared the Gresham Life Assurance Society of London, England, a body politic and corporate, duly incorporated and having its chief place of business at the city of London, in England, herein acting by William Hanson, of the city of Montreal, financial agent, its duly authorized representative, the said Gresham Life Assurance Society of London, England, being hereinafter called "the Lender," of the one part.

And The Dominion Guarantee Company, Limited, a body politic and corporate, duly incorporated and having its chief place of business at the city of Montreal, herein acting by Frederick W. Evans, of the town of Westmount, the president the said Company, and by William John Kirby of the same place, the secretary thereof, both hereunto duly authorized in virtue of a resolution passed at a meeting of the shareholders of the Company held on the twentieth day of April, nineteen hundred and six, whereof a copy certified true is hereunto annexed after being signed for identification by the parties hereto in the presence of the said notary, the said Dominion Guarantee Company, Limited, being hereinafter called "the Borrower," of the other part,

Who declared unto the said notary:—

That whereas the said Dominion Guarantee Company, Limited, formerly the Dominion Burglary Guarantee Company, Limited, was incorporated by Act of the Parliament of Canada under chapter LXXVIII of the Statutes of 1893, and amendments thereto.

And whereas the subscribed capital stock of the said Company is two hundred thousand dollars, divided into two thousand shares of one hundred dollars each.

And whereas at a special general meeting of the shareholders of the said Company duly called and held on the twentieth

day of April last, 1906, at which meeting there were present or represented by proxy shareholders representing more than two-thirds of the subscribed capital stock of the Company, a by-law was passed whereby the directors of the Company were authorized to borrow a sum not exceeding fifty-five thousand dollars for such time and at such rate of interest as they might determine, and as security therefor to hypothecate in favour of the person or persons lending the money the immovable property of the Company situated at the south-east corner of St. James street and St. Michael's lane, in the city of Montreal, known as part of lot nine hundred and five on the official plan and book of reference of the St. Antoine ward of the city of Montreal, with the buildings thereon erected. And the president and secretary of the Company were authorized and empowered to sign and execute the deed of loan on behalf of the Company.

As the whole will appear upon reference to a copy of..... said by-law which is hereunto annexed, marked "A" signed *ne varietur* by the parties hereto in the presence of the said notary.

And whereas the present deed is given for the purpose to securing the said loan and conforms in all respects to the draft submitted to the meeting:

Now, therefore, these presents and I, the said notary, witness and the parties have agreed as follows:—

The Lender hath this day loaned to the Borrower the sum of fifty thousand dollars which it acknowledges to have received.

The Borrower obliges itself to repay the Lender the said sum of fifty thousand dollars on the first day of May, nineteen hundred and twelve, but not before that date, without the express consent in writing of the Lender.

And until actual repayment of the said sum of fifty thousand dollars the Borrower obliges itself to pay the Lender interest thereon at the rate of four and one-half per centum per annum, to be computed from this date and payable half yearly, on the first day of November and May in each year, whereof the first payment for the period from this date will become due on the first day of November next. With interest on all over-due interest at the same rate.

The additional clauses and conditions annexed to these presents after being signed by the parties hereto in the presence of said notary, shall be held to form part hereof, and shall be as binding upon the parties as if the same had been herein inserted at full length.

HYPOTHEC.

To secure the repayment of the said sum of fifty thousand dollars and interest the Borrower hereby hypothecates in favour of the Lender to the extent of the said sum of fifty thousand dollars and interest the following property which it declares to belong absolutely to it and be free and clear of all encumbrances:—

A lot of land fronting on St. James street in the city of Montreal, forming part of the lot known and designated as lot number nine hundred and five (905) on the official plan and book of reference of the St. Antoine ward of the city of Montreal,

containing thirty-eight feet six inches in width in front, thirty-seven feet one inch in rear, by a depth of seventy-five feet three inches, in the north-east side line and eighty feet eleven inches in the south-west side line, and a superficial area of two thousand nine hundred and thirty-seven square feet, English measure, and more or less, without warranty as to precise measurement. Bounded in front by St. James street, in rear by a covered passage forming part of the said lot number nine hundred and five, giving access to official lot number nine hundred and six (906), and on the north-east side by the said official lot number nine hundred and six (906), and on the south-west side by St. Michael lane. With the buildings thereon erected the north-east gable wall whereof is mitoyen with the adjoining premises.

With all the Borrower's rights in the piece of land forming the residue of the said lot number nine hundred and five, measuring about nine feet, French measure, in width, which was set apart as a passage for the exclusive use of the said lot number nine hundred and six, the Borrower having the right to build over the same as set forth in the deed of sale from Dame Marguerite Viger to Eliza Margaret Easton, executed before Z. J. Truteau and colleague notaries, on the fourteenth of March, eighteen hundred and thirty-two, but without any warranty on the part of the Borrower in respect of such rights. *Procès Verbal* showing the division line between the said lot and the said official lot number nine hundred and six, made by W. McLea Walbank and J. E. Vanier, land surveyors, with a plan of said property bearing date the eighth day of October, eighteen hundred and ninety, is annexed to the deed of sale from David S. Leach *et al* to Samuel Hamilton Ewing and Andrew Stuart Ewing before John Fair, notary, on the seventeenth of October, eighteen hundred and ninety.

In the event of the said property or any part thereof being sold at forced sale before the complete reimbursement of this loan, or dealt with in any way which will require the Lender to receive its claim judicially, the Lender will be entitled to receive, and the Borrower now obliges itself to pay an indemnity of five per cent upon and in addition to the amount of the loan then due in principal, interest and accessories.

And to secure the payment to the Lender of the indemnity above stipulated, interest on all overdue interest at the same rate, and any insurance premiums, registration fees, or other sums which may be expended by the Lender by reason of this loan, or to preserve the hypothec hereby created and for the fulfilment of all the conditions of the loan, the Borrower specially hypothecates the said property in favour of the Lender for the further sum of five thousand dollars.

DECLARATION OF THE BORROWER.

The Borrower makes the following declarations which are stipulated as essential to this loan and which it covenants to be true in all respects:

1. That the said property belongs absolutely to it and is free and clear of all encumbrances.

2. That it will as soon as possible obtain such legislation as will in the opinion of the solicitor of the Lender ratify the present deed of loan, or enable the Company to execute on demand as it hereby agrees to execute on demand, all such further instruments as in the opinion of the Lender may be requisite or necessary to more fully secure the present loan.

And hereto intervened Frederick W. Evans, of the town of Westmount, insurance agent, Benjamin Tooke, manufacturer, Herbert B. Ames, member of the Dominion Parliament, George G. Foster, advocate and King's Counsel, Joseph M. Fortier, manufacturer, William Hanson, financial agent, and Frederick W. Fairman, financial agent, the last six all of the city of Montreal, who having taken communication of this deed, declared themselves therewith content and voluntarily bound and obliged themselves as sureties for and with the Borrower, for the repayment of the said loan, the interest thereon and fulfilment of all the terms and conditions herein expressed, renouncing the benefits of division and discussion and obliging themselves to make of the whole their own personal affair in case of any default on the part of the Borrower.

The Lender agrees as soon as the Company is authorized to execute such further instruments as in the opinion of the Lender's solicitor are sufficient to ratify the present deed or to enable the Company to execute such further deed as may be required to legally secure the present loan and the hypothec granted to secure the same, that it will then release the said intervening parties from their obligations hereunder.

Whereof, Acte.:

Executed at the city of Montreal this thirteenth day of April, nineteen hundred and seven, and of record in the office of the undersigned notary under the number seven thousand four hundred and seven, and after due reading hereof the parties signed in the presence of the said notary.

(Signed) THE GRESHAM LIFE ASSURANCE SOCIETY OF LONDON, ENGLAND, by William Hanson.
FRED. W. EVANS, President.
W. J. KIRBY, Secretary.
FRED. W. EVANS.
WILLIAM HANSON.
H. B. AMES.
B. TOOKE.
J. M. FORTIER.
F. W. FAIRMAN.
GEO. G. FOSTER.
H. M. MARLER, N.P.

A true copy of the original hereof remaining of record in my office. One marginal note good.

H. M. MARLER, N.P.

ADDITIONAL CLAUSES AND CONDITIONS subject to which the foregoing deed of loan executed before Mtre.-Herbert M. Marler, the undersigned Public Notary, and bearing date the thirteenth day of April, nineteen hundred and seven, from the Gresham Life Assurance Society of London, England, (hereinafter styled the Lender) to the Dominion Guarantee Company, Limited,

(hereinafter styled the Borrower) has been made and which are to form part of said deed as fully as if the same had been therein inserted in full length:—

1. The payments of capital and interest shall be made at the office in the city of Montreal, of the Bank of Montreal.

2. The Borrower will pay all municipal taxes on the property described in said Deed of Loan, and exhibit the receipts therefor to the Lender before the first of November next ensuing after the same became due.

3. In case of default on the part of the Borrower to pay any interest payment within fifteen days after maturity; or to pay taxes and exhibit the receipts therefor, as above stipulated; or to keep in force the insurance hereinafter agreed on; or should the Borrower permit to be registered against said property any memorial which might give rise to a lien for work done or materials furnished; the Lender may if it choose, exact the amount of this Loan, with all interest then accrued; and this without any demand or notice being necessary.

4. The Borrower will, at its cost, furnish the Lender with a registered copy of any deed or mutation of the property described in said deed within thirty days after execution thereof.

5. The Borrower will pay all fees, legal and notarial, in respect of this loan, and all registration fees, and for the renewal of such registration when necessary, and the notice of address.

6. The Borrower will insure and keep insured against Loss by Fire with an Insurance Company approved of by the Lender, the buildings erected on the property described in said deed for an amount equal to the sum loaned, and will transfer to the Lender the policy of such insurance and the indemnity which may become due thereunder, and deliver to the Lender the receipts for the renewal of such insurance as they mature, the whole as additional security for the said Loan and until repayment thereof; and should the Borrower fail to comply with this agreement in any respect, the Lender will have the right to insure at the cost of the Borrower.

7. In the event of any tax being imposed by legislative or municipal authority upon hypothecary debts, or the income therefrom, the Borrower binds and obliges itself, to pay such tax in order that the Lender may receive the amount of this Loan and the interest thereon without deduction or abatement of any kind.

8. All quittances and other instruments to which the Lender may be required to become a party shall be executed before the Notary of the Lender and at the Borrower's expense.

(Signed) WILLIAM HANSON for tne Gresham Life Assurance Society.
WILLIAM HANSON.
H. B. AMES.
B. TOOKE.
FRED. W. EVANS, President.
W. J. KIRBY, Secretary.
F. W. EVANS.
J. M. FORTIER.
GEORGE G. FOSTER
F. W. FAIRMAN.
H. M. MARLER, N.P.

A true copy: H. M. MARLER, N.P.

REGISTRY OFFICE FOR THE REGISTRAEION DIVISION OF MONTREAL WEST.

I certify that this document was entered and registered at full length in the Registry Office for the Registration Division of Montreal West, in Reg. B, 253, page 216, at eleven o'clock in the forenoon, of the seventeenth day of April, nineteen hundred and seven, under the number one hundred and forty-three thousand eight hundred and seventy-nine.

W. WATTS,
Registrar.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

THE SENATE OF CANADA.

BILL.

V

An Act respecting The Dominion Guarantee Company, Limited.

Received and read a first time,

Tuesday, 18th February, 1908.

Second reading,

Friday, 21st February, 1908.

Honourable Mr. BAKER.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8.

THE SENATE OF CANADA.

BILL AS PASSED MARCH 13, 1908.

V.] [1907-8

An Act respecting The Dominion Guarantee Company, Limited.

Preamble. 1893, c. 78. 1894, c. 121. 1901, c. 95. 1903, c. 113.

WHEREAS the Dominion Guarantee Company, Limited, 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:—

1893, c. 78 s. 11. Investment of funds.

1. Section 11 of chapter 78 of the Statutes of 1893 is hereby amended by substituting, in the second line thereof, for the words "in Canada" the words "of Canada."

Power to mortgage property.

2. If the mortgage or hypothecation of any real property lawfully acquired or held by the Company is necessary or requisite for the carrying on of any of the undertakings of the Company, the Company may mortgage or hypothecate such property.

Borrowing powers.

3. 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.

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

Amount.

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

Bonds, etc.

(*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;

Mortgages.

(*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.

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.

1894, c. 121 s. 1, para (a).

4. Paragraph (*a*) of section 1 of chapter 121 of the Statutes of 1894 is hereby repealed and the following paragraph substituted therefor:—

Powers for protection of property.

"(*a*) At any places in Canada where the Company sees fit so to do, for the purpose of protecting property against fire and burglary,—

Alarm system.

"(i.) construct, install, equip, maintain, and operate by electrical or any other means, whether inside or outside of buildings, any system of detection, alarm or communication, by electric wires or otherwise;

Patrol service.

"(ii.) establish, equip, maintain and operate services of patrol and watch by persons wearing either uniform or ordinary clothing;

Manufacture of plant, &c.

"(iii.) manufacture, acquire, and dispose of all plant, equipment, implements, instruments, articles, devices and things necessary or expedient for such systems and services."

Agreement confirmed.

5. The agreement entered into by the Company with The Gresham Life Assurance Company of London, England, as set forth in the Schedule of this Act, is hereby ratified and confirmed.

SCHEDULE.

Before Mtre. Herbert Meredith Marler, the undersigned Public Notary for the province of Quebec, residing and practising at the city of Montreal, appeared the Gresham Life Assurance Society of London, England, a body politic and corporate, duly incorporated and having its chief place of business at the city of London, in England, herein acting by William Hanson, of the city of Montreal, financial agent, its duly authorized representative, the said Gresham Life Assurance Society of London, England, being hereinafter called "the Lender," of the one part.

And The Dominion Guarantee Company, Limited, a body politic and corporate, duly incorporated and having its chief place of business at the city of Montreal, herein acting by Frederick W. Evans, of the town of Westmount, the president the said Company, and by William John Kirby of the same place, the secretary thereof, both hereunto duly authorized in virtue of a resolution passed at a meeting of the shareholders of the Company held on the twentieth day of April, nineteen hundred and six, whereof a copy certified true is hereunto annexed after being signed for identification by the parties hereto in the presence of the said notary, the said Dominion Guarantee Company, Limited, being hereinafter called "the Borrower," of the other part,

Who declared unto the said notary:—

That whereas the said Dominion Guarantee Company, Limited, formerly the Dominion Burglary Guarantee Com-

pany, Limited, was incorporated by Act of the Parliament of Canada under chapter LXXVIII of the Statutes of 1893, and amendments thereto.

And whereas the subscribed capital stock of the said Company is two hundred thousand dollars, divided into two thousand shares of one hundred dollars each.

And whereas at a special general meeting of the shareholders of the said Company duly called and held on the twentieth day of April last, 1906, at which meeting there were present or represented by proxy shareholders representing more than two-thirds of the subscribed capital stock of the Company, a by-law was passed whereby the directors of the Company were authorized to borrow a sum not exceeding fifty-five thousand dollars for such time and at such rate of interest as they might determine, and as security therefor to hypothecate in favour of the person or persons lending the money the immovable property of the Company situated at the south-east corner of St. James street and St. Michael's lane, in the city of Montreal, known as part of lot nine hundred and five on the official plan and book of reference of the St. Antoine ward of the city of Montreal, with the buildings thereon erected. And the president and secretary of the Company were authorized and empowered to sign and execute the deed of loan on behalf of the Company.

As the whole will appear upon reference to a copy of..... said by-law which is hereunto annexed, marked "A" signed *ne varietur* by the parties hereto in the presence of the said notary.

And whereas the present deed is given for the purpose to securing the said loan and conforms in all respects to the draft submitted to the meeting:

Now, therefore, these presents and I, the said notary, witness and the parties have agreed as follows:—

The Lender hath this day loaned to the Borrower the sum of fifty thousand dollars which it acknowledges to have received.

The Borrower obliges itself to repay the Lender the said sum of fifty thousand dollars on the first day of May, nineteen hundred and twelve, but not before that date, without the express consent in writing of the Lender.

And until actual repayment of the said sum of fifty thousand dollars the Borrower obliges itself to pay the Lender interest thereon at the rate of four and one-half per centum per annum, to be computed from this date and payable half yearly, on the first day of November and May in each year, whereof the first payment for the period from this date will become due on the first day of November next. With interest on all over-due interest at the same rate.

The additional clauses and conditions annexed to these presents after being signed by the parties hereto in the presence of said notary, shall be held to form part hereof, and shall be as binding upon the parties as if the same had been herein inserted at full length.

To secure the repayment of the said sum of fifty thousand dollars and interest the Borrower hereby hypothecates in favour of the Lender to the extent of the said sum of fifty thousand dollars and interest the following property which it declares to belong absolutely to it and be free and clear of all encumbrances:—

A lot of land fronting on St. James street in the city of Montreal, forming part of the lot known and designated as lot number nine hundred and five (905) on the official plan and book of reference of the St. Antoine ward of the city of Montreal, containing thirty-eight feet six inches in width in front, thirty-seven feet one inch in rear, by a depth of seventy-five feet three inches, in the north-east side line and eighty feet eleven inches in the south-west side line, and a superficial area of two thousand nine hundred and thirty-seven square feet, English measure, and more or less, without warranty as to precise measurement. Bounded in front by St. James street, in rear by a covered passage forming part of the said lot number nine hundred and five, giving access to official lot number nine hundred and six (906), and on the north-east side by the said official lot number nine hundred and six (906), and on the south-west side by St. Michael lane. With the buildings thereon erected the north-east gable wall whereof is mitoyen with the adjoining premises.

With all the Borrower's rights in the piece of land forming the residue of the said lot number nine hundred and five, measuring about nine feet, French measure, in width, which was set apart as a passage for the exclusive use of the said lot number nine hundred and six, the Borrower having the right to build over the same as set forth in the deed of sale from Dame Marguerite Viger to Eliza Margaret Easton, executed before Z. J. Truteau and colleague notaries, on the fourteenth of March, eighteen hundred and thirty-two, but without any warranty on the part of the Borrower in respect of such rights. *Procès Verbal* showing the division line between the said lot and the said official lot number nine hundred and six, made by W. McLea Walbank and J. E. Vanier, land surveyors, with a plan of said property bearing date the eighth day of October, eighteen hundred and ninety, is annexed to the deed of sale from David S. Leach *et al* to Samuel Hamilton Ewing and Andrew Stuart Ewing before John Fair, notary, on the seventeenth of October, eighteen hundred and ninety.

In the event of the said property or any part thereof being sold at forced sale before the complete reimbursement of this loan, or dealt with in any way which will require the Lender to receive its claim judicially, the Lender will be entitled to receive, and the Borrower now obliges itself to pay an indemnity of five per cent upon and in addition to the amount of the loan then due in principal, interest and accessories.

And to secure the payment to the Lender of the indemnity above stipulated, interest on all overdue interest at the same rate, and any insurance premiums, registration fees, or other sums which may be expended by the Lender by reason of this loan, or to preserve the hypothec hereby created and for the fulfilment of all the conditions of the loan, the Borrower specially hypothecates the said property in favour of the Lender for the further sum of five thousand dollars.

DECLARATION OF THE BORROWER.

The Borrower makes the following declarations which are stipulated as essential to this loan and which it covenants to be true in all respects:

1. That the said property belongs absolutely to it and is free and clear of all encumbrances.

2. That it will as soon as possible obtain such legislation as will in the opinion of the solicitor of the Lender ratify the present deed of loan, or enable the Company to execute on demand as it hereby agrees to execute on demand, all such further instruments as in the opinion of the Lender may be requisite or necessary to more fully secure the present loan.

And hereto intervened Frederick W. Evans, of the town of Westmount, insurance agent, Benjamin Tooke, manufacturer, Herbert B. Ames, member of the Dominion Parliament, George G. Foster, advocate and King's Counsel, Joseph M. Fortier, manufacturer, William Hanson, financial agent, and Frederick W. Fairman, financial agent, the last six all of the city of Montreal, who having taken communication of this deed, declared themselves therewith content and voluntarily bound and obliged themselves as sureties for and with the Borrower, for the repayment of the said loan, the interest thereon and fulfilment of all the terms and conditions herein expressed, renouncing the benefits of division and discussion and obliging themselves to make of the whole their own personal affair in case of any default on the part of the Borrower.

The Lender agrees as soon as the Company is authorized to execute such further instruments as in the opinion of the Lender's solicitor are sufficient to ratify the present deed or to enable the Company to execute such further deed as may be required to legally secure the present loan and the hypothec granted to secure the same, that it will then release the said intervening parties from their obligations hereunder.

Whereof, Acte.:

Executed at the city of Montreal this thirteenth day of April, nineteen hundred and seven, and of record in the office of the undersigned notary under the number seven thousand four hundred and seven, and after due reading hereof the parties signed in the presence of the said notary.

(Signed) THE GRESHAM LIFE ASSURANCE SOCIETY OF LONDON, ENGLAND, by William Hanson.
FRED. W. EVANS, President.
W. J. KIRBY, Secretary.
FRED. W. EVANS.
WILLIAM HANSON.
H. B. AMES.
B. TOOKE.
J. M. FORTIER.
F. W. FAIRMAN.
GEO. G. FOSTER.
H. M. MARLER, N.P.

A true copy of the original hereof remaining of record in my office. One marginal note good.

H. M. MARLER, N.P.

ADDITIONAL CLAUSES AND CONDITIONS subject to which the foregoing deed of loan executed before Mtre.-Herbert M. Marler, the undersigned Public Notary, and bearing date the thirteenth day of April, nineteen hundred and seven, from the Gresham Life Assurance Society of London, England, (hereinafter styled the Lender) to the Dominion Guarantee Company, Limited, (hereinafter styled the Borrower) has been made and which are to form part of said deed as fully as if the same had been therein inserted in full length:—

1. The payments of capital and interest shall be made at the office in the city of Montreal, of the Bank of Montreal.

2. The Borrower will pay all municipal taxes on the property described in said Deed of Loan, and exhibit the receipts therefor to the Lender before the first of November next ensuing after the same became due.

3. In case of default on the part of the Borrower to pay any interest payment within fifteen days after maturity; or to pay taxes and exhibit the receipts therefor, as above stipulated; or to keep in force the insurance hereinafter agreed on; or should the Borrower permit to be registered against said property any memorial which might give rise to a lien for work done or materials furnished; the Lender may if it choose, exact the amount of this Loan, with all interest then accrued; and this without any demand or notice being necessary.

4. The Borrower will, at its cost, furnish the Lender with a registered copy of any deed or mutation of the property described in said deed within thirty days after execution thereof.

5. The Borrower will pay all fees, legal and notarial, in respect of this loan, and all registration fees, and for the renewal of such registration when necessary, and the notice of address.

6. The Borrower will insure and keep insured against Loss by Fire with an Insurance Company approved of by the Lender, the buildings erected on the property described in said deed for

an amount equal to the sum loaned, and will transfer to the Lender the policy of such insurance and the indemnity which may become due thereunder, and deliver to the Lender the receipts for the renewal of such insurance as they mature, the whole as additional security for the said Loan and until repayment thereof; and should the Borrower fail to comply with this agreement in any respect, the Lender will have the right to insure at the cost of the Borrower.

7. In the event of any tax being imposed by legislative or municipal authority upon hypothecary debts, or the income therefrom, the Borrower binds and obliges itself, to pay such tax in order that the Lender may receive the amount of this Loan and the interest thereon without deduction or abatement of any kind.

8. All quittances and other instruments to which the Lender may be required to become a party shall be executed before the Notary of the Lender and at the Borrower's expense.

(Signed) WILLIAM HANSON for tne Gresham Life Assurance Society.
WILLIAM HANSON.
H. B. AMES.
B. TOOKE.
FRED. W. EVANS, President.
W. J. KIRBY, Secretary.
F. W. EVANS.
J. M. FORTIER.
GEORGE G. FOSTER
F. W. FAIRMAN.
H. M. MARLER, N.P.

A true copy. H. M. MARLER, N.P.

REGISTRY OFFICE FOR THE REGISTRAEION DIVISION OF MONTREAL WEST.

I certify that this document was entered and registered at full length in the Registry Office for the Registration Division of Montreal West, in Reg. B, 253, page 216, at eleven o'clock in the forenoon, of the seventeenth day of April, nineteen hundred and seven, under the number one hundred and forty-three thousand eight hundred and seventy-nine.

W. WATTS,
Registrar.

THE SENATE OF CANADA.

W.] **BILL.** [1907-8

An Act to amend The Naturalization Act.

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

1. Section 54 of *The Naturalization Act*, chapter 77 of *The Revised Statutes*, 1906, is hereby amended by striking out paragraph (*h*) therein, and substituting the following paragraph:— R.S., c. 77, s. 54, new para. (*h*).

"(*h*) In Saskatchewan or Alberta with the Clerk of the Supreme Court of the province or of any District Court in the judicial district in which the alien resides." Where the oath required shall be filed of Record.

4th Session, 10th Parliament, 7-8 Edward VII.. 1907-8

THE SENATE OF CANADA.

BILL.

W

An Act to amend The Naturalization Act.

Received and read a first time,

Wednesday, February 19, 1908.

Second reading,

Tuesday, February 25, 1908.

Honourable Mr. SCOTT.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8.

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THE SENATE OF CANADA.

BILL AS PASSED MARCH 12, 1908.

W.] [1907-8

An Act to amend The Naturalization Act.

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

1. Section 16 of *The Naturalization Act*, chapter 77 of *The Revised Statutes*, 1906, is hereby amended by striking out paragraph (*f*) therein, and substituting the following paragraph:— R. S., c. 77, s. 16, new para. (*f*).

"(*f*) In Manitoba, to the Court of King's Bench during its sittings in the judicial district within which the alien resides; to a judge of the Court of King's Bench, sitting in court in the judicial district within which the alien resides; or to the county court during its sittings in the division within which the alien resides." Where the certificate shall be presented.

2. Section 54 of the said Act is hereby amended by striking out paragraph (*h*) therein, and substituting the following paragraph:— R.S., c. 77, s. 54, new para. (*h*).

"(*h*) In Saskatchewan or Alberta with the clerk of the Supreme Court of the province or of any district court in the judicial district in which the alien resides." Where the oath required shall be filed of Record.

THE SENATE OF CANADA.

X.] **BILL.** [1907-8

An Act to incorporate The Ontario and Michigan Power 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. Thomas Sturgis, of the city of New York, in the state of New York, one of the United States of America; J. C. Hunter, of the city of Duluth, in the state of Minnesota, one of the United States of America; Herman Finger, of the city of Port Arthur, in the province of Ontario; A. W. Fraser and Thomas A. Burgen, both 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 Ontario and Michigan Power Company," hereinafter called "the Company." Incorporation. Corporate name.

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

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

4. The capital stock of the Company shall be five hundred thousand dollars. Capital stock.

5. The head office of the Company shall be at the city of Port Arthur, in the province of Ontario, or such other place as may be fixed by by-law of the Company. Head office.

6. The annual meeting of the shareholders shall be held on the first Monday in June in each year, or at such other date as may be fixed by by-law of the Company. Annual meeting.

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

8. For the purposes of obtaining, developing, improving or generating water-power, using water-power by any means

of application, converting water-power into electricity, heat, light or any other form of energy, storing water-power, gas, compressed air, electricity, heat, light or any other form of energy, and of transmitting and supplying the same by any means for use in any manner at any place in Canada, or in Isle Royale or in any place in the United States of America, the Company may—

(*a*) acquire lands, easements, privileges, water and water-rights at any one place on each of the following rivers, namely, the Pigeon river in the province of Ontario and the state of Michigan, the Nepigon river and the Sturgeon river, both in the district of Thunder Bay in the said province;

(*b*) acquire such lands, easements, privileges, water and water-rights as are necessary for establishing, maintaining and operating systems for the storage, control and regulation of the water in any lake whose waters flow into any of the said rivers, and in any streams or other watercourses conveying such discharge, and in each of the said rivers between the points of confluence of such streams or other watercourses therewith and the place selected under paragraph (*a*) of this section;

(*c*) at any place in the district of Thunder Bay, Isle Royale, or the state of Michigan, bore for natural gas, manufacture gas, and collect and store natural and manufactured gas, and transmit to and use the same at any place in Canada or the United States, for any of the purposes aforesaid;

(*d*) acquire all necessary lands, easements, privileges and other rights, and acquire, construct, erect, maintain, use, operate and manage all necessary works, structures, buildings, machinery, plant, appliances, instruments and devices, erect poles, sink wells, and lay pipes, cables, wires and other conductors and do all other things necessary for or incidental to the purposes and objects aforesaid.

Telegraph and telephone lines.

R. S., c. 37.

9. 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 said 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.

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, who may also revise such tolls and charges from time to time.

R. S., c. 126.

3. Part II. of *The Telegraphs Act* shall apply to the telegraphic business of the Company.

Jurisdiction of Railway Board as to storage of and use of water.

10. No work for the storage, control or regulation of water shall be commenced until the plans and specifications relating thereto have been approved by the Board of Railway Commissioners for Canada, and the said Board shall, in addition to any other regulation, fix and determine to what level the

water in any lake or any portion of a river or stream or other watercourse may be raised or lowered by the Company, and the minimum quantity of flow of water that shall be vented from time to time; also the maximum flow or quantity of water that shall be vented for power purposes, and the time or times during each year the minimum flow of water shall be increased, having regard to the wants of the Company or of any other company or person using water for power or other purposes upon any of the said rivers or lakes; and the said Board shall also fix and determine what compensation, if any, shall be made to the Company by any other company or individual using water for power purposes upon any or either of the said rivers who may be benefited by the works of the Company.

Agreements with municipalities.

11. The Company may enter into, and carry into effect, any agreement with the council of the corporation of any municipality for the supply of water-power, gas, compressed air, electricity, heat, light, or other energy, for any purpose for which the same can be used, by such municipality or any inhabitant thereof, and upon such terms as are agreed upon.

Consent of municipalities generally.

12. The Company shall not enter within the limits of any municipality with any transmission line or sell or distribute electrical or other power therein without the consent of such municipality expressed by by-law.

Special provision as to certain cities.

13. None of the powers conferred by this Act shall be exerciseable within the limits of the city of Port Arthur or of the city of Fort William or other city in Canada unless a by-law has been submitted to its qualified ratepayers and duly passed by them authorizing the exercising of such powers within its limits.

14. The Company shall at all times be prepared to furnish for use in Canada one-half of all power then developed; and upon reasonable notice that power to the amount of not less than five hundred horse-power is required for such use, regard being had to the quantity required by the applicant, to the place at which the power is to be used, to the quantity already in use in Canada and to other applications for power to be used in Canada, the Company shall furnish the applicant with the amount of power required by the notice.

Settlement of disputes.

15. In case of any dispute as to the price for power or electrical or other energy, for any of the purposes in this Act mentioned, in use or to be provided for use upon the Canadian side of the International boundary line, or as to the methods of distribution thereof, or as to the time within which or as to the quantity to be furnished, or the conditions upon which the same shall be furnished for use, or as to the exercise of any of the powers by this Act conferred, such dispute shall, notwithstanding the provisions of section 17 of *The Railway Act*, be settled by the Board of Railway Commissioners for Canada on the application of any user of or applicant for power, electrical or other energy produced by the Company, or upon the application of the Company.

R.S., 1906, c. 37.

Application of 1907, c. 14 and 1907, c. 16.

16. Except as provided in this Act, the provisions of *The Electricity Inspections Act, 1907*, and of *The Electricity and Fluid Exportation Act* shall apply to the Company and to its undertaking.

17. The provisions of any general Act of the Legislature of any province of Canada, now, or at any time hereafter in force in so far as the same provides in the interests of public health or safety for the regulation of the transmission and distribution of electricity in any form shall apply to the works and operations of the Company.

Limitation of time for construction.

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

Issue of securities.

19. The Company may issue bonds, debentures or other securities to an amount not exceeding three million dollars.

R.S., 1906, c. 37 to apply.

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

"Company."

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

"Railway."

3. Whenever in *The Railway Act* the word "railway" occurs it shall, unless the context otherwise requires, in so far as it applies to the provisions of this Act, or to the Company, mean any work authorized by this Act.

"Lands."

4. Wherever in *The Railway Act* the word "land" occurs, it shall include any privilege or easement required by the Company for carrying out the undertaking authorized by this Act.

R.S., 1906, c. 79.

21. *The Companies Act* shall not apply to the Company.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

THE SENATE OF CANADA.

BILL.

X

An Act to incorporate The Ontario and Michigan Power Company.

Received and read a first time,

Thursday, 20th February, 1908.

Second reading,

Tuesday, 25th February, 1908.

Honourable MR. WATSON.

OTTAWA

Printed by S. E. DAWSON

Printer to the King's most Excellent Majesty

1907-8

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THE SENATE OF CANADA.

BILL AS PASSED APRIL 2, 1908.

Y.] [1907-8

An Act respecting The Grand Trunk Pacific Branch Lines Company.

Preamble

1906, c. 99.

WHEREAS the Grand Trunk Pacific Branch Lines 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 Grand Trunk Pacific Branch Lines Company may commence the construction of the lines of railway authorized by section 11 of chapter 99 of the statutes of 1906, within two years after the passing of this Act, and may complete the said lines of railway and put them in operation within five years after the passing of this Act; and if the said lines of railway are not so commenced, or if the said lines of railway are not completed and put in operation, within the said periods respectively, 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.

THE SENATE OF CANADA.

Z.] **1907-8**

An Act relating to the Water-Carriage of Goods.

Preamble.

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 Water-Carriage of Goods Act*, 1908.

Interpretation.

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

"Goods."

(*a*) "goods", includes goods, wares, merchandise, and articles of any kind whatsoever, but does not include live animals;

'Ship."

(*b*) "ship" includes every description of vessel used in navigation not propelled by oars;

"Port."

(*c*) "port" means a place where ships may discharge or load cargo.

Application of Act.

3. This Act applies to ships carrying goods from any port in Canada to any other port in Canada, or from any port in Canada to any port outside Canada, and to goods carried by such ships, or received to be carried by such ships.

Certain clauses prohibited in bill of lading.

4. Where any bill of lading or document contains any clause, covenant or agreement whereby—

(*a*) the owner, charterer, master, or agent of any ship, or the ship itself, is relieved from liability for loss or damage to goods arising from the harmful or improper condition of the ship's hold, or any other part of the ship in which goods are carried, or arising from negligence, fault, or failure in the proper loading, stowage, custody, care or delivery of goods received by them or any of them to be carried in or by the ship; or

(*b*) any obligations of the owner or charterer of any ship to exercise due diligence, and to properly man, equip, and supply the ship, to make and to keep the ship seaworthy, and to make and keep the ship's hold, refrigerating and cool chambers, and all other parts of the ship in which goods are carried, fit and safe for their reception, carriage and preservation, are in any wise lessened, weakened or avoided; or

(*c*) the obligations of the master, officers, agents, or servants of any ship to carefully handle and stow goods, and to care for, preserve, and properly deliver them, are in any wise lessened, weakened or avoided;

that clause, covenant or agreement shall be illegal, null and void, and of no effect.

Construction and jurisdiction.

5. All parties to any bill of lading or document relating to the carriage of goods from any place in Canada to any place outside Canada shall be deemed to have intended to contract according to the laws in force at the place of shipment, and any stipulation or agreement to the contrary, or purporting to oust or lessen the jurisdiction of any court in Canada in respect of the bill of lading or document, shall be illegal, null and void, and of no effect.

Implied warranty in bills of lading.

6. In every bill of lading with respect to goods a warranty shall be implied that the ship shall be, at the beginning of the voyage, seaworthy in all respects and properly manned, equipped and supplied.

Implied clause.

2. In every bill of lading with respect to goods, unless the contrary intention appears, a clause shall be implied whereby, if the ship is at the beginning of the voyage seaworthy in all respects and properly manned, equipped and supplied, neither the ship nor the owner, charterer, master, or agent, shall be responsible for damage to or loss of the goods resulting from—

(*a*) faults or errors in navigation,

(*b*) perils of the sea or navigable waters,

(*c*) acts of God or the King's enemies,

(*d*) the inherent defect, quality or vice of the goods,

(*e*) the insufficiency of package of the goods,

(*f*) the seizure of the goods under legal process,

(*g*) any act of omission of the shipper or owner of the goods, his agent or representative,

(*h*) saving or attempting to save life or property at sea,

(*i*) any deviation in saving or attempting to save life or property at sea.

Bill of lading to be issued to shipper.

Contents.

7. Every owner, charterer, master or agent of any ship carrying goods, shall issue to the shipper of such goods a bill of lading showing, among other things, the marks necessary for identification, the number of packages, the quantity or the weight, as the case may be, and the apparent order and condition of the goods as delivered to or received by such owner, charterer, master or agent; and such bill of lading shall be *prima facie* evidence of the receipt of the goods as therein described.

Effect as evidence.

Notice to consignees.

8. Every owner, charterer, master or agent of any ship carrying goods shall, on the arrival of the ship at the port at which any goods are to be delivered, forthwith notify the consignees of such goods of such arrival.

Penalties.

9. Everyone who, being the owner, charterer, master or agent of a ship—

(*a*) inserts in any bill of lading or document any clause, covenant or agreement declared by this Act to be illegal; or

(*b*) makes, signs, or executes any bill of lading or document containing any clause, covenant or agreement declared by this Act to be illegal; or

(*c*) refuses to issue to a shipper of goods a bill of lading as provided by this Act; or

(*d*) refuses or neglects to notify a consignee of the arrival of a ship at the port at which any goods carried by such ship are to be delivered;

is guilty of an indictable offence and liable to a fine not exceeding two thousand dollars, with costs of prosecution, and the ship may be libeled therefor in any Admiralty district in Canada within which the ship is found.

2. Such proportion of any penalty imposed under this section as the court deems proper, together with full costs, shall be paid to the person injured, and the balance shall belong to His Majesty for the public uses of Canada. Disposal of penalty.

10. This Act shall come into force on the first day of September, A.D. 1908. Commencement of Act.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

THE SENATE OF CANADA.

BILL.

Z

An Act relating to the Water-Carriage of Goods.

Received and read a first time,

Wednesday, February 26, 1908.

Second reading,

Tuesday, March 3, 1908.

Honourable Mr. CAMPBELL.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8.

As amended, 7th and 14th May, 1908, and reported by The Senate Committee on Banking and Commerce.

THE SENATE OF CANADA.

Z.] **BILL.** [1907-8

An Act relating to the Water-Carriage of Goods.

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

1. This Act may be cited as *The Water-Carriage of Goods Act*, 1908. Short title.

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

(*a*) "goods", includes goods, wares, merchandise, and articles of any kind whatsoever, but does not include live animals; "Goods."

(*b*) "ship" includes every description of vessel used in navigation not propelled by oars; "Ship."

(*c*) "port" means a place where ships may discharge or load cargo. "Port."

3. This Act applies to ships carrying goods from any port in Canada to any other port in Canada, or from any port in Canada to any port outside Canada, and to such goods carried by such ships, or received to be carried by such ships. Application of Act.

4. Where any bill of lading or document contains any clause, covenant or agreement whereby— Certain clauses prohibited in bill of lading.

(*a*) the owner, charterer, master, or agent of any ship, or the ship itself, is relieved from liability for loss or damage to goods arising from negligence, fault, or failure in the proper loading, stowage, custody, care or delivery of goods received by them or any of them to be carried in or by the ship; or

(*b*) any obligations of the owner or charterer of any ship to exercise due diligence to properly man, equip, and supply the ship, and make and keep the ship seaworthy, and make and keep the ship's hold, refrigerating and cool chambers, and all other parts of the ship in which goods are carried, fit and safe for their reception, carriage and preservation, are in any wise lessened, weakened or avoided; or

(*c*) the obligations of the master, officers, agents, or servants of any ship to carefully handle and stow goods, and to

care for, preserve, and properly deliver them, are in any wise lessened, weakened or avoided;

that clause, covenant or agreement shall be illegal, null and void, and of no effect

Express reference to be made to this Act.

5. Every bill of lading or document relating to the carriage of goods from any place in Canada to any place outside of Canada shall contain a clause to the effect that the shipment is subject to all the terms and provisions of, and all the exemptions from liability contained in, this Act; and any stipulation or agreement purporting to oust or lessen the jurisdiction of any court having jurisdiction at the port of loading in Canada in respect of the bill of lading or document, shall be illegal, null and void, and of no effect.

Jurisdiction.

Responsibility for navigation and management.

6. If the owner of any ship transporting merchandise or property from any port in Canada exercises due diligence to make the ship in all respects seaworthy and properly manned, equipped and supplied, neither the ship nor the owner, agent or charterer shall become or be held responsible for loss or damage resulting from faults or errors in navigation or in the management of the ship.

Loss for which the ship, the owner, etc., is not liable.

7. The ship, the owner, charterer, agent or master shall not be held liable for loss arising from fire, dangers of the sea or other navigable waters, acts of God or public enemies, or inherent defect, quality or vice of the thing carried, or from insufficiency of package, or seizure under legal process, or for loss resulting from any act or omission of the shipper or owner of the goods, his agent or representative, or from saving or attempting to save life or property at sea, or from any deviation in rendering such service, or from strikes, or for loss arising without their actual fault or privity or without the fault or neglect of their agents, servants or employees.

Limit of liability as to value of goods.

8. The ship, the owner, charterer, master or agent shall not be liable for loss or damage to or in connection with goods for a greater amount than one hundred dollars per package, unless a higher value is stated in the bill of lading or other shipping document, nor for any loss or damage whatever if the nature or value of such goods has been falsely stated by the shipper, unless such false statement has been made by inadvertence or error. The declaration by the shipper as to the nature and value of the goods shall not be considered as binding or conclusive on the ship, her owner, charterer, master or agent.

Effect of declaration.

Bill of lading to be issued to shipper.

9. Every owner, charterer, master or agent of any ship carrying goods, shall on demand issue to the shipper of such goods a bill of lading showing, among other things, the marks necessary for identification as furnished in writing by the shipper, the number of packages, the quantity or the weight, as the case may be, and the apparent order and condition of the goods as delivered to or received by such owner, charterer, master or agent; and such bill of lading shall be *prima facie* evidence of the receipt of the goods as therein described.

Contents.

Effect as evidence.

10. When a ship arrives at a port where goods carried by the ship are to be delivered, the owner, charterer, master or agent of the ship shall forthwith give such notice as is customary at the port, to the consignees of goods to be delivered there, that the ship has arrived there. Notice of arrival of ship.

11. Everyone who, being the owner, charterer, master or agent of a ship— Penalties.

(*a*) inserts in any bill of lading or document any clause, covenant or agreement declared by this Act to be illegal; or makes, signs, or executes any bill of lading or document containing any clause, covenant or agreement declared by this Act to be illegal;

without incorporating *verbatim*, in conspicuous type, in the same bill of lading or document section 4 of this Act; or

(*b*) refuses to issue to a shipper of goods a bill of lading as provided by this Act; or

(*c*) refuses or neglects to give the notice of arrival of the ship required by this Act;

is liable to a fine not exceeding two thousand dollars, with costs of prosecution; and the ship may be libeled therefor in any Admiralty District in Canada within which the ship is found.

2. Such proportion of any penalty imposed under this section as the court deems proper, together with full costs, shall be paid to the person injured, and the balance shall belong to His Majesty for the public uses of Canada. Disposal of penalty.

12. Every one who knowingly ships goods of an inflammable or explosive nature, or of a dangerous nature, without before shipping the goods making full disclosure of their nature to, and obtaining the permission of, the agent, master or person in charge of the ship, is liable to a fine of one thousand dollars. Shipping inflammable, explosive or dangerous goods. Penalty.

13. Goods of an inflammable or explosive nature, or of a dangerous nature, shipped without permission from the agent, master or person in charge of the ship, may, at any time before delivery, be destroyed or rendered innocuous, by the master or person in charge of the ship, without compensation to the owner, shipper or consignee of the goods; and the person so shipping the goods shall be liable to the owner or charterer of the ship for all damages directly or indirectly arising out of such shipping. Master may destroy such goods, if shipped without disclosure. Shipper liable for damages.

14. This Act shall not apply to any bill of lading or document made pursuant to a contract entered into before this Act comes into force. Act not retroactive.

15. This Act shall come into force on the first day of September, A.D. 1908. Commencement of Act.

FIRST REPRINT.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

THE SENATE OF CANADA.

BILL.

Z

An Act relating to the Water-Carriage of Goods.

Reprinted as amended 7th and 14th May, 1908, and reported by The Senate Committee on Banking and Commerce.

Honourable Mr. CAMPBELL.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8.

THE SENATE OF CANADA.

BILL AS PASSED MAY 22, 1908.

Z.] [1907-8

An Act relating to the Water-Carriage of Goods.

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

1. This Act may be cited as *The Water-Carriage of Goods Act*, 1908. Short title.

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

(*a*) "goods", includes goods, wares, merchandise, and articles of any kind whatsoever, but does not include live animals; "Goods."

(*b*) "ship" includes every description of vessel used in navigation not propelled by oars; "Ship."

(*c*) "port" means a place where ships may discharge or load cargo. "Port."

3. This Act applies to ships carrying goods from any port in Canada to any other port in Canada, or from any port in Canada to any port outside Canada, and to such goods carried by such ships, or received to be carried by such ships. Application of Act.

4. Where any bill of lading or document contains any clause, covenant or agreement whereby— Certain clauses prohibited in bill of lading.

(*a*) the owner, charterer, master, or agent of any ship, or the ship itself, is relieved from liability for loss or damage to goods arising from negligence, fault, or failure in the proper loading, stowage, custody, care or delivery of goods received by them or any of them to be carried in or by the ship; or

(*b*) any obligations of the owner or charterer of any ship to exercise due diligence to properly man, equip, and supply the ship, and make and keep the ship seaworthy, and make and keep the ship's hold, refrigerating and cool chambers, and all other parts of the ship in which goods are carried, fit and safe for their reception, carriage and preservation, are in any wise lessened, weakened or avoided; or

(*c*) the obligations of the master, officers, agents, or servants of any ship to carefully handle and stow goods, and to

care for, preserve, and properly deliver them, are in any wise lessened, weakened or avoided;

that clause, covenant or agreement shall be illegal, null and void, and of no effect

Express reference to be made to this Act.

5. Every bill of lading or document relating to the carriage of goods from any place in Canada to any place outside of Canada shall contain a clause to the effect that the shipment is subject to all the terms and provisions of, and all the exemptions from liability contained in, this Act; and any stipulation or agreement purporting to oust or lessen the jurisdiction of any court having jurisdiction at the port of loading in Canada in respect of the bill of lading or document, shall be illegal, null and void, and of no effect.

Jurisdiction.

Responsibility for navigation and management.

6. If the owner of any ship transporting merchandise or property from any port in Canada exercises due diligence to make the ship in all respects seaworthy and properly manned, equipped and supplied, neither the ship nor the owner, agent or charterer shall become or be held responsible for loss or damage resulting from faults or errors in navigation or in the management of the ship.

Loss for which the ship, the owner, etc., is not liable.

7. The ship, the owner, charterer, agent or master shall not be held liable for loss arising from fire, dangers of the sea or other navigable waters, acts of God or public enemies, or inherent defect, quality or vice of the thing carried, or from insufficiency of package, or seizure under legal process, or for loss resulting from any act or omission of the shipper or owner of the goods, his agent or representative, or from saving or attempting to save life or property at sea, or from any deviation in rendering such service, or from strikes, or for loss arising without their actual fault or privity or without the fault or neglect of their agents, servants or employees.

Limit of liability as to value of goods.

8. The ship, the owner, charterer, master or agent shall not be liable for loss or damage to or in connection with goods for a greater amount than one hundred dollars per package, unless a higher value is stated in the bill of lading or other shipping document, nor for any loss or damage whatever if the nature or value of such goods has been falsely stated by the shipper, unless such false statement has been made by inadvertence or error. The declaration by the shipper as to the nature and value of the goods shall not be considered as binding or conclusive on the ship, her owner, charterer, master or agent.

Effect of declaration.

Bill of lading to be issued to shipper.

9. Every owner, charterer, master or agent of any ship carrying goods, shall on demand issue to the shipper of such goods a bill of lading showing, among other things, the marks necessary for identification as furnished in writing by the

shipper, the number of packages, the quantity or the weight, as the case may be, and the apparent order and condition of the goods as delivered to or received by such owner, charterer, master or agent; and such bill of lading shall be *prima facie* evidence of the receipt of the goods as therein described.

Contents

Effect as evidence

10. When a ship arrives at a port where goods carried by the ship are to be delivered, the owner, charterer, master or agent of the ship shall forthwith give such notice as is customary at the port, to the consignees of goods to be delivered there, that the ship has arrived there.

Notice of arrival of ship.

11 Everyone who, being the owner, charterer, master or agent of a ship—

Penalties.

(*a*) inserts in any bill of lading or document any clause, covenant or agreement declared by this Act to be illegal; or makes, signs, or executes any bill of lading or document containing any clause, covenant or agreement declared by this Act to be illegal;

without incorporating *verbatim*, in conspicuous type, in the same bill of lading or document section 4 of this Act; or

(*b*) refuses to issue to a shipper of goods a bill of lading as provided by this Act; or

(*c*) refuses or neglects to give the notice of arrival of the ship required by this Act;

is liable to a fine not exceeding two thousand dollars, with costs of prosecution; and the ship may be libeled therefor in any Admiralty District in Canada within which the ship is found.

2. Such proportion of any penalty imposed under this section as the court deems proper, together with full costs, shall be paid to the person injured, and the balance shall belong to His Majesty for the public uses of Canada.

Disposal of penalty.

12. Every one who knowingly ships goods of an inflammable or explosive nature, or of a dangerous nature, without before shipping the goods making full disclosure of their nature to, and obtaining the permission of, the agent, master or person in charge of the ship, is liable to a fine of one thousand dollars.

Shipping inflammable, explosive or dangerous goods.

Penalty.

13. Goods of an inflammable or explosive nature, or of a dangerous nature, shipped without permission from the agent, master or person in charge of the ship, may, at any time before delivery, be destroyed or rendered innocuous, by the master or person in charge of the ship, without compensation to the owner, shipper or consignee of the goods; and the person so shipping the goods shall be liable to the owner or charterer of the ship for all damages directly or indirectly arising out of such shipping.

Master may destroy such goods, if shipped without disclosure.

Shipper liable for damages.

Act not retroactive.

14. This Act shall not apply to any bill of lading or document made pursuant to a contract entered into before this Act comes into force.

Commencement of Act.

15. This Act shall come into force on the first day of September, A.D. 1908.

THE SENATE OF CANADA.

AA.] **BILL.** [1907-8

An Act for the relief of Andrew Walker.

Preamble.

WHEREAS Andrew Walker, of Wychwood Park, county of York, in the province of Ontario, clerk, has by his petition alleged, in effect, that on the eleventh day of July, A.D. 1885, at East Mains, in the county of Midlothian, Scotland, he was lawfully married to Janet Macdonald of the said place, spinster; that his legal domicile is now in Canada; that at Penhold, then in the Northwest Territories, now in the Province of Alberta, in the year A.D. 1904, she committed adultery with one John Cross, and is now living with the said John Cross as his wife at the city of Winnipeg, in the province of Manitoba; 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 the said Andrew Walker and the said Janet Macdonald, 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 Andrew Walker may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Janet Macdonald had not been solemnized.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

THE SENATE OF CANADA.

BILL.

AA

An Act for the relief of Andrew Walker.

Received and read a first time,

Wednesday, February 26, 1908.

Second reading,

Friday, February 28, 1908.

Honourable Mr. FROST.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8.

THE SENATE OF CANADA.

BILL AS PASSED MARCH 11, 1908.

AA.] [1907-8

An Act for the relief of Andrew Walker.

Preamble.

WHEREAS Andrew Walker, of Wychwood Park, county of York, in the province of Ontario, clerk, has by his petition alleged, in effect, that on the eleventh day of July, A.D. 1885, at East Mains, in the county of Midlothian, Scotland, he was lawfully married to Janet Macdonald of the said place, spinster; that his legal domicile is now in Canada; that at Penhold, then in the Northwest Territories, now in the province of Alberta, in the year A.D. 1904, she committed adultery with one John Cross, and is now living with the said John Cross as his wife at the city of Winnipeg, in the province of Manitoba; 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 the said Andrew Walker and the said Janet Macdonald, 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 Andrew Walker may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Janet Macdonald had not been solemnized.

THE SENATE OF CANADA.

BB.] **BILL.** [1907-8

An Act to amend The Boards of Trade Act.

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

1. Section 4 of *The Boards of Trade Act*, chapter 124 of *The Revised Statutes*, 1906, is hereby amended by adding thereto the following subsection:— R.S., c. 124, s. 4, amended.

"2. Where the district is situate wholly or partly within a district for which there is an existing board of trade, the certificate shall be accompanied by a statutory declaration of two or more of the persons signing the same as to the facts in that regard and in regard to the population of the existing district, as well as that of the proposed new district and of the existing district as diminished by the proposed change, and as to any facts or considerations which made the establishment of the new board expedient." Certificate of formation of board of trade.

2. Section 5 of the said Act is hereby amended by adding thereto the following subsection:— S. 5 amended.

"2. In cases falling within subsection 2 of the next preceding section— Proceedings when certificate is forwarded to Secretary of State for registration.

"(*a*) the existing board of trade shall be afforded an opportunity to show cause against the proposed change;

"(*b*) the certificate shall be recorded only with the sanction and authority of the Governor in Council;

"(*c*) When the certificate is recorded members of the board of the existing district who reside in the new district shall cease to be members of that board, but only upon discharging any lawful liability which is standing upon the books of that board against them."

3. Upon application by the board of trade for any district under its corporate seal, signed by the president and secretary, and duly authorized by by-law of the corporation, the Governor in Council may change the boundaries of such district. Procedure to change boundaries of districts.

4. Upon its being made to appear that a board of trade has become incapable of exercising or has ceased to exercise its franchises, the Governor in Council may, upon and subject to such terms and conditions as he thinks just and proper, dissolve the board as a corporation. Dissolution of corporation.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

THE SENATE OF CANADA.

BILL.

BB

An Act to amend The Boards of Trade Act.

Received and read a first time,

Friday, February 28, 1908.

Second reading,

Wednesday, March 11, 1908.

Honourable Mr. Scott.

OTTAWA
Printed by S. E. Dawson
Printer to the King's most Excellent Majesty
1907-8.

THE SENATE OF CANADA.

BILL AS PASSED MARCH 17, 1908.

BB.] [1907-8

An Act to amend The Boards of Trade Act.

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

1. Section 4 of *The Boards of Trade Act*, chapter 124 of *The Revised Statutes*, 1906, is hereby amended by adding thereto the following subsection:— R.S., c. 124, s. 4, amended.

"2. Where the district is situate wholly or partly within a district for which there is an existing board of trade, the certificate shall be accompanied by a statutory declaration of two or more of the persons signing the same as to the facts in that regard and in regard to the population of the existing district, as well as that of the proposed new district and of the existing district as diminished by the proposed change, and as to any facts or considerations which made the establishment of the new board expedient." Certificate of formation of board of trade.

2. Section 5 of the said Act is hereby amended by adding thereto the following subsection:— S. 5 amended.

"2. In cases falling within subsection 2 of the next preceding section— Proceedings when certificate is forwarded to Secretary of State for registration.

"(*a*) the existing board of trade shall be afforded an opportunity to show cause against the proposed change;

"(*b*) the certificate shall be recorded only with the sanction and authority of the Governor in Council;

"(*c*) When the certificate is recorded members of the board of the existing district who reside in the new district shall cease to be members of that board, but only upon discharging any lawful liability which is standing upon the books of that board against them."

3. Upon application by the board of trade for any district under its corporate seal, signed by the president and secretary, and duly authorized by by-law of the corporation, the Governor in Council may change the boundaries of such district. Procedure to change boundaries of districts.

Dissolution of corporation.

4. Upon its being made to appear that a board of trade has become incapable of exercising or has ceased to exercise its franchises, the Governor in Council may, upon and subject to such terms and conditions as he thinks just and proper, dissolve the board as a corporation.

THE SENATE OF CANADA.

CC.] **BILL.** [1907-8

An Act to amend The Gold and Silver Marking Act.

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

1. Section 2 of Chapter 90 of *The Revised Statutes*, 1906, as enacted by Chapter 17 of the Statutes of 1907, is repealed and the following section is substituted therefor :— R.S., c. 90, s. 2: 1907, c. 17, s. 1, repealed.

"**2.** This Act shall come into force on the thirteenth day of March, nineteen hundred and nine." New date of coming into force.

2. The said Act shall be construed as if the day of its coming into force had been originally fixed as, and had always been, the said thirteenth day of March, nineteen hundred and nine, and it is, therefore, enacted and declared that the said Act has never, heretofore, gone into operation. Declaratory as to interpretation.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

THE SENATE OF CANADA.

BILL.

CC

An Act to amend the Gold and Silver Marking Act.

Received and read a first time,

Tuesday, March 10, 1908.

Second reading,

Wednesday, March 11, 1908.

The Right Honourable
SIR RICHARD CARTWRIGHT, K.C.M.G.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8.

THE SENATE OF CANADA.

BILL AS PASSED MARCH 11, 1908.

CC.] [1907-8

An Act to amend The Gold and Silver Marking Act.

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

1. Section 2 of chapter 90 of *The Revised Statutes*, 1906, as enacted by chapter 17 of the statutes of 1907, is repealed and the following section is substituted therefor :— R.S., c. 90, s. 2: 1907, c. 17, s. 1, repealed.

"**2.** This Act shall come into force on the thirteenth day of March, nineteen hundred and nine." New date of coming into force.

2. The said Act shall be construed as if the day of its coming into force had been originally fixed as, and had always been, the said thirteenth day of March, nineteen hundred and nine, and it is, therefore, enacted and declared that the said Act has never, heretofore, gone into operation. Declaratory as to interpretation.

THE SENATE OF CANADA.

DD]. **BILL.** [1907-8

An Act respecting the Board of the Presbyterian College, Halifax.

Preamble. 1902, c. 92.

WHEREAS the Board of the Presbyterian College, Halifax, 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. 92, s. 3. Powers of the Board. Receiving and dealing with property.

1. Paragraph (*c*) of section 3 of chapter 92 of the statutes of 1902 is hereby repealed and the following substituted therefor:—

"(*c*) Receive, take over, hold, invest and manage any real or personal property, bequests, donations or devises which may be given, entrusted, bequeathed or devised to the Board, or to any scheme or fund of the Presbyterian Church in Canada, other than such schemes or funds of the said Church as are incorporated under any Act or Statute of any Province of Canada and the Widows' and Orphans' Fund, by any person, congregation, presbytery or firm, or by the Synod of the Maritime Provinces, or by the General Assembly of the Presbyterian Church in Canada, for or on behalf of any scheme or religious and educational object of the Presbyterian Church in Canada, eastern division."

Execution of deeds, etc.

2. Subsection (*g*) of section 3 of the said Act is hereby amended by inserting, after the word "conveyances" in the second line thereof, the words "receipts, discharges and acquittances."

4th Session, 10th Parliament. 7-8 Edward VII., 1907-8

THE SENATE OF CANADA.

BILL.

DD

An Act respecting the Board of the Presbyterian College, Halifax.

Received and read a first time,

Friday, March 13, 1908.

Second reading,

Wednesday, March 18, 1908.

Honourable Mr. McGregor.

OTTAWA
Printed by S. E. Dawson
Printer to the King's most Excellent Majesty
1907-8.

THE SENATE OF CANADA.

BILL AS PASSED APRIL 7, 1908.

DD.] [1907-8

An Act respecting the Board of the Presbyterian College, Halifax.

WHEREAS the Board of the Presbyterian College, Halifax, 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. 1902, c. 92

1. Paragraph (*c*) of section 3 of chapter 92 of the statutes of 1902 is hereby repealed and the following substituted therefor:— 1902, c. 92, s. 3. Powers of the Board.

"(*c*) Receive, take over, hold, invest and manage any real or personal property, bequests, donations or devises which may be given, entrusted, bequeathed or devised to the Board, or to any scheme or fund of the Presbyterian Church in Canada, other than such schemes or funds of the said Church as are incorporated under any Act or Statute of any Province of Canada and the Widows' and Orphans' Fund, by any person, congregation, presbytery or firm, or by the Synod of the Maritime Provinces, or by the General Assembly of the Presbyterian Church in Canada, for or on behalf of any scheme or religious and educational object of the Presbyterian Church in Canada, eastern division." Receiving and dealing with property.

2. Subsection (*g*) of section 3 of the said Act is hereby amended by inserting, after the word "conveyances" in the second line thereof, the words "receipts, discharges and acquittances." Execution of deeds, etc.

THE SENATE OF CANADA.

EE.] **BILL.** [1907-8

An Act respecting The Pontiac Central Railway Company.

Preamble.

WHEREAS the Pontiac Central Railway Company has by its petition represented that it was incorporated by chapter 85 of the statutes of 1907, of Quebec, 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:—

Quebec 1907, c. 85.

Declaratory.

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

R. S., c. 37.

2. All the provisions of *The Railway Act*, not inconsistent with the Act incorporating the Company or with this Act, shall apply to the Company.

Extension of railway authorized.

3. The Company may extend its line in a southerly direction to a point at or near the town of Brockville, Ontario, passing through the counties of Renfrew, Lanark and Leeds, and in a northerly direction along the valley of the Nottaway River, to a point at or near the East Main River, in the province of Quebec.

Issue of securities for railway.

4. The Company may issue bonds or debentures to the extent of thirty thousand dollars per mile of its railway.

Issue of securities for other purposes.

2. The Company may issue bonds or debentures for the construction or acquisition of vessels or other properties or works of any kind, other than the railway, which the Company is authorized to operate, but such bonds or debentures shall not exceed in amount the value of such vessels, properties or other works.

Land Grant Bonds.

3. The Company may issue "Land Grant Bonds" to the extent of two dollars per acre upon any land owned by the Company other than lands required for the purposes of its undertaking.

Denomination of securities.

4. The Company may issue its bonds or debentures in whole or in part in the denomination of dollars, pounds sterling, or francs.

Buildings on Company's lands.

5. The Company may grant or lease the right to erect, on lands belonging to the Company, warehouses, elevators, hotels, mills, manufacturing establishments or other buildings or works for the purpose of giving greater facilities to the public in doing business with the Company; and the buildings or works so erected shall not be bound by, nor be subject to, any mortgage or lien on the property of the Company without the written consent of the owner of such buildings or works.

Time for construction of railway limited.

6. If the construction of the railway is not commenced within two years, or if the railway is not finished within seven years, after the passing of this Act, the powers conferred on the Company by Parliament shall cease and be null and void as respects so much of the railway as then remains uncompleted.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

THE SENATE OF CANADA.

BILL.

EE

An Act respecting The Pontiac Central Railway Company.

Received and read a first time,

Wednesday, March 18, 1908.

Second reading,

Tuesday, March 24, 1908.

Honourable Mr. CAMPBELL.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8.

THE SENATE OF CANADA.

BILL AS PASSED APRIL 7, 1908.

EE.] [1907-8

An Act respecting The Pontiac Central Railway Company.

Preamble.

WHEREAS the Pontiac Central Railway Company has by its petition represented that it was incorporated by chapter 85 of the statutes of 1907, of Quebec, 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:—

Quebec 1907, c. 85.

Declaratory.

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

Extension of railway authorized.

2. The Company may extend its line in a southerly direction to a point at or near the town of Brockville, Ontario, passing through the counties of Renfrew, Lanark and Leeds, and in a northerly direction along the valley of the Nottaway River, to a point at or near the East Main River, in the province of Quebec.

Issue of securities on railway.

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

Issue of securities for other purposes.

2. The Company may, from time to time, issue bonds, debentures, debenture stock or other securities for the construction or acquisition of any vessels, properties or works, other than the railway which the Company is authorized to construct, acquire or operate; but such bonds, debentures, debenture stock or other securities shall not exceed in amount the value of such vessels, properties and works.

Mortgages.

3. For the purpose of securing the issue of such bonds, debentures, debenture stock or other securities, the Company may execute mortgages upon such property, assets, rents and revenues of the Company, present or future, other than the railway, as is described therein.

R.S., c. 37.

4. All the provisions of section 136 to 148, both inclusive, of *The Railway Act* shall, so far as they are applicable, apply to such bonds, debentures, debenture stock or other securities or mortgages.

Land Grant Bonds.

5. The Company may issue "Land Grant Bonds" to the extent of two dollars per acre upon any land owned by the Company other than lands required for the purposes of its undertaking.

Denomination of securities.

6. The Company may issue its bonds or debentures in whole or in part in the determination of dollars, or in the equivalent thereto in pounds sterling or francs.

Buildings on Company's lands.

4. The Company may grant or lease the right to erect, on lands belonging to the Company, warehouses, elevators, hotels, mills, manufacturing establishments, or other buildings or works for the purpose of giving greater facilities to the public in doing business with the Company; and the buildings or works so erected shall not be bound by, nor be subject to, any mortgage or lien on the property of the Company without the written consent of the owner of such buildings or works: Provided that nothing in this section shall impair or in any manner affect any bonds, debentures, debenture stock or other securities issued by the Company before the passing of this Act.

Time for construction of railway limited.

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

THE SENATE OF CANADA.

FF]. **BILL.** [1907-8

An Act for the relief of Edith Maud Rosario Gammell.

Preamble. WHEREAS Edith Maud Rosario Gammell, presently residing in the city of Toronto, in the province of Ontario, wife of Hector Hatch Gammell, of the city of Saskatoon, in the province of Saskatchewan, civil engineer, has by her petition alleged, in effect, that they were lawfully married on the eleventh day of September, A.D. 1894, at the parish church, in the parish of St. George, Hanover Square, in the county of London, England, she then being Edith Maud Rosario Hughes, spinster, of Weston-super-Mare, England; that the legal domicile of the said Hector Hatch Gammell was then in England; that in the month of October, A.D. 1905, he came to Canada and became domiciled, and is now domiciled in Canada; that at the city of Saskatoon, in the province of Saskatchewan, on or about the twenty-sixth day of May, A.D. 1907, he committed adultery with one Mrs. Cordery, of the said city of Saskatoon, at the said city of Saskatoon; that she has not connived at or 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 Edith Maud Rosario Hughes and Hector Hatch Gammell, 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 Edith Maud Rosario Hughes may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Hector Hatch Gammell had not been solemnized.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

THE SENATE OF CANADA.

BILL.

FF

An Act for the relief of Edith Maud Rosario Gammell.

Received and read a first time,

Thursday, March 19, 1908.

Second reading,

Tuesday, March 24, 1908.

Honourable Mr. JONES.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8.

THE SENATE OF CANADA.

BILL AS PASSED MARCH 26, 1908.

FF.] [1907-8

An Act for the relief of Edith Maud Rosario Gammell.

Preamble.

WHEREAS Edith Maud Rosario Gammell, presently residing in the city of Toronto, in the province of Ontario, wife of Hector Hatch Gammell, of the city of Saskatoon, in the province of Saskatchewan, civil engineer, has by her petition alleged, in effect, that they were lawfully married on the eleventh day of September, A.D. 1894, at the parish church, in the parish of St. George, Hanover Square, in the county of London, England, she then being Edith Maud Rosario Hughes, spinster, of Weston-super-Mare, England; that the legal domicile of the said Hector Hatch Gammell was then in England; that in the month of October, A.D. 1905, he came to Canada and became domiciled, and is now domiciled in Canada; that at the city of Saskatoon, in the province of Saskatchewan, on or about the twenty-sixth day of May, A.D. 1907, he committed adultery with one Mrs. Cordery, of the said city of Saskatoon, at the said city of Saskatoon; that she has not connived at or 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 Edith Maud Rosario Hughes and Hector Hatch Gammell, 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 Edith Maud Rosario Hughes may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Hector Hatch Gammell had not been solemnized.

THE SENATE OF CANADA.

GG.] [1907-8

An Act respecting The Northern Bank and The Crown Bank of Canada.

Preamble. 1903, c. 168. 1902, c. 57.

WHEREAS a joint petition has been presented by The Northern Bank and The Crown Bank of Canada 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:—

Change of Name. 1903, c. 168, s. 1, amended.

1. The name of The Northern Bank is hereby changed to "The Northern Crown Bank."

Ratification of clause 7 of agreement for merger.

2. The seventh clause of the agreement for merger between The Northern Bank and The Crown Bank of Canada in the words and figures following, that is to say:—

"7. In the event of the assets of either party to the agreement being found to bear a greater percentage of value in proportion to the amount of its paid-up capital stock than do the assets of the other party to the agreement, then said party shall be at liberty to declare a dividend to its shareholders to represent such excess percentage. Such dividend shall be applicable and be applied only in payment up of such shares of new stock of the amalgamated bank to be issued to raise its share capital to $3,000,000.00 (three million dollars) as the shareholder entitled to the dividend may be entitled to under the terms upon which the said issue of new shares shall hereafter be made,"

is hereby sanctioned and confirmed and made binding upon the said two banks and the shareholders of the said two banks respectively.

4th Session, 10th Parliament, 7-8 Edward VII.. 1907-8

THE SENATE OF CANADA.

BILL.

GG

An Act respecting The Northern Bank and The Crown Bank of Canada.

Received and read a first time,

Friday, 20th March, 1908.

Second reading,

Wednesday, 25th March, 1908.

Honourable Mr. Ross,
(Middlesex.)

OTTAWA
Printed by S. E. Dawson
Printer to the King's most Excellent Majesty
1907-8.

THE SENATE OF CANADA.

BILL AS PASSED APRIL 7, 1908.

GG.] [1907-8

An Act respecting The Northern Bank and The Crown Bank of Canada.

Preamble. 1903, c. 168. 1902, c. 57.

WHEREAS a joint petition has been presented by The Northern Bank and The Crown Bank of Canada 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:—

Change of Name. 1903, c. 168, s. 1, amended.

1. The name of The Northern Bank is hereby changed to "The Northern Crown Bank."

Agreement for merger confirmed.

2. The agreement for merger between the Northern Bank and the Crown Bank of Canada bearing date the twelfth day of February, 1908, which is set forth as the Schedule to this Act, is hereby sanctioned and confirmed and made binding upon the said two banks and the shareholders of the said two banks, respectively.

R. S., c. 29.

3. From and after the completion of the merger of the said banks under the said agreement, the provisions of *The Bank Act* shall in all respects apply to the said Northern Crown Bank, superseding all the provisions of the said agreement except clause seven thereof.

SCHEDULE.

MEMORANDUM OF AGREEMENT BETWEEN

THE NORTHERN BANK,
Party of the First Part;

AND

THE CROWN BANK OF CANADA,
Party of the Second Part.

WHEREAS the Party of the First Part is established in business in the Western Provinces of Canada and has no Branch Offices East of Lake Superior, and the Party of the Second Part

has an established business throughout the greater portion of Ontario and has no Branch Offices West of Lake Superior, and each Party is desirous of extending its operations to those portions of the Dominion where it is not represented, but neither Party is desirous of doing so by duplicating branches in places where the banking facilities are ample for the accommodation of the public, and each Party to this agreement is of the belief that it will be to the mutual advantage of the shareholders interested that the two institutions should amalgamate for the purpose of enabling them to extend their respective businesses in the manner indicated.

AND WHEREAS the organization of the Party of the First Part is already in such shape as will enable it to carry out the amalgamation which it is proposed to effect under the terms and conditions of Chapter 29, Section 99 and following Sections of the Bank Act, providing for the purchase of the assets of a bank without applying to Parliament for any Special Act to perfect the consolidation.

AND WHEREAS it appears to the Directors of both these Institutions that it will be to the interests of the stockholders and of all concerned to avail themselves of the provisions of the above Act,

NOW THEREFORE IT IS AGREED THAT:—

1. The Party of the First Part will agree to purchase the assets of the Party of the Second Part in the manner provided for such proceeding in the Bank Act, Section 99 and the following Sections, and will allot to the shareholders of the Party of the Second Part shares of stock in the Party of the First Part to the same extent as their present holdings in the stock of the Party of the Second Part.

2. The Party of the First Part agrees to assume and pay all the liabilities of the Party of the Second Part to be taken as of the first day of April, 1908, and from and after the sanction of this agreement by the Governor General in Council, shall for all purposes be taken to have assumed and to be liable to pay the same as of the date last mentioned.

3. The Party of the First Part agrees to assume and pay the notes of the Party of the Second Part issued and intended for circulation outstanding and in circulation.

4. An examination of the affairs and condition of each Party to this agreement shall be made by a representative or representatives appointed by each Party to the transaction for the examination of the condition of the other Party to the agreement.

5. If the valuation of the assets of each of the Parties be agreed to by the representatives of both Parties, then their decision as to such value shall be accepted as final by both parties.

6. In the event of the representatives of either Party being unable to agree with the representatives of the other party as to

the valuation of any particular asset or assets, then the Presidents respectively of the two Banks, or such nominee as may be delegated by either in his place, being a Director of the Institution which he represents, shall act as joint referees for the consideration of the matters in dispute, and if they agree upon a basis of settlement, their decision shall be final. If they are unable to agree upon a valuation, then they shall jointly appoint a referee to determine the question at issue, and the decision of such referee shall be final.

7. In the event of the assets of either party to the agreement being found to bear a greater percentage of value in proportion to the amount of its Paid-up Capital Stock than do the assets of the other Party to the agreement, then said Party shall be at liberty to declare a Stock Dividend to its shareholders to represent such excess percentage. Such Stock Dividend shall be applicable and be applied only in payment up of such shares of new stock of the amalgamated Bank to be issued to raise its share Capital to $3,000,000.00 (three million dollars) as the shareholder entitled to the Stock Dividend may be entitled to under the terms upon which the said issue of new shares shall hereafter be made.

8. The title to be adopted by the United Institutions shall be "The Northern Crown Bank" or other suitable title to be mutually agreed upon. Application to be made to Parliament by the Parties to this agreement to obtain authority to make such change.

9. The Head Office and Chief Executive Office of the consolidated institution to be in the City of Winnipeg.

10. The first President of the united interests to be the present President of the Party of the First Part.

11. The Party of the First Part will agree to pass a By-law at its next Annual Meeting increasing the number of its Directors sufficiently to enable it to add to its Board all of the present members of the Board of the Party of the Second Part or as many as may be mutually agreed upon, not exceeding the present number.

12. There shall be a Vice-President in the City of Toronto and a Vice-President in the City of Winnipeg.

13. The Vice-President for the Province of Ontario shall be nominated by the Directors elected for that Province with the understanding that the said Directors will limit their choice to a resident of the City of Toronto.

14. The Chief Executive Officer of the Party of the First Part to be the Chief Executive Officer of the combined interests and the Chief Executive Officer of the Party of the Second Part to be Assistant Chief Executive Officer of the united institution.

15. The Party of the Second Part will undertake to see that its principal shareholders will agree to accept the shares of stock which it is intended shall be allotted to them as provided for in Section 100 of the Bank Act, Sub-Section 3.

16. Each Party to this agreement will agree to submit to its shareholders at its next Annual General Meeting the proposal which it is intended to carry out as provided for in Section 101 of the Bank Act.

17. The goodwill of the two institutions is to be taken on an equal basis.

18. The present Directors of both Parties will agree to serve the combined Institution as Directors, if required, for at least one year after the transaction is completed.

For the Northern Bank,

D. H. McMILLAN, President.
J. W. de C. O'GRADY, Gen. Manager.

For the Crown Bank of Canada,

CHARLES MAGEE, Vice-President.
G. de C. O'GRADY, Gen. Manager.

(Reprinted by the House of Commons as amended and reported by its Banking and Commerce Committee.)

THE SENATE OF CANADA.

GG.] [1907-8

(HOUSE OF COMMONS BILL 156.)

An Act respecting The Northern Bank and The Crown Bank of Canada.

Preamble. 1903, c. 168; 1902, c. 57.

WHEREAS a joint petition has been presented by The Northern Bank and The Crown Bank of Canada 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:—

Change of name. 1903, c. 168 s. 1, amended.

1. The name of The Northern Bank is hereby changed to "The Northern Crown Bank," on and from the second day of July, 1908.

Agreement for merger confirmed.

2. The agreement for merger between the Northern Bank and the Crown Bank of Canada bearing date the twelfth day of February, 1908, which is set forth as the Schedule to this Act, is hereby amended by substituting the words "second day of July, 1908" for the words "first day of April, 1908" where the words occur in the said agreement, which, as so amended, is hereby sanctioned and confirmed and made binding upon the said two banks and the shareholders of the said two banks, respectively.

Approval of agreement.

3. This Act shall for all purposes take the place of and be equivalent to approval by the Governor in Council of the said agreement under *The Bank Act* as of the second day of July, 1908, which approval is hereby dispensed with.

R. S., c. 29.

4. From and after the completion of the merger of the said banks under the said agreement, the provisions of *The Bank Act* shall in all respects apply to the said Northern Crown Bank, superseding all the provisions of the said agreement except clause seven thereof.

Property of banks to vest in Northern Crown Bank upon merger.

5. The merger of the said banks shall, on and from the second day of July, 1908, vest all property, real and personal, and all rights incidental thereto and all contracts, agreements, debts, obligations and choses in action belonging to the North-

ern Bank and the Crown Bank of Canada respectively in the Northern Crown Bank, subject however to all liens thereupon and to the debts and liabilities of the said banks respectively, but such merger and change of names shall not, as to either of the said banks, in any way impair, alter or affect the rights or liabilities of either bank, nor in any wise affect any suit or proceeding now pending, or judgment existing either by, or in favour of, or against either bank, which, notwithstanding such merger and change of name, may be prosecuted, continued, completed and enforced as if this Act had not been passed.

SCHEDULE.

MEMORANDUM OF AGREEMENT BETWEEN

THE NORTHERN BANK,

Party of the First Part;

AND

THE CROWN BANK OF CANADA,

Party of the Second Part.

WHEREAS the Party of the First Part is established in business in the Western Provinces of Canada and has no Branch Offices East of Lake Superior, and the Party of the Second Part has an established business throughout the greater portion of Ontario and has no Branch Offices West of Lake Superior, and each Party is desirous of extending its operations to those portions of the Dominion where it is not represented, but neither Party is desirous of doing so by duplicating branches in places where the banking facilities are ample for the accommodation of the public, and each Party to this agreement is of the belief that it will be to the mutual advantage of the shareholders interested that the two institutions should amalgamate for the purpose of enabling them to extend their respective businesses in the manner indicated.

AND WHEREAS the organization of the Party of the First Part is already in such shape as will enable it to carry out the amalgamation which it is proposed to effect under the terms and conditions of Chapter 29, Section 99 and following Sections of the Bank Act, providing for the purchase of the assets of a bank without applying to Parliament for any Special Act to perfect the consolidation.

AND WHEREAS it appears to the Directors of both these Institutions that it will be to the interests of the stockholders and of all concerned to avail themselves of the provisions of the above Act,

NOW THEREFORE IT IS AGREED THAT:—

1. The Party of the First Part will agree to purchase the assets of the Party of the Second Part in the manner provided for such proceeding in the Bank Act, Section 99 and the following Sections, and will allot to the shareholders of the Party of the

Second Part shares of stock in the Party of the First Part to the same extent as their present holdings in the stock of the Party of the Second Part.

2. The Party of the First Part agrees to assume and pay all the liabilities of the Party of the Second Part to be taken as of the first day of April, 1908, and from and after the sanction of this agreement by the Governor General in Council, shall for all purposes be taken to have assumed and to be liable to pay the same as of the date last mentioned.

3. The Party of the First Part agrees to assume and pay the notes of the Party of the Second Part issued and intended for circulation outstanding and in circulation.

4. An examination of the affairs and condition of each Party to this agreement shall be made by a representative or representatives appointed by each Party to the transaction for the examination of the condition of the other Party to the agreement.

5. If the valuation of the assets of each of the Parties be agreed to by the representatives of both Parties, then their decision as to such value shall be accepted as final by both parties.

6. In the event of the representatives of either Party being unable to agree with the representatives of the other party as to the valuation of any particular asset or assets, then the Presidents respectively of the two Banks, or such nominee as may be delegated by either in his place, being a Director of the Institution which he represents, shall act as joint referees for the consideration of the matters in dispute, and if they agree upon a basis of settlement, their decision shall be final. If they are unable to agree upon a valuation, then they shall jointly appoint a referee to determine the question at issue, and the decision of such referee shall be final.

7. In the event of the assets of either party to the agreement being found to bear a greater percentage of value in proportion to the amount of its Paid-up Capital Stock than do the assets of the other Party to the agreement, then said Party shall be at liberty to declare a Stock Dividend to its shareholders to represent such excess percentage. Such Stock Dividend shall be applicable and be applied only in payment up of such shares of new stock of the amalgamated Bank to be issued to raise its share Capital to $3,000,000.00 (three million dollars) as the shareholder entitled to the Stock Dividend may be entitled to under the terms upon which the said issue of new shares shall hereafter be made.

8. The title to be adopted by the United Institutions shall be "The Northern Crown Bank" or other suitable title to be mutually agreed upon. Application to be made to Parliament by the Parties to this agreement to obtain authority to make such change.

9. The Head Office and Chief Executive Office of the consolidated institution to be in the City of Winnipeg.

10. The first President of the united interests to be the present President of the Party of the First Part.

11. The Party of the First Part will agree to pass a By-law at its next Annual Meeting increasing the number of its Directors sufficiently to enable it to add to its Board all of the present members of the Board of the Party of the Second Part or as many as may be mutually agreed upon, not exceeding the present number.

12. There shall be a Vice-President in the City of Toronto and a Vice-President in the City of Winnipeg.

13. The Vice-President for the Province of Ontario shall be nominated by the Directors elected for that Province with the understanding that the said Directors will limit their choice to a resident of the City of Toronto.

14. The Chief Executive Officer of the Party of the First Part to be the Chief Executive Officer of the combined interests and the Chief Executive Officer of the Party of the Second Part to be Assistant Chief Executive Officer of the united institution.

15. The Party of the Second Part will undertake to see that its principal shareholders will agree to accept the shares of stock which it is intended shall be allotted to them as provided for in Section 100 of the Bank Act, Sub-Section 3.

16. Each Party to this agreement will agree to submit to its shareholders at its next Annual General Meeting the proposal which it is intended to carry out as provided for in Section 101 of the Bank Act.

17. The goodwill of the two institutions is to be taken on an equal basis.

18. The present Directors of both Parties will agree to serve the combined Institution as Directors, if required, for at least one year after the transaction is completed.

For the Northern Bank,

D. H. McMILLAN, President.
J. W. de C. O'GRADY, Gen. Manager.

For the Crown Bank of Canada,

CHARLES MAGEE, Vice-President.
G. de C. O'GRADY, Gen. Manager.

THE SENATE OF CANADA.

HH.] **BILL.** [1907-8

An Act to restrict the evils of Divorce.

WHEREAn it is in the interest of society that the evils of Divorce be restricted: 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 offending and guilty party to a marriage contract shall have no right to remarry in the Dominion of Canada after the obtention of a Bill of Divorce through the Parliament of Canada; and further if such party remarry outside the jurisdiction of the Parliament of Canada, such remarriage shall be considered, for all purposes, invalid and illegal; and such party remarried shall be considered a bigamist within the territory of Canada. Remarriage of guilty party invalid in Canada.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

THE SENATE OF CANADA.

BILL.

HH

An Act to restrict the evils of Divorce.

Received and read a first time,

Tuesday, March 24, 1908.

Second reading,

Thursday, March 26, 1908.

Honourable Mr. CLORAN.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8.

THE SENATE OF CANADA.

II.] **BILL.** [1907-8

An Act respecting The Nipissing Central Railway Company.

WHEREAS The Nipissing Central 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. 1907, c. 112.

1. Section 1 of chapter 112 of the statutes of 1907 is hereby repealed and the following substituted therefor:— 1907, c. 112, new s. 1 substituted.

"**1.** James William Fitzpatrick and Francis R. Latchford, both of the city of Ottawa, in the province of Ontario, George Ferdinand Duncan, of the city of Portland, in the state of Maine, one of the United States, the Honourable David MacKeen of the city of Halifax, in the province of Nova Scotia, Arthur George Browning of the town of North Bay, Herbert L. Dunn of the city of Toronto, George Taylor of the town of New Liskeard, and Michael J. O'Brien, of the town of Renfrew, in the province of Ontario, and Carlos N. Stone, of the city of Cleveland, in the state of Ohio, one of the United States of America, together with such persons as become shareholders in the Company, are incorporated under the name of "The Nipissing Central Railway Company," hereinafter called "the Company." Incorporation. Corporate name.

2. Section 3 of the said Act is hereby repealed and the following substituted therefor:—

"**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."

3. The Nipissing Central Railway Company may commence the construction of its railway, and expend fifteen per cent of the amount of its capital stock thereon, within two years after the passing of this Act, and may complete its railway and put it in operation within five years after the passing of this Act; and if the said railway is not so commenced and such expenditure is not so made, or if the said railway is not completed and put in operation within the said periods respectively, 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. Time for construction of railway extended.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

THE SENATE OF CANADA.

BILL.

II

An Act respecting The Nipissing Central Railway Company.

Received and read a first time,

Friday, March 27, 1908.

Second reading,

Wednesday, April 1, 1908.

Honourable Mr. McGregor.

OTTAWA
Printed by S. E. Dawson
Printer to the King's most Excellent Majesty
1907-8.

THE SENATE OF CANADA.

BILL AS PASSED MAY 15, 1908.

II.] [1907-8

An Act respecting The Nipissing Central Railway Company.

Preamble. 1907, c. 112.

WHEREAS The Nipissing Central 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—

1907, c. 112, new s. 1 substituted.

1. Section 1 of chapter 112 of the statutes of 1907 is hereby repealed and the following substituted therefor:—

Incorporation.

"**1.** James William Fitzpatrick and Edward J. Daly, both of the city of Ottawa, in the province of Ontario, George Ferdinand Duncan, of the city of Portland, in the state of Maine, one of the United States, the Honourable David MacKeen of the city of Halifax, in the province of Nova Scotia, Arthur George Browning of the town of North Bay, Herbert L. Dunn of the city of Toronto, George Taylor of the town of New Liskeard, and Michael J. O'Brien, of the town of Renfrew, in the province of Ontario, and Carlos N. Stone, of the city of Cleveland, in the state of Ohio, one of the United States of America, together with such persons as become shareholders in the Company, are incorporated under the name of "The Nipissing Central Railway Company," hereinafter called "the Company."

Corporate name.

2. Section 3 of the said Act is hereby repealed and the following substituted therefor:—

"**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."

Time for construction of railway extended.

3. The Nipissing Central Railway Company may commence the construction of its railway, and expend fifteen per cent of the amount of its capital stock thereon, within two years after the passing of this Act, and may complete its railway and put it in operation within five years after the passing of this Act; and if the said railway is not so commenced and such expenditure is not so made, or if the said railway is not completed and put in operation within the said periods respectively, 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.

THE SENATE OF CANADA.

JJ.] **BILL.** [1907-8

An Act for the relief of Edith May Gilmore.

Preamble.

WHEREAS Edith May Gilmore, presently residing at the city of Toronto, in the province of Ontario, wife of Alfred Robert William Gilmore, of the said city, commercial traveller, has by her petition alleged, in effect, that they were lawfully married on the twenty-sixth day of February, A.D. 1900, at the said city, she then being Edith May Yeaxlie, spinster; that the legal domicile of the said Alfred Robert William Gilmore was then and is now in Canada; that, at the city of Montreal, in the province of Quebec, in or about the month of July, A.D. 1905, he committed adultery with some 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 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 Edith May Yeaxlie and Alfred Robert William Gilmore, 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 Edith May Gilmore may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Alfred Robert William Gilmore had not been solemnized.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

THE SENATE OF CANADA.

BILL.

J.J

An Act for the relief of Edith May Gilmore.

Received and read a first time,

Tuesday, March 31, 1908.

Second reading,

Thursday, April 2, 1908.

Honourable Mr. PERLEY.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8.

THE SENATE OF CANADA.

BILL AS PASSED MAY 7, 1908.

JJ.] [1907-8

An Act for the relief of Edith May Gilmore.

WHEREAS Edith May Gilmore, presently residing at the city of Toronto, in the province of Ontario, wife of Alfred Robert William Gilmore, of the said city, commercial traveller, has by her petition alleged, in effect, that they were lawfully married on the twenty-sixth day of February, A.D. 1900, at the said city, she then being Edith May Yeaxlie, spinster; that the legal domicile of the said Alfred Robert William Gilmore was then and is now in Canada; that, at the city of Montreal, in the province of Quebec, in or about the month of July, A.D. 1905, he committed adultery with some 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 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 Edith May Yeaxlie and Alfred Robert William Gilmore, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever. Marriage dissolved.

2. The said Edith May Gilmore may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Alfred Robert William Gilmore had not been solemnized. Right to marry again.

THE SENATE OF CANADA.

KK.] **BILL.** [1907-8

An Act to amend The Prisons and Reformatories Act, in so far as the same affects the Province of Nova Scotia.

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

1. The following paragraph is added to section 2 of chapter 148 of *The Revised Statutes of Canada*, 1906, intituled: "An Act respecting Public and Reformatory Prisons"— R.S., c. 148, s. 2 amended.

"(*e*) The provisions of Part I of this Act apply to all Canada." Application of Part I.

2. Subsection 5 of section 29 of the said chapter is repealed. S. 29 amended.

3. Section 90 of the said chapter is repealed and the following section is substituted therefor:— New s. 90.

"**90.** Whenever any boy, who is a Protestant and apparently under the age of sixteen years, is convicted in Nova Scotia of any offence, for which by law he is liable to imprisonment, the judge, stipendiary magistrate, justice or justices by whom he is so convicted may order such boy to be detained in the Halifax Industrial School for any term not exceeding five years and not less than two years. Power to sentence Protestant boy to Halifax Industrial School. Term.

"2. The superintendent of the Industrial School may at any time notify the mayor, warden or other chief magistrate of any municipality that no prisoners, beyond those already under sentence in the school, will be received therein; and, after such notification, no boy shall be sentenced in such municipality to be detained in the Industrial School until notice has been received by such mayor, warden or chief magistrate, from the Superintendent, that prisoners will again be received in the school. Notice to municipal authorities as to receiving boys so sentenced.

"3. If any boy so sentenced and detained in the Industrial School has in the opinion of the Board of Directors so conducted himself during a term of six consecutive months by good behavior, diligence and industry as to warrant his being set at large and no longer detained in the school, and if the judge, stipendiary magistrate, justice or justices before whom such boy was convicted or the stipendiary magistrate or police court of the City of Halifax concur with the said board in recommending the issue of a license to such boy to be at large, then the Minister of Justice, or such person as he appoints to issue such licenses, Conditional release on license.

may issue a license to such boy to be at large in the province of Nova Scotia, or in such part thereof as is specified in the license.

Apprenticing of certain boys.

"4. If any respectable and trustworthy person is willing to undertake the charge of any boy over the age of twelve years, (sentenced under any statute of the Dominion) who has so conducted himself as mentioned in the next preceding subsection, as an apprentice to the trade or calling of such person, the Superintendent of the Industrial School may, with the consent of the parent or guardian of the boy and in the name of the Board of Directors of the School, bind the said boy to such person for any term not to extend, without his consent, beyond a term of five years from the commencement of his imprisonment.

Discharge on probation in such case.

"5. The said Board of Directors shall thereupon order that such boy shall be discharged from the said Industrial School on probation, to remain so discharged, provided his conduct during the residue of said term, from the commencement of his imprisonment, continues good, and such boy shall be discharged accordingly.

Wages.

"6. Any wages reserved in any indenture of apprenticeship made under this section shall be payable to such boy, or to some other person for his benefit.

Revocation or alteration of license.

"7. The license mentioned in subsection 3 of this section may be revoked or altered at pleasure by the Minister of Justice, or by such person as he appoints under the provisions of such subsection.

Regulations as to license.

"8. The Minister of Justice may make such regulations as he sees fit as to the form of such licenses and conditions of enjoyment and forfeiture thereof, and for ascertaining that the conditions are duly complied with.

Arrest and remand if license is contravened or apprentice's conduct is bad.

"9. Upon information on oath that the holder of any such license has contravened any of the conditions thereof or that the conduct of any boy apprenticed and discharged on probation under the provisions of subsections 4 and 5 of this section has not continued to be good, the Police Court or Stipendiary Magistrate of the city of Halifax may issue a warrant for his arrest, wherever in the Dominion of Canada he may be, and cause him to be brought before such court or magistrate, and, upon conviction of such contravention or proof of such discontinuance of good conduct, shall remand him to the Industrial School, there to serve the remainder of his original sentence, with such additional term, not exceeding one year, as to the court or magistrate seems proper.

Addition to term of sentence.

Application of by-laws, etc.

"10. All boys detained in the Halifax Industrial School shall be governed by the by-laws, rules and regulations of the institution, not inconsistent with this Act, made by the Board of Directors and approved by the Lieutenant Governor in Council of the province of Nova Scotia,

Expenses, how defrayed.

"11. The expense of conveying any boy committed to the Halifax Industrial School, to and from the school, shall be a charge upon the municipality in which such boy is convicted and shall be paid to the Superintendent of the School by the municipal treasurer on the certificate of the Attorney-General of Nova Scotia."

4. Section 93 of the said chapter is repealed and the following section is substituted therefor:— New s. 93.

"**93.** Whenever any boy who is a Roman Catholic and apparently under the age of sixteen years, is convicted in Nova Scotia of any offence for which by law he is liable to imprisonment, the judge, stipendiary magistrate, justice or justices by whom he is so convicted may order such boy to be detained in Saint Patrick's Home at Halifax for any term not exceeding five years and not less than two years. Power to sentence Roman Catholic boy to Saint Patrick's Home at Halifax.

2. The expense of conveying any boy committed to Saint Patrick's Home, to and from the Home, shall be a charge upon the municipality in which such boy is convicted, and shall be paid to the Director of the Home by the municipal treasurer on the certificate of the Attorney-General of Nova Scotia." Expenses, how defrayed.

5. Section 97 of the said chapter is amended by adding thereto the following subsections:— S. 97 amended.

"5. If any respectable and trustworthy person, being a Roman Catholic, is willing to undertake the charge of any boy over the age of twelve years, committed to Saint Patrick's Home, (under any statute of the Dominion) who has in the opinion of the Director or Superintendent of such Home so conducted himself during a term of six consecutive months, by good behaviour, diligence and industry, as to warrant his being set at large, as an apprentice to the trade or calling of such person, the Director of the Home may, with the consent of the parent or guardian of the boy, bind the said boy to such person for any term not to extend, without his consent, beyond a term of five years from the commencement of his imprisonment. Apprenticing of certain boys.

"6. The said Director shall thereupon order that such boy shall be discharged from the said Home on probation, to remain so discharged, provided his conduct, during the residue of said term from the commencement of his imprisonment, continues good, and such boy shall be discharged accordingly. Discharge on probation in such case.

"7. Any wages reserved in any indenture of apprenticeship made under this section shall be payable to such boy, or to some other person for his benefit. Wages.

"8. Upon information on oath that the conduct of any boy apprenticed and discharged under the provisions of subsections 5 and 6 of this section has not continued to be good, the Police Court or Stipendiary Magistrate of the city of Halifax may issue a warrant for his arrest, wherever in the Dominion of Canada he may be, and cause him to be brought before such court or magistrate and upon proof of such discontinuance of good conduct, shall remand him to Saint Patrick's Home, there to serve the remainder of his original sentence, with such additional term, not exceeding one year, as to the court or magistrate seems proper. Arrest and remand if apprentice's conduct is bad. Addition to term of sentence.

"9. All boys detained in Saint Patrick's Home shall be governed by the by-laws, rules and regulations of the institution, not inconsistent with this Act, made by the Director and approved by the Lieutenant Governor in Council of Nova Scotia." Application of by-laws, etc.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

THE SENATE OF CANADA.

BILL.

KK

An Act to amend The Prisons and Reformatories Act, in so far as the same affects the Province of Nova Scotia.

Received and read a first time,

Tuesday, April 7, 1908.

Second reading,

Thursday, April 9, 1908.

Honourable Mr. POWER.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

THE SENATE OF CANADA.

BILL AS PASSED MAY 12, 1908.

KK.] [1907-8

An Act to amend The Prisons and Reformatories Act, in so far as the same affects the Province of Nova Scotia.

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

1. The following paragraph is added to section 2 of chapter 148 of *The Revised Statutes of Canada*, 1906, intituled: "An Act respecting Public and Reformatory Prisons"— R.S., c. 148, s. 2 amended.

"(*e*) The provisions of Part I of this Act apply to all Canada except where the context precludes such construction." Application of Part I.

2. Subsection 5 of section 29 of the said chapter is repealed. S. 29 amended.

3. Section 90 of the said chapter is repealed and the following section is substituted therefor:— New s. 90.

"**90.** Whenever any boy, who is a Protestant and apparently under the age of sixteen years, is convicted in Nova Scotia of any offence, for which by law he is liable to imprisonment, the judge, stipendiary magistrate, justice or justices by whom he is so convicted may sentence such boy to be detained in the Halifax Industrial School for any term not exceeding five years and not less than two years. Power to sentence Protestant boy to Halifax Industrial School. Term.

"2. The superintendent of the Industrial School may at any time notify the mayor, warden or other chief magistrate of any municipality that no prisoners, beyond those already under sentence in the school, will be received therein; and, after such notification, no boy shall be sentenced in such municipality to be detained in the Industrial School until notice has been received by such mayor, warden or chief magistrate, from the Superintendent, that prisoners will again be received in the school. Notice to municipal authorities as to receiving boys so sentenced.

"3. If any boy so sentenced and detained in the Industrial School has in the opinion of the Board of Directors so conducted himself during a term of six consecutive months by good behavior, diligence and industry as to warrant his being set at large and no longer detained in the school, the Minister of of Justice, or such person as he appoints to issue such licenses, Conditional release on license.

may issue a license to such boy to be at large in the province of Nova Scotia, or in such part thereof as is specified in the license.

Apprenticing of certain boys.

"4. If any respectable and trustworthy person, not being a Roman Catholic, is willing to undertake the charge of any boy over the age of twelve years, (sentenced under any statute of the Dominion) who has so conducted himself as mentioned in the next preceding subsection, as an apprentice to the trade or calling of such person, the Superintendent of the Industrial School may, with the consent of the parent or guardian of the boy or, if such consent cannot be obtained, with the consent of the Stipendiary Magistrate of the city of Halifax, and in the name of the Board of Directors of the School, bind the said boy to such person for any term not to extend, without his consent, beyond a term of five years from the commencement of his imprisonment.

Discharge on probation in such case.

"5. The said Board of Directors shall thereupon order that such boy shall be discharged from the said Industrial School on probation, to remain so discharged, provided his conduct during the residue of said term, from the commencement of his imprisonment, continues good, and such boy shall be discharged accordingly.

Wages.

"6. Any wages reserved in any indenture of apprenticeship made under this section shall be payable to such boy, or to some other person for his benefit.

Revocation or alteration of license.

"7. The license mentioned in subsection 3 of this section may be revoked or altered at pleasure by the Minister of Justice, or by such person as he appoints under the provisions of such subsection.

Regulations as to license.

"8. The Minister of Justice may make such regulations as he sees fit as to the form of such licenses and conditions of enjoyment and forfeiture thereof, and for ascertaining that the conditions are duly complied with.

Arrest and remand if license is contravened or apprentice's conduct is bad.

"9. Upon information on oath that the holder of any such license has contravened any of the conditions thereof or that the conduct of any boy apprenticed and discharged on probation under the provisions of subsections 4 and 5 of this section has not continued to be good, the Police Court or Stipendiary Magistrate of the city of Halifax may issue a warrant for his arrest, wherever in the Dominion of Canada he may be, and cause him to be brought before such court or magistrate, and, upon conviction of such contravention or proof of such discontinuance of good conduct, shall remand him to the Industrial School, there to serve the remainder of his original sentence, with such additional term, not exceeding one year, as to the court or magistrate seems proper.

Addition to term of sentence.

Application of by-laws, etc.

"10. All boys detained in the Halifax Industrial School shall be governed by the by-laws, rules and regulations of the institution, not inconsistent with this Act, made by the Board of Directors and approved by the Lieutenant Governor in Council of the province of Nova Scotia.

"11. The expense of conveying any boy committed to the Halifax Industrial School, to and from the school, shall be a charge upon the municipality in which such boy is convicted and shall be paid to the Superintendent of the School by the municipal treasurer on the certificate of the Attorney-General of Nova Scotia." Expenses, how defrayed

4. Section 93 of the said chapter is repealed and the following section is substituted therefor:— New s. 93

"**93.** Whenever any boy who is a Roman Catholic and apparently under the age of sixteen years, is convicted in Nova Scotia of any offence for which by law he is liable to imprisonment, the judge, stipendiary magistrate, justice or justices by whom he is so convicted may sentence such boy to be detained in Saint Patrick's Home at Halifax for any term not exceeding five years and not less than two years. Power to sentence Roman Catholic boy to Saint Patrick's Home at Halifax.

2. The expense of conveying any boy committed to Saint Patrick's Home, to and from the Home, shall be a charge upon the municipality in which such boy is convicted, and shall be paid to the Director of the Home by the municipal treasurer on the certificate of the Attorney-General of Nova Scotia." Expenses, how defrayed.

5. Section 97 of the said chapter is amended by striking out all the words between "Home" in the fifth line and the last "the" in the eighth line of subsection 1 thereof, and by adding thereto the following subsections:— S. 97 amended.

"5. If any respectable and trustworthy person, being a Roman Catholic, is willing to undertake the charge of any boy over the age of twelve years, committed to Saint Patrick's Home, (under any statute of the Dominion) who has in the opinion of the Director or Superintendent of such Home so conducted himself during a term of six consecutive months, by good behaviour, diligence and industry, as to warrant his being set at large, as an apprentice to the trade or calling of such person, the Director of the Home may, with the consent of the parent or guardian of the boy or, if such consent cannot be obtained, with the consent of the Stipendiary Magistrate of the city of Halifax, bind the said boy to such person for any term not to extend, without his consent, beyond a term of five years from the commencement of his imprisonment. Apprenticing of certain boys.

"6. The said Director shall thereupon order that such boy shall be discharged from the said Home on probation, to remain so discharged, provided his conduct, during the residue of said term from the commencement of his imprisonment, continues good, and such boy shall be discharged accordingly. Discharge on probation in such case.

"7. Any wages reserved in any indenture of apprenticeship made under this section shall be payable to such boy, or to some other person for his benefit. Wages.

"8. Upon information on oath that the conduct of any boy apprenticed and discharged under the provisions of subsections 5 Arrest and remand if apprentice's conduct is bad.

and 6 of this section has not continued to be good, the Police Court or Stipendiary Magistrate of the city of Halifax may issue a warrant for his arrest, wherever in the Dominion of Canada he may be, and cause him to be brought before such court or magistrate and upon proof of such discontinuance of good conduct, shall remand him to Saint Patrick's Home, there to serve the remainder of his original sentence, with such additional term, not exceeding one year, as to the court or magistrate seems proper.

Addition to term of sentence.

Application of by-laws, etc.

"9. All boys detained in Saint Patrick's Home shall be governed by the by-laws, rules and regulations of the institution, not inconsistent with this Act, made by the Director and approved by the Lieutenant Governor in Council of Nova Scotia."

THE SENATE OF CANADA.

LL]. **BILL.** [1907-8

An Act respecting The Phœnix Assurance Company, Limited.

Preamble.

WHEREAS the Phœnix Assurance Company, Limited, hereinafter referred to as "the Company," is a company duly incorporated under the laws of the United Kingdom of Great Britain and Ireland, and is by its memorandum and articles of association authorized among other things to carry on the business of fire and life assurance; and whereas the Company has been for many years and now is carrying on the business of fire insurance in Canada; and whereas The Pelican and British Empire Life Office, hereinafter referred to as "the Life Office," is also a company duly incorporated under the laws of the said United Kingdom, and is by its memorandum and articles of association authorized among other things to carry on the business of life insurance; and whereas the Life Office has been for many years and now is carrying on the business of life insurance in Canada; and whereas by agreement duly ratified by Order of the High Court of Justice for England under the provisions of the Imperial statute in that behalf, the Life Office has agreed to transfer to the Company the undertaking and business of the Life Office, which transfer the Company has agreed to accept; and whereas it is desirable that the Company should be empowered to continue the existing business of the Life Office in Canada: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Authority to take over business of The Pelican and British Empire Life Office.

1. The Company may, notwithstanding anything in *The Insurance Act* contained, in addition to its fire insurance business,—

(*a*) take over and carry on as part of its own business the existing business of the Life Office in Canada;

Obtaining license.

(*b*) obtain a license for that purpose in addition to a license to carry on fire insurance business.

Life insurance business and fire insurance business to be kept separate.

2. The Company shall keep its life insurance business and its funds attributable thereto separate and distinct from its fire insurance business and the funds attributable thereto, in a manner satisfactory to the Superintendent of Insurance and to the Treasury Board, and shall comply with the requirements of sections 14 to 20, both inclusive, of *The Insurance Act* in respect of each of the said branches of its business respectively, as fully as if the same were being carried on by two separate and distinct companies.

R. S., c. 34.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

THE SENATE OF CANADA.

BILL

LL

An Act respecting The Phœnix Assurance Company, Limited.

Received and read a first time,

Tuesday, April 7, 1908.

Second reading,

Thursday, April 9, 1908.

Honourable Mr. Bostock.

OTTAWA
Printed by S. E. Dawson
Printer to the King's most Excellent Majesty
1907-8.

THE SENATE OF CANADA.

BILL AS PASSED MAY 12, 1908.

LL.] 1907-8

An Act respecting The Phœnix Assurance Company, Limited.

Preamble.

WHEREAS the Phœnix Assurance Company, Limited, hereinafter referred to as "the Company," is a company duly incorporated under the laws of the United Kingdom of Great Britain and Ireland, and is by its memorandum and articles of association authorized among other things to carry on the business of fire and life assurance; and whereas the Company has been for many years and now is carrying on the business of fire insurance in Canada; and whereas The Pelican and British Empire Life Office, hereinafter referred to as "the Life Office," is also a company duly incorporated under the laws of the said United Kingdom, and is by its memorandum and articles of association authorized among other things to carry on the business of life insurance; and whereas the Life Office has been for many years and now is carrying on the business of life insurance in Canada; and whereas by agreement duly ratified by Order of the High Court of Justice for England under the provisions of the Imperial statute in that behalf, the Life Office has agreed to transfer to the Company the undertaking and business of the Life Office, which transfer the Company has agreed to accept; and whereas it is desirable that the Company should be empowered to continue the existing business of the Life Office in Canada: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Authority to take over business of The Pelican and British Empire Life Office.

1. The Company may, notwithstanding anything in *The Insurance Act* contained, in addition to its fire insurance business,—

(*a*) take over and carry on as part of its own business the existing business of the Life Office in Canada;

Obtaining license.

(*b*) obtain a license for that purpose in addition to a license to carry on fire insurance business.

Life insurance business and fire insurance business to be kept separate.

2. The Company shall keep its life insurance business and its funds attributable thereto separate and distinct from its fire insurance business and the funds attributable thereto, in a manner satisfactory to the Superintendent of Insurance and

R. S., c. 34. to the Treasury Board, and shall comply with the requirements of sections 14 to 20, both inclusive, of *The Insurance Act* in respect of each of the said branches of its business respectively, as fully as if the same were being carried on by two separate and distinct companies.

THE SENATE OF CANADA.

MM.] **BILL.** [1907-8

An Act to incorporate The Synod of the Diocese of Keewatin.

Preamble.

WHEREAS a petition has been presented from the Synod of the diocese of Keewatin, representing the bishop, clergy and laity of the Church of England or Protestant Episcopal Church within the said diocese, which is one of the dioceses of the Ecclesiastical province of the Church of England in Ruperts Land, and includes the eastern portion of the province of Manitoba, the western portion of the province of Ontario adjacent thereto, and a portion of that part of the Northwest Territories which was formerly known as the District of Keewatin, lying north of and adjoining the said portions of the said two provinces, praying that the said Synod should be incorporated, and whereas 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 members of the Synod of the diocese of Keewatin, according to the constitution of the said Synod, as set forth in the schedule to this Act, together with all persons who become members of the said Synod, according to the said constitution as from time to time amended in accordance with this Act, are hereby constituted a corporation under the name of "The Synod of the Diocese of Keewatin" hereinafter called "the Synod."

Corporate name.

Constitution confirmed.

Amendment thereof.

2. The Synod shall be governed as provided by the said constitution, but the said constitution may from time to time be amended by the Synod in any manner not inconsistent with the provisionsof this Act or otherwise contrary to law.

By-laws.

3. The Synod may from time to time make by-laws for—

(*a*) the administration, management and control of the property, affairs and business of the Synod;

(*b*) the appointment, functions, duties and election of all officers, agents and servants of the Synod;

(*c*) the appointment of committees and their duties;

(*d*) the calling of meetings, regular or special, of the Synod or of committees;

(*e*) the fixing of the necessary quorum and procedure in all things at such meetings;

(*f*) generally for the carrying out of the objects and purposes of the Synod.

Power to acquire and hold property.

4. The Synod may purchase, take, have, hold, receive, possess, retain and enjoy, property, real or personal, corporeal or incorporeal, whatsoever, and for any or every estate or interest therein whatsoever, given, granted, devised or bequeathed to it, or appropriated, purchased, or acquired by it in any manner or way whatsoever, to, for, or in favour of the eleemosynary, ecclesiastical and educational uses and purposes of the Church of England or Protestant Episcopal Church within the said diocese, or to, for, or in favour of the uses and purposes of any parish, mission, institution, college, school or hospital, connected with, or intended to be connected with, the Church of England or Protestant Episcopal Church in the said diocese.

Power to alienate, mortgage and convey real property.

5. The Synod may also sell, convey, exchange, alienate, mortgage, lease or demise any real property held by the Synod, whether simply by the way of investment for the uses and purposes aforesaid or not; and may also, from time to time, invest all or any of its funds or moneys, and all or any funds or moneys vested in or acquired by the Synod for the uses and purposes aforesaid, in and upon any security by way of mortgage or otherwise, in any part of Canada; and for the purposes of such investment may take, receive and accept mortgages or assignments thereof, whether made and executed directly to the Synod or to any other corporation, body, company or person in trust for it; and may sell, grant, assign and transfer such mortgages or assignments, and may release and discharge such mortgages or assignments either wholly or partly.

Application of mortmain laws.

6. In regard to any real estate which, by reason of its situation or otherwise, is subject to the legislative authority of the Parliament of Canada, a license in mortmain shall not be necessary for the exercise of the powers granted by sections 4 and 5 of this Act; but otherwise the exercise of the said powers shall in any province of Canada be subject to the law of such province as to the acquisition and holding of lands by religious corporations.

Transfer of trust of property to the Synod.

7. In so far as authorization by the Parliament of Canada is necessary, any person or corporation in whose name any property, real or personal, is held, in trust or otherwise, for the uses and purposes aforesaid, or any such person or corporation to whom any such property devolves, may, subject always to the terms and conditions of any trust relating to such property, transfer such property or any part thereof to the Synod to be held in such trust, if any.

Execution of deeds.

8. Any deed or other instrument relating to real estate vested in the Synod or to any interest in such real estate shall, if executed in the Northwest Territories, be deemed to be duly executed if there are affixed thereto the seal of the Synod and the signatures of the bishop of the Diocese of Keewatin or his commissary duly appointed, and of any officer of the Synod duly authorized for such purpose.

SCHEDULE.

The Constitution of the Synod of the Diocese of Keewatin.

1. The Synod shall consist of the Bishop of the Diocese; of the clergy of the same licensed to the cure of souls, or holding office in any college or school under the jurisdiction of the Bishop and not under ecclesiastical censure; and of lay-delegates as hereinafter provided; and the treasurer of the Synod and the Chancellor of the Diocese or until a Chancellor be appointed the legal adviser of the Synod. Clergymen who have been members of the Synod and who continue to hold the Bishop's License, though they may cease to have the cure of souls or to hold any other office may continue to attend the meetings of the Synod and to vote thereat.

2. The lay-delegates shall be male communicants of at least one year's standing; and one delegate must always be a member of the congregation represented. They must be of the full age of twenty-one years. They shall be elected during Easter week or if necessary afterwards, at a public meeting specially called for that purpose during divine service on the preceding Sunday. The voters shall consist of male communicants of the parish of at least six months' standing, and a majority of those present shall determine the choice but no person shall vote for the delegate or delegates of more than one congregation. The Incumbent or his assistant shall preside at the meeting, and in their absence the meeting shall elect a chairman from their own number.

The word "Communicant" shall mean "one who has communicated at least three times a year where he has had opportunity of so doing."

3. The Incumbent or Chairman shall furnish each delegate with a certificate as follows:—

Parish or Mission of.....
Congregation of.....Church
No. of Registered Communicants.....

I hereby certify that at a meeting of the Communicants of this Congregation held this day of 19 , Mr. was duly elected as a delegate to the Synod for the current year.

Signed.....Chairman.

One Clergyman and one Layman shall be appointed by the Synod to examine the certificates and report on them.

4. Each congregation recognized by the Bishop, duly organized by the election of Church Wardens and Vestrymen and having at least six registered communicants, shall be entitled to send one delegate; but two delegates may be sent if the number of registered communicants is over forty; and three if it is over one hundred; but no congregation shall send more than three delegates.

5. In the case of the death or resignation of a lay-delegate or his ceasing to be a member of the congregation by removal

from the neighborhood, or from any other cause, the Incumbent shall within one month after such vacancy proceed to a new election at a meeting of which notice shall have been given the previous Sunday during divine service.

6. The Synod shall meet annually, unless otherwise ordered by the Bishop and the time and place of meeting shall be fixed by the Bishop who shall also adjourn the Synod as he shall see fit.

7. A quorum of the Synod shall consist of at least one-fourth of the clergy of the diocese and one-fourth of the lay-delegates.

8. No resolution of the Synod shall pass into a law without the concurrence of the Bishop and a majority of the clergy and laity present, the vote of the clergy and laity to be taken collectively unless a vote by Orders is demanded by any member of the Synod before the question is put from the chair, when a majority of each order will be necessary to affirm the resolution.

9. A committee shall be appointed to be called the Executive Committee, to consist of the Bishop or his Commissary as President, the Dean and Archdeacon as vice-presidents, the Secretary and Treasurer of the Synod, three Clergymen and four Lay-delegates; five of the Executive Committee shall be a quorum; the Executive Committee shall take the management of the various Diocesan Funds under the direction of the Synod, carry out the decisions of that body, prepare business for the annual meeting of the Synod, and at such annual meeting give in a report of its proceedings.

10. No alteration in the Constitution shall take place unless the proposition has been approved at the meeting of the Synod by the Bishop and a majority of two-thirds of each Order present voting separately and afterwards confirmed by the Bishop and a like majority of each Order at the following meeting of the Synod. In the possible absence of the Bishop of the Diocese or any Commissary he may appoint the chair at any meeting of the Synod shall be taken by the highest dignitary in the Church of this Diocese who may be present.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

THE SENATE OF CANADA.

BILL.

MM

An Act to incorporate The Synod of the Diocese of Keewatin.

Received and read a first time,

Tuesday, April 7, 1908

Second reading,

Thursday, April 9, 1908.

Honourable Mr. ELLIS.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8.

THE SENATE OF CANADA.

BILL AS PASSED MAY 22, 1908.

MM.] [1907-8.

An Act to incorporate The Synod of the Diocese of Keewatin.

Preamble.

WHEREAS a petition has been presented from the Synod of the diocese of Keewatin, representing the bishop, clergy and laity of the Church of England or Protestant Episcopal Church within the said diocese, which is one of the dioceses of the Ecclesiastical province of the Church of England in Ruperts Land, and includes the eastern portion of the province of Manitoba, the western portion of the province of Ontario adjacent thereto, and a portion of that part of the Northwest Territories which was formerly known as the District of Keewatin, lying north of and adjoining the said portions of the said two provinces, praying that the said Synod should be incorporated, and whereas 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.

Corporate name.

1. The members of the Synod of the diocese of Keewatin, according to the constitution of the said Synod, as set forth in the schedule to this Act, together with all persons who become members of the said Synod, according to the said constitution as from time to time amended in accordance with this Act, are hereby constituted a corporation under the name of "The Synod of the Diocese of Keewatin" hereinafter called "the Synod."

Constitution confirmed.

Amendment thereof.

2. The Synod shall be governed as provided by the said constitution, but the said constitution may from time to time be amended by the Synod in any manner not inconsistent with the provisionsof this Act or otherwise contrary to law.

By-laws

3. The Synod may from time to time make by-laws for—

(*a*) the administration, management and control of the property, affairs and business of the Synod;

(*b*) the appointment, functions, duties and election of all officers, agents and servants of the Synod;

(*c*) the appointment of committees and their duties;

(*d*) the calling of meetings, regular or special, of the Synod or of committees;

(*e*) the fixing of the necessary quorum and procedure in all things at such meetings;

(*f*) generally for the carrying out of the objects and purposes of the Synod.

Power to acquire and hold property.

4. The Synod may purchase, take, have, hold, receive, possess, retain and enjoy, property, real or personal, corporeal or incorporeal, whatsoever, and for any or every estate or interest therein whatsoever, given, granted, devised or bequeathed to it, or appropriated, purchased, or acquired by it in any manner or way whatsoever, to, for, or in favour of the eleemosynary, ecclesiastical and educational uses and purposes of the Church of England or Protestant Episcopal Church within the said diocese, or to, for, or in favour of the uses and purposes of any parish, mission, institution, college, school or hospital, connected with, or intended to be connected with, the Church of England or Protestant Episcopal Church in the said diocese: Provided, however, that the annual value of the real estate held by the Synod shall not exceed the sum of fifty thousand dollars.

Amount limited.

Power to alienate, mortgage and convey real property.

5. The Synod may also sell, convey, exchange, alienate, mortgage, lease or demise any real property held by the Synod, whether simply by the way of investment for the uses and purposes aforesaid or not; and may also, from time to time, invest all or any of its funds or moneys, and all or any funds or moneys vested in or acquired by the Synod for the uses and purposes aforesaid, in and upon any security by way of mortgage or otherwise, in any part of Canada; and for the purposes of such investment may take, receive and accept mortgages or assignments thereof, whether made and executed directly to the Synod or to any other corporation, body, company or person in trust for it; and may sell, grant, assign and transfer such mortgages or assignments, and may release and discharge such mortgages or assignments either wholly or partly.

Application of mortmain laws.

6. In regard to any real estate which, by reason of its situation or otherwise, is subject to the legislative authority of the Parliament of Canada, a license in mortmain shall not be necessary for the exercise of the powers granted by sections 4 and 5 of this Act; but otherwise the exercise of the said powers shall in any province of Canada be subject to the law of such province as to the acquisition and holding of lands by religious corporations.

Transfer of trust of property to the Synod.

7. In so far as authorization by the Parliament of Canada is necessary, any person or corporation in whose name any property, real or personal, is held, in trust or otherwise, for the uses and purposes aforesaid, or any such person or corporation to whom any such property devolves, may, subject always to

the terms and conditions of any trust relating to such property, transfer such property or any part thereof to the Synod to be held in such trust, if any.

8. Any deed or other instrument relating to real estate vested in the Synod or to any interest in such real estate shall, if executed in the Northwest Territories, be deemed to be duly executed if there are affixed thereto the seal of the Synod and the signatures of the bishop of the Diocese of Keewatin or his commissary duly appointed, and of any officer of the Synod duly authorized for such purpose. Execution of deeds.

SCHEDULE.

The Constitution of the Synod of the Diocese of Keewatin.

1. The Synod shall consist of the Bishop of the Diocese; of the clergy of the same licensed to the cure of souls, or holding office in any college or school under the jurisdiction of the Bishop and not under ecclesiastical censure; and of lay-delegates as hereinafter provided; and the treasurer of the Synod and the Chancellor of the Diocese or until a Chancellor be appointed the legal adviser of the Synod. Clergymen who have been members of the Synod and who continue to hold the Bishop's License, though they may cease to have the cure of souls or to hold any other office may continue to attend the meetings of the Synod and to vote thereat.

2. The lay-delegates shall be male communicants of at least one year's standing; and one delegate must always be a member of the congregation represented. They must be of the full age of twenty-one years. They shall be elected during Easter week or if necessary afterwards, at a public meeting specially called for that purpose during divine service on the preceding Sunday. The voters shall consist of male communicants of the parish of at least six months' standing, and a majority of those present shall determine the choice but no person shall vote for the delegate or delegates of more than one congregation. The Incumbent or his assistant shall preside at the meeting, and in their absence the meeting shall elect a chairman from their own number.

The word "Communicant" shall mean "one who has communicated at least three times a year where he has had opportunity of so doing."

3. The Incumbent or Chairman shall furnish each delegate with a certificate as follows:—

Parish or Mission of.....
Congregation of.....Church
No. of Registered Communicants.....

I hereby certify that at a meeting of the Communicants of this Congregation held this day of 19 , Mr. was duly elected as a delegate to the Synod for the current year.

Signed.....Chairman.

One Clergyman and one Layman shall be appointed by the Synod to examine the certificates and report on them.

4. Each congregation recognized by the Bishop, duly organized by the election of Church Wardens and Vestrymen and having at least six registered communicants, shall be entitled to send one delegate; but two delegates may be sent if the number of registered communicants is over forty; and three if it is over one hundred; but no congregation shall send more than three delegates.

5. In the case of the death or resignation of a lay-delegate or his ceasing to be a member of the congregation by removal from the neighborhood, or from any other cause, the Incumbent shall within one month after such vacancy proceed to a new election at a meeting of which notice shall have been given the previous Sunday during divine service.

6. The Synod shall meet annually, unless otherwise ordered by the Bishop and the time and place of meeting shall be fixed by the Bishop who shall also adjourn the Synod as he shall see fit.

7. A quorum of the Synod shall consist of at least one-fourth of the clergy of the diocese and one-fourth of the lay-delegates.

8. No resolution of the Synod shall pass into a law without the concurrence of the Bishop and a majority of the clergy and laity present, the vote of the clergy and laity to be taken collectively unless a vote by Orders is demanded by any member of the Synod before the question is put from the chair, when a majority of each order will be necessary to affirm the resolution.

9. A committee shall be appointed to be called the Executive Committee, to consist of the Bishop or his Commissary as President, the Dean and Archdeacon as vice-presidents, the Secretary and Treasurer of the Synod, three Clergymen and four Lay-delegates; five of the Executive Committee shall be a quorum; the Executive Committee shall take the management of the various Diocesan Funds under the direction of the Synod, carry out the decisions of that body, prepare business for the annual meeting of the Synod, and at such annual meeting give in a report of its proceedings.

10. No alteration in the Constitution shall take place unless the proposition has been approved at the meeting of the Synod by the Bishop and a majority of two-thirds of each Order present voting separately and afterwards confirmed by the Bishop and a like majority of each Order at the following meeting of the Synod. In the possible absence of the Bishop of the Diocese or any Commissary he may appoint the chair at any meeting of the Synod shall be taken by the highest dignitary in the Church of this Diocese who may be present.

THE SENATE OF CANADA.

NN.] **BILL.** [1907-8

An Act to amend the Canada Shipping Act.

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

1. Section 4 of *The Canada Shipping Act*, chapter 113 of the Revised Statutes, 1906, is repealed and the following is substituted therefor:— R.S., c. 113, s. 4 amended.

"**4.** The Governor in Council may make regulations with respect to the manner in which ships belonging to His Majesty may be registered as British ships, and this Part, subject to any exceptions and modifications which may be made by Order in Council, shall apply to such ships registered in accordance with those regulations as if they were registered in accordance with this Part." Application of Part I.

2. Section 27 of the said Act is amended by adding thereto the following paragraphs:— S. 27 amended.

"(*e*) The Governor in Council may make regulations enabling the Minister of Marine and Fisheries to refuse the registry of any ship by the name by which it is proposed to register that ship if it is already the name of a registered British ship, or a name so similar thereto as to be calculated to deceive, and may by those regulations require notice to be given in such manner as is directed by the regulations before the name of the ship is marked on the ship, or before the name of the ship is entered in the register. Names of ships.

"(*f*) If the registry of a ship by the name by which it is proposed to register that ship is refused by the Minister of Marine and Fisheries, or if any requirements of the regulations are not complied with in the case of any ship which it is proposed to register, that ship shall not be registered under the name proposed or until the regulations are complied with, as the case may be."

3. The said Act is amended by inserting the following section immediately after section 75:— S. 75A added.

"**75A.** The Minister may refuse to admit to the examinations mentioned in the two preceding sections any person domiciled in Canada who is a subject or citizen of a country in which British subjects do not enjoy similar privileges in respect of such examinations." Examination of masters and mates.

S. 98A added.

4. The said Act is amended by inserting the following section immediately after section 98:—

Certified officers.

"**98A.** The four preceding sections shall apply also to British ships registered elsewhere than in Canada."

S. 100. Certified officers

5. Section 100 of the said Act is amended by inserting after the word "hire" in the third line thereof the words "or to steamers of not more than five tons gross tonnage."

S. 125A added.

6. The said Act is amended by inserting the following section immediately after section 125:—

Offences.

"**125A.** Sections 117 to 125, inclusive, shall apply also to British ships registered elsewhere than in Canada."

S. 141 amended.

7. Subsections 1 and 2 of section 141 of the said Act are repealed and the following are substituted therefor:—

Fees on engagement or discharge of seamen.

"**141.** Every shipping master or deputy shipping master shall be entitled to a fee of,—

(*a*) fifty cents on each engagement effected before him in any of the provinces under this Part, and,

(*b*) thirty cents on any discharge of a seaman effected before him in any of the said provinces.

In British Columbia.

"2. In the province of British Columbia every such shipping master and deputy shipping master may, until otherwise provided by the Governor in Council, take and receive from the master of any vessel any remuneration agreed upon between them, not exceeding ten dollars including the fee of fifty cents provided in paragraph (*a*) of subsection 1 of this section, for the hiring or supplying of any seaman by such shipping master or deputy shipping master, as the case may be, for such vessel."

S. 384. Tonnage duty.

8. Section 384 of the said Act is amended by striking out the word "two" in the fourth line of the said section and substituting therefor the words "one and one-half."

S. 477. Pilotage dues.

9. Sub-paragraph (v) of paragraph (*c*) of section 477 of the said Act is repealed.

S. 565. paragraphs (*i*), (*j*). Interpretation.

10. Paragraphs (*i*) and (*j*) of section 565 of the said Act are repealed and the following are substituted therefor:—

"(*i*) 'passenger' means any person carried on a steamboat other than the master and crew, the owner, his family and the servants connected with his household, and other than the guests of the owner of any steamboat used exclusively for pleasure, if such guests are carried on such steamboat without remuneration or any object of profit; and

"(*j*) 'passenger steamer' means any steamboat carrying passengers."

1907, c. 47 repealed.

11. Chapter 47 of the statutes of 1907 is repealed.

Ss. 566–568 repealed.

12. Sections 566, 567 and 568 of *The Canada Shipping Act* are repealed, and the following is enacted as section 566 of the said Act:—

New s. 566.

"**566.** The provisions of this Part shall apply to,—

"(*a*) steamboats belonging to His Majesty, only as regards

the annual inspection of their boilers, machinery and as regards their equipment as provided by the rules and regulations for the inspection of steamboats; Application of Part VII.

"(*b*) steam dredges, floating elevators and vessels of like kind, only as regards the yearly rate or duty, the annual inspection of their boilers and machinery and the obligation to carry life buoys with the necessary line attachment as required by the rules for inspection of steamboats;

"(*c*) Steam yachts of not more than five tons gross tonnage and vessels propelled by gas, fluid, naphtha or electric motors, only as regards the obligation to carry a life preserver for each person on board and one life buoy, and to take the precautions against fire in this Part imposed;

"(*d*) steam yachts over five tons gross tonnage, only as regards the yearly rate or duty, the inspection of their boilers and machinery, the obligation to carry a life preserver for each person on board and one life buoy, and as regards the precautions against fire in this Part imposed;

"(*e*) freight boats under one hundred and fifty tons gross tonnage, tug boats, and steamboats used exclusively for fishing purposes and under one hundred and fifty tons gross tonnage, only as regards the yearly rate or duty, the inspection of their boilers and machinery, the obligation to carry a life preserver for each person on board and one life buoy, and a boat or a raft as required by the rules for the inspection of steamboats, the obligation to have an engineer holding a certificate of competency, if the steamboat has an engine of over ten nominal horse-power if of the single cylinder type, and over twenty nominal horse-power if of the compound type, and as regards the precautions against fire in this Part imposed.

"2. Every steamboat mentioned in this section, other than vessels of not more than five tons gross tonnage, shall, if it carries passengers, be subject to the provisions of this Part applicable to passenger steamboats."

13. Section 591 of the said Act is repealed and the following is substituted therefor:— New s. 591.

"**591.** The master, owner or engineer of every steamboat, or the person in charge thereof, shall at the earliest opportunity after the occurrence of any event whereby the hull, or the machinery or boiler thereof, or any part of any or either of the same is, in any material degree, injured, strained or weakened, report such occurrence to the inspector who issued the certificate." Report of injury to steamboat.

14. Section 598 of the said Act is repealed and the following is substituted therefor:— New s. 598.

"**598.** Every inspector of steamboats shall, whenever he visits and inspects any steamboat, satisfy himself that such steamboat is properly furnished with lights and such means of making fog signals, in pursuance of the rules prescribed by Part XIV of this Act, and is also provided with the proper certificated officers in charge as required by Parts II and VII, respectively; and he shall refuse to grant any certificate with respect to any steamboat which he finds is not so provided. Inspector to see that steamboats have proper lights.

Changes in certificated officers to be reported.

"2. In the event of any change in the proper certificated officers following the issuing of a certificate of inspection to a steamer, the owner, managing owner or agent shall forthwith report in writing, by registered post, such change to the inspector or inspectors who issued such certificate, with the name, grade, and number of the certificate held by the officer so appointed; and in the event of the owner, managing owner or agent not doing so, such vessel shall be deemed to be making a trip or voyage without a certificate of inspection."

S. 621. Wire tiller ropes and bell pulls.

15. Section 621 of the said Act is amended by striking out the word "passenger" in the first line thereof.

New s. 632.

16. Section 632 of the said Act is repealed and the following is substituted therefor:—

Temporary certificates to act as engineer.

"**632.** The Minister, upon the report of the inspector of boilers and machinery in whose district the steamboat is to run, may grant a temporary certificate to an applicant, sufficiently qualified by his knowledge of steamboat machinery and his experience as engineer on a steamboat, authorizing him to act as engineer on a steamboat carrying passengers, having an engine of not more than four nominal horse-power if of the single cylinder type, or fourteen nominal horse-power if of the compound type, which steamboat, and the limits within which he may act, shall be designated in the certificate."

S. 640 amended. Qualification of 3rd class engineer.

17. Paragraph (*c*) of subsection 3 of section 640 of the said Act is amended by inserting the words "or tug boat" after the word "steamboat" in the first line of the said paragraph.

New s. 641.

18. Subsection 1 of section 641 of the said Act is repealed and the following is substituted therefor:—

Engineer without certificate not to be employed.

"**641.** No person shall employ another as engineer, and no person shall serve as engineer, on any passenger steamboat, of whatever tonnage, or on any freight boat of over one hundred and fifty tons gross tonnage, or on any steamboat having an engine of over ten nominal horse-power, if of the single cylinder type, or over twenty nominal horse-power, if of the compound type, unless the person employed or serving as engineer holds a certificate of competency granted under this Part, or under the Acts of the United Kingdom, for the grade in which he is to be employed, or for a higher grade: Provided that, if a steamboat leaves a port with a complement of engineers and, on her voyage, is deprived of their services, or of the services of any of them, without the consent, fault or collusion of the master, owner or any one interested in the steamboat, the deficiency may be temporarily supplied until the steamboat reaches her port of destination, unless, in the meantime, engineers holding such certificates can be obtained."

Proviso: as to temporary supply of deficiency.

New s. 657.

19. Section 657 of the said Act is repealed and the following is substituted therefor:—

Omission to report injury to hull, machinery or boiler.

"**657.** In case the master, owner or engineer of any steamboat, or any person in charge thereof, omits, at the earliest opportunity after the occurrence of any event whereby the hull, or the machinery or boiler thereof, or any part of any or either

of the same is, in any material degree, injured, strained or weakened, to report such occurrence to the inspector who issued the certificate, the master shall be deemed guilty of misconduct and the owner of the steamboat shall be liable to a penalty not exceeding five hundred dollars and not less than fifty dollars and costs; and if the injury is in respect to the boiler, machinery or any part thereof, the engineer shall be deemed guilty of negligence." Penalty.

20. Section 666 of the said Act is repealed and the following is substituted therefor:— New s. 666.

"**666.** Except in the case of a steamboat leaving port with a complement of engineers, being thereafter deprived of the service or the services of any such engineers without the consent, fault or collusion of the master, owner or any one interested in the steamboat, every person who employs another as engineer, or any person who serves as an engineer on any passenger steamboat of whatever tonnage or on any freight boat of over one hundred and fifty tons gross tonnage, or on any steamboat having an engine of over ten nominal horse-power, if of the single cylinder type, or over twenty nominal horse-power, if of the compound type, unless the person employed or serving as engineer holds a certificate of competency granted under this Part, or under the Acts of the United Kingdom, for the grade in which he is to be employed, or for a higher grade, shall be liable to a penalty not exceeding one hundred dollars and not less than fifty dollars and costs; but no person holding any temporary certificate, and no person who employs him as holding such certificate, shall be liable to such penalty if he is acting on the vessel and within the limits specified in the said certificate." Engagement of unqualified engineer. Service by unqualified person. Penalty.

21. Section 714 of the said Act is repealed and the following is substituted therefor:— New s. 714.

"**714.** No master of any sailing ship, when sailing on or after the first day of October or before the sixteenth day of March in any year, and no master of any steamship when sailing after the sixteenth day of October or before the sixteenth day of March in any year, on a voyage from any port or place in Canada to any port or place in the United Kingdom, or in the Continent of Europe north of Cape Finisterre in Spain, not being a port or place within the Mediterranean Sea, shall, during the voyage while within Canadian jurisdiction, carry any heavy or light wood goods as deck cargo, except under the conditions allowed under this section. As to deck loads in winter. Wood goods.

"2. The conditions under which heavy wood goods may be carried as deck cargo are as follows:— Conditions. Heavy wood goods.

"(*a*) that they must be carried only in covered spaces;

"(*b*) that they must be carried only in such class of ships as is approved for the purpose by the Governor in Council; and

"(*c*) that they must be loaded in accordance with the regulations made by the Governor in Council with respect to the loading thereof.

"3. The conditions under which light wood goods may be carried as deck cargo are as follows:— Conditions. Light wood goods.

"(*a*) each unit of the goods must be of a cubic capacity not greater than fifteen cubic feet; and

"(*b*) the height above the deck to which the goods are carried must not exceed—

"(i) in the case of an uncovered space on a deck forming the top of a break, poop, or other permanent closed-in space on the upper deck, three feet above the top of that closed-in space;

"(ii) in the case of an uncovered space, not being a space forming the top of any permanent closed-in space on the upper deck or a space forming the top of a covered space, the height of the main rail, bulwark, or plating, or one-fourth of the inside breadth of the ship, or seven feet, whichever height is the least; and

"(iii) in the case of a covered space, the full height of that space; and

"(*c*) regulations may be made by the Governor in Council for the protection of seamen from any risk arising from the carriage of the goods in any uncovered space to the height allowed under this subsection, and those regulations must be complied with on the ship.

Exemption from fine in certain events.

"4. A master or owner shall not be liable to any fine under this section in respect of any wood goods which the master has considered it necessary to place or keep on deck during the voyage on account of the springing of any leak, or of any other damage to the ship received or apprehended.

Interpretation.

"5. For the purposes of this section—

"heavy wood goods."

"(*a*) 'heavy wood goods' means—

"(i) any square, round, waney, or other timber, or any pitch pine, mahogany, oak, teak, or other heavy wood goods whatever; or

"(ii) any more than five spare spars or store spars, whether or not made, dressed and finally prepared for use;

"light wood goods."

"(*b*) 'light wood goods' means any deals, battens, or other light wood goods of any description;

"deck cargo."

"(*c*) 'deck cargo' means any cargo carried either in any uncovered space upon deck or in any covered space not included in the cubical contents forming the ship's registered tonnage; and

"space."

"(*d*) the space in which wood goods are carried shall be deemed to be the space limited by the superficial area occupied by the goods, and by straight lines inclosing a rectangular space sufficient to include the goods."

S. 724. Penalty for sailing with unlawful deck load.

22. Subsection 2 of section 724 of the said Act is amended by striking out the word "twelfth" in the fourth line of the said subsection and substituting therefor the word "sixteenth."

1906, c. 46, repealed. Deck loads.

23. Chapter 46 of the statutes of 1906 is repealed.

S. 732. Wrecks, &c. Interpretation.

24. Section 732 of *The Canada Shipping Act* is amended by adding thereto the following paragraph:—

"(*l*) 'certificate' includes license and branch license."

New s. 781.

25. Section 781 of the said Act is repealed and the following is substituted therefor:—

"**781.** The Minister may appoint any officer of the Government of Canada, or any judge of any court of record, or any local judge in admiralty of the Exchequer Court of Canada, or any stipendiary or police magistrate, to be a commissioner to hold formal investigations, or any formal investigation, and a commissioner shall for that purpose be a court." Commissioner for formal investigations. To be a court.

26. Section 782 of the said Act is repealed and the following is substituted therefor:— New s. 782.

"**782.** A court so appointed is authorized to hold a formal investigation upon one being ordered by the Minister in the following cases:— Duty of court of investigation

"(*a*) a shipping casualty;

"(*b*) where a master, mate, pilot or engineer has been charged with incompetency, misconduct or default while serving on board any British ship on or near the coasts of Canada or in the course of a voyage to a port in Canada;

"(*c*) where a master, mate, pilot or engineer is charged with incompetency, misconduct or default while serving as an officer on board a British ship registered in Canada;

"(*d*) where a master, mate, pilot or engineer is charged with incompetency, misconduct or default while serving on board a British ship found in Canada;

"(*e*) where, in case of a collision, the master or certificated officer or pilot in charge of a vessel fails, without reasonable cause, to render to the other vessel, her master, crew and passengers, such assistance as is practicable and necessary to save them from any danger caused by the collision and to stay by the vessel until he has ascertained that she has no need of further assistance, and also to give to the master or person in charge of the other vessel the name of his own vessel and of the port to which he belongs and also the names of the ports from which he comes and to which he is bound."

27. The said Act is amended by inserting the following section immediately after section 782:— S. 782A added.

"**782A.** It shall not be necessary to hold a preliminary investigation before a formal investigation is held." Preliminary investigation unnecessary.

28. Section 784 of the said Act is repealed and the following is substituted therefor:— New s. 784.

"**784.** A court holding a formal investigation into a shipping casualty shall hold it with two or more assessors to be selected for that purpose by the Minister. Such assessors shall have nautical, engineering, or special skill in the matter to be enquired into, and the court shall be the sole judge as to whether any assessor possesses the requisite skill." Assessors. Qualification.

29. Section 786 of the said Act is repealed and the following is substituted therefor:— New s. 786.

"**786.** Every commissioner and assessor, before entering upon his duties, shall take and subscribe the following oath:— Oaths of commissioners and assessors.

"I (A.B.) do swear (*or* solemnly affirm) that I will perform the duties of commissioner (*or* assessor) under the Canada Shipping Act, and that I will act faithfully in that capacity, without partiality, fear, favour or affection. So help me God."

New s. 796.

30. Section 796 of the said Act is repealed and the following is substituted therefor:—

Court may require delivery of certificate.

"**796.** The court may at any time, either during or after a formal investigation, call upon any master, mate, pilot or engineer, to deliver his certificate to the court."

New s. 798.

31. Section 798 of the said Act is repealed and the following is substituted therefor:—

Copy of judgment to be given.

"**798.** The court shall, upon application being made therefor, furnish free of charge to any master, mate, pilot or engineer, whose certificate has been cancelled or suspended, or to his agent, a copy of the judgment of the court."

New s. 799.

32. Section 799 of the said Act is repealed and the following is substituted therefor:—

Judgment to be sent to Minister.

Also the certificate affected.

"**799.** The court shall in all cases send the judgment in the case, with the evidence, to the Minister, and if it determines to cancel or suspend any certificate, and the certificate has been delivered to the court, the certificate shall also be sent to the Minister."

S. 801 amended.

33. Subsection 3 of section 801 of the said Act is repealed and the following is substituted therefor:—

Cancellation or suspension of certificate.

"3. Unless the court holds the investigation with the assistance of at least two assessors, it shall not have power to cancel or suspend a certificate.

"4. A certificate shall not be cancelled or suspended under this section unless the holder of the certificate has had an opportunity of making a defence."

New s. 806.

34. Section 806 of the said Act is repealed and the following is substituted therefor:—

Re-hearing.

"**806.** The Minister may order the case to be reheard by the court by which the case was heard in the first instance, or may appoint another commissioner and select the same or other assessors to rehear the case."

S. 806A added.

35. The said Act is amended by inserting the following section immediately after section 806:—

No appeal beyond rehearing.

"**806A.** There shall be no appeal from any decision of a court holding any formal investigation under this Act, except to the Minister for a rehearing under the provisions of section 806.

Proceedings not to be quashed for want of form, &c., &c.

"2. No proceeding or judgment of a court in or upon any formal investigation shall be quashed or set aside for any want of form, nor shall any such proceeding or judgment be removed by *certiorari* or otherwise into any court; and no writ of prohibition shall issue to any court constituted under this Act in respect of any proceeding or judgment in or upon any formal investigation, nor shall such proceeding or judgment be subject to any review except by the Minister as aforesaid."

New s. 820.

36. Section 820 of the said Act is repealed and the following is substituted therefor:—

Penalty for failure to deliver certificate.

"**820.** Every master, mate, pilot or engineer who fails to deliver his certificate to the court when so required, either during

or after a formal investigation, shall incur a penalty not exceeding two hundred dollars."

37. The schedule to the said Act is amended by adding thereto the following forms:— Schedule amended.

"FORM W.

"APPOINTMENT OF COMMISSIONER.

"In pursuance of the powers vested in me, I, the Honourable , Minister of Marine and Fisheries of Canada, do hereby appoint to be a commissioner for the purpose of holding a formal investigation into (*here describe the casualty to be investigated*).

"Dated at , this day of , 19 .

"Minister of Marine and Fisheries.

"FORM X.

"APPOINTMENT OF ASSESSOR.

"Under the provisions of *The Canada Shipping Act*, I, the Honourable , His Majesty's Minister of Marine and Fisheries of Canada, do hereby appoint , to be an assessor under the provisions of the said Act.

"Dated at , this day of , 19 .

"Minister of Marine and Fisheries."

38. Sections 4 and 6 of this Act shall come into force on a day to be fixed by proclamation of the Governor in Council. Commencement of ss. 4 and 6.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

THE SENATE OF CANADA.

BILL.

NN

An Act to amend the Canada Shipping Act.

Received and read a first time,

Tuesday, April 7, 1908.

Second reading,

Thursday, April 8, 1908.

Right Honourable
SIR RICHARD CARTWRIGHT, K.C.M.G.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8.

THE SENATE OF CANADA.

BILL AS PASSED JUNE 2, 1908.

NN.] 1907-8

An Act to amend the Canada Shipping Act.

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

1. Section 4 of *The Canada Shipping Act*, chapter 113 of the Revised Statutes, 1906, is repealed and the following is substituted therefor:— R.S., c. 113, s. 4 amended.

"**4.** The Governor in Council may make regulations with respect to the manner in which ships belonging to His Majesty may be registered as British ships, and this Part, subject to any exceptions and modifications which may be made by Order in Council, shall apply to such ships registered in accordance with those regulations as if they were registered in accordance with this Part." Application of Part I

2. Section 27 of the said Act is amended by adding thereto the following paragraphs:— S. 27 amended.

"(*e*) The Governor in Council may make regulations enabling the Minister of Marine and Fisheries to refuse the registry of any ship by the name by which it is proposed to register that ship if it is already the name of a registered British ship, or a name so similar thereto as to be calculated to deceive, and may by those regulations require notice to be given in such manner as is directed by the regulations before the name of the ship is marked on the ship, or before the name of the ship is entered in the register. Names of ships.

"(*f*) If the registry of a ship by the name by which it is proposed to register that ship is refused by the Minister of Marine and Fisheries, or if any requirements of the regulations are not complied with in the case of any ship which it is proposed to register, that ship shall not be registered under the name proposed or until the regulations are complied with, as the case may be."

3. The said Act is amended by inserting the following section immediately after section 75:— S. 75A added.

"**75A.** The Minister may refuse to admit to the examinations mentioned in the two preceding sections any person domiciled Examination of masters and mates

in Canada who is a subject or citizen of a country in which British subjects do not enjoy similar privileges in respect of such examinations."

S. 98A added.

4. The said Act is amended by inserting the following section immediately after section 98:—

Certified officers.

"**98A.** The four preceding sections shall apply also to British ships registered elsewhere than in Canada."

S. 100. Certified officers

5. Section 100 of the said Act is amended by inserting after the word "hire" in the third line thereof the words "or to steamers of not more than five tons gross tonnage."

S. 120.

6. Section 120 of the said Act is amended by substituting for paragraph (*a*) thereof the following:—

Going to sea without certificate.

"(*a*) Every person who having been engaged to serve as master or mate of any ship trading on the inland waters of Canada or on the minor waters of Canada or on coasting voyages, as the case may be, the master or mate whereof is by this Part required to have such certificate of competency or service, sails or takes such ship from any port or place in Canada on any such voyage, as such master or mate, without being at the time entitled to and possessed of such certificate as by this Part required, or who employs any person as master or mate of any such ship on any such voyage, without first ascertaining that he is at the time entitled to and possessed of such certificate; and"

S. 125A added.

7. The said Act is amended by inserting the following section immediately after section 125:—

Offences.

"**125A.** Sections 117 to 125, inclusive, shall apply also to British ships registered elsewhere than in Canada."

S. 141 amended.

8. Subsections 1 and 2 of section 141 of the said Act are repealed and the following are substituted therefor:—

Fees on engagement or discharge of seamen.

"**141.** Every shipping master or deputy shipping master shall be entitled to a fee of,—

(*a*) fifty cents on each engagement effected before him in any of the provinces under this Part, and,

(*b*) thirty cents on any discharge of a seaman effected before him in any of the said provinces.

In British Columbia.

"2. In the province of British Columbia every such shipping master and deputy shipping master may, until otherwise provided by the Governor in Council, take and receive from the master of any vessel any remuneration agreed upon between them, not exceeding ten dollars including the fee of fifty cents provided in paragraph (*a*) of subsection 1 of this section, for the hiring or supplying of any seaman by such shipping master or deputy shipping master, as the case may be, for such vessel."

9. Section 384 of the said Act is amended by striking out the word "two" in the fourth line of the said section and substituting therefor the words "one and one-half."

S. 384. Tonnage duty.

10. Sub-paragraph (v) of paragraph (*c*) of section 477 of the said Act is repealed.

S. 477. Pilotage dues.

11. Paragraphs (*i*) and (*j*) of section 565 of the said Act are repealed and the following are substituted therefor:—

S. 565. paragraphs (*i*), (*j*). Interpretation.

"(*i*) 'passenger' means any person carried on a steamboat other than the master and crew, the owner, his family and the servants connected with his household, and other than the guests of the owner of any steamboat used exclusively for pleasure, if such guests are carried on such steamboat without remuneration or any object of profit; and

"(*j*) 'passenger steamer' means any steamboat carrying passengers."

12. Chapter 47 of the statutes of 1907 is repealed.

1907, c. 47 repealed.

13. Sections 566, 567 and 568 of *The Canada Shipping Act* are repealed, and the following is enacted as section 566 of the said Act:—

Ss. 566–568 repealed.

"**566.** The provisions of this Part shall apply to,—

New s. 566. Application of Part VII.

"(*a*) steamboats belonging to His Majesty, only as regards the annual inspection of their boilers, machinery and as regards their equipment as provided by the rules and regulations for the inspection of steamboats;

"(*b*) steam dredges, floating elevators and vessels of like kind, only as regards the yearly rate or duty, the annual inspection of their boilers and machinery and the obligation to carry life buoys with the necessary line attachment as required by the rules for inspection of steamboats;

"(*c*) Steam yachts of not more than five tons gross tonnage and vessels propelled by gas, fluid, naphtha or electric motors, only as regards the obligation to carry a life preserver for each person on board and one life buoy, and to take the precautions against fire in this Part imposed;

"(*d*) steam yachts over five tons gross tonnage, only as regards the yearly rate or duty, the inspection of their boilers and machinery, the obligation to carry a life preserver for each person on board and one life buoy, and as regards the precautions against fire in this Part imposed;

"(*e*) freight boats under one hundred and fifty tons gross tonnage, tug boats, and steamboats used exclusively for fishing purposes and under one hundred and fifty tons gross tonnage, only as regards the yearly rate or duty, the inspection of their boilers and machinery, the obligation to carry a life preserver for each person on board and one life buoy, and a boat or a raft as required by the rules for the

inspection of steamboats, the obligation to have an engineer holding a certificate of competency, if the steamboat has an engine of over ten nominal horse-power if of the single cylinder type, and over twenty nominal horse-power if of the compound type, and as regards the precautions against fire in this Part imposed.

"2. Every steamboat mentioned in this section, other than vessels of not more than five tons gross tonnage, shall, if it carries passengers, be subject to the provisions of this Part applicable to passenger steamboats."

New s. 591.

14. Section 591 of the said Act is repealed and the following is substituted therefor:—

Report of injury to steamboat.

"**591.** The master, owner or engineer of every steamboat, or the person in charge thereof, shall at the earliest opportunity after the occurrence of any event whereby the hull, or the machinery or boiler thereof, or any part of any or either of the same is, in any material degree, injured, strained or weakened, report such occurrence to the office of the inspector who issued the certificate."

New s. 598.

15. Section 598 of the said Act is repealed and the following is substituted therefor:—

Inspector to see that steamboats have proper lights.

"**598.** Every inspector of steamboats shall, whenever he visits and inspects any steamboat, satisfy himself that such steamboat is properly furnished with lights and with means of making fog signals, in pursuance of the rules prescribed by Part XIV of this Act, and is also provided with the proper certificated officers in charge as required by Parts II and VII, respectively; and he shall refuse to grant any certificate with respect to any steamboat which he finds is not so provided.

Changes in certificated officers to be reported.

"2. In the event of any change in the proper certificated officers following the issuing of a certificate of inspection to a steamer, the owner, managing owner or agent shall forthwith report in writing, by registered post, such change to the office of the inspector or inspectors who issued such certificate, with the name, grade, and number of the certificate held by the officer so appointed; and in the event of the owner, managing owner or agent not doing so, such vessel shall be deemed to be making a trip or voyage without a certificate of inspection."

S. 621. Wire tiller ropes and bell pulls.

16. Section 621 of the said Act is amended by striking out the word "passenger" in the first line thereof.

New s. 632.

17. Section 632 of the said Act is repealed and the following is substituted therefor:—

Temporary certificates to act as engineer.

"**632.** The Minister, upon the report of the inspector of boilers and machinery in whose district the steamboat is to run, may grant a temporary certificate to an applicant, sufficiently qualified by his knowledge of steamboat machinery and his

experience as engineer on a steamboat, authorizing him to act as engineer on a steamboat carrying passengers, having an engine of not more than four nominal horse-power if of the single cylinder type, or fourteen nominal horse-power if of the compound type, which steamboat, and the limits within which he may act, shall be designated in the certificate."

S. 640 amended. Qualification of 3rd class engineer.

18. Paragraph (*c*) of subsection 3 of section 640 of the said Act is amended by inserting the words "or tug boat" after the word "steamboat" in the first line of the said paragraph.

S. 641 amended.

19. Subsection 1 of section 641 of the said Act is repealed and the following is substituted therefor:—

Engineer without certificate not to be employed.

"**641.** No person shall employ another as engineer, and no person shall serve as engineer, on any passenger steamboat, of whatever tonnage, or on any freight boat of over one hundred and fifty tons gross tonnage, or on any steamboat having an engine of over ten nominal horse-power, if of the single cylinder type, or over twenty nominal horse-power, if of the compound type, unless the person employed or serving as engineer holds a certificate of competency granted under this Part, or under the Acts of the United Kingdom, for the grade in which he is to be employed, or for a higher grade: Provided that, if a steamboat leaves a port with a complement of engineers and, on her voyage, is deprived of their services, or of the services of any of them, without the consent, fault or collusion of the master, owner or any one interested in the steamboat, the deficiency may be temporarily supplied until the steamboat reaches her port of destination, unless, in the meantime, engineers holding such certificates can be obtained."

Proviso: as to temporary supply of deficiency

New s. 657

20. Section 657 of the said Act is repealed and the following is substituted therefor:—

Omission to report injury to hull, machinery or boiler.

"**657.** In case the master, owner or engineer of any steamboat, or any person in charge thereof, omits, at the earliest opportunity after the occurrence of any event whereby the hull, or the machinery or boiler thereof, or any part of any or either of the same is, in any material degree, injured, strained or weakened, to report such occurrence to the office of the inspector who issued the certificate, the master shall be deemed guilty of misconduct and the owner of the steamboat shall be liable to a penalty not exceedng five hundred dollars and not less than fifty dollars and costs; and if the injury is in respect to the boiler, machinery or any part thereof, the engineer shall be deemed guilty of negligence."

Penalty.

New s. 666.

21. Section 666 of the said Act is repealed and the following is substituted therefor:—

Engagement of unqualified engineer.

"**666.** Except in the case of a steamboat leaving port with a complement of engineers, being thereafter deprived of the

Service by unqualified person.

service or the services of any such engineers without the consent, fault or collusion of the master, owner or any one interested in the steamboat, every person who employs another as engineer, or any person who serves as an engineer on any passenger steamboat of whatever tonnage or on any freight boat of over one hundred and fifty tons gross tonnage, or on any steamboat having an engine of over ten nominal horse-power, if of the single cylinder type, or over twenty nominal horse-power, if of the compound type, unless the person employed or serving as engineer holds a certificate of competency granted under this Part, or under the Acts of the United Kingdom, for the grade in which he is to be employed, or for a higher grade, shall be liable to a penalty not exceeding one hundred dollars and not less than fifty dollars and costs; but no person holding any temporary certificate, and no person who employs him as holding such certificate, shall be liable to such penalty if he is acting on the vessel and within the limits specified in the said certificate."

Penalty.

New s. 714.

22. Section 714 of the said Act is repealed and the following is substituted therefor:—

As to deck loads in winter.

"**714.** No master of any sailing ship, when sailing on or after the first day of October or before the sixteenth day of March in any year, and no master of any steamship when sailing after the sixteenth day of October or before the sixteenth day of March in any year, on a voyage from any port or place in Canada to any port or place in the United Kingdom, or in the Continent of Europe north of Cape Finisterre in Spain, not being a port or place within the Mediterranean Sea, shall, during the voyage while within Canadian jurisdiction, carry any heavy or light wood goods as deck cargo, except under the conditions allowed under this section.

Wood goods.

Conditions.

"2. The conditions under which heavy wood goods may be carried as deck cargo are as follows:—

Heavy wood goods.

"(*a*) that they must be carried only in covered spaces;

"(*b*) that they must be carried only in such class of ships as is approved for the purpose by the Governor in Council; and

"(*c*) that they must be loaded in accordance with the regulations made by the Governor in Council with respect to the loading thereof.

Conditions.

"3. The conditions under which light wood goods may be carried as deck cargo are as follows:—

Light wood goods.

"(*a*) each unit of the goods must be of a cubic capacity not greater than fifteen cubic feet; and

"(*b*) the height above the deck to which the goods are carried must not exceed—

"(i) in the case of an uncovered space on a deck forming the top of a break, poop, or other permanent closed-in

space on the upper deck, three feet above the top of that closed-in space;

"(ii) in the case of an uncovered space, not being a space forming the top of any permanent closed-in space on the upper deck or a space forming the top of a covered space, the height of the main rail, bulwark, or plating, or one-fourth of the inside breadth of the ship, or seven feet, whichever height is the least; and

"(iii) in the case of a covered space, the full height of that space; and

"(*c*) regulations may be made by the Governor in Council for the protection of seamen from any risk arising from the carriage of the goods in any uncovered space to the height allowed under this subsection, and those regulations must be complied with on the ship.

"4. A master or owner shall not be liable to any fine under this section in respect of any wood goods which the master has considered it necessary to place or keep on deck during the voyage on account of the springing of any leak, or of any other damage to the ship received or apprehended. Exemption from fine in certain events.

"5. For the purposes of this section— Interpretation.

"(*a*) 'heavy wood goods' means— "heavy wood goods."

"(i) any square, round, waney, or other timber, or any pitch pine, mahogany, oak, teak, or other heavy wood goods whatever; or

"(ii) any more than five spare spars or store spars, whether or not made, dressed and finally prepared for use;

"(*b*) 'light wood goods' means any deals, battens, or other light wood goods of any description; "light wood goods."

"(*c*) 'deck cargo' means any cargo carried either in any uncovered space upon deck or in any covered space not included in the cubical contents forming the ship's registered tonnage; and "deck cargo."

"(*d*) the space in which wood goods are carried shall be deemed to be the space limited by the superficial area occupied by the goods, and by straight lines inclosing a rectangular space sufficient to include the goods." "space."

23. Subsection 2 of section 724 of the said Act is amended by striking out the word "twelfth" in the fourth line of the said subsection and substituting therefor the word "sixteenth." S. 724. Penalty for sailing with unlawful deck load.

24. Chapter 46 of the statutes of 1906 is repealed. 1906, c. 46, repealed. Deck loads.

25. Section 732 of *The Canada Shipping Act* is amended by adding thereto the following paragraph:— S. 732. Wrecks, &c.

"(*l*) 'certificate' includes license and branch license." Interpretation.

26. Section 781 of the said Act is repealed and the following is substituted therefor:— New s. 781

Commissioner for formal investigations.

To be a court.

"**781.** The Minister may appoint any officer of the Government of Canada, or any judge of any court of record, or any local judge in admiralty of the Exchequer Court of Canada, or any stipendiary or police magistrate, to be a commissioner to hold formal investigations, or any formal investigation, and a commissioner shall for that purpose be a court."

New s. 782.

27. Section 782 of the said Act is repealed and the following is substituted therefor:—

Duty of court of investigation

"**782.** A court so appointed is authorized to hold a formal investigation upon one being ordered by the Minister in the following cases:—

"(*a*) a shipping casualty;

"(*b*) where a master, mate, pilot or engineer has been charged with incompetency, misconduct or default while serving on board any British ship on or near the coasts of Canada or in the course of a voyage to a port in Canada;

"(*c*) where a master, mate, pilot or engineer is charged with incompetency, misconduct or default while serving as an officer on board a British ship registered in Canada;

"(*d*) where a master, mate, pilot or engineer is charged with incompetency, misconduct or default while serving on board a British ship found in Canada;

"(*e*) where, in case of a collision, the master or certificated officer or pilot in charge of a vessel fails, without reasonable cause, to render to the other vessel, her master, crew and passengers, such assistance as is practicable and necessary to save them from any danger caused by the collision and to stay by the vessel until he has ascertained that she has no need of further assistance, and also to give to the master or person in charge of the other vessel the name of his own vessel and of the port to which he belongs and also the names of the ports from which he comes and to which he is bound."

S. 782A added.

28. The said Act is amended by inserting the following section immediately after section 782:—

Preliminary investigation unnecessary.

"**782A.** It shall not be necessary to hold a preliminary investigation before a formal investigation is held."

New s. 784.

29. Section 784 of the said Act is repealed and the following is substituted therefor:—

Assessors.

"**784.** A court holding a formal investigation into a shipping casualty shall hold it with two or more assessors to be selected for that purpose by the Minister. Such assessors shall

Qualification.

have nautical, engineering, or special skill in the matter to be enquired into, and the court shall be the sole judge as to whether any assessor possesses the requisite skill."

New s. 786.

30. Section 786 of the said Act is repealed and the following is substituted therefor:—

"**786.** Every commissioner and assessor, before entering upon his duties, shall take and subscribe the following oath:— Oaths of commissioners and assessors.

"I (A.B.) do swear (*or* solemnly affirm) that I will perform the duties of commissioner (*or* assessor) under the Canada Shipping Act, and that I will act faithfully in that capacity, without partiality, fear, favour or affection. So help me God."

31. Section 796 of the said Act is repealed and the following is substituted therefor:— New s. 796.

"**796.** The court may at any time, either during or after a formal investigation, call upon any master, mate, pilot or engineer, to deliver his certificate to the court." Court may require delivery of certificate.

32. Section 798 of the said Act is repealed and the following is substituted therefor:— New s. 798.

"**798.** The court shall, upon application being made therefor, furnish free of charge to any master, mate, pilot or engineer, whose certificate has been cancelled or suspended, or to his agent, a copy of the judgment of the court." Copy of judgment to be given.

33. Section 799 of the said Act is repealed and the following is substituted therefor:— New s. 799.

"**799.** The court shall in all cases send the judgment in the case, with the evidence, to the Minister, and if it determines to cancel or suspend any certificate, and the certificate has been delivered to the court, the certificate shall also be sent to the Minister." Judgment to be sent to Minister. Also the certificate affected.

34. Subsection 3 of section 801 of the said Act is repealed and the following subsections are substituted therefor:— S. 801 amended.

"3. Unless the court holds the investigation with the assistance of at least two assessors, it shall not have power to cancel or suspend a certificate. Cancellation or suspension of certificate.

"4. A certificate shall not be cancelled or suspended under this section unless the holder of the certificate has had an opportunity of making a defence."

35. Section 806 of the said Act is repealed and the following is substituted therefor:— New s. 806.

"**806.** The Minister may order the case to be reheard by the court by which the case was heard in the first instance, or may appoint another commissioner and select the same or other assessors to rehear the case." Re-hearing.

36. The said Act is amended by inserting the following section immediately after section 806:— S. 806A added.

"**806A.** There shall be no appeal from any decision of a court holding any formal investigation under this Act, except to the Minister for a rehearing under the provisions of section 806. No appeal beyond rehearing

Proceedings not to be quashed for want of form, &c., &c.

"2. No proceeding or judgment of a court in or upon any formal investigation shall be quashed or set aside for any want of form, nor shall any such proceeding or judgment be removed by *certiorari* or otherwise into any court; and no writ of prohibition shall issue to any court constituted under this Act in respect of any proceeding or judgment in or upon any formal investigation, nor shall such proceeding or judgment be subject to any review except by the Minister as aforesaid."

New s. 820.

37. Section 820 of the said Act is repealed and the following is substituted therefor:—

Penalty for failure to deliver certificate.

"**820.** Every master, mate, pilot or engineer who fails to deliver his certificate to the court when so required, either during or after a formal investigation, shall incur a penalty not exceeding two hundred dollars."

Schedule amended.

38. The schedule to the said Act is amended by adding thereto the following forms:—

"FORM W.

"APPOINTMENT OF COMMISSIONER.

"In pursuance of the powers vested in me, I, the Honourable , Minister of Marine and Fisheries of Canada, do hereby appoint to be a Commissioner for the purpose of holding a formal investigation into (*here describe the casualty to be investigated*).

"Dated at , this day of 19 .

"Minister of Marine and Fisheries.

"FORM X.

"APPOINTMENT OF ASSESSOR.

"Under the provisions of *The Canada Shipping Act*, I, the Honourable , His Majesty's Minister of Marine and Fisheries of Canada, do hereby appoint , to be an Assessor under the provisions of the said Act.

"Dated at , this day of 19 .

"Minister of Marine and Fisheries."

Commencement of ss. 4 and 6.

39. Sections 4 and 6 of this Act shall come into force on a day to be fixed by proclamation of the Governor in Council.

THE SENATE OF CANADA.

OO.] **BILL.** [1907-8

An Act to amend The Chinese Immigration Act.

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

1. Section 2 of *The Chinese Immigration Act*, chapter 95 of *The Revised Statutes*, is hereby amended by adding thereto the following as paragraph (*h*):— R.S., c. 95, s. 2.

"(*h*) "Minister" means the Minister of Trade and Commerce, or the member of His Majesty's Privy Council of Canada charged with the administration of this Act." Interpretation.

2. Paragraph (*c*) of subsection 1 of section 7 of the said Act is repealed and the following is substituted therefor:— S. 7, subs. 1, new para (*c*).

(*c*) (1) Merchants, their wives and minor children; Persons exempt from payment of entrance tax.
(2) The wives and minor children of clergymen;
(3) Tourists;
(4) Men of science;
(5) Students under seventeen years of age;
(6) (Subject to such regulations as may from time to time be made by the Governor in Council) duly certified teachers;

who shall substantiate their status to the satisfaction of the controller, subject to the approval of the Minister, or who are bearers of certificates of identity, or other similar documents issued by the Government or by a recognized official or representative of the government whose subjects they are, specifying their occupation and their object in coming into Canada.

3. Subsection 3 of section 7 is amended by inserting after the words "Chinese origin" in the first line thereof the words "under seventeen years of age." S. 7, subs. 3. Refund to students.

4. Section 19 of the said Act is hereby repealed and the following is substituted therefor:— New s. 19.

"**19.** Persons of Chinese origin may pass through Canada in transit from one port or place out of Canada to another port or place either in or out of Canada, without previous payment of the tax of five hundred dollars imposed by this Act: Provided that such passage is made in accordance with, and under such regulations as are made for the purpose by the Governor in Council." Conditions as to passage through Canada

New s. 27.

5. Section 27 of the said Act is hereby repealed and the following is substituted therefor:—

Erasion of Act by Chinese.

"**27.** Every person of Chinese origin who—

(*a*) lands or attempts to land in Canada without payment of the tax payable under this Act; or—

(*b*) wilfully evades or attempts to evade any of the provisions of this Act as respects the payment of the tax by personating any other individual; or—

(*c*) wilfully makes use of or attempts to make use of any forged or fraudulent certificate or of a certificate issued to any other person for any purpose connected with this Act;

Penalty.

is guilty of an indictable offence, and liable to imprisonment for a term not exceeding twelve months or to a fine not exceeding five hundred dollars, or to both.

Deportation.

"2. Persons of Chinese origin shall, if guilty of an offence under the last preceding sub-section, in addition to the said penalties also be liable to deportation."

Enforcement of deportation.

6. In any case where a person of Chinese origin is liable to deportation under the provisions of this Act, such person may upon the order of the Minister be apprehended without further warrant by any immigration agent or other government officer, and may, by force if necessary, be compelled to return to or be taken on board a vessel or railway car and to leave Canada.

2. Every immigrant deported under this section shall be carried, by the same transportation company or companies which brought him into Canada, to the port from which he came to Canada, without receiving the usual payment for such carriage.

3. In case he was brought into Canada by a railway company such company shall similarly convey him or secure his conveyance from the municipality or locality whence he is to be deported to the country whence he was brought.

Penalty.

4. Every owner or master of a vessel and every railway company or person who refuses to take any such person on board such vessel or car shall incur a penalty not exceeding five hundred dollars for each offence: Provided however that if the owner, master or crew of the vessel, or the officers and employees of the railway company, have not in any way aided or been parties to the violation of the law for which such person of Chinese origin is being deported, they shall not be obliged to convey such person unless the company is paid the reasonable passage money or fare for the transportation of such person.

Proviso.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

THE SENATE OF CANADA.

BILL.

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An Act to amend The Chinese Immigration Act.

Received and read a first time,

Wednesday, May 6, 1908.

Second reading,

Friday, May 8, 1908.

Right Honourable
SIR RICHARD CARTWRIGHT, G.C.M.G.

OTTAWA
Printed by S. E. DAWSON
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1907-8.

THE SENATE OF CANADA.

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BILL AS PASSED JUNE 4, 1908.

OO.] [1907-8

An Act to amend The Chinese Immigration Act.

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

1. Section 2 of *The Chinese Immigration Act*, chapter 95 of *The Revised Statutes*, is hereby amended by adding thereto the following as paragraph (*h*):— R.S., c. 95, s. 2.

"(*h*) "Minister" means the Minister of Trade and Commerce, or the member of His Majesty's Privy Council of Canada charged with the administration of this Act." Interpretation.

2. Paragraph (*c*) of subsection 1 of section 7 of the said Act is repealed and the following is substituted therefor:— S. 7, subs. 1, new para (*c*).

(*c*) (1) Merchants, their wives and minor children; Persons exempt from payment of entrance tax.
(2) The wives and minor children of clergymen;
(3) Tourists;
(4) Men of science;
(5) Students under seventeen years of age;
(6) (Subject to such regulations as may from time to time be made by the Governor in Council) duly certified teachers;

who shall substantiate their status to the satisfaction of the controller, subject to the approval of the Minister, or who are bearers of certificates of identity, or other similar documents issued by the Government or by a recognized official or representative of the government whose subjects they are, specifying their occupation and their object in coming into Canada.

3. Subsection 3 of section 7 is amended by inserting after the words "Chinese origin" in the first line thereof the words "under seventeen years of age." S. 7, subs. 3. Refund to students.

4. Section 19 of the said Act is hereby repealed and the following is substituted therefor:— New s. 19.

"**19.** Persons of Chinese origin may pass through Canada in transit from one port or place out of Canada to another port or place either in or out of Canada, without previous payment of the tax of five hundred dollars imposed by this Act: Provided Conditions as to passage through Canada

that such passage is made in accordance with, and under such regulations as are made for the purpose by the Governor in Council."

New s. 27.

5. Section 27 of the said Act is hereby repealed and the following is substituted therefor:—

Erasion of Act by Chinese.

"**27.** Every person of Chinese origin who—

(*a*) lands or attempts to land in Canada without payment of the tax payable under this Act; or—

(*b*) wilfully evades or attempts to evade any of the provisions of this Act as respects the payment of the tax by personating any other individual; or—

(*c*) wilfully makes use of or attempts to make use of any forged or fraudulent certificate or of a certificate issued to any other person for any purpose connected with this Act;

Penalty.

is guilty of an indictable offence, and liable to imprisonment for a term not exceeding twelve months or to a fine not exceeding five hundred dollars, or to both.

Deportation.

"2. Persons of Chinese origin shall, if guilty of an offence under the last preceding sub-section, in addition to the said penalties also be liable to deportation."

Enforcement of deportation.

6. In any case where a person of Chinese origin is liable to deportation under the provisions of this Act, such person may upon the order of the Minister be apprehended without further warrant by any immigration agent or other government officer, and may, by force if necessary, be compelled to return to or be taken on board a vessel or railway car and to leave Canada.

2. Every immigrant deported under this section shall be carried, by the same transportation company or companies which brought him into Canada, to the port from which he came to Canada, without receiving the usual payment for such carriage.

3. In case he was brought into Canada by a railway company such company shall similarly convey him or secure his conveyance from the municipality or locality whence he is to be deported to the country whence he was brought.

Penalty.

4. Every owner or master of a vessel and every railway company or person who refuses to take any such person on board such vessel or car shall incur a penalty not exceeding

Proviso.

five hundred dollars for each offence: Provided however that if the owner, master or crew of the vessel, or the officers and employees of the railway company, have not in any way aided or been parties to the violation of the law for which such person of Chinese origin is being deported, they shall not be obliged to convey such person unless the company is paid the reasonable passage money or fare for the transportation of such person.

THE SENATE OF CANADA.

PP.] **BILL.** [1907-8

An Act to amend The Railway Act as regards the preferential charge created by the issue of securities.

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

1. Section 138 of *The Railway Act*, chapter 37 of the Revised Statutes, 1906, is hereby amended by striking out the words "property, assets" in the fifth line thereof. R.S., c. 37, s. 138. Mortgage security.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

THE SENATE OF CANADA.

BILL.

PP

An Act to amend The Railway Act as regards the preferential charge created by the issue of securities.

Received and read a first time,

Wednesday, May 6, 1908.

Second reading,

Tuesday, May 12, 1908.

Honourable Mr. CASGRAIN.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

FIRST REPRINT.

Reprinted as amended by The Senate, on 3rd and 4th June, 1908, in Committee of the Whole House.

THE SENATE OF CANADA.

QQ.] **BILL.** [1907-8

An Act respecting Juvenile Delinquents.

WHEREAS it is inexpedient that youthful offenders should be classed or dealt with as ordinary criminals, the welfare of the community demanding that they should on the contrary be guarded against association with crime and criminals, and should be subjected to such wise care, treatment and control as will tend to check their evil tendencies and to strengthen their better instincts; Preamble.

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

1. This Act may be cited as *The Juvenile Delinquents Act*, 1908 Short title.

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

(*a*) "child" means a boy or girl apparently or actually under the age of sixteen years. Child.

(*b*) "guardian" includes any person who has in law or in fact the custody or control of any child. Guardian.

(*c*) "juvenile delinquent" means any child who violates any provision of *The Criminal Code*, chapter 146 of *The Revised Statutes*, 1906, or of any Dominion or provincial statute, or of any by-law or ordinance of any municipality for which punishment by fine or imprisonment may be awarded; or, who is liable by reason of any other act to be committed to an Industrial School or Juvenile Reformatory under the provisions of any Dominion or provincial statute. Description of delinquents.

(*d*) "probation officer" means any probation officer for juvenile delinquents duly appointed under the provisions of any provincial statute or of this Act. Probation Officer.

(*e*) "justice" has the same meaning as it has in the Criminal Code. Justice.

(*f*) "the court" or "the Juvenile Court" means any court duly established under any provincial statute for the purpose of dealing with juvenile delinquents, or specially authorized by provincial statute, the Governor in Council, or the Lieutenant Governor in Council, to deal with juvenile delinquents. The Juvenile Court.

The Judge.

(*g*) "the judge" means the judge of a Juvenile Court seized of the case, or the justice, specially authorized by Dominion or provincial authority to deal with juvenile delinquents, seized of the case.

(*h*) "industrial school" means any industrial school or juvenile reformatory or other reformative institution or refuge for children duly approved by provincial statute or by the Lieutenant Governor in Council in any province.

A delinquency.

3. The commission by a child of any of the acts enumerated in paragraph (*c*) of section 2 of this Act, shall constitute an offence to be known as a delinquency and shall be dealt with as hereinafter provided.

Courts jurisdiction.

4. The Juvenile Court shall have exclusive jurisdiction in cases of delinquency except as provided in section 7 of this Act.

Summary trials.

5. Except as hereinafter provided, prosecutions and trials under this Act shall be summary and shall, *mutatis mutandis*, be governed by the provisions of Part XV of *The Criminal Code*, in so far as such provisions are applicable, whether or not the act constituting the offence charged would be in the case of an adult triable summarily; provided that whenever in such provisions the expression "justice" occurs, it shall be taken in the application of such provisions to proceedings under this Act to mean "judge of the Juvenile Court, or justice specially authorized by Dominion or provincial authority to deal with juvenile delinquents."

R.S., c. 146.

All cases to go to juvenile court.

6. When any child is arrested, with or without warrant, such child shall, instead of being taken before a justice, be taken before the Juvenile Court; and, if a child is taken before a justice, upon a summons or under a warrant or for any other reason, it shall be the duty of the justice to transfer the case to the Juvenile Court, and of the officer having the child in charge to take the child before that court, and in any such case the Juvenile Court shall hear and dispose of the case in the same manner as if such child had been brought before it upon information originally laid therein.

2. The provisions of the foregoing subsection shall not apply to any justice who is a judge of the Juvenile Court or who has power to act as such, under the provisions of any Act in force in the province.

Exceptional procedure when offence is indictable.

7. Where the act complained of is, under the provisions of *The Criminal Code* or otherwise, an indictable offence, and the accused child is apparently or actually over the age of fourteen years, the court may, in its discretion, order the child to be proceeded against by indictment in the ordinary courts in accordance with the provisions of *The Criminal Code* in that behalf; but such course shall in no case be followed unless the court is of the opinion that the good of the child and the interest of the community demand it. The court may, in its discretion, at any time before any proceeding has been initiated against the child in the ordinary criminal courts, rescind an order so made.

R.S., c. 146.

8. Due notice of the hearing of any charge of delinquency shall be served on the parent or parents or the guardian of the child, or if there be neither parent or guardian, or if the residence of the parent or parents or guardian be unknown, then on some near relative living in the city, town or county, if any there be, whose whereabouts is known, and any person so served shall have the right to be present at the hearing. Notices to parents.

2. The judge may give directions as to the persons to be served under this section, and such directions shall be conclusive as to the sufficiency of any notice given in accordance therewith.

9. It shall be the duty of the clerk of the Juvenile Court to notify the probation officer or the chief probation officer, in advance, when any child is to be brought before the court for trial. Duties of clerk.

10. The trials of children shall take place without publicity and separately and apart from the trials of other accused persons, and at suitable times to be designated and appointed for that purpose. Private trials.

2. Such trials may be held in the private office of the judge or in some other private room in the court house or municipal building, or in the detention home, or if no such room or place is available, then in the ordinary court room; provided that when held in the ordinary court room, an interval of half an hour must be allowed to elapse between the close of the trial or examination of any adult and the beginning of the trial of a child. Place of trials.

3. No report of the trial or other disposition of a charge against a child, in which the name of the child or of its parent or guardian is disclosed, shall, without the special leave of the judge, be published in any newspaper or other publication. Names not to be published.

11. No child, pending a hearing under the provisions of this Act, shall be held in confinement in any county or other gaol or other place in which adults are or may be imprisoned, but shall be detained at a detention home or shelter used exclusively for children or under other charge approved of by the judge or, in his absence, by the sheriff, or, in the absence of both the judge and the sheriff, by the mayor or other chief magistrate of the city, town, county or place. A detention home.

2. Any officer or person violating the provisions of the next preceding subsection shall be liable on summary conviction before a Juvenile Court or a justice to a fine not exceeding one hundred dollars, or to imprisonment not exceeding thirty days, or to both fine and imprisonment. Penalty.

3. The provisions of this section shall not apply to a child as to whom an order has been made pursuant to section 7 of this Act. Exception.

4. The provisions of this section shall not apply to a child apparently over the age of fourteen years who, in the opinion of the judge or, in his absence, of the sheriff, or, in the absence of both the judge and the sheriff, of the mayor or other chief magistrate of the city, town, county or place, cannot safely be confined in any place other than a gaol or lock-up. Exception.

Where there is no detention home.

12. Where a warrant has issued for the arrest of a child, or where a child has been arrested without warrant, in a county or district in which there is no detention home used exclusively for children, no incarceration of the child shall be made or had unless in the opinion of the judge of the court, or, in his absence, of the sheriff, or, in the absence of both the judge and the sheriff, of the mayor or other chief magistrate of the city, town, county or place, such course is necessary in order to insure the attendance of such child in court.

Promise to attend may be accepted.

2. In order to avoid, if possible, such incarceration, the verbal or written promise of the person served with notice of the proceedings as aforesaid, or of any other proper person, to be responsible for the presence of such child when required, may be accepted; and in case such child fails to appear at such time or times as the court requires, the person or persons assuming responsibility as aforesaid, shall be deemed guilty of contempt of court, unless in the opinion of the court there is reasonable cause for such failure to appear.

Bail may be accepted.

13. Pending the hearing of a charge of delinquency the court may accept bail for the appearance of the child charged at the trial as in the case of other accused persons.

Proceedings may be informal.

14. On the trial of a child the proceedings may, in the discretion of the judge, be as informal as the circumstances will permit, consistently with a due regard for a proper administration of justice.

Oath may be dispensed with.

15. When in a proceeding before a Juvenile Court a child of tender years who is called as a witness does not, in the opinion of the judge, understand the nature of an oath, the evidence of such child may be received, though not given under oath, if in the opinion of the judge such child is possessed of sufficient intelligence to justify the reception of the evidence and understands the duty of speaking the truth.

2. No person shall be convicted upon the evidence of a child of tender years not under oath unless such evidence is corroborated in some material respect.

Release on probation.

16. In the case of a child proved to be a juvenile delinquent the court may adjourn the hearing from time to time for any definite or indefinite period; and may impose a fine not exceeding ten dollars, or may commit the child to the care or custody of a probation officer or of any other suitable person; or may allow the child to remain in its home, subject to the visitation of a probation officer, such child to report to the court or to the probation officer as often as may be required; or may cause the child to be placed in a suitable family home as a foster home, subject to the friendly supervision of a probation officer and the further order of the court; or may commit the child to the charge of any children's aid society, duly organized under an Act of the legislature of the province and approved by the Lieutenant Governor in Council, or, in any municipality in which there is no children's aid society, to the charge of the superintendent of neglected and dependent children for the province, if one there be, duly appointed under the authority

Guardianship.

of any such Act; or may commit the child to an industrial school.

Support of child.

2. In every such case it shall be within the power of the court to make an order upon the parent or parents of the child, or upon the municipality to which it belongs, to contribute to its support such sum as the court may determine.

A ward of the court.

3. Every such child, whether allowed to remain at home or placed in a foster home, or if he be in any way committed, shall continue to be a ward of the court until it has been discharged as such ward by order of the court or has reached the age of twenty-one years; and the court may at any time during the period of wardship cause such child to be returned to the court for further or other proceedings, including discharge upon parole or release from detention: Provided that in a province in which there is a superintendent of neglected and dependent children appointed under the authority of any provincial statute, no child shall be released by the judge from an industrial school without a report from such superintendent recommending such release.

When returned for further proceedings.

4. When a child is returned to the court for further or other proceedings as in the last preceding subsection provided, the court may deal with the case on the report of the probation officer in whose care such child has been placed, or of the secretary of a children's aid society, or of the superintendent of neglected and dependent children, or of the superintendent of the industrial school to which the child has been committed, without the necessity of hearing any further or other evidence.

The child's own good.

5. The action taken shall, in every case, be that which the court is of opinion the child's own good and the best interests of the community require.

May be dealt with under provincial law.

17. Whenever an order has been made under the next preceding section committing a child to a children's aid society, or to a superintendent of neglected and dependent children, or to an industrial school, if so ordered by the Secretary of the province, the child may thereafter be dealt with under the laws of the province in the same manner in all respects as if an order had been lawfully made in respect of a proceeding instituted under authority of a statute of the province; and from the date of the issuing of such order the child shall cease to be a ward of the court and, except for new offences, he shall not be further dealt with under the provisions of this Act. The order of the Provincial Secretary may be made in advance and to apply to all cases of commitment mentioned in this section.

Parent or guardian may be ordered to pay fine, etc.

18. Where a child is proved to have been guilty of an offence for the commission of which a fine, damages or costs might in the case of an adult be imposed, and the court is of the opinion that the case would be best met by the imposition of a fine, damages or costs, whether with or without any other action, the court shall order that the fine, damages or costs awarded be paid by the parent or guardian of the child, instead of by the child, unless the court is satisfied that the parent or guardian cannot be found or that he has not conduced to the commission of the offence by neglecting to exercise due care of the child or otherwise.

Security by parent or guardian.

2. Where a child is charged with any offence the court may order its parent or guardian to give security for its good behaviour.

Parent or guardian to be heard.

3. No order shall be made under this section without giving the parent or guardian an opportunity of being heard; but a parent or guardian who has been duly served with notice of the hearing pursuant to section 9 of this Act shall be deemed to have had such opportunity, notwithstanding the fact that he has failed to attend the hearing.

Recovery of fine, etc.

4. Any sum imposed and ordered to be paid by a parent or guardian under this or the previous sections may be recovered from him by distress or imprisonment in like manner as if the order had been made on the conviction of the parent or guardian of the offence in question.

Appeal.

5. A parent or guardian shall have the same right of appeal from an order made under the provisions of this section as if the order had been made on the conviction of the parent or guardian.

Religion of child to be respected.

19. No Protestant child dealt with under this Act shall be committed to the care of any Roman Catholic children's aid society or be placed in any Roman Catholic family as its foster home; nor shall any Roman Catholic child dealt with under this Act be committed to the care of any Protestant children's aid society, or be placed in any Protestant family as its foster home; but this section shall not apply to the placing of children in a temporary home of shelter for children, established under the authority of a statute of the province, or, in a municipality where there is but one children's aid society, to such children's aid society.

Order to enforce preceding provision.

2. If a Protestant child is committed to the care of a Roman Catholic children's aid society or placed in a Roman Catholic family as its foster home or if a Roman Catholic child is committed to the care of a Protestant children's aid society or placed in a Protestant family as its foster home, contrary to the provisions of subsection 1 of this section, the court shall, on the application of any person in that behalf, make an order providing for the proper commitment or placing of the child pursuant to subsection 1 of this section.

Children not allowed to be in court.

20. No child, other than an infant in arms, shall be permitted to be present in court during the trial of any person charged with an offence or during any proceedings preliminary thereto, and if so present he shall be ordered to be removed unless he is the person charged with the alleged offence, or unless his presence is required, as a witness or otherwise, for the purposes of justice: Provided that this section shall not apply to messengers, clerks and other persons required to attend at any court for purposes connected with their employment.

Children under twelve

21. It shall not be lawful to commit a juvenile delinquent apparently under the age of twelve years to any industrial school, unless and until an attempt has been made to reform such child in its own home or in a foster home or in the charge of a children's aid society, or of a superintendent of neglected and dependent children, and unless the court finds that the

best interests of the child and the welfare of the community require such commitment.

Children to be separated from adults.

22. No juvenile delinquent shall, under any circumstances, upon or after conviction, be sentenced to or incarcerated in any penitentiary, or county or other gaol, or police station, or any other place in which adults are or may be imprisoned.

Exception.

2. This section shall not apply to a child who has been proceeded against under the provisions of section 7 of this Act.

Juvenile court committee.

23. There shall be in connection with the Juvenile Court a committee of citizens, serving without remuneration, to be known as "The Juvenile Court Committee."

Juvenile court committee, *ex officio*.

2. Where there is a children's aid society in a city or town in which this Act is in force, the committee of such society or a sub-committee thereof shall be the Juvenile Court Committee; and where there is both a Protestant and a Roman Catholic children's aid society then the committee of the Protestant children's aid society or a sub-committee thereof shall be the Juvenile Court Committee as regards Protestant children, and the committee of the Roman Catholic children's aid society or a sub-committee thereof shall be the Juvenile Court Committee as regards Roman Catholic children.

Appointment by court.

3. Where there is no children's aid society in a city or town in which this Act is in force the court shall appoint three or more persons to be the Juvenile Court Committee as regards Protestant children, and three or more other persons to be the Juvenile Court Committee as regards Roman Catholic children.

Duties of committee.

24. It shall be the duty of The Juvenile Court Committee to meet as often as may be necessary and consult with the probation officers with regard to the cases of juvenile delinquents coming before the court, to offer, through the probation officers and otherwise, advice to the court as to the best mode of dealing with such cases, and, generally, to facilitate by every means in its power the reformation of juvenile delinquents.

Probation officers.

25. Wherever no probation officer has been appointed under provincial authority and remuneration for such has been provided by municipal grant, public subscription or otherwise, the court shall, with the concurrence of the Juvenile Court Committee, appoint one or more suitable persons as probation officers.

Powers of a constable.

26. Every probation officer duly appointed under the provisions of this Act or of any provincial statute shall have in the discharge of his or her duties as such probation officer all the powers of a constable, and shall be protected from civil actions for anything done in *bona fide* exercise of the powers conferred by this Act.

Probation officer to investigate.

27. It shall be the duty of a probation officer to make such investigation as may be required by the court; to be present in court in order to represent the interests of the child when the case is heard; to furnish to the court such information and

assistance as may be required; and to take such charge of any child, before or after trial, as may be directed by the court.

Probation officers to confer with committee.

28. Every probation officer shall, as far as practicable, discuss each case and the recommendation proposed to be made with The Juvenile Court Committee before reporting to the court, and convey to the court the recommendation of the Committee.

Adults liable who contribute to delinquency.

29. Any person who knowingly or wilfully encourages, aids, causes, abets or connives at the commission by a child of a delinquency, or who knowingly or wilfully does any act producing, promoting or contributing to a child's being or becoming a juvenile delinquent, whether or not such person is the parent or guardian of the child, or who, being the parent or guardian of the child and being able to do so, wilfully neglects to do that which would directly tend to prevent a child's being or becoming a juvenile delinquent, or to remove the conditions which render a child a juvenile delinquent, shall be liable on summary conviction before a Juvenile Court or a justice, to a fine not exceeding five hundred dollars or to imprisonment for a period not exceeding one year, or to both fine and imprisonment.

May impose conditions.

2. The court or justice may impose conditions upon any person found guilty under this section, and suspend sentence subject to such conditions; and on proof at any time that such conditions have been violated may pass sentence on such person.

No preliminary hearing.

Summary disposal.

30. Prosecutions against adults for offences against any provisions of *The Criminal Code* in respect of a child may be brought in the Juvenile Court without the necessity of a preliminary hearing before a justice, and may be summarily disposed of where the offence is triable summarily, or otherwise dealt with as in the case of a preliminary hearing before a justice.

Act to be liberally construed.

31. This Act shall be liberally construed to the end that its purpose may be carried out, to wit: That the care and custody and discipline of a juvenile delinquent shall approximate as nearly as may be that which should be given by its parents, and that as far as practicable every juvenile delinquent shall be treated, not as a criminal, but as a misdirected and misguided child, and one needing aid, encouragement, help and assistance.

Not to affect provincial statutes.

R.S., c. 146.

32. Nothing in this Act contained shall be construed as having the effect of repealing or over-riding any provision of any provincial statute; and when a juvenile delinquent who has not been guilty of an act which is, under the provisions of *The Criminal Code* an indictable offence, comes within the provisions of a provincial statute, it may be dealt with either under the provincial Act or under this Act as may be deemed to be in the best interests of such child.

Repeal of former law.

R.S., c. 146.

33. Whenever and so soon as this Act goes into force in any province, city, town, or other portion of a province, every provision of *The Criminal Code* or of any other Act of the Parliament of Canada inconsistent with the provisions of this

Act shall stand repealed as regards such province, city, town, or other portion of a province.

When Act shall be enforced.

34. This Act may be put in force in any province, or in any portion of a province, by proclamation, after the passing of an Act by the legislature of such province providing for the establishment of Juvenile Courts, or designating any existing courts as Juvenile Courts, and of detention homes for children.

Any city or town may ask for this law.

35. This Act may be put in force in any city, town, or other portion of a province, by proclamation, notwithstanding that the provincial legislature has not passed an Act such as referred to in section 34 of this Act, if the Governor in Council is satisfied that proper facilities for the due carrying out of the provisions of this Act have been provided in such city, town, or other portion of a province, by the municipal council thereof or otherwise.

Special appointment of judge.

2. The Governor in Council may designate a superior court or county court judge or a justice, having jurisdiction in the city, town, or other portion of a province, in which the Act is so put in force, or may appoint some other duly qualified person, to act as Juvenile Court Judge for such city, town, or other portion of a province, and the judge or justice or person so designated or appointed shall have and exercise in such city, town, or other portion of a province, all the powers by this Act conferred on the Juvenile Court.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

THE SENATE OF CANADA.

BILL.

QQ

An Act respecting Juvenile Delinquents.

Reprinted as amended by The Senate, on 3rd and 4th June, 1908, in Committee of the Whole House.

Honourable Mr. BÉIQUE.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

THE SENATE OF CANADA.

BILL AS PASSED JUNE 16, 1908.

QQ.] [1907-8

An Act respecting Juvenile Delinquents.

Preamble.

WHEREAS it is inexpedient that youthful offenders should be classed or dealt with as ordinary criminals, the welfare of the community demanding that they should on the contrary be guarded against association with crime and criminals, and should be subjected to such wise care, treatment and control as will tend to check their evil tendencies and to strengthen their better instincts;

Therefore 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 Juvenile Delinquents Act*, 1908

Interpretation.

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

Child.

(*a*) "child" means a boy or girl apparently or actually under the age of sixteen years.

Guardian.

(*b*) "guardian" includes any person who has in law or in fact the custody or control of any child.

Description of delinquents.

(*c*) "juvenile delinquent" means any child who violates any provision of *The Criminal Code*, chapter 146 of *The Revised Statutes*, 1906, or of any Dominion or provincial statute, or of any by-law or ordinance of any municipality, for which violation punishment by fine or imprisonment may be awarded; or, who is liable by reason of any other act to be committed to an Industrial School or Juvenile Reformatory under the provisions of any Dominion or provincial statute.

Probation Officer.

(*d*) "probation officer" means any probation officer for juvenile delinquents duly appointed under the provisions of any provincial statute or of this Act.

Justice.

(*e*) "justice" has the same meaning as it has in the Criminal Code.

The Juvenile Court.

(*f*) "the court" or "the Juvenile Court" means any court duly established under any provincial statute for the purpose of dealing with juvenile delinquents, or specially authorized by provincial statute, the Governor in Council, or the Lieutenant Governor in Council, to deal with juvenile delinquents.

The Judge.

(*g*) "the judge" means the judge of a Juvenile Court seized of the case, or the justice, specially authorized by Dominion or provincial authority to deal with juvenile delinquents, seized of the case.

(*h*) "industrial school" means any industrial school or juvenile reformatory or other reformative institution or refuge for children duly approved by provincial statute or by the Lieutenant Governor in Council in any province.

A delinquency.

3. The commission by a child of any of the acts enumerated in paragraph (*c*) of section 2 of this Act, shall constitute an offence to be known as a delinquency and shall be dealt with as hereinafter provided.

Courts jurisdiction.

4. The Juvenile Court shall have exclusive jurisdiction in cases of delinquency except as provided in section 7 of this Act.

Summary trials.

5. Except as hereinafter provided, prosecutions and trials under this Act shall be summary and shall, *mutatis mutandis*, be governed by the provisions of Part XV of *The Criminal Code*, R.S., c. 146. in so far as such provisions are applicable, whether or not the act constituting the offence charged would be in the case of an adult triable summarily; provided that whenever in such provisions the expression "justice" occurs, it shall be taken in the application of such provisions to proceedings under this Act to mean "judge of the Juvenile Court, or justice specially authorized by Dominion or provincial authority to deal with juvenile delinquents."

All cases to go to juvenile court.

6. When any child is arrested, with or without warrant, such child shall, instead of being taken before a justice, be taken before the Juvenile Court; and, if a child is taken before a justice, upon a summons or under a warrant or for any other reason, it shall be the duty of the justice to transfer the case to the Juvenile Court, and of the officer having the child in charge to take the child before that court, and in any such case the Juvenile Court shall hear and dispose of the case in the same manner as if such child had been brought before it upon information originally laid therein.

2. The provisions of the foregoing subsection shall not apply to any justice who is a judge of the Juvenile Court or who has power to act as such, under the provisions of any Act in force in the province.

Exceptional procedure when offence is indictable.

7. Where the act complained of is, under the provisions of *The Criminal Code* or otherwise, an indictable offence, and the accused child is apparently or actually over the age of fourteen years, the court may, in its discretion, order the child to be proceeded against by indictment in the ordinary courts in accordance with the provisions of *The Criminal Code* in that behalf; R.S., c. 146.

but such course shall in no case be followed unless the court is of the opinion that the good of the child and the interest of the community demand it. The court may, in its discretion, at any time before any proceeding has been initiated against the child in the ordinary criminal courts, rescind an order so made.

Notices to parents

8. Due notice of the hearing of any charge of delinquency shall be served on the parent or parents or the guardian of the child, or if there be neither parent nor guardian, or if the residence of the parent or parents or guardian be unknown, then on some near relative living in the city, town or county, if any there be, whose whereabouts is known, and any person so served shall have the right to be present at the hearing.

2. The judge may give directions as to the persons to be served under this section, and such directions shall be conclusive as to the sufficiency of any notice given in accordance therewith.

Duties of clerk.

9. It shall be the duty of the clerk of the Juvenile Court to notify the probation officer or the chief probation officer, in advance, when any child is to be brought before the court for trial.

Private trials

10. The trials of children shall take place without publicity and separately and apart from the trials of other accused persons, and at suitable times to be designated and appointed for that purpose.

Place of trials.

2. Such trials may be held in the private office of the judge or in some other private room in the court house or municipal building, or in the detention home, or if no such room or place is available, then in the ordinary court room; provided that when held in the ordinary court room, an interval of half an hour must be allowed to elapse between the close of the trial or examination of any adult and the beginning of the trial of a child.

Names not to be published

3. No report of the trial or other disposition of a charge against a child, in which the name of the child or of its parent or guardian is disclosed, shall, without the special leave of the judge, be published in any newspaper or other publication.

A detention home

11. No child, pending a hearing under the provisions of this Act, shall be held in confinement in any county or other gaol or other place in which adults are or may be imprisoned, but shall be detained at a detention home or shelter used exclusively for children or under other charge approved of by the judge or, in his absence, by the sheriff, or, in the absence of both the judge and the sheriff, by the mayor or other chief magistrate of the city, town, county or place.

Penalty.

2. Any officer or person violating the provisions of the next preceding subsection shall be liable on summary conviction

before a Juvenile Court or a justice to a fine not exceeding one hundred dollars, or to imprisonment not exceeding thirty days, or to both fine and imprisonment.

Exception.

3. The provisions of this section shall not apply to a child as to whom an order has been made pursuant to section 7 of this Act.

Exception.

4. The provisions of this section shall not apply to a child apparently over the age of fourteen years who, in the opinion of the judge or, in his absence, of the sheriff, or, in the absence of both the judge and the sheriff, of the mayor or other chief magistrate of the city, town, county or place, cannot safely be confined in any place other than a gaol or lock-up.

Where there is no detention home.

12. Where a warrant has issued for the arrest of a child, or where a child has been arrested without warrant, in a county or district in which there is no detention home used exclusively for children, no incarceration of the child shall be made or had unless in the opinion of the judge of the court, or, in his absence, of the sheriff, or, in the absence of both the judge and the sheriff, of the mayor or other chief magistrate of the city, town, county or place, such course is necessary in order to insure the attendance of such child in court.

Promise to attend may be accepted.

2. In order to avoid, if possible, such incarceration, the verbal or written promise of the person served with notice of the proceedings as aforesaid, or of any other proper person, to be responsible for the presence of such child when required, may be accepted; and in case such child fails to appear at such time or times as the court requires, the person or persons assuming responsibility as aforesaid, shall be deemed guilty of contempt of court, unless in the opinion of the court there is reasonable cause for such failure to appear.

Bail may be accepted.

13. Pending the hearing of a charge of delinquency the court may accept bail for the appearance of the child charged at the trial as in the case of other accused persons.

Proceedings may be informal.

14. On the trial of a child the proceedings may, in the discretion of the judge, be as informal as the circumstances will permit, consistently with a due regard for a proper administration of justice.

Oath may be dispensed with.

15. When in a proceeding before a Juvenile Court a child of tender years who is called as a witness does not, in the opinion of the judge, understand the nature of an oath, the evidence of such child may be received, though not given under oath, if in the opinion of the judge such child is possessed of sufficient intelligence to justify the reception of the evidence and understands the duty of speaking the truth.

2. No person shall be convicted upon the evidence of a child of tender years not under oath unless such evidence is corroborated in some material respect.

16. In the case of a child proved to be a juvenile delinquent the court may adjourn the hearing from time to time for any definite or indefinite period; and may impose a fine not exceeding ten dollars, or may commit the child to the care or custody of a probation officer or of any other suitable person; or may allow the child to remain in its home, subject to the visitation of a probation officer, such child to report to the court or to the probation officer as often as may be required; or may cause the child to be placed in a suitable family home as a foster home, subject to the friendly supervision of a probation officer and the further order of the court; or may commit the child to the charge of any children's aid society, duly organized under an Act of the legislature of the province and approved by the Lieutenant Governor in Council, or, in any municipality in which there is no children's aid society, to the charge of the superintendent of neglected and dependent children for the province, if one there be, duly appointed under the authority of any such Act; or may commit the child, if a boy, to an industrial school for boys, or, if a girl, to an industrial school or refuge for girls, duly approved by the Lieutenant Governor in Council.

Release on probation.

Guardianship.

2. In every such case it shall be within the power of the court to make an order upon the parent or parents of the child, or upon the municipality to which it belongs, to contribute to its support such sum as the court may determine.

Support of child.

3. Every such child, whether allowed to remain at home or placed in a foster home, or if it be in any way committed, shall continue to be a ward of the court until it has been discharged as such ward by order of the court or has reached the age of twenty-one years; and the court may at any time during the period of wardship cause such child to be returned to the court for further or other proceedings, including discharge upon parole or release from detention: Provided that in a province in which there is a superintendent of neglected and dependent children appointed under the authority of any provincial statute, no child shall be released by the judge from an industrial school without a report from such superintendent recommending such release.

A ward of the court.

4. When a child is returned to the court for further or other proceedings as in the last preceding subsection provided, the court may deal with the case on the report of the probation officer in whose care such child has been placed, or of the secretary of a children's aid society, or of the superintendent of neglected and dependent children, or of the superintendent of the industrial school to which the child has been committed, without the necessity of hearing any further or other evidence.

When returned for further proceedings.

5. The action taken shall, in every case, be that which the court is of opinion the child's own good and the best interests of the community require.

The child's own good.

May be dealt with under provincial law.

17. Whenever an order has been made under the next preceding section committing a child to a children's aid society, or to a superintendent of neglected and dependent children, or to an industrial school, if so ordered by the Secretary of the province, the child may thereafter be dealt with under the laws of the province in the same manner in all respects as if an order had been lawfully made in respect of a proceeding instituted under authority of a statute of the province; and from the date of the issuing of such order the child shall cease to be a ward of the court and, except for new offences, it shall not be further dealt with under the provisions of this Act. The order of the Provincial Secretary may be made in advance and to apply to all cases of commitment mentioned in this section.

Parent or guardian may be ordered to pay fine, etc.

18. Where a child is proved to have been guilty of an offence for the commission of which a fine, damages or costs might in the case of an adult be imposed, and the court is of the opinion that the case would be best met by the imposition of a fine, damages or costs, whether with or without any other action, the court shall order that the fine, damages or costs awarded be paid by the parent or guardian of the child, instead of by the child, unless the court is satisfied that the parent or guardian cannot be found or that he has not conduced to the commission of the offence by neglecting to exercise due care of the child or otherwise.

Security by parent or guardian.

2. Where a child is charged with any offence the court may order its parent or guardian to give security for its good behaviour.

Parent or guardian to be heard.

3. No order shall be made under this section without giving the parent or guardian an opportunity of being heard; but a parent or guardian who has been duly served with notice of the hearing pursuant to section 8 of this Act shall be deemed to have had such opportunity, notwithstanding the fact that he has failed to attend the hearing.

Recovery of fine, etc.

4. Any sum imposed and ordered to be paid by a parent or guardian under this or the previous sections may be recovered from him by distress or imprisonment in like manner as if the order had been made on the conviction of the parent or guardian of the offence in question.

Appeal

5. A parent or guardian shall have the same right of appeal from an order made under the provisions of this section as if the order had been made on the conviction of the parent or guardian.

Religion of child to be respected.

19. No Protestant child dealt with under this Act shall be committed to the care of any Roman Catholic children's aid society or be placed in any Roman Catholic family as its foster home; nor shall any Roman Catholic child dealt with under this Act be committed to the care of any Protestant children's aid society, or be placed in any Protestant family as its foster

home; but this section shall not apply to the placing of children in a temporary home or shelter for children, established under the authority of a statute of the province, or, in a municipality where there is but one children's aid society, to such children's aid society.

Order to enforce preceding provision.

2. If a Protestant child is committed to the care of a Roman Catholic children's aid society or placed in a Roman Catholic family as its foster home or if a Roman Catholic child is committed to the care of a Protestant children's aid society or placed in a Protestant family as its foster home, contrary to the provisions of subsection 1 of this section, the court shall, on the application of any person in that behalf, make an order providing for the proper commitment or placing of the child pursuant to subsection 1 of this section.

Children not allowed to be n court.

20. No child, other than an infant in arms, shall be permitted to be present in court during the trial of any person charged with an offence or during any proceedings preliminary thereto, and if so present it shall be ordered to be removed unless it is the person charged with the alleged offence, or unless its presence is required, as a witness or otherwise, for the purposes of justice: Provided that this section shall not apply to messengers, clerks and other persons required to attend at any court for purposes connected with their employment.

Children under twelve.

21. It shall not be lawful to commit a juvenile delinquent apparently under the age of twelve years to any industrial school, unless and until an attempt has been made to reform such child in its own home or in a foster home or in the charge of a children's aid society, or of a superintendent of neglected and dependent children, and unless the court finds that the best interests of the child and the welfare of the community require such commitment.

Children to be separated from adults.

22. No juvenile delinquent shall, under any circumstances, upon or after conviction, be sentenced to or incarcerated in any penitentiary, or county or other gaol, or police station, or any other place in which adults are or may be imprisoned.

Exception.

2. This section shall not apply to a child who has been proceeded against under the provisions of section 7 of this Act.

Juvenile court committee.

23. There shall be in connection with the Juvenile Court a committee of citizens, serving without remuneration, to be known as "The Juvenile Court Committee."

Juvenile court committee, *ex officio*.

2. Where there is a children's aid society in a city or town in which this Act is in force, the committee of such society or a sub-committee thereof shall be the Juvenile Court Committee; and where there is both a Protestant and a Roman Catholic children's aid society then the committee of the Protestant children's aid society or a sub-committee thereof shall

be the Juvenile Court Committee as regards Protestant children, and the committee of the Roman Catholic children's aid society or a sub-committee thereof shall be the Juvenile Court Committee as regards Roman Catholic children.

Appointment by court.

3. Where there is no children's aid society in a city or town in which this Act is in force the court shall appoint three or more persons to be the Juvenile Court Committee as regards Protestant children, and three or more other persons to be the Juvenile Court Committee as regards Roman Catholic children. The persons so appointed may in their discretion sit as one joint committee.

Duties of committee.

24. It shall be the duty of The Juvenile Court Committee to meet as often as may be necessary and consult with the probation officers with regard to the cases of juvenile delinquents coming before the court, to offer, through the probation officers and otherwise, advice to the court as to the best mode of dealing with such cases, and, generally, to facilitate by every means in its power the reformation of juvenile delinquents.

Probation officers.

25. Wherever no probation officer has been appointed under provincial authority and remuneration for such has been provided by municipal grant, public subscription or otherwise, the court shall, with the concurrence of the Juvenile Court Committee, appoint one or more suitable persons as probation officers.

Powers of a constable.

26. Every probation officer duly appointed under the provisions of this Act or of any provincial statute shall have in the discharge of his or her duties as such probation officer all the powers of a constable, and shall be protected from civil actions for anything done in *bona fide* exercise of the powers conferred by this Act.

Probation officer to nvestigate.

27. It shall be the duty of a probation officer to make such investigation as may be required by the court; to be present in court in order to represent the interests of the child when the case is heard; to furnish to the court such information and assistance as may be required; and to take such charge of any child, before or after trial, as may be directed by the court.

Probation] officers to confer with committee.

28. Every probation officer shall, as far as practicable, discuss each case and the recommendation proposed to be made with The Juvenile Court Committee before reporting to the court, and convey to the court the recommendation of the Committee.

Adults liable who contribute to delinquency.

29. Any person who knowingly or wilfully encourages, aids, causes, abets or connives at the commission by a child of a delinquency, or who knowingly or wilfully does any act pro-

ducing, promoting or contributing to a child's being or becoming a juvenile delinquent, whether or not such person is the parent or guardian of the child, or who, being the parent or guardian of the child and being able to do so, wilfully neglects to do that which would directly tend to prevent a child's being or becoming a juvenile delinquent, or to remove the conditions which render a child a juvenile delinquent, shall be liable on summary conviction before a Juvenile Court or a justice, to a fine not exceeding five hundred dollars or to imprisonment for a period not exceeding one year, or to both fine and imprisonment.

2. The court or justice may impose conditions upon any person found guilty under this section, and suspend sentence subject to such conditions; and on proof at any time that such conditions have been violated may pass sentence on such person. May impose conditions.

30. Prosecutions against adults for offences against any provisions of *The Criminal Code* in respect of a child may be brought in the Juvenile Court without the necessity of a preliminary hearing before a justice, and may be summarily disposed of where the offence is triable summarily, or otherwise dealt with as in the case of a preliminary hearing before a justice. No preliminary hearing. Summary disposal.

2. In addition to those expressly mentioned in this Act, the Juvenile Court Judge has all the powers and duties, with respect to offenders, under or apparently under the age of sixteen years, vested in, or imposed on a judge, stipendiary magistrate, justice or justices, by or under *The Prison and Reformatories Act*, chapter 148 of *The Revised Statutes*, or any amendment thereto: Provided that the discretion of the Juvenile Court Judge as to the term for which a juvenile offender may be committed is not affected by this subsection. Powers of judge. R. S., c. 148. Proviso: as to term of commitment.

31. This Act shall be liberally construed to the end that its purpose may be carried out, to wit: That the care and custody and discipline of a juvenile delinquent shall approximate as nearly as may be that which should be given by its parents, and that as far as practicable every juvenile delinquent shall be treated, not as a criminal, but as a misdirected and misguided child, and one needing aid, encouragement, help and assistance. Act to be liberally construed.

32. Nothing in this Act contained shall be construed as having the effect of repealing or over-riding any provision of any provincial statute; and when a juvenile delinquent who has not been guilty of an act which is, under the provisions of *The Criminal Code* an indictable offence, comes within the provisions of a provincial statute, it may be dealt with either under the provincial Act or under this Act as may be deemed to be in the best interests of such child. Not to affect provincial statutes. R.S., c. 146.

Repeal of former law.

R.S., c. 146.

33. Whenever and so soon as this Act goes into force in any province, city, town, or other portion of a province, every provision of *The Criminal Code* or of any other Act of the Parliament of Canada inconsistent with the provisions of this Act shall stand repealed as regards such province, city, town, or other portion of a province.

When Act shall be enforced.

34. This Act may be put in force in any province, or in any portion of a province, by proclamation, after the passing of an Act by the legislature of such province providing for the establishment of Juvenile Courts, or designating any existing courts as Juvenile Courts, and of detention homes for children.

Any city or town may ask for this law.

35. This Act may be put in force in any city, town, or other portion of a province, by proclamation, notwithstanding that the provincial legislature has not passed an Act such as referred to in section 34 of this Act, if the Governor in Council is satisfied that proper facilities for the due carrying out of the provisions of this Act have been provided in such city, town, or other portion of a province, by the municipal council thereof or otherwise.

Special appointment of judge.

2. The Governor in Council may designate a superior court or county court judge or a justice, having jurisdiction in the city, town, or other portion of a province, in which the Act is so put in force, to act as Juvenile Court Judge for such city, town, or other portion of a province, and the judge or justice so designated or appointed shall have and exercise in such city, town, or other portion of a province, all the powers by this Act conferred on the Juvenile Court.

THE SENATE OF CANADA.

RR.] **BILL.** [1907-8

An Act for the relief of Catherine Ann Cannon.

Preamble.

WHEREAS Catherine Ann Cannon, presently residing at the city of Toronto, in the province of Ontario, wife of Joseph Promise Cannon of the said city, merchant, has by her petition alleged, in effect, that they were lawfully married on the first day of June, A.D.1898, at the said city, she then being Catherine Ann Sutherland, spinster; that his legal domicile was then and is now in Canada; that at the said city of Toronto, in or about the months of April and December, A.D. 1906, and at divers other times in that year, he committed adultery with one Evelyne Spencer; 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 Catherine Ann Cannon and Joseph Promise Cannon 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 Catherine Ann Cannon may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Joseph Promise Cannon had not been solemnized.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

THE SENATE OF CANADA.

BILL.

RR

An Act for the relief of Catherine Ann Cannon.

Received and read a first time,

Wednesday, May 13, 1908.

Second reading,

Friday, May 15, 1908.

Honourable Mr. BAIRD.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8.

THE SENATE OF CANADA.

BILL AS PASSED MAY 19, 1908.

RR.] [1907-8

An Act for the relief of Catherine Ann Cannon.

Preamble.

WHEREAS Catherine Ann Cannon, presently residing at the city of Toronto, in the province of Ontario, wife of Joseph Promise Cannon of the said city, merchant, has by her petition alleged, in effect, that they were lawfully married on the first day of June, A.D.1898, at the said city, she then being Catherine Ann Sutherland, spinster; that his legal domicile was then and is now in Canada; that at the said city of Toronto, in or about the months of April and December, A.D. 1906, and at divers other times in that year, he committed adultery with one Evelyne Spencer; 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 Catherine Ann Cannon and Joseph Promise Cannon 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 Catherine Ann Cannon may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Joseph Promise Cannon had not been solemnized.

THE SENATE OF CANADA.

SS.] **BILL.** [1907-8

An Act respecting The Lake Champlain and St. Lawrence Ship Canal Company.

Preamble.

1898, c. 107.
1902, c. 68.
1905, c. 116.

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

1905, c. 116.

1. Chapter 116 of the Statutes of 1905 is repealed.

Limit of time for construction.

Extension of time for construction.

2. The Lake Champlain and St. Lawrence Ship Canal Company may, within three years after the passing of this Act, commence the construction of the canal authorised by chapter 107 of the statutes of 1898, and expend fifty thousand dollars thereon, and may complete the said canal within seven years after the passing of this Act, and if the said canal is not commenced and the said expenditure is not made, or if the said canal is not completed, within the said periods respectively, the powers of construction conferred on the Company by Parliament shall cease and be null and void as respects so much of the said canal as then remains uncompleted.

4th Session, 10th Parliament, 7-8 Edward VII.. 1907-8

THE SENATE OF CANADA.

BILL

SS

An Act respecting The Lake Champlain and St. Lawrence Ship Canal Company.

Received and read a first time,

Wednesday, May 13, 1908.

Second reading,

Friday, May 15, 1908.

Honourable Mr. BELCOURT.

OTTAWA
Printed by S. E. DAWSON
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1907-8.

THE SENATE OF CANADA.

BILL AS PASSED JUNE 4, 1908.

SS.] **BILL.** [1907-8

An Act respecting The Lake Champlain and St. Lawrence Ship Canal Company.

WHEREAS The Lake Champlain and St. Lawrence Ship Canal Company has, by its petition, prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore, His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. 1898, c. 107. 1902, c. 68. 1905, c. 116.

1. Chapter 116 of the Statutes of 1905 is repealed. 1905, c. 116.

Limit of time for construction. Extension of time for construction.

2. The Lake Champlain and St. Lawrence Ship Canal Company may, within three years after the passing of this Act, commence the construction of the canal authorised by chapter 107 of the statutes of 1898, and expend fifty thousand dollars thereon, and may complete the said canal within seven years after the passing of this Act, and if the said canal is not commenced and the said expenditure is not made, or if the said canal is not completed, within the said periods respectively, the powers of construction conferred on the Company by Parliament shall cease and be null and void as respects so much of the said canal as then remains uncompleted.

CORRECTED COPY.

THE SENATE OF CANADA.

TT.] **BILL.** [1907-8

An Act respecting certain patents of The General Chemical Company.

Preamble.

WHEREAS the General Chemical Company of Phillipstown, in the state of New York, one of the United States of America, and Nichols Chemical Company, Limited, of Canada, have by their petition represented that the General Chemical Company is the holder and owner of certain patents issued under the seal of the Patent Office, namely, patent Number 79,480, dated the twenty-fourth day of February, 1903, for improvements in apparatus for the manufacture of sulphuric anhydride; patent Number 79,831, dated the twenty-fourth day of March, 1903, for improvements in methods of making sulphuric anhydride; patent Number 81,136, dated the twenty-sixth day of May, 1903, for improvements in processes of making sulphuric acid, and patent Number 84,903, dated the nineteenth day of January, 1904, for improvements in a process of making sulphuric acid; patent Number 92,803, dated the twenty-fifth day of April, 1905, for improvements in the manufacture of sulphuric anhydride and sulphuric acid and methods and apparatus to be employed therein: And whereas the said companies have prayed that it be enacted as hereinafter set forth and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Patents declared to have continued in force.

1. Notwithstanding anything in chapter 61 of *The Revised Statutes of Canada*, 1886, as amended by chapter 46 of the statutes of 1903, or in *The Patent Act*, chapter 69 of *The Revised Statutes of Canada*, 1906, or in the patents mentioned in the preamble, or any acts of the owners or licensees thereof from time to time, the said patents are declared not to have become null and void and not to have ceased and determined under paragraph (*b*) of section 4 of chapter 46 of the statutes of 1903, or paragraph (*b*) of section 38 of chapter 69 of *The Revised Statutes of Canada*, 1906, but to be valid and subsisting and to be in full force and effect.

R.S.C., 1886, c. 61; 1903, c. 46; R.S., 1906, c. 69.

And to be still in force.

Saving clause as to rights of

2. If within the period between the expiry of one year from the date of each of the said patents and the first day of May,

persons who have commenced manufacture, use and sale.

1908, any person other than any licensee has commenced to manufacture, use and sell in Canada any of the patented inventions covered by any of the said patents respectively, such person may, if heretofore entitled so to do, continue to manufacture, use and sell such invention in as full and ample a manner as if this Act had not been passed: Provided that this exemption shall not extend to any person who, without the consent of the holder of such patent, had commenced the construction and manufacture of, or used or sold, the said invention within the period of one year from the date of such patent.

Proviso.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

THE SENATE OF CANADA.

BILL.

TT

An Act respecting certain patents of The General Chemical Company.

Received and read a first time,

Wednesday, May 13, 1908.

Second reading,

Friday, May 15, 1908.

Honourable Mr. KERR.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

THE SENATE OF CANADA.

BILL AS PASSED MAY 21, 1908.

TT.] [1907-8

An Act respecting certain patents of The General Chemical Company.

Preamble.

WHEREAS the General Chemical Company of Phillipstown, in the state of New York, one of the United States of America, and Nichols Chemical Company, Limited, of Canada, have by their petition represented that the General Chemical Company is the holder and owner of certain patents issued under the seal of the Patent Office, namely, patent Number 79,480, dated the twenty-fourth day of February, 1903, for improvements in apparatus for the manufacture of sulphuric anhydride; patent Number 79,831, dated the twenty-fourth day of March, 1903, for improvements in methods of making sulphuric anhydride; patent Number 81,136, dated the twenty-sixth day of May, 1903, for improvements in processes of making sulphuric acid, and patent Number 84,903, dated the nineteenth day of January, 1904, for improvements in a process of making sulphuric acid; patent Number 92,803, dated the twenty-fifth day of April, 1905, for improvements in the manufacture of sulphuric anhydride and sulphuric acid and methods and apparatus to be employed therein: And whereas the said companies have prayed that it be enacted as hereinafter set forth and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Patents declared to have continued in force.

R.S.C., 1886, c. 61; 1903, c. 46; R.S., 1906, c. 69.

And to be still in force.

1. Notwithstanding anything in chapter 61 of *The Revised Statutes of Canada*, 1886, as amended by chapter 46 of the statutes of 1903, or in *The Patent Act*, chapter 69 of *The Revised Statutes of Canada*, 1906, or in the patents mentioned in the preamble, or any acts of the owners or licensees thereof from time to time, the said patents are declared not to have become null and void and not to have ceased and determined under paragraph (*b*) of section 4 of chapter 46 of the statutes of 1903, or paragraph (*b*) of section 38 of chapter 69 of *The Revised Statutes of Canada*, 1906, but to be valid and subsisting and to be in full force and effect.

Saving clause as to rights of persons who have commenced manufacture, use and sale.

2. If within the period between the expiry of one year from the date of each of the said patents and the first day of May, 1908, any person other than any licensee has commenced to manufacture, use and sell in Canada any of the patented inventions covered by any of the said patents respectively, such person may, if heretofore entitled so to do, continue to manufacture, use and sell such invention in as full and ample a manner as if this Act had not been passed: Provided that this exemption shall not extend to any person who, without the consent of the holder of such patent, had commenced the construction and manufacture of, or used or sold, the said invention within the period of one year from the date of such patent.

Proviso.

THE SENATE OF CANADA.

BILL AS PASSED MAY 19, 1908.

UU.] 1907-8

An Act for the relief of Ada Katurah Stewart Paulding.

Preamble.

WHEREAS Ada Katurah Stewart Paulding, presently residing in the city of Toronto, in the province of Ontario, wife of Frederick William Paulding, of the said city, clerk, has by her petition alleged, in effect, that they were lawfully married on the ninth day of June, A.D. 1906, at the city of New York, in the State of New York, one of the United States of America, she then being Ida Lemay; that the legal domicile of the said Frederick William Paulding was then and is now in Canada; that at the said city of Toronto, in the month of November, A.D. 1907, and for some time previous thereto, he committed adultery with one Hattie Campbell; 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 the said 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 Ada Katurah Stewart Paulding and Frederick William Paulding, 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 Ada Katurah Stewart Paulding may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Frederick William Paulding had not been solemnized.

THE SENATE OF CANADA.

VV.] **BILL.** [1907-8

An Act for the relief of Mary Alexander.

WHEREAS Mary Alexander, presently residing at the city of Toronto, in the province of Ontario, wife of Edward E. Alexander, of the said city, labourer, has by her petition alleged, in effect, that they were lawfully married on the eighteenth day of March, A.D. 1901, at the said city, she then being Mary Mooney, spinster; that the legal domicile of the said Edward E. Alexander was then and is now in Canada; that at the said city of Toronto, on or about the fifteenth day of December, A.D. 1907, he was living in adultery with a certain Mrs. Meadows, and had been so living with and committed adultery with the said person at the said city at divers times before then; 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 Mary Alexander and Edward E. Alexander, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever. Marriage dissolved.

2. The said Mary Alexander may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Edward E. Alexander had not been solemnized. Right to marry again.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

THE SENATE OF CANADA.

BILL.

VV

An Act for the relief of Mary Alexander.

Received and read a first time,

Wednesday, May 13, 1908.

Second reading,

Friday, May 15, 1908.

Honourable Mr. Derbyshire.

OTTAWA
Printed by S. E. Dawson
Printer to the King's most Excellent Majesty
1907-8.

THE SENATE OF CANADA.

BILL AS PASSED MAY 19, 1908.

VV.] [1907-8

An Act for the relief of Mary Alexander.

Preamble.

WHEREAS Mary Alexander, presently residing at the city of Toronto, in the province of Ontario, wife of Edward E. Alexander, of the said city, labourer, has by her petition alleged, in effect, that they were lawfully married on the eighteenth day of March, A.D. 1901, at the said city, she then being Mary Mooney, spinster; that the legal domicile of the said Edward E. Alexander was then and is now in Canada; that at the said city of Toronto, on or about the fifteenth day of December, A.D. 1907, he was living in adultery with a certain Mrs. Meadows, and had been so living with and committed adultery with the said person at the said city at divers times before then; 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 Mary Alexander and Edward E. Alexander, 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 Mary Alexander may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Edward E. Alexander had not been solemnized.

THE SENATE OF CANADA.

WW.] **BILL.** [1907-8

An Act to amend The Canada Temperance 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. 152.

1. Section 117 of *The Canada Temperance Act*, chapter 152 of *The Revised Statutes*, is hereby repealed and the following substituted therefor:— New s. 117.

"**117.** From the day on which this part comes into force and takes effect in any county or city, and for so long thereafter as, and while the same continues or is in force therein, no person shall, except as in this Part specially provided, by himself, his clerk, servant or agent,— Prohibition of dealings with liquor where Part II is in force.

"(*a*) expose or keep for sale, within such county or city, any intoxicating liquor; or, Offering for sale.

"(*b*) directly or indirectly on any pretense or upon any device, within any such county or city, sell or barter, or, in consideration of the purchase of any other property, give to any other person any intoxicating liquor; or, Sale, barter, gift.

"(*c*) send, ship, bring or carry or cause to be sent, shipped, brought, or carried to or into any such county or city, any intoxicating liquor; or, Sending and bringing.

"(*d*) deliver to any consignee or other person, or store, warehouse, or keep for delivery, any intoxicating liquor so sent, shipped, brought or carried. Delivery.

"2. Paragraphs (*c*) and (*d*) of this section shall not apply to any intoxicating liquor sent, shipped, brought or carried to any person or persons for his or their personal or family use, except it be so sent, shipped, brought or carried to be paid for in such county or city to the person delivering the same, his clerk, servant, or agent, or his master or principal, if the person delivering it is himself a servant or agent. Exceptions.

"3. No act done in violation of the provisions of this section shall be rendered lawful by reason of,— Certain licenses not to avail as against provisions of this Act.

"(*a*) any license issued to any distiller or brewer; or

"(*b*) any license for retailing on board any steamboat or other vessel, brandy, rum, whiskey, or other spirituous liquors, wine, ale, beer, porter, cider, or other vinous or fermented liquors; or,

"(*c*) any license for retailing on board any steamboat or other vessel, wine, ale, beer, porter, cider or other vinous or spirituous liquors; or,

"(*d*) any license of any other description whatsoever."

New s. 127.

2. Section 127 of the said Act is hereby repealed and the following substituted therefor:—

Penalty for violation of Part II.

"**127.** Everyone who by himself, his clerk, servant or agent, in violation of Part II of this Act,—

"(*a*) exposes or keeps for sale, any intoxicating liquor; or,

"(*b*) directly or indirectly, on any pretense, or by any device, sells or barters, or in consideration of the purchase of any other property, gives to any other person any intoxicating liquor; or,

"(*c*) sends, ships, brings or carries, or causes to be sent, shipped, brought or carried to or into any county or city any intoxicating liquor; or,

"(*d*) delivers to any consignee or other person, or stores, warehouses, or keeps for delivery any intoxicating liquor so sent, shipped, brought or carried;

shall, on summary conviction, be liable to a penalty for the first offence of not less than fifty dollars or imprisonment for a term not exceeding one month, with or without hard labour, and for a second offence, to a penalty of not less than one hundred dollars, or imprisonment for a term not exceeding two months with or without hard labour, and for a third and every subsequent offence, to imprisonment for a term not exceeding four months, with or without hard labour.

or more than one hundred dollars

Punishment of accessory.

"2. Every one who, in violation of Part II of this Act, in the employment or on the premises of another,—

"(*a*) so exposes or keeps for sale any intoxicating liquor; or,

"(*b*) so sells, barters or gives any intoxicating liquor; or,

"(*c*) so sends, ships, brings or carries or causes to be sent, shipped, brought or carried any intoxicating liquor; or,

"(*d*) so delivers, stores, warehouses, or keeps any intoxicating liquor;

is equally guilty with the principal and shall on summary conviction be liable to the same penalty or punishment as the principal.

Forfeiture of intoxicant and package.

"3. All intoxicating liquors with respect to which any such offence has been committed, and all kegs, barrels, cases, bottles, packages or receptacles of any kind, in which such liquors are contained, shall be forfeited.

Where prosecution may be brought.

"4. Prosecutions for any offence under paragraph (*c*) of subsection 1 of this section, or under paragraph (*c*) of subsection 2 of this section, may be brought and carried on and a conviction had in the city, town, or other municipality, from which any intoxicating liquor is sent, shipped, brought or carried as aforesaid, or in the city, town or other municipality to, or into which, such intoxicating liquor is so sent, shipped, brought or carried."

3. Section 136 of the said Act is hereby repealed and the following substituted therefor:— New s. 136.

"**136.** If it is proved upon oath before any judge or the sessions of the peace, recorder, police magistrate, stipendiary magistrate, two justices of the peace, or any magistrate having the power or authority of two or more justices of the peace, that there is reasonable cause to suspect that any intoxicating liquor is kept for sale in violation of Part II of this Act, or of *The Temperance Act of* 1864, or is stored, warehoused, or kept for delivery, in violation of Part II of this Act, in any dwelling house, store, shop, warehouse, outhouse, garden, yard, croft, vessel, building, or other place or places, such officer may grant a warrant to search in the daytime such dwelling house, store, shop, warehouse, outhouse, garden, yard, croft, vessel, building, or other place or places, for such intoxicating liquor, and if the same or any part thereof is there found, to bring the same before him. Issue of search-warrant.

2. Any information under this section may be in form "Q" and any search warrant under this section may be in form "R." Form of information and of search-warrant.

4. Forms "Q" and "R" in the Schedule to the said Act are hereby repealed and the following substituted therefor:— New Forms Q. and R.

FORM "Q."

Information to obtain a search warrant.

CANADA,
Province of
District (or County, *or as the case may be*) of

The information of K. L. of in the said district (*or* county *or as the case may be*) of (yeoman) taken this day of in the year of Our Lord before me W. S. Esquire, one of His Majesty's Justices of the Peace in and for the said district (*or* county *or as the case may be*) of who saith that he hath just and reasonable cause to suspect and doth suspect that intoxicating liquor is kept for sale (*or* is stored *or* is warehoused *or* is kept for delivery) in violation of Part II of *The Canada Temperance Act*, in the (dwellinghouse, etc.) of P. Q. of in the said district (*or* county *or as the case may be*) (*here add the cause of suspicion.*)

Wherefore he prays that a search warrant may be granted him to search the (dwellinghouse, etc.) of the said P. Q. as aforesaid for the said intoxicating liquor.

Sworn (*or* affirmed) on the day and year first abovementioned at in the said district (*or* county *or as the case may be*) of before me.

K. L. (Signature) W. S.

A justice of the peace in and for the said

FORM "R."

Form of Search Warrant.

CANADA,
Province of
District (*or* county, *or as the case may be*) of

To all or any of the constables or other peace officers in the district (*or* county *or as the case may be*) of .

Whereas K. L. of in the said district (*or* county *or as the case may be*) of (yeoman) hath this day made oath before the undersigned one of His Majesty's Justices of the Peace in and for the said district (*or* county *or as the case may be*) of that he hath just and reasonable cause to suspect and doth suspect that intoxicating liquor is kept for sale (*or* is stored *or* is warehoused *or* is kept for delivery) in violation of Part II of *The Canada Temperance Act*, in the (dwellinghouse, etc.) of one P. Q. of in the said district (*or* county *or as the case may be*) of :

These are therefore, in the name of Our Sovereign Lord the King, to authorize and require you, and each and every of you, with necessary and proper assistance, to enter in the day time into the said (dwellinghouse, etc.) of the said P. Q. and there diligently search for the said intoxicating liquor; and if the same, or any part thereof, shall be found upon such search, that you bring the intoxicating liquor so found, and also all barrels, cases, boxes, packages, and other receptacles of any kind whatever containing the same before me to be disposed of and dealt with according to law.

Given under my hand and seal at in the said district (*or* county *or* united counties *or as the case may be*) of this day of in the year of Our Lord.

(Seal) W. S.

A justice of the peace in and for the said

Construction of this Act as to effect.

5. This Act shall have and take effect from the passing thereof in every county and city in which Part II of *The Canada Temperance Act* is then in force, in the same manner and to the same extent as if it had formed a part of the said Act when Part II of the said Act was brought in force in such county or city.

4th Session, 10th Parliament, 7-8 Edward VII.

THE SENATE OF CANADA

BILL.

WW

An Act to amend The Canada Temperance Act.

Received and read a first time,
Wednesday, May 13, 1908.
Second reading,
Friday, May 15, 1908.

Honourable Mr. McGr

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Ma
1907-8

THE SENATE OF CANADA.

BILL AS PASSED JUNE 12, 1908.

WW.] [1907-8

An Act to amend The Canada Temperance 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. 152.

1. Section 117 of *The Canada Temperance Act*, chapter 152 of *The Revised Statutes*, is hereby repealed and the following substituted therefor:— New s. 117.

"**117.** From the day on which this Part comes into force and takes effect in any county or city, and for so long thereafter as, and while the same continues or is in force therein, no person shall, except as in this Part specially provided, by himself, his clerk, servant or agent,— Prohibition of dealings with liquor where Part II is in force.

"(*a*) expose or keep for sale, within such county or city, any intoxicating liquor; or, Offering for sale.

"(*b*) directly or indirectly on any pretense or upon any device, within any such county or city, sell or barter, or, in consideration of the purchase of any other property, give to any other person any intoxicating liquor; or, Sale, barter, gift.

"(*c*) send, ship, bring or carry or cause to be sent, shipped, brought, or carried to or into any such county or city, any intoxicating liquor; or, Sending and bringing.

"(*d*) deliver to any consignee or other person, or store, warehouse, or keep for delivery, any intoxicating liquor so sent, shipped, brought or carried. Delivery.

"2. Paragraphs (*c*) and (*d*) of subsection 1 of this section shall not apply to any intoxicating liquor sent, shipped, brought or carried to any person or persons for his or their personal or family use, except it be so sent, shipped, brought or carried to be paid for in such county or city to the person delivering the same, his clerk, servant, or agent, or his master or principal, if the person delivering it is himself a servant or agent. Exceptions.

"3. No act done in violation of the provisions of this section shall be rendered lawful by reason of,— Certain licenses not to avail as against provisions of this Act.

"(*a*) any license issued to any distiller or brewer; or

"(*b*) any license for retailing on board any steamboat or other vessel, brandy, rum, whiskey, or other spirit-

uous liquors, wine, ale, beer, porter, cider, or other vinous or fermented liquors; or,

"(*c*) any license for retailing on board any steamboat or other vessel, wine, ale, beer, porter, cider or other vinous or formented liquors, but not brandy, rum, whiskey or other spirituous liquors; or,

"(*d*) any license of any other description whatsoever."

New s. 127.

2. Section 127 of the said Act is hereby repealed and the following substituted therefor:—

Penalty for violation of Part II.

"**127.** Everyone who by himself, his clerk, servant or agent, in violation of Part II of this Act,—

"(*a*) exposes or keeps for sale, any intoxicating liquor; or,

"(*b*) directly or indirectly, on any pretense, or by any device, sells or barters, or in consideration of the purchase of any other property, gives to any other person any intoxicating liquor; or,

"(*c*) sends, ships, brings or carries, or causes to be sent, shipped, brought or carried to or into any county or city any intoxicating liquor; or,

"(*d*) delivers to any consignee or other person, or stores, warehouses, or keeps for delivery any intoxicating liquor so sent, shipped, brought or carried;

shall, on summary conviction, be liable to a penalty for the first offence of not less than fifty dollars or imprisonment for a term not exceeding one month, with or without hard labour, and for a second offence, to a penalty of not less than one hundred dollars, or imprisonment for a term not exceeding two months with or without hard labour, and for a third and every subsequent offence, to imprisonment for a term not exceeding four months, with or without hard labour.

Punishment of accessory.

"2. Every one who, in violation of Part II of this Act, in the employment or on the premises of another,—

"(*a*) so exposes or keeps for sale any intoxicating liquor; or,

"(*b*) so sells, barters or gives any intoxicating liquor; or,

"(*c*) so sends, ships, brings or carries or causes to be sent, shipped, brought or carried any intoxicating liquor; or,

"(*d*) so delivers, stores, warehouses, or keeps any intoxicating liquor;

is equally guilty with the principal and shall on summary conviction be liable to the same penalty or punishment as the principal.

Forfeiture of intoxicant and package.

"3. All intoxicating liquors with respect to which any such offence has been committed, and all kegs, barrels, cases, bottles, packages or receptacles of any kind, in which such liquors are contained, shall be forfeited.

Where prosecution may be brought.

"4. Prosecutions for any offence under paragraph (*c*) of subsection 1 of this section, or under paragraph (*c*) of subsection 2 of this section, may be brought and carried on and a

conviction had in the city, town, or other municipality, from which any intoxicating liquor is sent, shipped, brought or carried as aforesaid, or in the city, town or other municipality to, or into which, such intoxicating liquor is so sent, shipped, brought or carried."

3. Section 136 of the said Act is hereby repealed and the following substituted therefor:— New s. 136.

"**136.** If it is proved upon oath before any judge or the sessions of the peace, recorder, police magistrate, stipendiary magistrate, two justices of the peace, or any magistrate having the power or authority of two or more justices of the peace, that there is reasonable cause to suspect that any intoxicating liquor is kept for sale in violation of Part II of this Act, or of *The Temperance Act of* 1864, or is stored, warehoused, or kept for delivery, in violation of Part II of this Act, in any dwelling house, store, shop, warehouse, outhouse, garden, yard, croft, vessel, building, or other place or places, such officer may grant a warrant to search in the daytime such dwelling house, store, shop, warehouse, outhouse, garden, yard, croft, vessel, building, or other place or places, for such intoxicating liquor, and if the same or any part thereof is there found, to bring the same before him. Issue of search-warrant.

2. Any information under this section may be in form "Q" and any search warrant under this section may be in form "R." Form of information and of search-warrant.

4. Forms "Q" and "R" in the Schedule to the said Act are hereby repealed and the following substituted therefor:— New Forms Q. and R.

FORM "Q."

Information to obtain a search warrant.

CANADA,
Province of
District (or County, *or as the case may be*) of

The information of K. L. of in the said district (*or* county *or as the case may be*) of (yeoman) taken this day of in the year of Our Lord before me W. S. Esquire, one of His Majesty's Justices of the Peace in and for the said district (*or* county *or as the case may be*) of who saith that he hath just and reasonable cause to suspect and doth suspect that intoxicating liquor is kept for sale (*or* is stored *or* is warehoused *or* is kept for delivery) in violation of Part II of *The Canada Temperance Act*, in the (dwellinghouse, etc.) of P. Q. of in the said district (*or* county *or as the case may be*) (*here add the cause of suspicion.*)

Wherefore he prays that a search warrant may be granted him to search the (dwellinghouse, etc.) of the said P. Q. as aforesaid for the said intoxicating liquor.

Sworn (*or* affirmed) on the day and year first abovementioned at in the said district (*or* county *or as the case may be*) of before me.

K. L. (Signature) W. S.

A justice of the peace in and for the said

FORM "R."

Form of Search Warrant.

CANADA,
Province of
District (*or* county, *or as the case may be*) of

To all or any of the constables or other peace officers in the district (*or* county *or as the case may be*) of .

Whereas K. L. of in the said district (*or* county *or as the case may be*) of (yeoman) hath this day made oath before the undersigned one of His Majesty's Justices of the Peace in and for the said district (*or* county *or as the case may be*) of that he hath just and reasonable cause to suspect and doth suspect that intoxicating liquor is kept for sale (*or* is stored *or* is warehoused *or* is kept for delivery) in violation of Part II of *The Canada Temperance Act*, in the (dwellinghouse, etc.) of one P. Q. of in the said district (*or* county *or as the case may be*) of :

These are therefore, in the name of Our Sovereign Lord the King, to authorize and require you, and each and every of you, with necessary and proper assistance, to enter in the day time into the said (dwellinghouse, etc.) of the said P. Q. and there diligently search for the said intoxicating liquor; and if the same, or any part thereof, shall be found upon such search, that you bring the intoxicating liquor so found, and also all barrels, cases, boxes, packages, and other receptacles of any kind whatever containing the same before me to be disposed of and dealt with according to law.

Given under my hand and seal at in the said district (*or* county *or* united counties *or as the case may be*) of this day of in the year of Our Lord.

(Seal) W. S.
A justice of the peace in and for the said

5. This Act shall have and take effect from the passing thereof in every county and city in which Part II of *The Canada Temperance Act* is then in force, in the same manner and to the same extent as if it had formed a part of the said Act when Part II of the said Act was brought in force in such county or city: Provided always that offences against the foregoing amendments, if committed before the passing of this Act, shall not be considered violations of Part II of *The Canada Temperance Act.*

Construction of this Act as to effect.

THE SENATE OF CANADA.

XX.] **BILL.** [1907-8

An Act to incorporate Traders' Life Insurance 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. T. Herbert Wark, Keith C. Balfour, Samuel A. Grant, Charles M. Hill, and George H. Rennie, all of the city of Toronto, in the province of Ontario, together with such other persons as become shareholders in the Company, are hereby incorporated under the name of "Traders' Life Insurance Company," hereinafter called the "Company."

Corporate name.

Provisional directors.

2. The persons named in section 1 of this Act, together with such persons, not exceeding nine, as they associate with them, shall be the provisional directors of the Company, a majority of whom shall be a quorum, and they may forthwith open stock books, employ brokers or agents to procure subscriptions of stock in the Company upon such terms as may be reasonable or expedient, make calls on stock alloted by them, and receive payments thereon, and shall deposit in a chartered bank in Canada all moneys received by them on account of the Company, and shall withdraw the same for the purposes only of the Company, all cheques to be signed by at least two of such provisional directors, and may do generally what is necessary to organize the Company.

Powers.

Capital stock.

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

Head office.

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

Local boards.

2. The directors may, from time to time, establish local advisory boards or agencies, either in Canada or elsewhere.

Election of shareholders' directors.

5. As soon as two hundred and fifty thousand dollars of the capital stock of the Company have been subscribed, and ten per cent of the amount paid into some chartered bank in Canada, the provisional directors may call a general meeting of the

shareholders of the Company at some place to be named in the city of Toronto, at which meeting the shareholders present or represented by proxy, who have paid not less than ten per cent on the amount of shares subscribed for by them, shall elect not more than nine directors hereinafter called "shareholders' directors."

Qualification.

2. No person shall be a shareholders' director unless he holds in his own name and for his own use at least fifty shares of the capital stock of the Company, and has paid all calls due thereon, and all liabilities incurred by him to the Company.

Policy-holders' directors.

3. In addition to the shareholders' directors, there shall be elected by the policy holders at the first annual meeting after the commencement of business, and at each subsequent annual meeting, six directors, hereinafter called "policyholders'-directors," if there be policy-holders qualified as hereinafter mentioned and willing to act as such directors; but no shareholder shall be eligible as a policy-holders' director.

Qualification.

4. A participating policy-holder who is a male of the age of twenty-one years, whose policy or policies in force on his own life amount to five thousand dollars or upwards, exclusive of bonus additions or profits, and who has paid all premiums then due thereon, shall be eligible for election as a policy-holders' director.

Quorum.

5. At all meetings of the directors, a majority thereof shall be a quorum for the transaction of business.

President and Vice-Presidents.

6. The directors shall elect from among themselves a president of the Company and one or more vice-presidents.

Calls on stock.

7. The shares of the capital stock subscribed for shall be paid in such instalments and at such times and places as the directors appoint; the first instalment shall not exceed twenty-five per cent, and no subsequent instalment shall exceed ten per cent, and not less than thirty days notice of any call shall be given.

Commencing business.

8. The Company shall not commence the business of insurance until sixty-two thousand five hundred dollars of the capital stock have been paid in cash into the funds of the Company, to be appropriated only for the purposes of the Company under this Act; provided that the amount so paid in by any shareholder shall not be less than ten per cent of the amount subscribed by such shareholder.

Annual meeting.

9. A general meeting of the Company shall be called once in every year after the organization of the Company and commencement of business at its head office, and at such meeting a statement of affairs of the Company shall be submitted

Notice of annual meeting.

10. Notice of the annual meeting shall be given by publication in two issues of *The Canada Gazette* at least fifteen days prior thereto, and also in six consecutive issues of a daily newspaper published at the place where the head office of the Company is situate, and such notice shall intimate that participating policy-holders may, in accordance with the provisions of this Act, vote for and elect six directors.

11. At all general meetings of the Company, each shareholder present or represented by proxy, who has paid all calls due upon his shares in the capital stock of the Company, shall have one vote for each share held by him. Every proxy must be himself a shareholder entitled to vote. Voting.

12. The Company may effect contracts of life insurance with any persons, and may grant, sell or purchase life annuities, grant endowments depending on the contingency of human life, and generally carry on the business of life insurance in all its branches and forms. Proxies. Business of Company.

13. The Company may acquire and dispose of any real property required in part or wholly for the use and accommodation of the Company; but the annual value of such property held in any province of Canada, shall not exceed five thousand dollars, except in the province of Ontario, where it shall not exceed ten thousand dollars. Real property.

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

15. All persons who are actual holders of policies from the Company on their own lives for one thousand dollars or upwards, whether such persons are shareholders of the Company or not, and who are by the terms of their policies entitled to participate in profits, and are referred to in this Act as holders of participating policies, shall be members of the Company and shall be entitled to attend and vote in person or by proxy at all general meetings of the Company, and every holder of a participating policy of the Company for a sum not less than one thousand dollars shall be entitled to one vote for each one thousand dollars in his policy; but policy-holders, as such, shall not be entitled to vote for the election of shareholders' directors. Participating policy-holders.

2. A person holding a participating policy of one thousand dollars and upwards on his life, whether for the benefit of himself, or of others, shall be deemed a member of the Company.

16. Whenever any holder of a policy other than a term or natural premium policy has paid three or more annual premiums thereon and fails to pay any further premium or desires to surrender the policy, the premiums paid shall not be forfeited Paid-up policies issued in certain cases.

but he shall be entitled to receive a paid-up and commuted policy for such sum as the directiors ascertain and determine, or to be paid in cash such sum as the directors fix as the surrender value of the policy, such sum in either case to be ascertained upon principles to be adopted by by-law applicable generally to all such cases as may occur; Provided that if such paid up and commuted policy or such cash payment is not demanded while such original policy is in force, or within twelve months after default has been made in payment of a premium thereon, the Company shall, without any demand therefor, either issue such paid-up or commuted policy, or pay to or place to the credit of the policy-holder such cash surrender value.

Loans to shareholders or policy-holders. R.S., c. 34.

17. The Company may make loans to its shareholders or policy-holders, not being shareholders' directors, on the securities mentioned in *The Insurance Act*.

Application of Insurance Acts.

Conflicting provisions.

18. This Act and the Company hereby incorporated, and the exercise of the powers hereby conferred, shall be subject to the provisions of *The Insurance Act*, and of any general Act relating to insurance passed during the present session of Parliament; and in any respect in which this Act is inconsistent with those Acts, the latter shall prevail.

R.S., c. 79.

R.S., c. 34.

19. Notwithstanding anything therein, Part II of *The Companies Act*, except sections 125, 141, 165 and 168 thereof, shall apply to the Company in so far as the said Act is not inconsistent with any of the provisions of *The Insurance Act*, or of any general Act relating to insurance passed during the present session of Parliament, or of this Act.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

THE SENATE OF CANADA.

BILL.

XX

An Act to incorporate Traders' Life Insurance Company.

Received and read a first time,

Wednesday, May 13, 1908.

Second reading,

Friday, May 15, 1908.

Honourable Mr. JAFFRAY

OTTAWA

Printed by S. E. DAWSON

Printer to the King's most Excellent Majesty

1907-8

THE SENATE OF CANADA.

YY]. **BILL.** [1907-8

An Act respecting The Crown Life Insurance Company.

WHEREAS The Crown Life Insurance Company has by its petition prayed that it may be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Preamble. 1900, c. 97.

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

1. The Directors of The Crown Life Insurance Company, hereinafter called "The Company" may at any time, after being duly authorized by a resolution approved by the votes of shareholders representing at least two-thirds of all the subscribed stock of the Company at a special general meeting duly called for considering such resolution, pass a by-law,— Power to approve of a certain agreement to cancel stocks, etc.

(*a*) approving of the agreement hereinafter mentioned;

(*b*) for cancelling so much of the subscribed stock or shares of the Company as is provided in the said agreement;

(*c*) for writing off the paid up capital stock of the Company, or off any share thereof so much thereof as is provided in the said agreement, and for subdividing shares so far as is necessary to give effect to such cancellation and writing off.

2. Such by-law may declare the par value of the shares as so reduced and the number of shares so cancelled and written off and the number of shares and subdivided shares remaining uncancelled, and the amount paid up thereon. Contents of by-law.

3. In the subdivision of any share the proportion between the amount which is paid and the amount which is unpaid on each subdividend share shall be the same as it was in the case of the existing share so subdivided. As to subdivision of shares.

4. The subscribed capital stock shall be reduced by the amount so cancelled which amount shall be available for subscription and issue at or over par as if such stock had not been previously subscribed or issued. Reduced capital stock.

Confirmation of a certain agreement.

5. Upon the approval of the said resolution as aforesaid (as to which the certificate of the chairman of the shareholders' meeting hereinbefore mentioned shall be sufficient evidence) and upon the filing in the office of the Secretary of State of Canada a copy of an agreement bearing date the twenty-second day of April, 1908, made between The Crown Life Insurance Company and H. S. Strathy, of the city of Toronto, Canada, banker, acting in his own behalf and as a trustee for others, with a certificate, endorsed thereon or attached thereto, signed by the president and the secretary and stamped with the seal of the Company, certifying such copy to be a true copy, the said agreement shall be and is hereby confirmed and made valid, and shall in all courts and places be taken and held 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 Act. The certificate of the chairman aforesaid shall also be filed in the office of the Secretary of State of Canada, and copies thereof and of the said agreement certified by the Secretary of State shall be sufficient evidence in all courts and places of the approval of the said resolution as aforesaid and of the said agreement and of all the terms thereof.

6. The Company may, upon the said resolution being approved as aforesaid, and the said copy of the said agreement being filed as aforesaid, do all such acts, matters and things as are requisite or necessary to carry into effect the terms and provisions of the said agreement; and the board of directors of the Company may likewise, upon the said resolution being approved and the said copy of the said agreement being filed as aforesaid, do all such acts, matters and things as are requisite or necessary to carry into effect the terms and provisions of the said agreement, and pursuant thereto to pass all by-laws and resolutions necessary to that end, without the same being submitted to the vote of the shareholders of the Company.

Loans to shareholders. R.S., c. 34.

7. The Company may make loans to such of its shareholders and policyholders as are not directors on the securities mentioned in *The Insurance Act*.

4th Session, 10th Parliament, 7-8 Edward VII., 190

THE SENATE OF CANADA.

BILL.

Y

An Act respecting The Crown Life Insurance Company.

Received and read a first time,
Thursday, May 14, 1908.
Second reading,
Tuesday, May 19, 1908.

Honourable Mr. LOUGHEED

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

THE SENATE OF CANADA.

BILL AS PASSED MAY 22, 1908.

YY.] [1907-8

An Act respecting The Crown Life Insurance Company.

Preamble
1900, c. 97

WHEREAS The Crown Life Insurance Company has by its 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:—

Power to approve of a certain agreement to cancel stocks etc.

1. The Directors of The Crown Life Insurance Company, hereinafter called "The Company" may at any time, after being duly authorized by a resolution approved by the votes of shareholders, present or represented by proxy, representing at least two-thirds of the whole amount which has been paid upon the subscribed stock of the Company at a special general meeting duly called for considering such resolution, pass a by-law,—

(*a*) approving of the agreement hereinafter mentioned;

(*b*) for cancelling so much of the subscribed stock or shares of the Company as is provided in the said agreement;

(*c*) for writing off the paid up capital stock of the Company, or off any share thereof so much thereof as is provided in the said agreement, and for subdividing shares so far as is necessary to give effect to such cancellation and writing off.

Contents of by-law.

2. Such by-law may declare the par value of the shares as so reduced and the number of shares so cancelled and written off and the number of shares and subdivided shares remaining uncancelled, and the amount paid up thereon.

As to subdivision of shares.

3. In the subdivision of any share the proportion between the amount which is paid and the amount which is unpaid on each subdivided share shall be the same as it was in the case of the existing share so subdivided.

Reduced capital stock

4. The subscribed capital stock shall be reduced by the amount so cancelled which amount shall be available for sub-

scription and issue at or over par as if such stock had not been previously subscribed or issued.

Confirmation of a certain agreement.

5. Upon the approval of the said resolution as aforesaid, as to which the certificate of the chairman of the shareholders' meeting hereinbefore mentioned shall be sufficient evidence, the agreement set forth in the schedule to this Act shall be and is hereby confirmed and made valid, and shall in all courts and places be taken and held to be legal, valid and binding in all respects whatsoever. The certificate of the chairman aforesaid shall also be filed in the office of the Secretary of State of Canada, and copies thereof and of the said agreement certified by the Secretary of State shall be sufficient evidence in all courts and places of the approval of the said resolution as aforesaid and of the said agreement and of all the terms thereof.

6. The Company may, upon the said resolution being approved as aforesaid, and upon the three thousand shares referred to in the said agreement having been subscribed, and upon the sum of eighteen thousand seven hundred and fifty dollars having been paid thereon in addition to the seventy-five thousand dollars already deposited under the said agreement, do all such acts, matters and things as are requisite or necessary to carry into effect the terms and provisions of the said agreement; and the board of directors of the Company may likewise, upon the said resolution being approved, do all such acts, matters and things as are requisite or necessary to carry into effect the terms and provisions of the said agreement, and pursuant thereto to pass all by-laws and resolutions necessary to that end, without the same being submitted to the vote of the shareholders of the Company.

Loans to shareholders. R.S., c. 34.

7. The Company may make loans to such of its shareholders and policyholders as are not directors on the securities mentioned in *The Insurance Act.*

SCHEDULE.

Memorandum of agreement made this twenty-second day of April, A.D. one thousand nine hundred and eight, between The Crown Life Insurance Company, hereinafter called the "Company," of the first part, and H. S. Strathy, of the city of Toronto, Canada, banker, acting in his own behalf and as a trustee for others, hereinafter called the "Purchaser," of the second part.

Whereas the capital of the Company in the conduct of its business has become impaired, and it is deemed desirable in the interests of the Company that the impairment of capital should be restored.

And whereas the Company has represented to the Purchaser that the total amount of the shares in the capital stock of the Company which have been issued or allotted and now outstanding is five thousand five hundred and sixty-four (5,564) shares.

And whereas the Company has agreed as a condition precedent to the going into effect of this agreement that the present share capital of the Company shall be reduced by one-half, namely, to not more than two thousand seven hundred and eighty-two (2,782) shares, and that the necessary steps and proceedings shall be forthwith taken by the Company to effect the said reduction in the number of the shares, and that application shall forthwith be made to the Parliament of Canada for an Act sanctioning the said reduction upon terms and conditions satisfactory to the Purchaser.

And whereas the Purchaser in the event of the premises being carried into effect as aforesaid has agreed to subscribe for three thousand (3,000) shares of the Company, to be issued and allotted to the Purchaser or to his nominees, who shall be acceptable to the president of the Company upon the further terms and conditions hereinafter mentioned, and has further agreed to pay to the Company the sum of seventy-five thousand dollars ($75,000) which shall not in any case or under any circumstances constitute a liability against the policyholders of the Company, but shall be regarded as a liability only against the interests of the shareholders thereof, and shall not be repayable except out of surplus profits which may hereafter be earned by the Company upon the terms and conditions hereinafter mentioned.

Now this agreement witnesseth that in consideration of the premises and of the mutual covenants and agreements hereinafter contained, the parties hereto do hereby mutually covenant, promise and agree to and with each other as follows, that is to say:

1. The Company agrees to reduce its capital stock, which consists of not more than five thousand five hundred and sixty-four (5,564) shares, by one-half, namely, to not more than two thousand seven hundred and eighty-two (2,782) shares, and to procure the passing of an Act of the Parliament of Canada confirming and sanctioning or authorizing the shareholders of the Company to confirm and sanction the said reduction upon such terms and conditions as shall be satisfactory to the Purchaser and approved of by him, which approval shall be expressed by the Purchaser approving of the terms of the draft Bill to be submitted to the Parliament of Canada for enactment, and of the terms of all by-laws to be submitted to the shareholders of the Company for confirmation pursuant to the proposed Act.

2. The Purchaser agrees upon the reduction of the capital stock as aforesaid and the passing of the said Act of the Parliament of Canada sanctioning and confirming the said reduction, or if the said Act authorizes the shareholders to sanction and

confirm the said reduction then upon their doing so, to subscribe for three thousand (3,000) shares of the capital stock of the Company and to pay thereon eighteen thousand seven hundred and fifty dollars ($18,750), and the Company agrees upon the seventy-five thousand dollars ($75,000) becoming the property of the Company under clause 8 hereof to issue and allot to the Purchaser or to his nominees who shall be acceptable to the president of the Company, the said three thousand (3,000) shares upon the said sum of eighteen thousand seven hundred and fifty dollars ($18,750) being paid to the Company on account thereof.

3. Upon the issue and allotment of the said three thousand (3,000) shares as aforesaid, the Purchaser further agrees that the seventy-five thousand dollars ($75,000) to be paid under clause 8 shall be applied in restoring any impairment of the capital stock of the Company, which said sum is not to be a present liability of the Company, and the repayment thereof to the Purchaser shall not become a future liability of the Company and no repayment thereof shall be made unless and until the Company is able to repay the same or to make repayments on account thereof out of future net profits derived from the business of the Company in the non-participating policies of insurance issued by the Company and out of ten per cent of the net profits derived from the business of the Company in the participating policies of insurance issued by the Company; it being distinctly understood and agreed that the ninety per cent of the portion of profits referred to in the eleventh section of the Act incorporating the Company and set apart as therein mentioned shall in no case be liable for or charged with the re-payment of the said sum of seventy-five thousand dollars ($75,000) or any part thereof, or of any interest thereon.

4. The Company agrees that from time to time as it may hereafter be able out of profits as aforesaid, and in priority to all existing claims of shareholders, it will repay the said sum of seventy-five thousand dollars ($75,000) in instalments of not less than ten thousand dollars ($10,000) until the said sum is wholly repaid to the Purchaser or to the parties entitled thereto, and that in the meantime and until so paid in full the Company will pay to the Purchaser or to the parties entitled thereto from time to time, as it hereafter may be able out of profits as aforesaid, interest at the rate of seven per cent per annum.

5. Notwithstanding anything contained in the next preceding clause 4 hereof, dividends shall, before applying the said profits in repayment of the said sum of seventy-five thousand dollars ($75,000) as provided in said clause 4 hereof, and next in priority to payment of interest on said sum of seventy-five thousand dollars ($75,000) be paid to shareholders out of profits as aforesaid to the extent of six per cent (6%) per annum, or with the consent of the Purchaser to any greater amount, but any dividends so paid shall be wholly without prejudice to any of the rights of the Purchaser under this agreement, and his right to

repayment of the said sum of seventy-five thousand dollars ($75,000) as aforesaid shall be deemed to be suspended and postponed only so long as payment is made of dividends to shareholders of the Company and to the amount thereof as provided by this clause.

6. The parties agree that neither the said sum of seventy-five thousand dollars ($75,000) nor any part thereof, nor interest thereon, nor any part thereof, shall be payable to the Purchaser or to his nominees or shall be a claim or charge upon the Company or any of its assets unless the capital of the Company is wholly unimpaired and until the Company has earned net profits as aforesaid sufficient to pay interest dividends or instalments of principal as aforesaid, and no call shall hereafter be made for the purpose of paying nor shall any call be applied to pay the said seventy-five thousand dollars ($75,000) or any part thereof or interest thereon.

7. The Purchaser shall have the option of applying any payments, either of principal or interest which may become payable to him under clause 4 hereof, rateably upon the shares standing in his name or in the name of his nominees; and any dividends payable to shareholders of the Company from time to time shall be computed and paid upon the paid-up portion of the shares held by the respective shareholders.

8. The Purchaser agrees upon the execution of this agreement to pay seventy-five thousand dollars ($75,000) into a chartered bank to the credit of the Company, upon condition that the said sum shall remain on deposit to the credit of the Company not to be withdrawn until the said Act of the Parliament of Canada has gone into effect and all proper by-laws of the Company for carrying into full effect the terms and provisions of this agreement have been duly passed and confirmed and the provisions of this agreement carried into effect, and thereupon the said sum of seventy-five thousand dollars ($75,000) upon the issuance and allotment of the said three thousand (3,000) shares to the Purchaser or his nominees shall become the property of the Company, but should these conditions not be fulfilled within one year from the date thereof, the said sum of seventy-five thousand dollars ($75,000) shall be returned to the Purchaser, with any interest that may in the meantime be earned thereon and payable by the bank with which the said deposit shall have been made.

9. The Company agrees that forthwith upon the issue and allotment of the said three thousand (3,000) shares to the Purchaser or to his nominees, a majority of the seats at the Board of Directors of the Company shall be at the disposal of the Purchaser and that any resignations of Directors necessary to this end shall be placed in the hands of the General Manager or Secretary of the Company.

10. The Company agrees that upon the approval of this agreement the Purchaser shall be permitted to examine the

books and accounts and policies and assets of the Company by an accountant or an insurance expert to be agreed upon by the parties hereto whose examination shall be confidential, and the result of which shall be communicated only to the directors of the Company and to the Purchaser and to his nominees, who shall not disclose any information so communicated unless and until this agreement shall have gone into effect, provided always that if the result of the said examination is unsatisfactory to the Purchaser, this agreement be cancelled and void.

11. The Company agrees not to issue or allot any shares of the Company's capital stock after the execution of this agreement before the issue and allotment of the said three thousand (3,000) shares to the Purchaser and his nominees, if the same is to be made and before the Purchaser and his associates have been duly elected directors of the Company.

12. Provided always and notwithstanding anything hereinbefore contained the parties hereto agree that in case the Company shall hereafter with the consent of two-thirds of the then shareholders of the Company decide not to carry on business in its own name or with the like consent shall agree to sell or otherwise dispose of its assets or undertaking to any person or Company, then or in the event of any call being made on the stock the Purchaser and the parties then entitled to repayment of the said sum of seventy-five thousand dollars ($75,000) out of profits as aforesaid, or so much thereof as may not have been repaid out of profits as aforesaid, shall at their option be entitled to apply any part of the said sum of seventy-five thousand dollars ($75,000) with interest to date, remaining unpaid, on account of any balance remaining unpaid on the shares held by him and them respectively in the Company.

13. The Purchaser agrees that in the event of any part of the premium on the reduced stock being hereafter called up the purchaser or the then holders of the three thousand (3,000) shares will pay to the Company in respect to the said three thousand (3,000) shares the same amount per share as is so called up as premium on the reduced stock, which amount shall belong to the Company and shall not be credited upon the amount unpaid upon the said three thousand (3,000) shares.

14. The amount heretofore paid upon each of the shares (including the amount paid upon the premium thereon) of the Company remaining after the number of shares outstanding and the paid up capital with premium thereon have been reduced by one-half as aforesaid, shall be and remain the same on such remaining shares as now exists thereon, it being understood that the total amount thereof shall not exceed one-half of the amount now paid in on account of capital and premium on all the outstanding shares; and if any share is sub-divided for the purpose of reduction of capital, the amount so paid up thereon shall be reduced in proportion to such subdivision.

15. The directors may reissue any portion of the stock cancelled or reduced as aforesaid at par to the shareholders and may sell any of the said shares not taken up by the shareholders.

16. Wherever the word "Purchaser" occurs or is referred to in this agreement it shall be construed to mean the Purchaser and any person or persons who may be nominated by him or claim through him or any of them.

In witness whereof the parties hereto have duly executed these presents.

Signed, Sealed and Delivered in the presence of

WILLIAM WALLACE.

THE CROWN LIFE INSURANCE COMPANY.

[SEAL]

(The Crown Life Insurance Company)
D. TISDALE,
President.

A. H. SELWYN MARKS,
Secretary.

As to execution by H. S. Strathy:
C. S. MACINNES.

H. S. STRATHY, [SEAL].

THE SENATE OF CANADA.

BILL AS PASSED JUNE 11, 1908.

ZZ.] [1907-8

An Act to amend The Manitoba Grain Act.

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

1. This Act may be cited as *The Manitoba Grain Inspection Act*, 1908. Short title.

2. Chapter 83 of the Revised Statutes of Canada, 1906, intituled: "*An Act respecting the Grain Trade in the Inspection District of Manitoba,*" is by this Act amended in the manner hereinafter set forth. R.S., c. 83, amended.

3. The following paragraphs are added to section 2 as paragraphs (*i*), (*j*) and (*k*) thereof:— S. 2 amended. Definitions.

"(*i*) "eastern transfer elevator" means any elevator east of Fort William and Port Arthur which receives western grain for storage or re-shipment and which does that business for a compensation. "Eastern transfer elevator."

"(*j*) 'grain' means grain as defined in section 48 of *The Inspection and Sale Act*, that is to say, all kinds and varieties of grain the inspection of which is provided for by Part II of that Act. "Grain." R.S., c. 85.

"(*k*) 'western grain' means grain grown in the Manitoba inspection division." "Western grain."

4. Section 3 is repealed and the following substituted therefor:— New s. 3.

"**3.** This Act applies to the Manitoba Inspection Division, which consists of,— Application of Act.

(*a*) The provinces of Manitoba, Saskatchewan, Alberta and British Columbia; Inspection District of Manitoba.

(*b*) The Northwest Territories;

(*c*) That portion of the province of Ontario lying west of and including the existing district of Port Arthur;

and also applies to eastern transfer elevators in so far as respects dealing with western grain." Eastern transfer elevators.

5. Sections 10 to 16, both inclusive, are hereby repealed. ss. 10–16 repealed. Weighmasters.

New heading.

6. The heading "Terminal Elevators and Warehouses," between sections 16 and 17, is struck out and the heading "Public Terminal Elevators, Eastern Transfer Elevators, and Warehouses," is substituted therefor.

S. 16A added.

7. The following section is inserted, immediately before section 17, as section 16A:—

Interpretation.

"**16A.** In the following sections of this Act, from section 17 to section 44, both inclusive, unless the context otherwise requires,—

(*a*) "public terminal elevator" or "terminal elevator" includes "eastern transfer elevator";

(*b*) "terminal warehouse" includes "eastern transfer warehouse;"

(*c*) "public terminal warehouseman" or "terminal warehouseman" includes "eastern transfer warehouseman;"

(*d*) "grain" means "western grain."

S. 18 amended. Bond of licensee.

8. Section 18 is amended by adding at the end thereof the words "the amount of which shall not exceed the above maximum."

New s. 19.

9. Section 19 is repealed and the following substituted therefor:—

No discrimination.

"**19.** No discrimination shall be made between persons desiring to avail themselves of warehouse facilities.

What grain to be received in Manitoba Inspection Division.

"2. Every public terminal elevator warehouseman in the Manitoba Inspection Division shall receive for storage any grain tendered to him in a dry and suitable condition for warehousing, in the usual manner in which terminal elevators are accustomed to receive grain in the ordinary and usual course of business.

Inspection and grading thereof.

"3. Grain so received shall in all cases be inspected and graded by a duly authorized inspector and shall be stored with grain of a similar grade.

Weighing and cleaning.

"4. All grain billed to any public terminal elevator within the Manitoba Inspection Division shall not leave that inspection division without being officially weighed, but shall not be cleaned unless by the consent of the shipper.

What grain to be received by eastern transfer elevators.

"5. Every eastern transfer elevator warehouseman shall receive for storage western grain tendered him through the ordinary channels of transportation, in the usual manner in which eastern transfer elevators are accustomed to receive grain in the ordinary and usual course of business, and in such parcels or lots as are shipped.

Record to be kept.

"6. Every eastern transfer elevator warehouseman shall keep a true and correct record of each parcel or lot of grain received by him, noting the name of the boat and number of the hold from which taken, or the number of the car, the billed weight, the actual weight as weighed in by him and shortage or

overage, the number of the bin in which stored, and in case of a transfer in the elevator the number of the bin to which transferred, the date of shipment out of elevator with the number of car or name of boat and number of hold; and in all cases where a certificate of grade accompanies a lot or parcel of grain the identity of such certificate with the lot or parcel of grain shall be preserved. He shall keep a correct record of the name of the shipper, the party to be advised of the shipment and the consignee.

Preservation of identity of grain.

"7. The identity of each parcel or lot of western grain shipped to an eastern transfer elevator shall be preserved, except that different parcels or lots of the same grains may be binned together when there is not sufficient space in the elevator to keep the parcels or lots separate.

Grades not to be mixed.

"8. In no case, whether in a public terminal elevator in the Manitoba Inspection Division or in an eastern transfer elevator, shall grain of different grades be mixed together while in store.

Duty to clean grain.

"9. Every public terminal warehouseman in the Manitoba Inspection Division, shall clean all grain received by him on which the inspector has set dockage for cleaning, except all rejected grades, which shall be cleaned only upon the request of the owner.

Allowance for screenings.

"10. Every public terminal warehouseman in the Manitoba Inspection Division shall pay or make allowance to the owner for all domestic grain of a commercial value in screenings on all cars graded by the inspector clean to clean for domestic grain, as set forth in section 135 of *The Inspection and Sale Act* as amended by chapter of the statutes of 1908, to the quantity assessed by the inspector.

Insurance of grain.

"11. Every public terminal warehouseman in the Manitoba Inspection Division shall insure against fire, with companies satisfactory to the Commissioner, all grain received, handled or stored by him."

S. 20 amended. Warehouse receipts.

10. Section 20 is amended by substituting for the words "railway shipping receipt," in the third line thereof, the words "shipping receipt, or bill of lading, or both, as the case may be."

New s. 29.

11. Section 29 is repealed and the following substituted therefor:—

Statement of business done by elevator.

"**29.** The owner, lessee, or manager of every public terminal elevator shall furnish, at such times and in such form and manner as the Commissioner prescribes, a statement, in writing and verified by the signature and statutory declaration of the owner, lessee or manager,—

(*a*) in the case of a public terminal elevator in the Manitoba Inspection Division, as to the condition and management of so much of the business of such owner, lessee or manager as relates to such elevator; or,

(*b*) in the case of an eastern transfer elevator, as to the amount, condition and management of the business done in western grain by the elevator."

S. 30 amended. Weekly statement.

12. In the fourth line of section 30, after the word "warehouse" the following words are inserted:— "and of the total amount of fire insurance thereon."

S. 31 amended. Schedule of rates.

13. In section 31, for the words "and handling," in the fourth line thereof, the words "handling and fire insurance" are substituted.

S. 32 amended. No discrimination to be made.

14. In section 32, for the words "or handling of grain," in the third line thereof, the words "handling or fire insurance of grain," are substituted.

S. 33 amended. Maximum rates.

15. In section 33, for the words "cleaning and handling of grain," in the first line thereof, the words "cleaning, handling and fire insurance of grain" are substituted.

New s. 35.

16. Section 35 is repealed and the following substituted therefor:—

Proceedings when grain deteriorates.

"**35.** In case a terminal warehouseman in the Manitoba inspection division considers that any portion of the grain in his elevator is out of condition or becoming so, he shall immediately consult the resident official grain inspector, or, in the absence of the inspector, his authorized deputy. The inspector or his deputy shall examine the grain in question, and, if he finds it to be out of condition or becoming so, and if he is of opinion that by re-elevating the grain it can be brought back into condition or its further deterioration can be prevented, he may order the warehouseman to re-elevate it for such purpose. The re-elevation shall be at the expense of the owner of the grain.

To whom notice is to be given. Terminal elevator.

"2. If it is found, after such examination, that the condition of the grain is such that its further deterioration cannot be prevented by re-elevation, or if after re-elevation it is still out of condition, the warehouseman shall immediately give notice of the facts to the Commissioner and to the owner, if the owner's address is known.

To whom notice is to be given. Eastern transfer elevator.

"3. In case an eastern transfer warehouseman considers that any portion of the western grain in his elevator is out of condition or becoming so, he shall immediately give notice of the facts both to the shipper of the grain and the party to be advised, and to any other interested party indicated upon the bill of lading or railway shipping receipt.

How notice to be given.

"4. In both cases the notice shall be given by registered letter and a telegram of advice shall also be sent.

Public notice.

"5. In both cases public notice of the facts shall be given in the following manner,—

In elevator.

(*a*) by posting the notice in the elevator; and—

(*b*) by posting the notice in the Grain Exchange at Winnipeg, and, as regards grain in an eastern transfer elevator, also in the Grain Exchange at Toronto and the Grain Exchange at Montreal; and

In grain exchange.

(*c*) by advertising the notice in each of the following places, in a daily newspaper printed and published at the place, namely, at—

Advertisement.

(i) Winnipeg;

(ii) the place where the elevator is situated, if there be such a newspaper there;

(iii) and, as regards grain in an eastern transfer elevator, also in Toronto and in Montreal.

"6. The notice by registered letter and the public notice shall state the following particulars:—

Particulars of notice.

(*a*) the actual condition of the grain as nearly as can be ascertained;

Condition.

(*b*) the quantity, kind and grade of the grain;

Quantity, etc.

(*c*) the elevator in which the grain is stored;

Elevator.

(*d*) the outstanding warehouse receipts, if any, upon which the grain will be delivered, stating the number and date of each receipt and, except as to grain previously declared or receipted for as being out of condition, the quantity, kind and grade of the grain covered by each receipt; or

Warehouse receipts.

(*e*) if warehouse receipts have not been issued, then—

When no warehouse receipts.

(i) the name of the person for whom the grain was stored;

(ii) the date when the grain was received;

(iii) the identification of the grain, which shall embrace therein as nearly as may be as great a quantity as is contained in the bin in which the grain is stored;

(iv) as regards grain in an eastern transfer elevator, the particulars of the bills of lading or railway shipping receipts;

"7. The telegram of advice shall state at least the particulars mentioned in paragraphs (*a*), (*b*) and (*c*) of subsection 6 of this section, and that a letter has been mailed giving further particulars.

Contents of telegram.

17. Section 36 is repealed and the following substituted therefor:—

New s. 36.

"**36.** Upon request of the owner or other person entitled to delivery of the grain so found to be out of condition, and upon the return and cancellation of the warehouse receipts therefor, or the surrender of the original shipping receipts or bills of lading, duly endorsed, and upon payment of charges, the grain shall be delivered to the party entitled thereto.

Delivery of deteriorated grain.

18. Section 38 is repealed and the following substituted therefor:—

New s. 38.

"**38.** When the grain so declared out of condition has not been removed from store by the owner thereof within one

Power to warehouseman to sell deteriorated grain.

month from the date of the notice of its being out of condition, if the warehouseman in whose elevator the grain is stored has given public notice as by this section required, such warehouseman may sell the grain at the expense and for the account of the owner.

Owner liable for deficiency of proceeds.

"2. If the proceeds of such sale are not sufficient to satisfy all charges accrued against the grain, the owner shall be liable to the warehouseman for any such deficiency.

Notice of sale.

"3. Public notice of the intended sale shall be given as follows:—

(*a*) In all cases, by advertisement in a newspaper printed and published at the place where the elevator is situated, if there be such newspaper;

(*b*) When the elevator is situated in the Manitoba Inspection Division, by advertisement in a newspaper printed and published at Winnipeg, and by posting the notice in the Grain Exchange at Winnipeg; or

(*c*) When the elevator is an eastern transfer elevator, by advertisement in newspapers printed and published at Winnipeg, Toronto and Montreal respectively, and by posting the notice in the Grain Exchange at Toronto and the Grain Exchange at Montreal."

New s. 40.

19. Section 40 is repealed and the following substituted therefor:—

Delivery of special binned grain.

"**40.** Nothing contained in sections 34 to 39 of this Act, both inclusive, nor in sections 43 and 44 of this Act, shall be so construed as to permit any warehouseman to deliver any grain, stored in a special bin or by itself, to anyone but the owner of the lot."

S. 43 amended.

Limitation of liability.

20. In the second line of section 43 the words "by fire or for any damage" are struck out.

S. 51 amended.

Duties of warehouseman.

21. The following paragraph is added to section 51 as paragraph (*e*) thereof:—

"(*e*) at the time of delivery of any grain at his elevator or warehouse issue, in the form prescribed by the schedule to this Act, to the person delivering the grain either a cash purchase ticket, warehouse storage receipt, or storage receipt for special binned grain, dated the day the grain was received, for each individual load, lot or parcel of grain delivered at such elevator or warehouse.

S. 54 amended.

Provision for failure to redeem cash purchase ticket.

22. The following subsection is added to section 54 as subsection 4 thereof:—

"4. In every case where grain has been delivered at any public country elevator or warehouse, and a cash purchase ticket issued therefor to the person from whom such grain was received by the warehouseman, and should his paying agent

within twenty-four hours after demand by the holder, provided such demand be made during twenty-four hours after the issue of the purchase ticket, neglect or refuse to redeem such cash purchase ticket, the said holder may at once, upon surrender of such cash ticket, demand in exchange therefor a warehouse storage receipt bearing same date and place of issue, and for similar grade and net weight of grain as was shown on the cash purchase ticket aforesaid. Upon return of the said cash purchase ticket to the warehouseman, he shall at once issue in exchange therefor to the holder a warehouse storage receipt of same grade and quantity of grain as shown on the face of said surrendered cash purchase ticket."

S. 56 amended.

23. The following is added to subsection 1 of section 56:—

"In the case only of grain in special bin, should the storage receipts and lawful charges against the grain not be delivered or paid at the time of the billing of the car, the elevator operator may hold the bill of lading until the owner has surrendered the storage receipts therefor and paid all lawful storage charges due thereon: Provided that it shall be an offence under this Act for the elevator operator to sell or dispose of such bill of lading without the consent of the owner of the grain, the bill of lading to be made out in all cases in the name of the owner of the grain shipped."

S. 61 amended.

24. The following subsections are added to section 61 as subsections 2, 3 and 4 thereof:—

Storage special bins.

"2. In every case where grain is stored in any public country elevator or warehouse in a special bin the warehouseman shall draw a fair and proper sample, in the presence of the person delivering the grain, out of each hopper load as delivered, and such sample shall be properly preserved in a suitable receptacle, which shall be numbered and sealed, until after such special binned grain has been shipped and inspected, and the owner thereof has notified the warehouseman that he is satisfied the identity of the grain has been preserved.

Sample to be preserved.

Provision and custody of receptacle for sample.

"3. The receptacle shall be provided by the warehouseman, and the sample shall be placed therein in the presence of the owner. The receptacle shall be secured by a padlock which the owner of the grain shall provide, and the key of which he shall retain. The warehouseman shall be the custodian of the receptacle and sample.

Use of sample to ascertain identity of grain.

"4. In case after the shipment has been inspected the owner is of the opinion that the identity of the grain has not been preserved, he shall notify the warehouseman in writing of the fact and both parties thereupon shall forward the sample, sealed, charges prepaid, to the Commissioner, who shall submit the sample to the chief inspector to be compared with the shipment. The decision given by the chief inspector in such cases shall be final and binding on both parties."

New s. 65.

25. Section 65 is repealed and the following substituted therefor:—

Sample of grain may be transmitted to Chief Inspector

"**65.** In case there is a disagreement between the purchaser or the person in the immediate charge of receiving the grain at such country elevator or warehouse and the person delivering the grain to such elevator or warehouse for sale, storage or shipment at the time of such delivery as to the proper grade or dockage for dirt or otherwise, except as to condition, on any lot of grain delivered, a fair and proper sample shall be drawn in the presence of the person delivering the grain out of each hopper load as delivered, and at least three quarts from samples so taken shall be forwarded in a suitable sack properly tied and sealed, express charges prepaid, to the chief inspector of grain, and shall be accompanied by the request in writing of either or both of the parties aforesaid, that the chief inspector will examine the sample and report on the grade and dockage the said grain is in his opinion entitled to and would receive if shipped to the terminal points and subjected to official inspection."

New s. 66.

26. Section 66 is repealed and the following substituted therefor:—

Duty of Chief Inspector.

"**66.** It shall be the duty of the chief inspector, as soon as practicable, to examine and inspect such sample or samples of grain and to adjudge the proper grade and dockage to which it is, in his judgment, entitled, and which grain of like quality and character would receive if shipped to the terminal points in carload lots and subjected to official inspection."

New s. 67.

27. Section 67 is repealed and the following substituted therefor:—

Finding by Chief Inspector.

"**67.** As soon as the chief inspector has so examined, inspected and adjudged the grade and dockage he shall make out in writing a statement of his judgment and finding and shall transmit a copy thereof by mail to each of the parties to the disagreement, preserving the original together with the sample on file in his office.

"2. The judgment and finding of the chief inspector on all or any of the said matters shall be conclusive.

Payment to and final settlement with farmer.

"3. Where the disagreement as to the grade and dockage arises on the sale of the wheat by a farmer to such country elevator or warehouse, the farmer shall be paid on the basis of grade and dockage offered him by the elevator or warehouse, but the final settlement shall be made on the basis of grade and dockage given by the chief inspector."

Section 68 amended.

28. The following subsection is added to section 68 as subsection 3 thereof:—

Notice to owner.

"3. Upon receipt of such complaint the Commissioner shall notify the owner of the country elevator or warehouse and furnish him with a copy of the complaint, and the date and place of holding the investigation."

29. Section 69 is repealed and the following substituted therefor:— New s. 69.

"**69.** In case the Commissioner finds the complaint and charge therein contained, or any part thereof, true, he shall give his decision in writing and shall at once serve a copy of such decision upon the person offending and against whom the such complaint was made and also serve a copy upon the owner of such country elevator or country warehouse; and the Commissioner shall direct such owner to make proper redress to the person injured, and to discharge the offending operator, who shall not be engaged as manager or assistant in any public country elevator for the period of one year from such discharge. Upon the failure of such owner to give such proper redress and discharge such operator the Commissioner shall cancel the license of the country elevator or warehouse. In case any other country elevator or warehouse employs an operator so discharged within the said period of one year the Commissioner shall order the dismissal of such operator, and in case of refusal to comply with the request of the Commissioner in this regard the Commissioner shall cancel the license of the said country elevator or warehouse. Decision of Commissioner. Punishment of offender.

"2. Every one who, being a grain dealer or a member of a firm dealing in grain or an authorized agent of any such dealer or firm, influences, or attempts to influence, in any manner, either by letter, circular or otherwise, any manager of any public country elevator to give unjust weights for or to take unjust dockage from any grain being received into such elevator, is guilty of an offence and liable, on summary conviction, to a penalty not exceeding five hundred dollars and not less than one hundred dollars." Influencing manager to give unjust weight or take unjust dockage. Penalty.

30. Section 70 is repealed and the following substiutted therefor:— New s. 70.

"**70.** When ordered by the Commissioner, any person operating a public country elevator or warehouse under this Act shall, immediately after the end of each month in which the elevator or warehouse shall have been operated, furnish in writing to the Commissioner, a return or statement showing:— Statement as to grain handled.

(*a*) The amount of grain on hand in the elevator at the commencement of such month, and the total amount of warehouse receipts at that time outstanding in respect of the said grain.

(*b*) The total amount of warehouse receipts issued during such month, the total amount of warehouse receipts surrendered by the holders thereof during such month, and the total amount of warehouse receipts outstanding at the close of such month.

(*c*) The amount of grain received and stored in the elevator or warehouse during such month.

(*d*) The amount of grain delivered or shipped from the elevator or warehouse during such month.

(*e*) The amount of grain on hand in the elevator or warehouse at the expiration of such month.

"2. The foregoing particulars shall, in each case, specify the kind of grain and grade, and the amounts of each such kind and grade.

"3. Such statement shall be accompanied by a declaration of the person operating such country elevator or warehouse, verifying the correctness of the statement according to the best of his judgment and belief and alleging that the statement is correct according to the books kept by him and that such books have been correctly kept to the best of his judgment and belief and what books have been kept by him during such month.

"4. Such statement and declaration shall be open for inspection, in the office of the Commissioner during business hours, by any person upon payment of a fee of fifty cents.

"5. Any person without reasonable justification making a false statement or declaration as aforesaid, shall, on conviction upon indictment, be liable to a penalty of not less than fifty dollars, nor more than one thousand dollars, and, in default of payment, to imprisonment for not less than one month, nor more than one year. In every case, the onus of establishing reasonable justification shall be upon the person making such false statement or declaration.

"6. In the case of a firm or corporation operating a country elevator or warehouse, the statement and declaration may be made by any person purporting to have knowledge of the facts and the declaration shall include an allegation that he has knowledge of the facts and shall state the source of his knowledge.

"7. Any person required by this section to furnish such statement or declaration and failing to do so within three days after receipt of written notice to him from the Commissioner, shall be liable to forfeiture of license.

"8. Upon written request of any farmer to the Commissioner a copy of such statement shall be mailed to him from any elevator to which he has delivered grain."

S. 88 amended. Car-order-book. Form.

31. The following subsections are added to section 88 as subsections 2, 3, 4 and 5 thereof:—

"2. The car-order-book shall be in the form shown in form E in the Schedule to this Act.

Ordering of cars at flag-stations and sidings.

"3. In the case of a flag-station where grain is shipped or of a siding where grain is shipped, the Commissioner may require the railway company to provide a suitable person at that flag-station or that siding, from the fifteenth day of September to the fifteenth day of January following, to receive and deal with applications for cars for the shipment of grain from that flag-station or that siding; and such person shall be deemed to be the railway agent referred to in sections 88 to 99, both inclusive, of this Act.

"4. If the railway company furnish the Commissioner with a sworn statement, showing to his satisfaction that during the previous year less than fifty thousand bushels of grain were shipped from a flag-station or from a siding, subsection 3 of this section shall not apply to that flag-station or that siding. Exception where less than certain quantity of grain has been shipped in previous year.

"5. Every railway company which fails to comply with any requirement made by the Commissioner under subsection 3 of this section, is guilty of an offence and liable, on summary conviction, to a penalty not exceeding one thousand dollars and not less than five hundred dollars. Penalty on railway company for non-compliance.

"6. Every railway company shall supply car-order-books at all stations, flag stations and sidings where they are to be kept under this Act." Supply of car-order books.

32. Section 89 is repealed and the following substituted therefor:— New s. 89.

"**89.** An applicant may order a car or cars according to his requirements, of any of the standard sizes in use by the railway company, and in case he requires to order any special standard size of car shall have such size stated by the station agent in the car order book, and the railway company shall furnish the size ordered to such applicant in his turn as soon as a car of such specified capacity can be furnished by the railway company at the point on the siding designated by the applicant in the car order book. In the event of the railway company furnishing a car or cars at any station and such car or cars not being of the size required by the applicant first entitled thereto, such applicant shall not lose his priority but shall be entitled to the first car of the size designated which can be delivered at such station at such applicant's disposal as aforesaid." Application for cars.

33. Section 90 is hereby repealed and the following substituted therefor:— New s. 90.

"**90.** The applicant or his agent duly appointed in writing shall furnish to the railway agent the name of the applicant and the section, township and range in which the applicant resides, or other sufficient designation of his residence, for insertion in the car-order-book; and each car order shall be consecutively numbered in the car-order-book by the railway agent, who shall fill in with ink all particulars of the application except the applicant's signature, which shall be signed by the applicant or his agent duly appointed in writing. Orders for cars.

"2. An agent of the applicant shall be a resident in the vicinity of the shipping point, and if the car order is signed by the agent of the applicant the appointment shall be deposited with the railway agent."

34. Subsection 2 of section 92 is amended by substituting for the words "by writing the word *Cancelled* in the remarks column of the car-order-book" the words "by writing in ink S. 92 amended. Cancellation of car order.

across the face thereof, the word 'Cancelled' and his signature, and shall fill in thereon the date of cancellation."

S. 93 amended. Entries in order book to be in ink.

35. Section 93 is amended by inserting, after the word "enter" in the second line of subsection 1 thereof and in the first line of subsection 2 thereof, the words "in ink;" and by striking out of subsection 1 thereof the paragraph lettered (*b*).

S. 95.

36. Section 95 is repealed.

SS. 99A and 99B added.

37. The following sections are inserted, immediately after section 99, as sections 99A and 99B respectively:—

Equitable distribution of cars during car shortage.

"**99A.** The Commissioner shall have power in his discretion during a car shortage to direct the railroads to make an equitable distribution of empty grain cars to all stations in proportion to the amount of grain available for shipment from such stations.

Special powers to Commissioner to order supply of cars.

Powers.

"**99B.** The Commissioner shall have power in his discretion to order cars to be supplied, contrary to the provisions of this Act, to elevators that are in danger of collapse, or in cases where the operator of any country elevator or warehouse reports in writing under oath that some portion of the grain in his elevator or warehouse is heated, and that in order to preserve the same it is necessary to ship such heated grain to the terminal elevator for treatment: Provided, however, that no relief shall be granted in such last mentioned cases as long as the warehouseman has plenty of room in his building for the re-handling of such grain.

Report.

"2. Upon granting relief as aforesaid the Commissioner shall submit a report of the facts thereof in each case to the Minister."

New s. 107.

38. Section 107 is repealed and the following substituted therefor:—

Report and statement of sale by commission merchant.

"**107.** Whenever any grain commission merchant sells all or a portion of any grain consigned to him to be sold on commission, he shall within twenty-four hours of such sale report such sale to the consignor, and shall render to the consignor a true statement of such sale showing—

(*a*) what portion of the consignment has been sold;
(*b*) the price received therefor;
(*c*) the date when each sale was made;
(*d*) the name or names of the purchaser;
(*e*) the grade;
(*f*) the amount of advance;
(*g*) the terms and delivery of sale.

Form.

"2. The said report and statement shall be in the form F. in the schedule to this Act, and shall be signed by the grain commission merchant or by his duly appointed agent, and there shall be attached thereto vouchers for all charges and expenses paid or incurred."

39. The following subsection is added to section 110 as subsection 2 thereof:— S. 110 amended.

"2. Every person who buys grain on track in carload lots, shall keep a true and correct account in writing in proper books of all grain bought by him in such carload lots, and shall deliver to the vendor of each such carload lot of grain a grain purchase note, retaining himself a duplicate thereof; which note shall bear on its face the license season, the license number of such track buyer's license, the date and place of purchase, the name and address of such track buyer, the name and address of the vendor, the initial letter and number of the car purchased, the approximate number of bushels and kind of grain contained therein, and the purchase price per bushel in store at Fort William, Port Arthur or other destination; such grain purchase note shall also express upon its face an acknowledgement of the receipt of the bill of lading issued by the railway company for such carload shipment, the amount of cash paid to the vendor in advance as part payment on account of such car lot purchase, also that the full balance of the purchase money shall be paid to the vendor immediately the purchaser shall have received the grade and weight certificates and the railway expense bill. Every such grain purchase note shall be signed by the track buyer or his duly appointed agent, and the vendor shall endorse his acceptance of the terms of the sale thereon as well as his receipt for payment of the money advanced him on account of such carload lot sale." Duties of track-buyer.

40. The following is inserted, under the heading "General Provisions" and immediately before section 112, as section 111A:— S. 111A added.

"**111A.** No person or corporation, or their agent, operating a public country elevator or warehouse, shall enter into any contract, agreement, understanding or combination with any other such person, corporation, or their agent, for the pooling or division of earnings or receipts of such public country elevators or warehouses, or divide with any other such person or corporation, or their agent, the gross or net earnings or receipts of such public country elevators or warehouses or any portion thereof. Pooling of country elevators prohibited.

2. The contravention of any provision of this section shall be an offence against this Act punishable, on summary conviction, by a fine not exceeding one thousand dollars and not less than five hundred dollars, for each offence. Penalty.

41. The following section is inserted immediately after section 118, as section 118A:— S. 118A added.

"**118A.** Every railway company shall place painted lines inside of each of its cars used for the carriage of grain, indicating the height to which the various kinds of grain can be loaded therein, and no car shall be loaded with any kind of grain above Loading lines for grain to be marked inside cars.

Statement as to loading.

its appropriate line. The person loading any such car shall state in the bill of lading, prior to its being signed by the agent of the railway company, that the car is loaded to or below such line, and such agent before signing the bill, shall verify such statement. The bill of lading so signed shall be *prima facie* evidence of the loading, and no charges for loading in excess of the quantity so limited shall lie against such car. No railway company that fails to equip any car as aforesaid shall collect any charges for the transportation of grain in said car above the regular tariff rates for carload lots.

Charges.

2. The contravention of any requirement of this section shall be an offence against this Act."

S. 125. Penalty on unlicensed warehouseman.

42. Section 125 is amended by inserting, in the third line thereof, after the words "public terminal warehouseman" the words "or of an eastern transfer warehouseman."

SS. 133, 134 repealed. New s. 133. Offences in connection with applications for cars.

43. Sections 133 and 134 are repealed, and the following is substituted therefor as section 133:—

"**133.** Every one who,—

(*a*) transfers or sells his right to any car allotted to him for shipping grain, or to be allotted to him for shipping grain; or,

(*b*) purchases, takes over or accepts any assignment or transfer of the right of any applicant entitled to a car for shipping grain; or,

(*c*) loads any such car which has not been allotted to him by the station agent, or out of his turn loads such car; or

(*d*) not being the agent, duly authorized in writing, of an applicant for a car for shipping grain, obtains the placing of a name on the car order book as the name of an applicant for a car for shipping grain;

Penalty.

is guilty of an offence and liable, on summary conviction, to a penalty not exceeding one hundred and fifty dollars and not less than twenty-five dollars.

Disposal of penalty.

2. One-half of any penalty imposed under this section, with full costs, shall be paid to the person who informed and prosecuted for the same, and the other half thereof shall be paid into The Manitoba Grain Inspection Fund."

Schedule. New Forms.

44. The Schedule to the said Act is amended by adding thereto the following as Forms E, F and G:—

E.

CAR-ORDER-BOOK.

..... Railway Company.

ORIGINAL. CAR ORDER.

Date.....

Time.....

Order No.....

.....Station.

To be placed at.....

Capacity of car.....

Destination.....

Date when supplied.....

Date when cancelled.....

Date when loaded.....

No. car supplied.....

I hereby declare by myself or agent appointed in writing that at time of making this order I am the actual owner of a car lot of grain for shipment.

Applicant's signature. .....

Applicant's residence.

(Agent's signature).....

Agent's residence).....

..... Railway Company.

RECEIPT. CAR ORDER.

Date.....

Time.....

Order No.....

.....Station.

To be placed at.....

Capacity of car.....

Destination.....

Date when supplied.....

Date when cancelled.....

Date when loaded.....

No. car supplied.....

I hereby acknowledge receipt of this order.

(Station agent's signature).....

.....

F.

NOTICE OF SALE BY COMMISSION MERCHANT.

No.....

License year 190 .–190 .

License No.....

.....

LICENSED GRAIN COMMISSION MERCHANTS.

To ....190 .
(*Name of consignor.*) (*Date.*)

.....
(*Address of consignor.*)

We advise the following sale made for your account to-day:

Sold to	Quantity.	Grade.	Price.	Amount of Advances.	Terms.	Delivery.

Yours truly,

.....

G.

TRACK BUYER'S PURCHASE NOTE.

License No.....

.....Station.....190 .

.....

.....

.....

.....

I have this day bought from.....initial letter.....

car No.....containing.....bushels.....(more or less)

at..... cents per bushel basis.....in store Fort William or Port Arthur, weight and grade guaranteed by seller.

Receipt of bill of lading for same property endorsed by the consignee is hereby acknowledged.

I have made an advance to Mr.....
I have issued an order to paying agent to advance Mr.....$....on this car, the balance to be paid by .....
.....immediately upon receipt of weight and grade certificates and railway expense bill.

The spread between grades is to be governed by that existing on day of inspection, and this rule shall also apply to commercial grades.

REMARKS.....

.....

.....Buyer.

Accepted, also received payment of advance, $.....

.....
Seller.

Bill sent down from the Senate, and reprinted as amended by the House of Commons in Committee of the Whole.

[*Amendments are between square brackets.*]

ZZ.] [1907-8

An Act to amend The Manitoba Grain Act.

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

1. This Act may be cited as *The Manitoba Grain Inspection Act*, 1908. Short title.

2. Chapter 83 of the Revised Statutes of Canada, 1906, intituled: "*An Act respecting the Grain Trade in the Inspection District of Manitoba,*" is by this Act amended in the manner hereinafter set forth. R.S., c. 83, amended.

[**2A.** Paragraph (*h*) of section 2 is repealed and the following is substituted therefor:—

(*h*) "public terminal elevator" includes every elevator located at any point declared by the Minister to be a terminal; and "terminal elevator" in the provisions of this Act relating to terminal elevators and warehouses, includes a warehouse.]

3. The following paragraphs are added to section 2 as paragraphs (*i*), (*j*) and (*k*) thereof:— S. 2 amended. Definitions.

"(*i*) "eastern transfer elevator" means any elevator east of Fort William and Port Arthur which receives western grain for storage or re-shipment and which does that business for a compensation. "Eastern transfer elevator."

"(*j*) 'grain' means grain as defined in section 48 of *The Inspection and Sale Act*, that is to say, all kinds and varieties of grain the inspection of which is provided for by Part II of that Act. "Grain." R.S., c. 85.

"(*k*) 'western grain' means grain grown in the Manitoba inspection division." "Western grain."

4. Section 3 is repealed and the following substituted therefor:— New s. 3.

"**3.** This Act applies to the Manitoba Inspection Division, which consists of,— Application of Act.

(*a*) The provinces of Manitoba, Saskatchewan, Alberta and British Columbia; Inspection District of Manitoba.

(*b*) The Northwest Territories;

(*c*) That portion of the province of Ontario lying west of and including the existing district of Port Arthur;

Eastern transfer elevators.

and also applies to eastern transfer elevators in so far as respects dealing with western grain."

ss. 10–16 repealed. Weigh-masters.

5. Sections 10 to 16, both inclusive, are hereby repealed.

New heading.

6. The heading "Terminal Elevators and Warehouses," between sections 16 and 17, is struck out and the heading "Public Terminal Elevators, Eastern Transfer Elevators, and Warehouses," is substituted therefor.

S. 16A added.

7. The following section is inserted, immediately before section 17, as section 16A:—

Interpretation.

"**16A.** In the following sections of this Act, from section 17 to section 44, both inclusive, unless the context otherwise requires,—

(*a*) "public terminal elevator" or "terminal elevator" includes "eastern transfer elevator";

(*b*) "terminal warehouse" includes "eastern transfer warehouse;"

(*c*) "public terminal warehouseman" or "terminal warehouseman" includes "eastern transfer warehouseman;"

(*d*) "grain" means "western grain."

S. 18 amended. Bond of licensee.

8. Section 18 is amended by adding at the end thereof the words "the amount of which shall not exceed the above maximum."

New s. 19.

9. Section 19 is repealed and the following substituted therefor:—

No discrimination.

"**19.** No discrimination shall be made between persons desiring to avail themselves of warehouse facilities.

What grain to be received in Manitoba Inspection Division.

"2. Every public terminal elevator warehouseman in the Manitoba Inspection Division shall receive for storage any grain tendered to him in a dry and suitable condition for warehousing, in the usual manner in which terminal elevators are accustomed to receive grain in the ordinary and usual course of business.

Inspection and grading thereof.

"3. Grain so received shall in all cases be inspected and graded by a duly authorized inspector and shall be stored with grain of a similar grade.

[4. No grain shall leave a public terminal point without being officially weighed, unless the owner or his agent orders otherwise.]

"5. Every eastern transfer elevator warehouseman shall receive for storage western grain tendered him through the ordinary channels of transportation, in the usual manner in which eastern transfer elevators are accustomed to receive grain in the ordinary and usual course of business, and in such parcels or lots as are shipped. What grain to be received by eastern transfer elevators.

"6. Every eastern transfer elevator warehouseman shall keep a true and correct record of each parcel or lot of grain received by him, noting the name of the boat and number of the hold from which taken, or the number of the car, the billed weight, the actual weight as weighed in by him and shortage or overage, the number of the bin in which stored, and in case of a transfer in the elevator the number of the bin to which transferred, the date of shipment out of elevator with the number of car or name of boat and number of hold; and in all cases where a certificate of grade accompanies a lot or parcel of grain the identity of such certificate with the lot or parcel of grain shall be preserved. He shall keep a correct record of the name of the shipper, the party to be advised of the shipment and the consignee. Record to be kept.

"7. The identity of each parcel or lot of western grain shipped to an eastern transfer elevator shall be preserved, except that different parcels or lots of the same grains may be binned together when there is not sufficient space in the elevator to keep the parcels or lots separate. Preservation of identity of grain.

"8. In no case, whether in a public terminal elevator in the Manitoba Inspection Division or in an eastern transfer elevator, shall grain of different grades be mixed together while in store. Grades not to be mixed.

"9. Every public terminal warehouseman in the Manitoba Inspection Division, shall clean all grain received by him on which the inspector has set dockage for cleaning, except all rejected grades, which shall be cleaned only upon the request of the owner. Duty to clean grain.

"10. Every public terminal warehouseman in the Manitoba Inspection Division shall pay or make allowance to the owner for all domestic grain of a commercial value in screenings on all cars graded by the inspector clean to clean for domestic grain, as set forth in section 135 of *The Inspection and Sale Act* as amended by chapter of the statutes of 1908, to the quantity assessed by the inspector. Allowance for screenings.

"11. Every public terminal warehouseman in the Manitoba Inspection Division shall insure against fire, with companies satisfactory to the Commissioner, all grain received, handled or stored by him." [Provided always that this subsection shall not apply to eastern transfer warehousemen.] Insurance of grain.

10. Section 20 is amended by substituting for the words "railway shipping receipt," in the third line thereof, the words "shipping receipt, or bill of lading, or both, as the case may be." S. 20 amended. Warehouse receipts.

New s. 29.

11. Section 29 is repealed and the following substituted therefor:—

Statement of business done by elevator.

"**29.** The owner, lessee, or manager of every public terminal elevator shall furnish, at such times and in such form and manner as the Commissioner prescribes, a statement, in writing and verified by the signature and statutory declaration of the owner, lessee or manager,—

(*a*) in the case of a public terminal elevator in the Manitoba Inspection Division, as to the condition and management of so much of the business of such owner, lessee or manager as relates to such elevator; or,

(*b*) in the case of an eastern transfer elevator, as to the amount, condition and management of the business done in western grain by the elevator."

S. 30 amended. Weekly statement.

12. In the fourth line of section 30, after the word "warehouse" the following words are inserted:—

"and of the total amount of fire insurance thereon."

S. 31 amended. Schedule of rates.

13. In section 31, for the words "and handling," in the fourth line thereof, the words "handling and fire insurance" are substituted.

S. 32 amended. No discrimination to be made.

14. In section 32, for the words "or handling of grain," in the third line thereof, the words "handling or fire insurance of grain," are substituted.

S. 33 amended. Maximum rates.

15. In section 33, for the words "cleaning and handling of grain," in the first line thereof, the words "cleaning, handling and fire insurance of grain" are substituted.

New s. 35.

16. Section 35 is repealed and the following substituted therefor:—

Proceedings when grain deteriorates.

"**35.** In case a terminal warehouseman in the Manitoba inspection division considers that any portion of the grain in his elevator is out of condition or becoming so, he shall immediately consult the resident official grain inspector, or, in the absence of the inspector, his authorized deputy. The inspector or his deputy shall examine the grain in question, and, if he finds it to be out of condition or becoming so, and if he is of opinion that by re-elevating the grain it can be brought back into condition or its further deterioration can be prevented, he may order the warehouseman to re-elevate it for such purpose. The re-elevation shall be at the expense of the owner of the grain.

To whom notice is to be given. Terminal elevator.

"2. If it is found, after such examination, that the condition of the grain is such that its further deterioration cannot be prevented by re-elevation, or if after re-elevation it is still out of condition, the warehouseman shall immediately give notice of the facts to the Commissioner and to the owner, if the owner's address is known.

"3. In case an eastern transfer warehouseman considers that any portion of the western grain in his elevator is out of condition or becoming so, he shall immediately give notice of the facts both to the shipper of the grain and the party to be advised, and to any other interested party indicated upon the bill of lading or railway shipping receipt. To whom notice is to be given. Eastern transfer elevator.

"4. In both cases the notice shall be given by registered letter and a telegram of advice shall also be sent. How notice to be given.

"5. In both cases public notice of the facts shall be given in the following manner,— Public notice.

(*a*) by posting the notice in the elevator; and— In elevator.

(*b*) by posting the notice in the Grain Exchange at Winnipeg, and, as regards grain in an eastern transfer elevator, also in the Grain Exchange at Toronto and the Grain Exchange at Montreal; and In grain exchange.

(*c*) by advertising the notice in each of the following places, in a daily newspaper printed and published at the place, namely, at— Advertisement.

(i) Winnipeg;

(ii) the place where the elevator is situated, if there be such a newspaper there;

(iii) and, as regards grain in an eastern transfer elevator, also in Toronto and in Montreal.

"6. The notice by registered letter and the public notice shall state the following particulars:— Particulars of notice.

(*a*) the actual condition of the grain as nearly as can be ascertained; Condition.

(*b*) the quantity, kind and grade of the grain; Quantity, etc.

(*c*) the elevator in which the grain is stored; Elevator.

(*d*) the outstanding warehouse receipts, if any, upon which the grain will be delivered, stating the number and date of each receipt and, except as to grain previously declared or receipted for as being out of condition, the quantity, kind and grade of the grain covered by each receipt; or Warehouse receipts.

(*e*) if warehouse receipts have not been issued, then— When no warehouse receipts.

(i) the name of the person for whom the grain was stored;

(ii) the date when the grain was received;

(iii) the identification of the grain, which shall embrace therein as nearly as may be as great a quantity as is contained in the bin in which the grain is stored;

(iv) as regards grain in an eastern transfer elevator, the particulars of the bills of lading or railway shipping receipts;

"7. The telegram of advice shall state at least the particulars mentioned in paragraphs (*a*), (*b*) and (*c*) of subsection 6 of this section, and that a letter has been mailed giving further particulars. Contents of telegram.

17. Section 36 is repealed and the following substituted therefor:— New s. 36.

Delivery of deteriorated grain.

"**36.** Upon request of the owner or other person entitled to delivery of the grain so found to be out of condition, and upon the return and cancellation of the warehouse receipts therefor, or the surrender of the original shipping receipts or bills of lading, duly endorsed, and upon payment of charges, the grain shall be delivered to the party entitled thereto.

New s. 38.

18. Section 38 is repealed and the following substituted therefor:—

Power to warehouseman to sell deteriorated grain.

"**38.** When the grain so declared out of condition has not been removed from store by the owner thereof within one month from the date of the notice of its being out of condition, if the warehouseman in whose elevator the grain is stored has given public notice as by this section required, such warehouseman may sell the grain at the expense and for the account of the owner.

Owner liable for deficiency of proceeds.

"2. If the proceeds of such sale are not sufficient to satisfy all charges accrued against the grain, the owner shall be liable to the warehouseman for any such deficiency.

Notice of sale.

"3. Public notice of the intended sale shall be given as follows:—

(*a*) In all cases, by advertisement in a newspaper printed and published at the place where the elevator is situated, if there be such newspaper;

(*b*) When the elevator is situated in the Manitoba Inspection Division, by advertisement in a newspaper printed and published at Winnipeg, and by posting the notice in the Grain Exchange at Winnipeg; or

(*c*) When the elevator is an eastern transfer elevator, by advertisement in newspapers printed and published at Winnipeg, Toronto and Montreal respectively, and by posting the notice in the Grain Exchange at Toronto and the Grain Exchange at Montreal."

New s. 40.

19. Section 40 is repealed and the following substituted therefor:—

Delivery of special binned grain.

"**40.** Nothing contained in sections 34 to 39 of this Act, both inclusive, nor in sections 43 and 44 of this Act, shall be so construed as to permit any warehouseman to deliver any grain, stored in a special bin or by itself, to anyone but the owner of the lot," [or pon his written order.]

S. 43 amended. Limitation of liability.

20. In the second line of section 43 the words "by fire or for any damage" are struck out.

S. 51 amended. Duties of warehouseman.

21. The following paragraph is added to section 51 as paragraph (*e*) thereof:—

"(*e*) at the time of delivery of any grain at his elevator or warehouse issue, in the form prescribed by the schedule to this Act, to the person delivering the grain either a cash

purchase ticket, warehouse storage receipt, or storage receipt for special binned grain, dated the day the grain was received, for each individual load, lot or parcel of grain delivered at such elevator or warehouse.

22. The following subsection is added to section 54 as subsection 4 thereof:— S. 54 amended.

"4. In every case where grain has been delivered at any public country elevator or warehouse, and a cash purchase ticket issued therefor to the person from whom such grain was received by the warehouseman, and should his paying agent within twenty-four hours after demand by the holder, provided such demand be made during twenty-four hours after the issue of the purchase ticket, neglect or refuse to redeem such cash purchase ticket, the said holder may at once, upon surrender of such cash ticket, demand in exchange therefor a warehouse storage receipt bearing same date and place of issue, and for similar grade and net weight of grain as was shown on the cash purchase ticket aforesaid. Upon return of the said cash purchase ticket to the warehouseman, he shall at once issue in exchange therefor to the holder a warehouse storage receipt of same grade and quantity of grain as shown on the face of said surrendered cash purchase ticket." Provision for failure to redeem cash purchase ticket.

23. The following is added to subsection 1 of section 56:— S. 56 amended

"In the case only of grain in special bin, should the storage receipts and lawful charges against the grain not be delivered or paid at the time of the billing of the car, the elevator operator may hold the bill of lading until the owner has surrendered the storage receipts therefor and paid all lawful storage charges due thereon: Provided that it shall be an offence under this Act for the elevator operator to sell or dispose of such bill of lading without the consent of the owner of the grain, the bill of lading to be made out in all cases in the name of the owner of the grain shipped."

[**23A.** Section 60 is amended by adding thereto the following subsection:—

"4. Except in the case of accidental damage to, or the accidental destruction of, any public country elevator in which grain has been accepted for general storage as herein provided, if the person operating it, when called upon to do so by the owner of the grain, fails to account for the grain in accordance with the terms of the warehouse receipt given under the provisions of this Act or of the further orders of the owner, he shall be deemed guilty of an offence under section 355 of *The Criminal Code*, and shall be liable to the penalties therein provided and, in addition, to the forfeiture of his license."]

S. 61 amended.

24. The following subsections are added to section 61 as subsections 2, 3 and 4 thereof:—

Storage special bins.

Sample to be preserved.

"2. In every case where grain is stored in any public country elevator or warehouse in a special bin the warehouseman shall draw a fair and proper sample, in the presence of the person delivering the grain, out of each hopper load as delivered, and such sample shall be properly preserved in a suitable receptacle, which shall be numbered and sealed, until after such special binned grain has been shipped and inspected, and the owner thereof has notified the warehouseman that he is satisfied the identity of the grain has been preserved.

Provision and custody of receptacle for sample.

"3. The receptacle shall be provided by the warehouseman, and the sample shall be placed therein in the presence of the owner. The receptacle shall be secured by a padlock which the owner of the grain shall provide, and the key of which he shall retain. The warehouseman shall be the custodian of the receptacle and sample.

Use of sample to ascertain identity of grain.

"4. In case after the shipment has been inspected the owner is of the opinion that the identity of the grain has not been preserved, he shall notify the warehouseman in writing of the fact and both parties thereupon shall forward the sample, sealed, charges prepaid, to the Commissioner, who shall submit the sample to the chief inspector to be compared with the shipment. The decision given by the chief inspector in such cases shall be final and binding on both parties."

[**24**A. The said Act is amended by inserting the following section immediately after section 64:—

"**64**A. An operator of a country elevator or warehouse who sells, assigns, mortgages, pledges, hypothecates, or in any manner charges any grain stored in the said elevator in special bin in accordance with the provisions of this Act, which is not the sole and absolute property of the said operator, shall be deemed guilty of an offence under section 390 of *The Criminal Code*, and shall be liable to the penalties therein provided and, in addition, to the forfeiture of his license."]

New s. 65.

25. Section 65 is repealed and the following substituted therefor:—

Sample of grain may be transmitted to Chief Inspector

"**65.** In case there is a disagreement between the purchaser or the person in the immediate charge of receiving the grain at such country elevator or warehouse and the person delivering the grain to such elevator or warehouse for sale, storage or shipment at the time of such delivery as to the proper grade or dockage for dirt or otherwise, except as to condition, on any lot of grain delivered, a fair and proper sample shall be drawn in the presence of the person delivering the grain out of each hopper load as delivered, and at least three quarts from samples so taken shall be forwarded in a suitable sack properly tied and sealed, express charges prepaid, to the chief inspector of grain,

and shall be accompanied by the request in writing of either or both of the parties aforesaid, that the chief inspector will examine the sample and report on the grade and dockage the said grain is in his opinion entitled to and would receive if shipped to the terminal points and subjected to official inspection."

26. Section 66 is repealed and the following substituted therefor:— New s. 66.

"**66.** It shall be the duty of the chief inspector, as soon as practicable, to examine and inspect such sample or samples of grain and to adjudge the proper grade and dockage to which it is, in his judgment, entitled, and which grain of like quality and character would receive if shipped to the terminal points in carload lots and subjected to official inspection." Duty of Chief Inspector.

27. Section 67 is repealed and the following substituted therefor:— New s. 67.

"**67.** As soon as the chief inspector has so examined, inspected and adjudged the grade and dockage he shall make out in writing a statement of his judgment and finding and shall transmit a copy thereof by mail to each of the parties to the disagreement, preserving the original together with the sample on file in his office. Finding by Chief Inspector.

"2. The judgment and finding of the chief inspector on all or any of the said matters shall be conclusive.

"3. Where the disagreement as to the grade and dockage arises on the sale of the wheat by a farmer to such country elevator or warehouse, the farmer shall be paid on the basis of grade and dockage offered him by the elevator or warehouse, but the final settlement shall be made on the basis of grade and dockage given by the chief inspector." Payment to and final settlement with farmer.

28. The following subsection is added to section 68 as subsection 3 thereof:— Section 68 amended.

"3. Upon receipt of such complaint the Commissioner shall notify the owner of the country elevator or warehouse and furnish him with a copy of the complaint, and the date and place of holding the investigation." Notice to owner.

29. Section 69 is repealed and the following substituted therefor:— New s. 69.

"**69.** In case the Commissioner finds the complaint and charge therein contained, or any part thereof, true, he shall give his decision in writing and shall at once serve a copy of such decision upon the person offending and against whom the such complaint was made and also serve a copy upon the owner of such country elevator or country warehouse; and the Commissioner shall direct such owner to make proper redress to the person injured, and to discharge the offending operator, who shall not be engaged as manager or assistant in any public country Decision of Commissioner. Punishment of offender.

elevator for the period of one year from such discharge. Upon the failure of such owner to give such proper redress and discharge such operator the Commissioner shall cancel the license of the country elevator or warehouse. In case any other country elevator or warehouse employs an operator so discharged within the said period of one year the Commissioner shall order the dismissal of such operator, and in case of refusal to comply with the request of the Commissioner in this regard the Commissioner shall cancel the license of the said country elevator or warehouse.

Influencing manager to give unjust weight or take unjust dockage.

"2. Every one who, being a grain dealer or a member of a firm dealing in grain or an authorized agent of any such dealer or firm, influences, or attempts to influence, in any manner, either by letter, circular or otherwise, any manager of any public country elevator to give unjust weights for or to take unjust dockage from any grain being received into such elevator,

Penalty.

is guilty of an offence and liable, on summary conviction, to a penalty not exceeding five hundred dollars and not less than one hundred dollars."

New s. 70.

30. Section 70 is repealed and the following substituted therefor:—

Statement as to grain handled.

"**70.** When ordered by the Commissioner, any person operating a public country elevator or warehouse under this Act shall, immediately after the end of each month in which the elevator or warehouse shall have been operated, furnish in writing to the Commissioner, a return or statement showing:—

(*a*) The amount of grain on hand in the elevator at the commencement of such month, and the total amount of warehouse receipts at that time outstanding in respect of the said grain.

(*b*) The total amount of warehouse receipts issued during such month, the total amount of warehouse receipts surrendered by the holders thereof during such month, and the total amount of warehouse receipts outstanding at the close of such month.

(*c*) The amount of grain received and stored in the elevator or warehouse during such month.

(*d*) The amount of grain delivered or shipped from the elevator or warehouse during such month.

(*e*) The amount of grain on hand in the elevator or warehouse at the expiration of such month.

"2. The foregoing particulars shall, in each case, specify the kind of grain and grade, and the amounts of each such kind and grade.

"3. Such statement shall be accompanied by a declaration of the person operating such country elevator or warehouse, verifying the correctness of the statement according to the best of his judgment and belief and alleging that the statement is

correct according to the books kept by him and that such books have been correctly kept to the best of his judgment and belief and what books have been kept by him during such month.

"4. Such statement and declaration shall be open for inspection, in the office of the Commissioner during business hours, by any person upon payment of a fee of fifty cents.

"5. Any person without reasonable justification making a false statement or declaration as aforesaid, shall, on conviction upon indictment, be liable to a penalty of not less than fifty dollars, nor more than one thousand dollars, and, in default of payment, to imprisonment for not less than one month, nor more than one year. In every case, the onus of establishing reasonable justification shall be upon the person making such false statement or declaration.

"6. In the case of a firm or corporation operating a country elevator or warehouse, the statement and declaration may be made by any person purporting to have knowledge of the facts and the declaration shall include an allegation that he has knowledge of the facts and shall state the source of his knowledge.

"7. Any person required by this section to furnish such statement or declaration and failing to do so within three days after receipt of written notice to him from the Commissioner, shall be liable to forfeiture of license.

[*Subclause 8 struck out.*]

31. The following subsections are added to section 88 as subsections 2, 3, 4 and 5 thereof:— s. 88 amended.

"2. The car-order-book shall be in the form shown in form E in the Schedule to this Act. Car-order-book. Form.

["3. In the case of a flag station or siding from which grain is shipped, the Commissioner may, in his discretion and for such period or periods as he deems necessary, require the railway company to provide at such flag station or shipping siding a suitable person whose duties shall be:—

"(*a*) to keep open for the use of shippers at all times during the day a car-order-book, as provided under this Act, in which orders for cars may be entered in accordance with the provisions of this Act;

"(*b*) when the loading of cars is completed, to seal such car or cars;

"(*c*) to provide shippers with the regular form of grain shipping bill; and

"(*d*) when such grain shipping bill is properly filled out by the shipper, to hand it to the conductor of the train that picks up such car or cars or place it where such conductor may get it.]

["4. This subsection shall not apply to sidings used exclusively for the passing of trains.]

"5. Every railway company which fails to comply with any requirement made by the Commissioner under subsection 3 of Penalty on railway company for non-compliance.

this section, is guilty of an offence and liable, on summary conviction, to a penalty not exceeding one thousand dollars and not less than five hundred dollars.

[*Subclause* 6 *struck out.*]

New s. 89.

Application for cars.

32. Section 89 is repealed and the following substituted therefor:—

"**89.** An applicant may order a car or cars according to his requirements, of any of the standard sizes in use by the railway company, and in case he requires to order any special standard size of car shall have such size stated by the station agent in the car order book, and the railway company shall furnish the size ordered to such applicant in his turn as soon as a car of such specified capacity can be furnished by the railway company at the point on the siding designated by the applicant in the car order book. In the event of the railway company furnishing a car or cars at any station and such car or cars not being of the size required by the applicant first entitled thereto, such applicant shall not lose his priority but shall be entitled to the first car of the size designated which can be delivered at such station at such applicant's disposal as aforesaid."

New s. 90.

Orders for cars.

33. Section 90 is hereby repealed and the following substituted therefor:—

"**90.** The applicant or his agent duly appointed in writing shall furnish to the railway agent the name of the applicant and the section, township and range in which the applicant resides, or other sufficient designation of his residence, for insertion in the car-order-book; and each car order shall be consecutively numbered in the car-order-book by the railway agent, who shall fill in with ink all particulars of the application except the applicant's signature, which shall be signed by the applicant or his agent duly appointed in writing.

"2. An agent of the applicant shall be a resident in the vicinity of the shipping point, and if the car order is signed by the agent of the applicant the appointment shall be deposited with the railway agent."

[**33A.** Section 91 is amended by adding thereto the following words:—"Provided always that a car shall not be deemed to have been awarded to an applicant unless it is in a proper condition to receive grain."]

S. 92 amended.

Cancellation of car order.

34. Subsection 2 of section 92 is amended by substituting for the words "by writing the word *Cancelled* in the remarks column of the car-order-book" the words "by writing in ink across the face thereof, the word 'Cancelled' and his signature, and shall fill in thereon the date of cancellation."

S. 93 amended.

35. Section 93 is amended by inserting, after the word "enter" in the second line of subsection 1 thereof and in the

first line of subsection 2 thereof, the words "in ink;" and by striking out of subsection 1 thereof the paragraph lettered (*b*). Entries in order book to be in ink.

36. Section 95 is repealed. S. 95.

37. The following sections are inserted, immediately after section 99, as sections 99A, 99B and 99C respectively:— SS. 99A and 99B added.

"**99**A. The Commissioner shall have power in his discretion during a car shortage to direct the railroads to make an equitable distribution of empty grain cars to all stations in proportion to the amount of grain available for shipment from such stations. Equitable distribution of cars during car shortage.

"**99**B. The Commissioner shall have power in his discretion to order cars to be supplied, contrary to the provisions of this Act, to elevators that are in danger of collapse, or in cases where the operator of any country elevator or warehouse reports in writing under oath that some portion of the grain in his elevator or warehouse is heated, and that in order to preserve the same it is necessary to ship such heated grain to the terminal elevator for treatment: Provided, however, that no relief shall be granted in such last mentioned cases as long as the warehouseman has plenty of room in his building for the re-handling of such grain. Special powers to Commissioner to order supply of cars. Powers.

"2. Upon granting relief as aforesaid the Commissioner shall submit a report of the facts thereof in each case to the Minister." Report.

[**99**C. Grain in carloads offered for shipment to points in Canada east of Winnipeg may be consigned "to be held at Winnipeg for orders" en route to its destination on the direct line of transit on the following conditions:—

"(1) The shipper shall pay to the agent of the transportation company at the point of shipment the sum of $3.00 per car.

"(2) The shipper shall endorse upon the consignment note and shipping receipt "This car to be held at Winnipeg for orders," with the name and address of some company, firm, or person resident in Winnipeg, who will accept advice from the carrier of its arrival in Winnipeg and who will give to the carrier instructions on behalf of the owner for its disposal.

"(3) Twenty-four hours free time after such advice of arrival shall be allowed the advisee in which to dispose of the property.

"(4) If the carrier, within twenty-four hours free time referred to in paragraph 3, receives written directions for delivery within its Winnipeg-St. Boniface terminals, such delivery shall be made to team tracks or industrial spurs or sidings within its own terminals upon payment of the current grain rate in effect to Winnipeg or St.Boniface at the time of shipment.

"(5) The carrier may, in the absence of written instructions from the advisee for the disposal of the grain within the free time mentioned in paragraph 3, forward the grain to its destination as consigned.

"(6) Grain shipped "to be held at Winnipeg for orders" delivered in Winnipeg or St. Boniface, as provided for in paragraph 4, may be sent forward to any point in Canada east of Winnipeg within six months of its receipt at Winnipeg or St. Boniface at the balance of the through rate from the initial point to destination, as provided in the carrier's authorized tariff in force on the date of the initial shipment, plus one cent per hundred pounds terminal charges, less the $3.00 per car mentioned in paragraph 1.

"(7) The detention of grain at Winnipeg-St.Boniface, under this section, shall not affect the application of the provisions of the Inspection and Sale Act with respect to such grain.

"(8) In case of the congestion of traffic caused by the operation of this section, the Board of Railway Commissioners may make an order suspending the operation of this section for the period mentioned in such order.

"(9) The provisions of this section shall have effect only from the fifteenth of December in any year to the first day of September in the following year."]

New s. 107.

38. Section 107 is repealed and the following substituted therefor:—

Report and statement of sale by commission merchant.

"**107.** Whenever any grain commission merchant sells all or a portion of any grain consigned to him to be sold on commission, he shall within twenty-four hours of such sale report such sale to the consignor, and shall render to the consignor a true statement of such sale showing—

(*a*) what portion of the consignment has been sold;
(*b*) the price received therefor;
(*c*) the date when each sale was made;
(*d*) the name or names of the purchaser;
(*e*) the grade;
(*f*) the amount of advance;
(*g*) the terms and delivery of sale.

Form.

"2. The said report and statement shall be in the form F. in the schedule to this Act, and shall be signed by the grain commission merchant or by his duly appointed agent, and there shall be attached thereto vouchers for all charges and expenses paid or incurred."

S. 110 amended.

39. The following subsection is added to section 110 as subsection 2 thereof:—

Duties of track-buyer.

"2. Every person who buys grain on track in carload lots, shall keep a true and correct account in writing in proper books of all grain bought by him in such carload lots, and shall deliver to the vendor of each such carload lot of grain a grain purchase note, retaining himself a duplicate thereof; which note shall bear on its face the license season, the license number of such track buyer's license, the date and place of purchase, the name and address of such track buyer, the name and address of the

vendor, the initial letter and number of the car purchased, the approximate number of bushels and kind of grain contained therein, and the purchase price per bushel in store at Fort William, Port Arthur or other destination; such grain purchase note shall also express upon its face an acknowledgement of the receipt of the bill of lading issued by the railway company for such carload shipment, the amount of cash paid to the vendor in advance as part payment on account of such car lot purchase, also that the full balance of the purchase money shall be paid to the vendor immediately the purchaser shall have received the grade and weight certificates and the railway expense bill. Every such grain purchase note shall be signed by the track buyer or his duly appointed agent, and the vendor shall endorse his acceptance of the terms of the sale thereon as well as his receipt for payment of the money advanced him on account of such carload lot sale."

S. 111A, added.

40. The following [sections are] inserted, under the heading "General Provisions" and immediately before section 112, as sections 111A [and 111B.]

Pooling of country elevators prohibited.

"**111A.** No person or corporation, or their agent, operating a public country elevator or warehouse, shall enter into any contract, agreement, understanding or combination with any other such person, corporation, or their agent, for the pooling or division of earnings or receipts of such public country elevators or warehouses, or divide with any other such person or corporation, or their agent, the gross or net earnings or receipts of such public country elevators or warehouses or any portion thereof.

Penalty.

"2. The contravention of any provision of this section shall be an offence against this Act punishable, on summary conviction, by a fine not exceeding one thousand dollars and not less than five hundred dollars, for each offence.

[**111B.** The rate that may be charged for the cleaning or storing of grain in any country elevator shall be the same in all the elevators operated by any one person or company: Provided, however, that if it is shown to the satisfaction of the Warehouse Commissioner that a lower rate than that charged for cleaning or storing grain in the elevators of any person or company is necessary at any point in order to meet competition, the Warehouse Commissioner may give written permission to charge such lower rates at that point as are in his opinion necessary to meet such competition, and at the same time authorize the ordinary rates at all other elevators belonging to such person or company."]

S. 118A added.

41. The following section is inserted immediately after section 118, as section 118A:—

["**118A.** For the purpose of preserving the identity of grain in transit from Winnipeg to points of consumption in eastern

Canada or to ports of export shipment on the sea board, the warehouse commissioner may grant to any shipper permission to lease for such term as is approved by him special bins in such terminal or transfer elevators as are necessarily used in the transportation of grain eastward from Winnipeg for the special binning of grain in transit. The bin capacity which may be so leased in any terminal or transfer elevator shall be as the warehouse commissioner shall approve, but shall not be less than 16,000 bushels in any elevator. The term of the several leases shall be as approved by the warehouse commissioner.

"2. The shipper receiving such permission may, subject to its terms, enter into agreement for the lease of special bins in terminal and transfer elevators necessary to the transportation of grain from Winnipeg to the point of destination.

"3. The rates to be paid for the lease of such special bins shall be such as are agreed upon: Provided that on payment of the regular rate for the full capacity leased for the full term of the lease the shipper acting under the permission of the warehouse commissioner, as in this section provided, shall be given a lease of the bin capacity to which he thereby becomes entitled.

"4. Upon the shipper who has secured such permission producing to the warehouse commissioner satisfactory evidence that he holds leases of such special bins in the several terminal or transfer elevators necessary to the transportation of grain from Winnipeg to the point of destination as will enable him to preserve the identity of the grain during its transportation from Winnipeg to the point of destination in not less than 16,000 bushel lots and that such leases are in accordance with the permission already granted, the warehouse commissioner may authorize such shipper to take such means as are necessary or possible within the provisions of this Act and of the Inspection and Sale Act to preserve the identity of grain which he desires to ship through the elevators in which he holds leases of special bins.

"5. The warehouse commissioner shall issue such instructions and regulations within the provisions of this Act and of the Inspection and Sale Act as are practicable and necessary for the preservation of the identity of grain which is being shipped by the shipper to whom permission has been given as provided in this section, using the bins specially leased in the several elevators as above provided for the storage and trans-shipment of such grain: Provided always that nothing in this section of in such instructions or regulations shall be construed to authorize the placing of grain of different grades in the same special bin in any terminal or transfer elevator.

"6. An infraction of any of the instructions or regulations issued by the warehouse commissioner under this section shall be deemed to be an infraction of the provisions of this Act.

"7. The provisions of the Inspection and Sale Act shall apply to grain specially binned in transit under the provisions of this section.

"8. The provisions of this section shall have effect only from the fifteenth day of December in any year to the first day of September in the following year."

S. 125. Penalty on unlicensed warehouseman.

42. Section 125 is amended by inserting, in the third line thereof, after the words "public terminal warehouseman" the words "or of an eastern transfer warehouseman."

SS. 133, 134 repealed. New s. 133. Offences in connection with applications for cars.

43. Sections 133 and 134 are repealed, and the following is substituted therefor as section 133:—

"**133.** Every one who,—

(*a*) transfers or sells his right to any car allotted to him for shipping grain, or to be allotted to him for shipping grain; or,

(*b*) purchases, takes over or accepts any assignment or transfer of the right of any applicant entitled to a car for shipping grain; or,

(*c*) loads any such car which has not been allotted to him by the station agent, or out of his turn loads such car; or

(*d*) not being the agent, duly authorized in writing, of an applicant for a car for shipping grain, obtains the placing of a name on the car order book as the name of an applicant for a car for shipping grain;

Penalty.

is guilty of an offence and liable, on summary conviction, to a penalty not exceeding one hundred and fifty dollars and not less than twenty-five dollars.

Disposal of penalty.

2. One-half of any penalty imposed under this section, with full costs, shall be paid to the person who informed and prosecuted for the same, and the other half thereof shall be paid into The Manitoba Grain Inspection Fund."

Schedule. New Forms.

44. The Schedule to the said Act is amended by adding thereto the following as Forms E, F and G:—

E.

CAR-ORDER-BOOK.

..... Railway Company.

ORIGINAL. CAR ORDER.

Date.....

Time.....

Order No.....

.....Station.

To be placed at.....

Capacity of car.....

Destination.....

Date when supplied.....

Date when cancelled.....

Date when loaded.....

No. car supplied.....

I hereby declare by myself or agent appointed in writing that at time of making this order I am the actual owner of a car lot of grain for shipment.

Applicant's signature. .....

Applicant's residence.

(Agent's signature).....

(Agent's residence).....

..... Railway Company.

RECEIPT. CAR ORDER.

Date.....

Time.....

Order No.....

.....Station.

To be placed at.....

Capacity of car.....

Destination.....

Date when supplied.....

Date when cancelled.....

Date when loaded.....

No. car supplied.....

I hereby acknowledge receipt of this order.

(Station agent's signature).....

.....

F.

NOTICE OF SALE BY COMMISSION MERCHANT.

No.....

License year 190 .–190 .

License No.....

.....

LICENSED GRAIN COMMISSION MERCHANTS.

To..... .....190 .
(*Name of consignor.*) (*Date.*)

.....
(*Address of consignor.*)

We advise the following sale made for your account to-day:

Sold to	Quantity.	Grade.	Price.	Amount of Advances.	Terms.	Delivery.

Yours truly,

.....

ZZ—19

G.

TRACK BUYER'S PURCHASE NOTE.

License No.....

.....Station.....190 .

.....

.....

.....

.....

I have this day bought from.....initial letter.....

car No.....containing.....bushels.....(more or less)

at..... cents per bushel basis.....in store Fort William or Port Arthur, weight and grade guaranteed by seller.

Receipt of bill of lading for same property endorsed by the consignee is hereby acknowledged.

I have made an advance to Mr.....
I have issued an order to paying agent to advance Mr.....$....on this car, the balance to be paid by .....
.....immediately upon receipt of weight and grade certificates and railway expense bill.

The spread between grades is to be governed by that existing on day of inspection, and this rule shall also apply to commercial grades.

REMARKS.....

.....

.....Buyer.

Accepted, also received payment of advance, $.....

.....
Seller.

THE SENATE OF CANADA.

AAA.] **BILL.** [1907-8

An Act respecting the sale and marking of manufactures of Gold and Silver, and Gold and Silver Plated Ware.

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

SHORT TITLE.

1. This Act may be cited as *The Gold and Silver Marking Act*, 1908. Short title.

COMMENCEMENT.

2. This Act shall come into force on the day of one thousand nine hundred and . Commencement.

INTERPRETATION.

3. In this Act, unless the context otherwise requires— Definitions.

(*a*) 'article 'means an article of merchandise, and includes any portion of such article, whether a distinct part thereof, or not; 'article.'

(*b*) 'mark' includes any mark, sign, device, imprint, stamp, brand, label, ticket, letter, word, figure, or other means whatsoever of indicating, or of purporting to indicate, quality, quantity, or weight of gold, or of silver, or of any alloy of gold or of silver, or quality of gold or silver plate; 'mark.'

(*c*) 'apply' and 'applied' include any method or means of application or attachment to, or of use on, or in connection with, or in relation to, or in advertisement of, an article, whether such application, attachment or use to, on, or with 'apply.' 'applied.'

(i) the article itself, or

(ii) anything attached to the article, or

(iii) anything to which the article is attached, or

(iv) anything in or on which the article is, or

(v) anything so used or placed as to lead to a reasonable belief that the mark on that thing is meant to be taken as a mark on the article itself;

(*d*) 'dealer' includes any person, corporation, association, society, or firm, being a manufacturer of, or a whole- 'dealer.'

sale or retail seller of or dealer in gold or silver jewellery, or of or in gold ware, gold-plated ware, silver ware, or silver-plated ware, or the like, and any director, manager, officer, or agent of such person, corporation, association, society, or firm;

'to sell.'

(*e*) 'to sell' includes to dispose of for valuable consideration, to offer to sell, to offer to dispose of for valuable consideration, and to have in possession with intent to sell or intent to dispose of for valuable consideration.

Marks on cases or covers.

4. When an article is composed of mechanism, works or movements and of a case or cover containing the mechanism, works or movements, a mark applied to the case or cover shall be deemed not to be, nor to be intended to be, applied to the mechanism, works or movements.

APPLICATION.

Exemptions. Generally.

5. This Act shall not apply to any article made in Canada before the date of the coming into force of this Act, nor to any article imported into Canada before the said date, nor to any article which, by regulation made by the Governor in Council under the authority of this Act, is exempted from the application thereof.

Exemptions.

Certain articles of gold.

6. This Act shall not apply to such parts of articles, manufactured of gold or any alloy of gold, as require adaptation to the use of the trade, as, for example, springs, winding-bars, sleeves, crown cores, joint-pins, screws, rivets, dust-bands, movement rings, brooch pins, scarf pin stems, and hat pin stems, attached otherwise than by solder, or to such other like articles as by regulation made by the Governor in Council under the authority of this Act are exempted from the application thereof.

Exemptions.

Certain articles of silver.

7. This Act shall not apply to such parts of articles, manufactured of silver or any alloy of silver, as require adaptation to the use of the trade, as, for example, springs, winding bars, sleeves, crown cores, joint pins, screws, rivets, dust bands, movement rings, brooch pins, joints, catches, scarf pin stems, and hatpin stems, or to such other like articles as by regulation made by the Governor in Council under the authority of this Act are exempted from the application thereof.

Regulations for exemptions.

8. The Governor in Council may, from time to time, make such regulations as to him seem necessary for declaring articles to be exempt from the application of this Act under the provisions of the last three preceding sections.

MARKING.

Marks allowed on gold and silver ware.

9. It shall not be lawful for a dealer to make or to sell, or to import or attempt to import into Canada, any article composed either in whole or in part of gold or of silver, or of any alloy of gold or of silver, except the articles mentioned in

sections 13 and 14 of this Act, if to such article there is applied any mark other than—

(*a*) trade marks registered in accordance with *The Trade Mark and Design Act;* Trade mark. R.S., c. 71.

(*b*) marks truly and correctly indicating, in the manner required by this Act, the quality of the gold or silver, or alloy of gold or of silver, in the article; Quality mark.

(*c*) numerals intended to indicate pattern, such numerals not being incorporated with any mark indicating the quality of the gold or silver or alloy of gold or of silver of which the article is composed; Numerals indicating pattern.

(*d*) the name or initials of a dealer, which last mentioned mark may be applied only if the article bears also a registered trade mark in accordance with *The Trade Mark and Design Act.* Dealer's name.

2. The provisions of subsection one of this section shall not apply, as respects such hall-mark or other government mark, to any article of gold, or of silver, or of any alloy of gold or of silver, to which is applied— British or foreign hall-marks.

(*a*) any hall-mark lawfully applied according to the laws of the United Kingdom of Great Britain and Ireland; or—

(*b*) any mark indicating the quality of the gold or of the silver, or of the alloy of gold or silver, and applied by the government of any foreign country;

if with respect to such article all the other provisions of this Act are complied with.

GOLD.

10. It shall not be lawful for a dealer to make or to sell, or to import or attempt to import into Canada, any article purporting to be wholly or partially composed of gold or of any alloy of gold, if the article when made or sold has applied thereto any mark indicating or purporting or intended to indicate the gold in the article to be of less than nine karats in fineness, or consisting of or including the words *Gold, Solid Gold, Pure Gold, U. S. Assay,* or other words purporting to describe the gold or alloy of which the article is composed. Marks on gold.

11. As respects articles composed, in whole or in part, of gold or of any alloy of gold—

(*a*) marks indicating the quality of gold or alloy of gold used in the construction of the article shall state the fineness of the gold in karats, thus: 12K, 18K, or as the case may be; Karat mark.

(*b*) the number of karats so stated shall bear the same proportion to twenty-four karats as the weight of the gold in the metal or alloy bears to the gross weight thereof; that is to say, 18K shall be deemed to mean that in the composition there are eighteen parts of pure gold and six parts of other ingredients; and— Karat ratio.

(*c*) the actual fineness of the gold or alloy of gold of which the article is composed shall not be less than the said proportion— Allowable deviation from marked quality.

(i) by more than one-half of a karat, if solder is used, or

(ii) by more than one-quarter of a karat, if solder is not used.

SILVER.

Marks on silver.

12. It shall not be lawful for a dealer to make or to sell or to import or attempt to import into Canada, any article purporting to be wholly or partly composed of silver or of any alloy of silver, which has applied thereto any mark indicating, or purporting or intended to indicate, that the metal or alloy of which such article is composed is of higher quality than it really is.

Sterling silver ratio.

2. The marks *Silver*, *Sterling* or *Sterling Silver*, *Coin* or *Coin Silver*, or any colourable imitation thereof, or any other mark intended to suggest such a quality, shall not be applied to any such article or part thereof, if the metal or alloy of which such article or part is composed contains silver in less proportion than nine hundred and twenty-five parts of pure silver in every one thousand parts of such metal or alloy.

Silver alloys.

3. As respects articles composed in whole or in part of any alloy of silver of a lower quality than sterling silver—

Decimal quality mark.

(*a*) any marks indicating the quality of silver or alloy of silver used in such articles shall state the fineness of the silver in decimals, thus: .800, .900, or as the case may be;

Ratio.

(*b*) the decimal quality mark, so stated, shall bear the same proportion to unity as the weight of the silver in the metal or alloy bears to the gross weight thereof; that is to say, .900 shall be deemed to mean that in the composition there are 900 parts of pure silver and 100 parts of other ingredients; and—

Allowable deviation from marked quality.

(*c*) the actual fineness of the silver or alloy of silver of which the article is composed shall not be less than the said proportion—

(i) by more than 25 parts in 1,000 when solder is used; or—

(ii) by more than 10 parts in 1,000 when solder is not used.

GOLD AND SILVER PLATED WARE.

Marks on plated ware.

13. In the case of articles which are made in whole or in part of an inferior metal having deposited or plated thereon, or brazed or otherwise affixed thereto, a plating, covering, or sheet composed of gold or of silver, or of an alloy of gold or of silver, such articles being known in the trade as rolled gold plate, gold filled, gold plate, silver plate, silver filled or by any similar designation, and in the case of articles of like nature brought under the provisions of this section by regulation made by the Governor in Council under the authority of this Act, it shall not be lawful for a dealer to make or to sell, or to import or attempt to import into Canada any such article, if to such article or any part thereof there is applied—

Material.

(*a*) a mark indicating otherwise than truly that the article or part thereof is made of rolled gold plate, gold filled,

gold plate, silver plate, silver filled, or gold or silver electroplate, or any similar material; or—

(*b*) a mark indicating, otherwise than truly and correctly, the fineness or the actual weight of gold or silver, contained in the article or part thereof, or the fractional proportion of gold or of silver to the gross weight of the article or of such part, at the time the article is sold or delivered by the maker; or— Quality.

(*c*) unless where a mark indicating any such particulars is applied to such article, or part thereof, there is also applied to it a trade mark registered in accordance with *The Trade Mark and Design Act.* Trade mark. R.S., c. 71.

2. The actual weight or the fractional proportion of gold, or of silver, in any such article or part thereof, shall not be less than the actual weight or fractional proportion indicated by any such mark applied thereto, by more than ten per centum of the actual weight or fractional proportion so indicated. Allowable deviation from marked quality.

3. The Governor in Council may, from time to time, make such regulations as to him seem necessary for declaring articles to be subject to or exempt from the provisions of this section. Regulations.

ELECTROPLATED WARE.

14. It shall not be lawful for a dealer to make or to sell, or to import or attempt to import into Canada, any article of silver or gold electroplate to which is applied a mark indicating otherwise than truly and correctly the metal on which the plating is deposited, the metal of which the deposit is composed, and the grade, quality, or description, as known to the trade, of the plating. Marks on electroplate.

MARKS ON PLATED WARE.

15. The following marks when applied to articles of gold or silver plate or electroplate shall be taken to mean respectively as follows: R.P., rolled plate; E.P., electroplate; G.F., gold filled; Gilt., gold electroplate; N.S., nickel silver; G.S., German silver; B.M., Britannia metal; W.M., white metal; and the Governor in Council may, from time to time, designate other marks for such application and define their signification. Meaning.

OFFENCES AND PENALTIES.

16. Every one is guilty of an indictable offence, who, being a dealer within the meaning of this Act,— Offences against Act.

(*a*) contravenes any provision of sections 9, 10, 11, 12, 13, or 14 of this Act, or,—

(*b*) makes use of any printed or written matter, or advertisement, or applies any mark to any article of any kind referred to in section 13 or in section 14 of this Act or to any part of such article, guaranteeing or purporting to guarantee that the gold or silver on or in such article or such part thereof will wear or last for any specified time.

17. Every dealer who is convicted of an offence under this Act shall be liable to a fine not exceeding one hundred dollars Penalty.

Destruction of article.

for each article or part of an article in respect of which the conviction is had; and after the conviction every such article shall be so broken or defaced as to be unfit for sale otherwise than as metal.

REGULATIONS.

Regulations by Governor in Council.

18. The Governor in Council may, from time to time, make such regulations as to him seem necessary—

(*a*) to secure the efficient administration and enforcement of this Act, including the imposition of penalties, not exceeding fifty dollars, upon any dealer contravening any such regulation, to be recoverable on summary conviction;

(*b*) for the appointment, powers, and duties of officers employed in such administration and enforcement;

(*c*) generally for the purposes of this Act.

REPEAL OF ACTS.

Repeal.

19. The following Acts are hereby repealed:—

R.S., c. 90.

(1.) Chapter 90 of The Revised Statutes, intituled, *An Act respecting the Sale and Marking of Manufactures of Gold and Silver.*

1907, c. 17.

(2.) Chapter 17 of the statutes of 1907, intituled, *An Act to amend the Gold and Silver Marking Act.*

1908, c. .

(3.) The Act passed in the present Session of Parliament, intituled, *An Act to amend The Gold and Silver Marking Act.*

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

THE SENATE OF CANADA.

BILL.

AAA

An Act respecting the sale and marking of manufactures of Gold and Silver, and Gold and Silver Plated Ware.

Received and read a first time,

Wednesday, May 20, 1908.

Second reading,

Friday, May 22, 1908.

Honourable Mr. SCOTT.

OTTAWA

Printed by S. E. DAWSON

Printer to the King's most Excellent Majesty

1907-8

THE SENATE OF CANADA.

BILL AS PASSED JUNE 26, 1908.

AAA.] [1907-8

An Act respecting the sale and marking of manufactures of Gold and Silver, and Gold and Silver Plated Ware.

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

SHORT TITLE.

1. This Act may be cited as *The Gold and Silver Marking Act*, 1908. Short title.

COMMENCEMENT.

2. This Act shall come into force on the first day of October, one thousand nine hundred and eight. Commencement.

INTERPRETATION.

3. In this Act, unless the context otherwise requires— Definitions.

(*a*) 'article 'means an article of merchandise, and includes any portion of such article, whether a distinct part thereof, or not; 'article.'

(*b*) 'mark' includes any mark, sign, device, imprint, stamp, brand, label, ticket, letter, word, figure, or other means whatsoever of indicating, or of purporting to indicate, quality, quantity, or weight of gold, or of silver, or of any alloy of gold or of silver, or quality and kind of gold or silver plate; 'mark."

(*c*) 'apply' and 'applied' include any method or means of application or attachment to, or of use on, or in connection with, or in relation to, an article, whether such application, attachment or use is to, on, or with 'apply.' 'applied.'

(i) the article itself, or

(ii) anything attached to the article, or

(iii) anything to which the article is attached, or

(iv) anything in or on which the article is, or

(v) anything so used or placed as to lead to a reasonable belief that the mark on that thing is meant to be taken as a mark on the article itself;

'dealer.'

(*d*) 'dealer' includes any person, corporation, association, society, or firm, being a manufacturer of, or a wholesale or retail seller of or dealer in gold or silver jewellery, or of or in gold ware, gold-plated ware, silver ware, or silver-plated ware, or the like, and any director, manager, officer, or agent of such person, corporation, association, society, or firm;

'to sell.'

(*e*) 'to sell' includes to dispose of for valuable consideration, to offer to sell, to offer to dispose of for valuable consideration, and to have in possession with intent to sell or intent to dispose of for valuable consideration.

Marks on cases or covers.

4. When an article is composed of mechanism, works or movements and of a case or cover containing the mechanism, works or movements, a mark applied to the case or cover shall be deemed not to be, nor to be intended to be, applied to the mechanism, works or movements.

APPLICATION.

Exemptions. Generally.

5. This Act shall not apply to any article made in Canada before the date of the coming into force of this Act, nor to any article imported or brought into Canada before the said date, nor to any article which, by regulation made by the Governor in Council under the authority of this Act, is exempted from the application thereof.

Exemptions.

Certain articles of gold.

6. This Act shall not apply to such parts of articles, manufactured of gold or any alloy of gold, as require adaptation to the use of the trade, as, for example, springs, winding-bars, sleeves, crown cores, joint-pins, screws, rivets, dust-bands, movement rings, brooch pins, scarf pin stems, and hat pin stems, attached otherwise than by solder, or to such other like articles as by regulation made by the Governor in Council under the authority of this Act are exempted from the application thereof.

Exemptions.

Certain articles of silver.

7. This Act shall not apply to such parts of articles, manufactured of silver or any alloy of silver, as require adaptation to the use of the trade, as, for example, springs, winding bars, sleeves, crown cores, joint pins, screws, rivets, dust bands, movement rings, brooch pins, joints, catches, scarf pin stems, and hatpin stems, or to such other like articles as by regulation made by the Governor in Council under the authority of this Act are exempted from the application thereof.

Regulations for exemptions.

8. The Governor in Council may, from time to time, make such regulations as to him seem necessary for declaring articles to be exempt from the application of this Act under the provisions of the last three preceding sections.

9. This section applies only to articles composed, wholly or partly, of gold, silver, or any alloy of gold or silver, which are made or sold in Canada by or brought into Canada by dealers. Application.

2. If such an article bears any mark it must have applied to it the following marks,— Obligatory marks.

(*a*) A mark or marks truly and correctly indicating in the manner required by this Act, the quality of the gold, silver or alloy, hereinafter called a quality mark; and also Quality mark.

(*b*) A trade-mark or trade-marks registered in accordance with *The Trade-Mark and Design Act*. Trade mark.

3. If the article bears— Exception in case of British or foreign hall-marks.

(*a*) Hall-marks lawfully applied according to the laws of the United Kingdom of Great Britain and Ireland; or

(*b*) Marks applied by the Government, or under the laws of, any foreign country, to indicate the quality of the gold, silver or alloy; and—

(*c*) In both cases, if all the other provisions of this Act have been complied with as regards the article;

it need not have applied to it any of the marks mentioned in subsection 2 of this section.

4. If the article bears a trade-mark registered in accordance with *The Trade-Mark and Design Act* and a quality mark, or if it bears any of the marks defined by paragraphs (*a*) and (*b*) of subsection 3 of this section, it may also have applied to it any or all of the following marks— Marks permitted under conditions.

(*a*) Numerals intended to indicate pattern;

(*b*) The name or initials of a dealer;

(*c*) Any other mark not calculated to mislead or deceive;

if such marks are not incorporated with any quality mark.

GOLD.

10. It shall not be lawful for a dealer to make or to sell, or to bring into Canada, any article purporting to be wholly or partially composed of gold, if the article has applied thereto any mark indicating or purporting or intended to indicate the gold in the article to be of less than nine karats in fineness, or consisting of or including the words *Gold*, *Solid Gold*, *Pure Gold*, *U. S. Assay*, or other words purporting to describe the gold or alloy of which the article is composed. Marks on gold.

11. As respects articles composed, in whole or in part, of gold or of any alloy of gold—

(*a*) marks indicating the quality of gold or alloy of gold used in the construction of the article shall state the fineness of the gold in karats, thus: 12K, 18K, or as the case may be; Karat mark.

Karat ratio.

(*b*) the number of karats so stated shall bear the same proportion to twenty-four karats as the weight of the gold in the metal or alloy bears to the gross weight thereof; that is to say, 18K shall be deemed to mean that in the composition there are eighteen parts of pure gold and six parts of other ingredients; and—

Allowable deviation from marked quality.

(*c*) the actual fineness of the gold or alloy of gold of which the article is composed shall not be less than the said proportion—

(i) by more than one-half of a karat, if solder is used, or

(ii) by more than one-quarter of a karat, if solder is not used.

SILVER.

Marks on silver.

12. It shall not be lawful for a dealer to make or to sell or to bring into Canada, any article purporting to be wholly or partly composed of silver or of any alloy of silver, which has applied thereto any mark indicating, or purporting or intended to indicate, that the metal or alloy of which such article is composed is of higher quality than it really is.

Sterling silver ratio.

2. The marks *Silver, Sterling* or *Sterling Silver, Coin* or *Coin Silver,* or any colourable imitation thereof, or any other mark intended to suggest such a quality, shall not be applied to any such article or part thereof, if the metal or alloy of which such article or part is composed contains silver in less proportion than nine hundred and twenty-five parts of pure silver in every one thousand parts of such metal or alloy.

Silver alloys.

3. As respects articles composed in whole or in part of any alloy of silver of a lower quality than sterling silver—

Decimal quality mark.

(*a*) any marks indicating the quality of silver or alloy of silver used in such articles shall state the fineness of the silver in decimals, thus: .800, .900, or as the case may be;

Ratio.

(*b*) the decimal quality mark, so stated, shall bear the same proportion to unity as the weight of the silver in the metal or alloy bears to the gross weight thereof; that is to say, .900 shall be deemed to mean that in the composition there are 900 parts of pure silver and 100 parts of other ingredients; and—

Allowable deviation from marked quality.

(*c*) the actual fineness of the silver or alloy of silver of which the article is composed shall not be less than the said proportion—

(i) by more than 25 parts in 1,000 when solder is used; or—

(ii) by more than 10 parts in 1,000 when solder is not used.

13. In the case of articles which are made in whole or in part of an inferior metal having deposited or plated thereon, or brazed or otherwise affixed thereto, a plating, covering, or sheet composed of gold or of silver, or of an alloy of gold or of silver, such articles being known in the trade as rolled gold plate, gold filled, gold plate, silver plate, silver filled, gold electroplate, silver electroplate, or by any similar designation, and in the case of articles of like nature brought under the provisions of this section by regulation made by the Governor in Council under the authority of this Act, it shall not be lawful for a dealer to make or to sell, or to bring into Canada any such article, if to such article or any part thereof there is applied— Marks on plated ware.

(*a*) a mark indicating otherwise than truly that the article or part thereof is made of rolled gold plate, gold filled, gold plate, silver plate, silver filled, or gold or silver electroplate, or any similar material; or— Material.

(*b*) a mark indicating, otherwise than truly and correctly, the fineness and the actual weight of gold or silver, contained in the article or part thereof, or the proportion of gold or of silver to the gross weight of the article or of such part, at the time the article is sold or delivered by the maker; or— Quality.

(*c*) unless where a mark indicating any such particulars is applied to such article, or part thereof, there is also applied to it a trade mark registered in accordance with *The Trade Mark and Design Act*. Trade mark. R.S., c. 71.

2. The actual weight or the proportion of gold, or of silver, in any such article or part thereof, shall not be less than the actual weight or proportion indicated by any such mark applied thereto, by more than ten per centum of the actual weight or proportion so indicated. Allowable deviation from marked quality.

3. The Governor in Council may, from time to time, make such regulations as to him seem necessary for declaring articles to be subject to or exempt from the provisions of this section. Regulations.

ELECTROPLATED WARE.

14. It shall not be lawful for a dealer to make or to sell, or to bring into Canada, any article of silver or gold electroplate to which is applied a mark indicating otherwise than truly and correctly the metal on which the plating is deposited, the metal of which the deposit is composed, and the grade, quality, or description, as known to the trade, of the plating. Marks on electroplate.

MARKS ON PLATED WARE.

15. The following marks when applied to articles of gold or silver plate or electroplate shall be taken to mean respectively Meaning.

as follows: R.P., rolled plate; E.P., silver electroplate; G.F., gold filled; Gilt, gold electroplate; N.S., nickel silver; G.S., German silver; B.M., Britannia metal; W.M., white metal; and the Governor in Council may, from time to time, designate other marks for such application and define their signification.

OFFENCES AND PENALTIES.

Offences against Act.

16. Every one is guilty of an indictable offence, who, being a dealer within the meaning of this Act,—

(*a*) contravenes any provision of sections 9, 10, 11, 12, 13, or 14 of this Act, or,—

(*b*) makes use of any printed or written matter, or advertisement, or applies any mark to any article of any kind referred to in section 13 or in section 14 of this Act or to any part of such article, guaranteeing or purporting to guarantee by such matter, advertisement or mark, that the gold or silver on or in such article or such part thereof will wear or last for any specified time.

Penalty.

Destruction of article.

17. Every dealer who is convicted of an offence under this Act, or of an attempt to commit any such offence, shall be liable to a fine not exceeding one hundred dollars for each article or part of an article in respect of which the conviction is had; and after the conviction every such article shall be so broken and defaced as to be unfit for sale otherwise than as metal.

REGULATIONS.

Regulations by Governor in Council.

18. The Governor in Council may, from time to time, make such regulations as to him seem necessary—

(*a*) to secure the efficient administration and enforcement of this Act, including the imposition of penalties, not exceeding fifty dollars, upon any dealer contravening any such regulation, to be recoverable on summary conviction;

(*b*) for the appointment, powers, and duties of officers employed in such administration and enforcement;

(*c*) generally for the purposes of this Act.

REPEAL OF ACTS.

Repeal.

19. The following Acts are hereby repealed:—

R.S., c. 90.

(1.) Chapter 90 of The Revised Statutes, intituled, *An Act respecting the Sale and Marking of Manufactures of Gold and Silver.*

1907, c. 17.

(2.) Chapter 17 of the statutes of 1907, intituled, *An Act to amend the Gold and Silver Marking Act.*

1908, c. .

(3.) The Act passed in the present Session of Parliament, intituled, *An Act to amend The Gold and Silver Marking Act.*

THE SENATE OF CANADA.

BBB.] **BILL.** [1907-8

An Act for the relief of Hattie Spratte.

Preamble.

WHEREAS Hattie Spratte, presently residing at the town of Parry Sound, in the province of Ontario, wife of George Allison Spratte, formerly of the said town, and now residing in the city of Winnipeg, in the province of Manitoba, has by her petition alleged, in effect, that they were lawfully married on the first day of January, A.D. 1901, at the said town, she then being Hattie Phillips, spinster, that the legal domicile of the said George Allison Spratte was then and is now in Canada; that at the town of Fairfax, in the state of Vermont, one of the United States of America, in or about the month of September, A.D. 1905, he committed adultery with one Jennie Barchow or Bouchard; 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 Hattie Spratte and George Allison Spratte, 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 Hattie Spratte may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said George Allison Spratte had not been solemnized.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

THE SENATE OF CANADA.

BILL.

BBB

An Act for the relief of Hattie Spratte.

Received and read a first time,

Thursday, May 21, 1908.

Second reading,

Tuesday, May 26, 1908.

Honourable Mr. PERLEY.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8.

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THE SENATE OF CANADA.

BILL AS PASSED JUNE 3, 1908.

BBB.] [1907-8

An Act for the relief of Hattie Spratte.

Preamble.

WHEREAS Hattie Spratte, presently residing at the town of Parry Sound, in the province of Ontario, wife of George Allison Spratte, formerly of the said town, and now residing in the city of Winnipeg, in the province of Manitoba, has by her petition alleged, in effect, that they were lawfully married on the first day of January, A.D. 1901, at the said town, she then being Hattie Phillips, spinster, that the legal domicile of the said George Allison Spratte was then and is now in Canada; that at the town of Fairfax, in the state of Vermont, one of the United States of America, in or about the month of September, A.D. 1905, he committed adultery with one Jennie Barchow or Bouchard; 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 Hattie Spratte and George Allison Spratte, 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 Hattie Spratte may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said George Allison Spratte had not been solemnized.

THE SENATE OF CANADA.

CCC.] **BILL.** [1907-8

An Act to amend The Inspection and Sale Act, as regards Grain.

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

1. This Act may be cited as *The Inspection and Sale Grain Amendment Act*, 1908. Short title.

2. Chapter 85 of The Revised Statutes of Canada, 1906, intituled: *An Act respecting the Inspection and Sale of certain Staple Commodities*, is by this Act amended in the manner hereinafter set forth. R.S., c. 85, amended.

3. The following is added to section 48 as paragraph (*l*) thereof:— S. 48 amended.

"(*l*) The expression "hard red Fife Wheat" shall mean wheat that is red in colour and of the Red Fife variety." Definition.

4. Paragraph (*b*) of section 52 is repealed and the following substituted therefor:— S. 52 amended.

"(*b*) the Manitoba Inspection Division, which consists of,— Inspection divisions.

(i) the provinces of Manitoba, Saskatchewan, Alberta and British Columbia;

(ii) the Northwest Territories;

(iii) that portion of the province of Ontario lying west of and including the existing district of Port Arthur."

5. Section 79 is amended by adding at the end thereof the words "which fees shall be paid by the person at whose instance the survey is demanded, or by the owner or possessor of the grain." S. 79 amended. Tariff of fees.

6. Subsection 4 of section 81 is hereby repealed. S. 81 amended. Costs of appeal.

7. Section 119 is amended by striking out the words "other than oats" in the second and third lines thereof. S. 119 amended. Commercial grades.

8. Section 123 is hereby repealed and the following substituted therefor:— S. 123 amended.

"**123.** All grain produced in the provinces of Manitoba, Saskatchewan and Alberta and in the Northwest Territories, Grain to be inspected in

Winnipeg district.

passing through the Winnipeg district *en route* to points to the east thereof, shall be inspected at Winnipeg or a point within the district; and, on all grain so inspected, the inspection shall be final as between the western farmer or dealer and the Winnipeg dealer.

Re-inspection at Fort William.

"2. Any grain inspected at Winnipeg or other western port may be re-inspected at Fort William or at other terminal elevators in the division without additional charge; but any grain not inspected west of Fort William shall be inspected at that point, and a certificate shall be issued on payment of the usual fee.

Re-inspection at terminal elevator.

"3. If any car on its arrival at a terminal elevator is found by the inspector to be plugged or wrongfully loaded, the grain in such car shall be re-inspected, and if the first inspection is altered the original certificate shall be recalled and a new one shall be issued in accordance with the re-inspection and shall be final.

Notice to be given of arrival of grain.

"4. Railway companies and other transportation companies shall notify the inspection department of the arrival of cars of grain at points where inspection is authorized and of the position of such cars in the railway yard, and shall not move such cars until they have been notified by the inspection department that the sampling of the grain is completed."

New ss. 126A and 126B.

9. The following sections are hereby inserted, immediately after section 126, as section 126A and 126B:—

Inspector to have control of storage and shipping of grain.

"**126A.** All grain stored as aforesaid shall be binned under the direction, supervision and control of the inspector, deputy inspector or inspecting officer. The inspector, deputy inspector, or inspecting officer shall have full control of all grain in terminal elevators and no grain shall be shipped out of, transferred or removed from any terminal elevator without his supervision.

Records.

"2. The inspector shall keep the proper records of all grain received into store in any terminal elevator, which records shall show the particulars of each parcel or car-lot of grain received, the date received, the grade, the dockage, if any, and the number of the bin in which such grain has been stored; and he shall keep similar records of all grain shipped from any terminal elevator, which records shall also give the name of the vessel or the number of the car into which such grain has been delivered.

Transfer from one bin to another.

"3. No grain shall be transferred from one bin to another in a terminal elevator without the supervision of the proper inspecting officer, who shall record such transfer in proper books.

Special binning forbidden.

"4. No grain shall be specially binned for any person, firm or corporation in any terminal elevator except in cases where it is found to be out of condition on arrival at such terminal elevator, and in cases where it has gone out of condition while in store as provided in sections 34 to 38 of *The Manitoba Grain Act*.

Exceptions, R.S., c. 83.

Powers of inspector as to cleaning.

"5. All grain marked by the inspection department for cleaning shall be cleaned under the supervision of the inspection department or the inspecting officer, and the inspector may condemn any cleaning machine which in his opinion is not doing satisfactory work and may order machines installed

which will satisfactorily clean such grain to its proper grade; and he shall also have the power, where he finds the cleaning facilities inadequate, to order the installation of such additional machines as will meet the requirements.

"6. Where grain rejected for dirt is ordered to be cleaned by the owner the cleaning shall be subject to the supervision of the inspecting officer." Cleaning by owner.

"**126B.** The chief inspector, subject to the approval of the Minister, may make such rules and regulations as are necessary for the control of the binning and cleaning of all grain stored in terminal elevators, including the transferring of grain from one bin to another and the delivery of grain from the bins into cars, vessels or other receptacles." Regulations as to binning and cleaning.

10. The following is added to section 128 as subsection 3 thereof:— S. 128 amended.

"3. The chief inspector shall issue such rules and regulations governing the inspection and outward shipments of grain from Fort William as will satisfactorily identify the inspection certificates with the lake bill or the railway shipping bill and the lot or parcel of grain covered by such certificate." Identification of grain.

11. Subsection 1 of section 130 is amended by adding, in the last line thereof after the word "accordingly" the following:— S. 130 amended. Disputes as to grading.

"If the owner or possessor so desires he may call for a fresh sample to be drawn by the inspection department for use on re-inspection or survey, the expense thereof to be borne by the applicant, and in case it be drawn for the purpose of survey it shall be sent to the secretary of the survey board." Fresh sample may be required.

12. Subsection 3 of section 130 is repealed. S. 130 further amended. Cost of appeal.

13. Section 131 is hereby repealed. S. 131 repealed. Settlement of difference between farmer and buyer.

14. Section 135 is repealed and the following substituted therefor:— S. 135 amended.

"**135.** In the case of unclean grain inspected in the division, the inspecting officer shall state in his certificate the percentage of dirt necessary to be cleaned out at terminals in order to clean the grain to the grade certified; he shall also state in his certificate the percentage of dirt contained in grain inspected by him as rejected because of too much dirt. In case such dockage contains a proportion of domestic grain the percentage of domestic grain shall also be marked on the certificate." Unclean grain.

15. Section 136 is amended by striking out the three paragraphs, under the heading "*Winter Wheat,*" which relate to Alberta Red Winter Wheat. S. 136 amended. Winter wheat.

16. Section 137 is amended by inserting under the heading of "*Spring Wheat*" and after the definition of "No. 2 Manitoba Northern Wheat" the following paragraphs:— S. 137 amended. Grades of spring wheat.

"No. 1 Manitoba bleached wheat shall contain wheat slightly bleached by weather conditions, and tough and slightly damp wheat that has been properly treated and fit for storing, all of which in the discretion of the inspector has not been injured for milling purposes, and that otherwise would have graded No. 1 hard or No 1 northern, and weighing not less than sixty pounds to the bushel.

"Red varieties of spring wheat other than Red Fife may be graded No. 1 northern or lower in the discretion of the inspector."

S. 137 amended.
Grades of wheat.

17. Section 137 is further amended by inserting therein immediately after the definitions of "*Spring Wheat*" the following definitions of "*Winter Wheat*":—

Winter Wheat.

"No. 1 Alberta red winter wheat shall be hard pure red winter wheat, sound and clean, weighing not less than 62 pounds to the bushel.

"No. 2 Alberta red winter wheat shall be hard red winter wheat, sound and clean, weighing not less than 60 pounds to the bushel.

"No. 3 Alberta red winter wheat shall include hard red winter wheat not clean enough or sound enough to be graded No. 2, weighing not less than 57 pounds to the bushel.

"No. 1 Alberta white wheat shall be pure white winter wheat, sound and clean, weighing not less than 60 pounds to the bushel.

"No. 2 Alberta white winter wheat shall be white winter wheat, sound and clean, weighing not less than 58 pounds to the bushel.

"No. 3 Alberta white winter wheat shall include white winter wheat not clean enough nor sound enough to be graded as No. 2, weighing not less than 56 pounds to the bushel."

S. 137 amended.
Grades of Oats.

18. Section 137 is further amended by striking out therefrom the definitions under the heading "Oats" and substituting therefor the following:—

"Oats."

"Extra No. 1 Canadian Western oats shall be white, sound, clean and free from other grain, and shall contain 95 per cent of white oats and shall weigh not less than 42 pounds to the bushel.

"No. 1 Canadian Western oats shall be white, sound, clean and free from other grain, shall contain 95 per cent of white oats, and shall weigh not less than 36 pounds to the bushel.

"No. 2 Canadian Western oats shall be sound, reasonably clean and reasonably free from other grain, shall contain 90 per cent of white oats, and shall weigh not less than 34 pounds to the bushel.

"No. 3 Canadian Western oats shall be sound, but not clean enough or sufficiently free from other grain to be graded as No. 2, and shall weigh not less than 34 pounds to the bushel.

"No. 1 Feed Oats shall be oats excluded from the preceding grades on account of damage other than heating, shall contain not more than five per cent of wheat, nor more than three per cent of other grain, shall be reasonably clean, and shall weigh not less than 34 pounds to the bushel.

"No. 2 Feed Oats shall include oats weighing less than 34 pounds to the bushel or otherwise unfit for No. 1 Feed."

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

THE SENATE OF CANADA.

BILL.

CCC

An Act to amend The Inspection and Sale Act, as regards Grain.

Received and read a first time,

Friday, May 22, 1908.

Second reading,

Tuesday, June 2, 1908.

Right Honourable
SIR RICHARD CARTWRIGHT, G.C.M.G.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8.

THE SENATE OF CANADA.

BILL AS PASSED JULY 8, 1908.

CCC.] **1907-8**

An Act to amend The Inspection and Sale Act, as regards Grain.

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

1. This Act may be cited as *The Inspection and Sale of Grain Amendment Act*, 1908. Short title.

2. Chapter 85 of The Revised Statutes of Canada, 1906, intituled: *An Act respecting the Inspection and Sale of certain Staple Commodities*, is by this Act amended in the manner hereinafter set forth. R.S., c. 85, amended.

3. The following is added to section 48 as paragraph (*l*) thereof:— S. 48 amended.

"(*l*) The expression "hard red Fife Wheat" shall mean wheat that is red in colour and of the Red Fife variety." Definition.

4. Paragraph (*b*) of section 52 is repealed and the following substituted therefor:— S. 52 amended.

"(*b*) the Manitoba Inspection Division, which consists of,— Inspection divisions.

(i) the provinces of Manitoba, Saskatchewan, Alberta and British Columbia;

(ii) the Northwest Territories;

(iii) that portion of the province of Ontario lying west of and including the existing district of Port Arthur."

5. Section 79 is amended by adding at the end thereof the words "which fees shall be paid by the person at whose instance the survey is demanded, or by the owner or possessor of the grain." S. 79 amended. Tariff of fees.

6. Subsection 4 of section 81 is hereby repealed. S. 81 amended. Costs of appeal.

7. Subsection 1 of section 99 is amended by adding at the end thereof the following words:— S. 99 amended.

"; if the car is leaking or in bad order the record shall state the fact."

S. 119 amended. Commercial grades.

8. Section 119 is amended by striking out the words "other than oats" in the second and third lines thereof

S. 123 amended.

9. Section 123 is hereby repealed and the following substituted therefor:—

Grain to be inspected in Winnipeg district.

"**123.** All grain produced in the provinces of Manitoba, Saskatchewan and Alberta and in the Northwest Territories, passing through the Winnipeg district *en route* to points to the east thereof, shall be inspected at Winnipeg or a point within the district; and, on all grain so inspected, the inspection shall be final as between the western farmer or dealer and the Winnipeg dealer.

Exception from foregoing.

"2. When, owing to extreme pressure of business, the railway company, or other transportation company, finds that cars containing grain are being unduly delayed for inspection purposes in Winnipeg, then the company, upon notification to, and with the consent of, the chief inspector, or, in his absence, the inspector, may remove a special number of cars to Fort William without inspection at Winnipeg.

Re-inspection at Fort William.

"3. Any grain inspected at Winnipeg or other western port may be re-inspected at Fort William or at other terminal elevators in the division without additional charge; but any grain not inspected west of Fort William shall be inspected at that point, and a certificate shall be issued on payment of the usual fee

Re-inspection at terminal elevator.

"4. If any car on its arrival at a terminal elevator is found by the inspector to be plugged or wrongfully loaded, the grain in such car shall be re-inspected, and if the first inspection is altered the original certificate shall be recalled and a new one shall be issued in accordance with the re-inspection and shall be final.

Notice to be given of arrival of grain.

"5. Railway companies and other transportation companies shall notify the inspection department of the arrival of cars of grain at points where inspection is authorized and of the position of such cars in the railway yard, and shall not move such cars until they have been notified by the inspection department that the sampling of the grain is completed."

New ss. 126A and 126B.

10. The following sections are hereby inserted, immediately after section 126, as sections 126A and 126B:—

Inspector to have control of storage and shipping of grain.

"**126A.** All grain stored as aforesaid shall be binned under the direction, supervision and control of the inspector, deputy inspector or inspecting officer. The inspector, deputy inspector, or inspecting officer shall have full control of all grain in terminal elevators and no grain shall be shipped out of, transferred or removed from any terminal elevator without his supervision.

Records.

"2. The inspector shall keep the proper records of all grain received into store in any terminal elevator, which records shall show the particulars of each parcel or car-lot of grain received, the date received, the grade, the dockage, if any, and

the number of the bin in which such grain has been stored; and he shall keep similar records of all grain shipped from any terminal elevator, which records shall also give the name of the vessel or the number of the car into which such grain has been delivered.

"3. No grain shall be transferred from one bin to another in a terminal elevator without the supervision of the proper inspecting officer, who shall record such transfer in proper books. Transfer from one bin to another.

"4. No grain shall be specially binned for any person, firm or corporation in any terminal elevator except in cases where it is found to be out of condition on arrival at such terminal elevator, and in cases where it has gone out of condition while in store as provided in sections 34 to 38 of *The Manitoba Grain Act*. Special binning forbidden. Exceptions, R.S., c. 83.

"5. All grain marked by the inspection department for cleaning shall be cleaned under the supervision of the inspection department or the inspecting officer, and the inspector may condemn any cleaning machine which in his opinion is not doing satisfactory work and may order machines installed which will satisfactorily clean such grain to its proper grade; and he shall also have the power, where he finds the cleaning facilities inadequate, to order the installation of such additional machines as will meet the requirements. Powers of inspector as to cleaning.

"6. Where grain rejected for dirt is ordered to be cleaned by the owner the cleaning shall be subject to the supervision of the inspecting officer." Cleaning by owner.

"**126B.** The chief inspector, subject to the approval of the Minister, may make such rules and regulations as are necessary for the control of the binning and cleaning of all grain stored in terminal elevators, including the transferring of grain from one bin to another and the delivery of grain from the bins into cars, vessels or other receptacles." Regulations as to binning and cleaning.

11. The following is added to section 128 as subsection 3 thereof:— S. 128 amended.

"3. The chief inspector shall issue such rules and regulations governing the inspection and outward shipments of grain from Fort William as will satisfactorily identify the inspection certificates with the lake bill or the railway shipping bill and the lot or parcel of grain covered by such certificate." Identification of grain.

12. Subsection 1 of section 130 is amended by adding, in the last line thereof after the word "accordingly" the following:— S. 130 amended. Disputes as to grading.

"If the owner or possessor so desires he may call for a fresh sample to be drawn by the inspection department for use on re-inspection or survey, the expense thereof to be borne by the applicant, and in case it be drawn for the purpose of survey it shall be sent to the secretary of the survey board." Fresh sample may be required.

S. 130 further amended. Cost of appeal

13. Subsection 3 of section 130 is repealed.

S. 131 repealed. Settlement of differences between farmer and buyer.

14. Section 131 is hereby repealed.

S. 135 amended. Unclean grain.

15. Section 135 is repealed and the following substituted therefor:—

"**135.** In the case of unclean grain inspected in the division, when practicable the inspecting officer shall state in his certificate the percentage of dirt necessary to be cleaned out at terminals in order to clean the grain to the grade certified; he shall also state in his certificate the percentage of dirt contained in grain inspected by him as rejected because of too much dirt. In case such dockage contains a proportion of domestic grain the percentage of domestic grain shall also be marked on the certificate when practicable."

S. 136 amended. Winter wheat.

16. Section 136 is amended by striking out the three paragraphs, under the heading "*Winter Wheat,*" which relate to Alberta Red Winter Wheat.

S. 137 amended. Grades of spring wheat.

17. Section 137 is amended by inserting under the heading of "*Spring Wheat*" and after the definition of "No. 2 Manitoba Northern Wheat" the following paragraphs:—

"No. 1 Manitoba bleached wheat shall contain wheat slightly bleached by weather conditions, and tough and slightly damp wheat that has been properly treated and fit for storing, all of which in the discretion of the inspector has not been injured for milling purposes, and that otherwise would have graded No. 1 hard or No 1 northern, and weighing not less than sixty pounds to the bushel.

"Red varieties of hard spring wheat other than Red Fife may be graded No. 1 northern or lower in the discretion of the inspector."

S. 137 amended. Grades of wheat.

18. Section 137 is further amended by inserting therein immediately after the definitions of "*Spring Wheat*" the following definitions of "*Winter Wheat*":—

Winter Wheat.

"No. 1 Alberta red winter wheat shall be hard pure red winter wheat, sound and clean, weighing not less than 62 pounds to the bushel.

"No. 2 Alberta red winter wheat shall be hard red winter wheat, sound and clean, weighing not less than 60 pounds to the bushel.

"No. 3 Alberta red winter wheat shall include hard red winter wheat not clean enough or sound enough to be graded No. 2, weighing not less than 57 pounds to the bushel.

"No. 1 Alberta white winter wheat shall be pure white winter wheat, sound and clean, weighing not less than 60 pounds to the bushel.

"No. 2 Alberta white winter wheat shall be white winter wheat, sound and clean, weighing not less than 58 pounds to the bushel.

"No. 3 Alberta white winter wheat shall include white winter wheat not clean enough nor sound enough to be graded as No. 2, weighing not less than 56 pounds to the bushel.

"No. 1 Alberta mixed winter wheat shall be red and white winter wheat mixed, sound, plump and clean, weighing not less than 61 pounds to the bushel, and containing not less than 50 per cent red winter wheat.

"No. 2 Alberta mixed winter wheat shall be red and white winter wheat mixed, sound, plump, clean, weighing not less than 59 pounds to the bushel."

19. Section 137 is further amended by striking out therefrom the definitions under the heading "Oats" and substituting therefor the following:— S. 137 amended. Grades of Oats.

"Oats."

"Extra No. 1 Canadian Western oats shall be white, sound, clean and free from other grain, and shall contain 95 per cent of white oats and shall weigh not less than 42 pounds to the bushel.

"No. 1 Canadian Western oats shall be white, sound, clean and free from other grain, shall contain 95 per cent of white oats, and shall weigh not less than 36 pounds to the bushel.

"No. 2 Canadian Western oats shall be sound, reasonably clean and reasonably free from other grain, shall contain 90 per cent of white oats, and shall weigh not less than 34 pounds to the bushel.

"No. 3 Canadian Western oats shall be sound, but not clean enough or sufficiently free from other grain to be graded as No. 2, and shall weigh not less than 34 pounds to the bushel.

"Extra No. 1 Feed oats shall be sound, except as to frost, shall contain not more than two per cent of wheat nor more than two per cent of other grain, shall be reasonably clean, and shall weigh not less than 38 pounds to the bushel.

"No. 1 Feed oats shall be oats excluded from the preceding grades on account of damage other than heating, shall contain not more than five per cent of wheat, nor more than three per cent of other grain, shall be reasonably clean, and shall weigh not less than 34 pounds to the bushel.

"No. 2 Feed oats shall include oats weighing less than 34 pounds to the bushel or otherwise unfit for No. 1 Feed."

New s. 138A.

20. The following section is hereby inserted, immediately after section 138, as section 138A.:—

Inspection of U.S. corn.

"**138A.** The provision made in the following sections for the establishment of standard samples for grain of United States production shall not apply to corn, but corn of United States production shall be inspected to the definitions provided in section 136 of this Act."

Commencement of Act.

21. This Act shall come into force on the first day of September, A.D. 1908.

THE SENATE OF CANADA.

DDD.] **BILL.** [1907-8

An Act to incorporate The Alberta South-Western 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 consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. James J. O'Connor, James A. Little, J. A. Crozier, J. J. Carrick and W. S. Ruttan, all of the town of Port Arthur, in the province of Ontario, together with such other persons as become shareholders of the Company, are hereby incorporated under the name of "The Alberta South-Western Railway Company," hereinafter called "the Company." Incorporation. Corporate name.

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

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. Capital. Calls.

4. The head office of the Company shall be in the town of Port Arthur, in the province of Ontario. Head office.

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

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

7. The Company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches, from a point on the International Boundary Line between the United States of America and the province of British Columbia, at or near the place where the Kootenay River crosses the said boundary line, thence in a northerly direction, following the valley of the Kootenay River to a point at or near Elko, in the said province of British Columbia; thence in a north-easterly direction, following the valley of the North Kootenay River and the South Fork of the Old Man River, to a point at or near Cowley, Line of railway authorized.

in the province of Alberta; thence in a northerly direction, following the valley of the Old Man River, through the gap in the Livingstone Range; thence following the valley of the northwest branch of the Livingstone River and along the Highwood River, in an easterly and north-easterly direction, to a point at or near Calgary, on the main line of the Canadian Pacific Railway.

Issue of securities.

8. The securities issued by the Company shall not exceed forty 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.

Agreements with other companies. R. S., c. 37.

9. 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 Calgary and Edmonton Railway Company, the Grand Trunk Railway Company, and the Great Northern Railway Company.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8.

THE SENATE OF CANADA.

BILL.

DDD

An Act to incorporate The Alberta South Western Railway Company.

Received and read a first time,

Wednesday, June 3, 1908.

Second reading,

Friday, June 5, 1908.

Honourable

SIR MACKENZIE BOWELL, K.C.M.G.

OTTAWA

Printed by S. E. DAWSON

Printer to the King's most Excellent Majesty

1907-8.

THE SENATE OF CANADA.

BILL AS PASSED JUNE 17, 1908.

DDD.] [1907-8

An Act to incorporate The Alberta and British Columbia 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 consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. James J. O'Connor, James A. Little, J. A. Crozier, J. J. Carrick and W. S. Ruttan, all of the town of Port Arthur, in the province of Ontario, together with such other persons as become shareholders of the Company, are hereby incorporated under the name of "The Alberta and British Columbia Railway Company," hereinafter called "the Company." Incorporation. Corporate name.

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

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. Capital. Calls.

4. The head office of the Company shall be in the town of Port Arthur, in the province of Ontario. Head office.

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

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

7. The Company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches, from a point on the International Boundary Line between the United States of America and the province of British Columbia, at or near the place where the Kootenay River crosses the said boundary line, thence in a northerly direction, following the valley of the Kootenay River to a point at or near Elko, in the said Line of railway authorized.

province of British Columbia; thence in a north-easterly direction, following the valley of the North Kootenay River and the South Fork of the Old Man River, to a point at or near Cowley, in the province of Alberta; thence in a northerly direction, following the valley of the Old Man River, through the gap in the Livingstone Range; thence following the valley of the north-west branch of the Livingstone River and along the Highwood River, in an easterly and north-easterly direction, to a point at or near Calgary, on the main line of the Canadian Pacific Railway.

Issue of securities.

8. The securities issued by the Company shall not exceed forty 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.

Agreements with other companies. R. S., c. 37.

9. 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 Calgary and Edmonton Railway Company, and the Grand Trunk Pacific Railway Company.

THE SENATE OF CANADA.

EEE.] **BILL.** [1907-8

An Act respecting The Hamilton, Waterloo and Guelph Railway Company.

WHEREAS the Hamilton, Waterloo and Guelph Railway Company has by its petition prayed that it be enacted as hereinafter set forth; and whereas by the said petition it has been made to appear that the circumstances and conditions in connection with the construction of the lines of railway of the petitioner are very exceptional; and whereas 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. 1906, c. 106.

1. Section 10 of chapter 106 of the Statutes of 1906, intituled *An Act to incorporate the Hamilton, Waterloo and Guelph Railway Company*, is hereby amended by substituting for the word "thousand" in the second line thereof, the words "seven thousand five hundred." 1906, c. 106, s. 10 amended. Issue of Securities increased from $30,000 to $37,500 per mile.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

THE SENATE OF CANADA.

BILL.

EEE

An Act respecting The Hamilton, Waterloo and Guelph Railway Company.

Received and read a first time,

Tuesday, June 16, 1908.

Second reading,

Thursday, June 18, 1908.

Honourable Mr. GIBSON.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

THE SENATE OF CANADA.

BILL AS PASSED JUNE 26, 1908.

EEE.] [1907-8

An Act respecting The Hamilton, Waterloo and Guelph Railway Company.

WHEREAS the Hamilton, Waterloo and Guelph Railway Company has by its petition prayed that it be enacted as hereinafter set forth; and whereas by the said petition it has been made to appear that the circumstances and conditions in connection with the construction of the lines of railway of the petitioner are very exceptional; and whereas 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. 1906, c. 106.

1. Section 10 of chapter 106 of the Statutes of 1906, intituled *An Act to incorporate the Hamilton, Waterloo and Guelph Railway Company*, is hereby amended by substituting for the word "thousand" in the second line thereof, the words "seven thousand five hundred." 1906, c. 106, s. 10 amended. Issue of Securities increased from $30,000 to $37,500 per mile.

THE SENATE OF CANADA.

FFF.] **BILL.** [1907-8

An Act respecting a certain patent of William B. Smith.

WHEREAS William B. Smith, of the city of Chicago, in the state of Illinois, one of the United States of America, Inventor, has by his petition represented that he is the holder of Letters Patent for the Dominion of Canada, issued under the Seal of the Patent Office, namely, Patent Number 86428, dated the twelfth day of April, 1904, being re-issue of Patent Number 72712, dated the thirteenth day of August, 1901; and whereas by his said petition he 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:— Preamble.

1. Notwithstanding anything to the contrary in *The Patent Act*, or in the said recited Letters Patent, the Commissioner of Patents may receive from William B. Smith an application for a certificate of payment, and, upon payment of the usual fee upon the said Letters Patent for the remainder of the term of eighteen years from the thirteenth day of August, 1901, may grant and issue to the said William B. Smith a certificate of payment as provided by *The Patent Act*, and an extension of the duration of the said Patent; and, subject to the payment of such fee, the said Patent is hereby extended to the full term of eighteen years, in as full and ample a manner as if application therefor had been duly made within six years from the date of the said original Letters Patent Number 72712. Power to Commissioner to receive payment of fee and to grant extension. R.S., c. 69. Term of extension.

2. Any person, other than a licensee, who has within the period between the thirteenth day of August, 1907, and the sixth day of June, 1908, commenced to manufacture, use and sell in Canada the inventions covered by the said Letters Patent, may continue to manufacture, use and sell such inventions in as full and ample a manner as if this Act had not been passed. Saving of rights of persons who have commenced manufacture, use and sale.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

THE SENATE OF CANADA.

BILL.

FFF

An Act respecting a certain patent of William B. Smith.

Received and read a first time,

Wednesday, June 24, 1908

Second reading,

Friday, June 26, 1908.

Honourable Mr. POWER

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8.

THE SENATE OF CANADA.

BILL AS PASSED JULY 8, 1908.

FFF.] [1907-8

An Act respecting a certain patent of William B. Smith.

Preamble.

WHEREAS William B. Smith, of the city of Chicago, in the state of Illinois, one of the United States of America, Inventor, has by his petition represented that he is the holder of Letters Patent for the Dominion of Canada, issued under the Seal of the Patent Office, namely, Patent Number 86428, dated the twelfth day of April, 1904, being re-issue of Patent Number 72712, dated the thirteenth day of August, 1901; and whereas by his said petition he 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 receive payment of fee and to grant extension.

1. Notwithstanding anything to the contrary in *The Patent Act*, or in the said recited Letters Patent, the Commissioner of Patents may receive from William B. Smith an application for a certificate of payment, and, upon payment of the usual fee upon the said Letters Patent for the remainder of the term of eighteen years from the thirteenth day of August, 1901, may grant and issue to the said William B. Smith a certificate of payment as provided by *The Patent Act*, and an extension of the duration of the said Letters Patent to the full term of eighteen years, in as full and ample a manner as if application therefor had been duly made within six years from the date of the said original Letters Patent Number 72712.

R.S., c. 69.

Term of extension.

Saving of rights of persons who have commenced manufacture, use and sale.

2. Any person, other than a licensee, who has within the period between the thirteenth day of August, 1907, and the sixth day of June, 1908, commenced to manufacture, use and sell in Canada any of the inventions covered by the said Letters Patent, may continue to manufacture, use and sell such inventions in as full and ample a manner as if this Act had not been passed.

THE SENATE OF CANADA.

GGG.] **BILL.** [1907-8

An Act for the relief of Arthur James Townsend.

Preamble.

WHEREAS Arthur James Townsend, of the city of Toronto, in the province of Ontario, has by his petition alleged, in effect, that on the twenty-fourth day of August, A.D. 1904, at the said city of Toronto, he was lawfully married to Cora Leffler; that she was then of the said city of Toronto, a spinster; that his legal domicile was then and is now in Canada; that at the city of Buffalo, in the state of New York, one of the United States of America, at divers times in the year A.D. 1905, between the months of January and July, she committed adultery with various men whose names are unknown; that her present residence and whereabouts are unknown; 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 Arthur James Townsend and Cora Leffler, 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 Arthur James Townsend may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Cora Leffler had not been solemnized.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

THE SENATE OF CANADA.

BILL.

GGG

An Act for the relief of Arthur James Townsend.

Received and read a first time,

Wednesday, June 24, 1908.

Second reading,

Friday, June 26, 1908.

Honourable Mr. CAMPBELL.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8

THE SENATE OF CANADA.

BILL AS PASSED JUNE 26, 1908.

GGG.] 1907-8

An Act for the relief of Arthur James Townsend.

Preamble.

WHEREAS Arthur James Townsend, of the city of Toronto, in the province of Ontario, has by his petition alleged, in effect, that on the twenty-fourth day of August, A.D. 1904, at the said city of Toronto, he was lawfully married to Cora Leffler; that she was then of the said city of Toronto, a spinster; that his legal domicile was then and is now in Canada; that at the city of Buffalo, in the state of New York, one of the United States of America, at divers times in the year A.D. 1905, between the months of January and July, she committed adultery with various men whose names are unknown; that her present residence and whereabouts are unknown; 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 Arthur James Townsend and Cora Leffler, 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 Arthur James Townsend may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Cora Leffler had not been solemnized.

THE SENATE OF CANADA.

BILL AS PASSED JUNE 26, 1908.

GGG.]

An Act for the relief of Arthur James Townsend.

WHEREAS Arthur James Townsend of the city of Toronto, in the province of Ontario, [illegible] effect, that on the twenty-[illegible] at the said city of Toronto, [illegible] Leffler; that she was then of the said city in Toronto, in the province of Ontario; that his legal domicile was then in the said city of Toronto, in the province of Ontario; that the city of Buffalo, in the state of New York, one of the United States of America, at divers times between the months of January and July, [illegible] various men whose names are [illegible] residence and whereabouts are unknown to the said petitioner, [illegible] lived at nor condoned the said adultery, that there has been no collusion, directly or indirectly, between the said petitioner and her in the proceedings for divorce; and whereas by the petition he has prayed for the passing of an Act [illegible] authorizing him to marry again and for such other relief as is deemed meet; and whereas the said allegations have been proved, and it is expedient that the prayer of the petition should be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The said marriage between the said Arthur James Townsend and Cora Leffler, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

2. The said Arthur James Townsend may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Cora Leffler had never been solemnized.

GGG—1

THE SENATE OF CANADA.

HHH.] **BILL.** [1907-8

An Act respecting certain Patents of The Metal Shingle and Siding Company, Limited.

Preamble.

WHEREAS The Metal Shingle and Siding Company, Limited, has by its petition represented that it is the holder of certain Letters Patent for the Dominion of Canada, issued under the seal of the Patent Office, and dated the sixth day of May, 1902, being Number 75,775, for improvements in processes for making expanded metal structures, and Number 75,776, for improvements in machines for making expanded metal structures; and whereas the said company has by its said 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—

Power to Commissioner of Patents to receive payment of fee and to grant extension.

1. Notwithstanding anything in *The Patent Act*, or in the said two several Letters Patent mentioned in the preamble, the Commissioner of Patents may receive from The Metal Shingle and Siding Company, Limited, the application for a certificate of payment and the usual fees upon the said patents for the remainder of the term of eighteen years from the date thereof, and may grant and issue to the said company the certificate of payment of fees as provided for by *The Patent Act* and an extension of the period of duration of the said Letters Patent to the full term of eighteen years, in as full and ample a manner as if the application therefor had been duly made within six years from the date of the issue of the said Letters Patent.

R. S., c. 69.

Term of extension.

Saving of rights of persons who have commenced manufacture, use and sale.

2. If any person has, in the period between the sixth day of May, 1908, and the date of the passing of this Act, commenced to manufacture, use and sell, in Canada, any of the inventions covered by the said Letters Patent or either of them, such person may continue to manufacture, use and sell such inventions in as full and ample a manner as if this Act had not been passed.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

THE SENATE OF CANADA.

BILL.

HHH

An Act respecting certain Patents of The Metal Shingle and Siding Company, Limited.

Received and read a first time,

Wednesday, July 8, 1908

Second reading,

Thursday, July 9, 1908.

Honourable Mr. CAMPBELL.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1907-8.

THE SENATE OF CANADA.

BILL AS PASSED JULY 10, 1908.

HHH.] [1907-8

An Act respecting certain Patents of The Metal Shingle and Siding Company, Limited.

Preamble.

WHEREAS The Metal Shingle and Siding Company, Limited, has by its petition represented that it is the holder of certain Letters Patent for the Dominion of Canada, issued under the seal of the Patent Office, and dated the sixth day of May, 1902, being Number 75,775, for improvements in processes for making expanded metal structures, and Number 75,776, for improvements in machines for making expanded metal structures; and whereas the said company has by its said 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—

Power to Commissioner of Patents to receive payment of fee and to grant extension.

1. Notwithstanding anything in *The Patent Act*, or in the said two several Letters Patent mentioned in the preamble, the Commissioner of Patents may receive from The Metal Shingle and Siding Company, Limited, the application for a certificate of payment and the usual fees upon the said patents for the remainder of the term of eighteen years from the date thereof, and may grant and issue to the said company the certificate of payment of fees as provided for by *The Patent Act* and an extension of the period of duration of the said Letters Patent to the full term of eighteen years, in as full and ample a manner as if the application therefor had been duly made within six years from the date of the issue of the said Letters Patent.

R. S., c. 69.

Term of extension.

Saving of rights of persons who have commenced manufacture, use and sale.

2. If any person has, in the period between the sixth day of May, 1908, and the date of the passing of this Act, commenced to manufacture, use and sell, in Canada, any of the inventions covered by the said Letters Patent or either of them, such person may continue to manufacture, use and sell such inventions in as full and ample a manner as if this Act had not been passed.

THE SENATE OF CANADA.

III.] **BILL.** [1907-8

An Act respecting Agricultural Fertilizers.

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

1. This Act may be cited as *The Fertilizers Act*, 1908. Short title.

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

(*a*) "Minister" means the Minister of Inland Revenue;

(*b*) "fertilizer" includes every natural or artificial manure which is sold at more than ten dollars per ton, and which contains phosphoric acid, nitrogen, or potash.

(*c*) "registration number" means the specific number given annually to each and every brand of legalized fertilizer, by the Minister;

(*d*) "agent" means any person, not a manufacturer, who sells, or offers for sale, any fertilizer;

(*e*) "guaranteed analysis" means the valuation of a fertilizer by the manufacturer or agent in terms of its content of phosphoric acid, nitrogen and potash.

3. Fertilizers shall be considered as distinct brands, when differing either in guaranteed composition, trade mark, name, or in any other characteristic method of marking, whatsoever. Distinct brands.

4. Every manufacturer of fertilizers, or agent, offering for sale any fertilizer in Canada, shall, before offering such fertilizer for sale, procure annually from the Minister a registration number for each brand of fertilizer which he intends offering for sale during the year. Such registration number shall legalize the sale of the brand of fertilizers for which it is granted, and shall sufficiently identify such brand. The registration number shall be printed, or stencilled, or otherwise clearly and legibly placed upon every package sold, or offered for sale. Registration number. Effect. How applied.

5. The year for which any registration number is granted, coincides with the calendar year; and every registration number expires with the thirty-first day of December of the year during which it was granted. Registration numbers, beginning with the number "1" will be issued, from and after the first day of January next after this Act comes into force; and every Registration number—period of validity.

legalized fertilizer will be identified by the special registration number then given, until the thirty-first day of December next following. No registration number will be granted a second time, so that each brand of fertilizer will be known by a higher registration number from year to year. On and after the first day of January in each year it shall be unlawful to sell any fertilizer bearing a registration number which is not greater than the last registration number granted during the next preceding year.

Application for registration number.

6. Every application for a registration number shall be accompanied by a statement giving the following particulars:—

Particulars.

(*a*) Name of brand, and trade mark, if any.

(*b*) Name and address of manufacturer.

(*c*) Name and address of the person applying for registration.

(*d*) Guaranteed analysis.

Fee on application.

2. For each registration number required the applicant shall, at the time of application for such number, transmit to the Minister a fee of twenty dollars.

Registration number, how affixed.

7. The registration number must be affixed, by the manufacturer or importer, or agent, in a plain and legible manner, to every package of fertilizer sold; and shall constitute a legal identification of the brand. In addition to the registration

Statement required.

number, there must be legibly printed on every package of fertilizer sold, a statement as described in Schedule A to this Act. This condition shall be held to be fulfilled, if a printed tag containing the registration number, and the statement required, be securely attached to the package.

Analysis for purchaser of registered fertilizer.

8. Any purchaser of a legally registered fertilizer may obtain from the Minister an analysis of the goods as delivered to him, by making a plication for such analysis, accompanied by a sample of the fertilizer, of at least one pound weight, and taken in accordance with the directions given in Schedule B to this Act; and on payment of a fee of two dollars.

Fee.

Inspectors of fertilizers.

9. The officers of Inland Revenue, the officers of Customs, the inspectors and deputy inspectors of Weights and Measures, the inspectors of food, drugs and agricultural fertilizers, acting under *The Adulteration Act*, or any of them, shall, when required to do so, by any regulation made in that behalf by the Governor in Council, or by the Minister, act as inspectors of fertilizers, and shall procure and submit for analysis samples of fertilizers offered for sale in Canada.

R.S., 1906, c. 133.

To procure samples for analysis.

Duty of inspectors, as to procuring samples.

10. An inspector of fertilizers shall, at least once in each year, obtain for analysis from every vendor of fertilizers for sale in the district for which the inspector is appointed a sample of the fertilizer manufactured, imported or sold by such manufacturer, importer or vendor; but the provisions of this section shall not be construed to limit the right of the inspector to procure samples for analysis in accordance with the following provisions of this Act.

Transmission of samples.

2. Every sample so obtained by an inspector under this section shall be transmitted to the Minister for submission to

the Chief Analyst for analysis; and the result of such analyses, as well as the analyses of samples furnished by purchasers in accordance with section 8 of this Act, shall be published annually by the Minister in such manner as he sees fit, together with a statement showing the relative value of each fertilizer, calculated from its contents in fertilizing ingredients at their current market value.

Publication of results of analysis.

Value of fertilizer to be stated.

11. If any fertilizer is imported for his own use by the importer thereof, and not for sale, it shall not be held as coming under this Act; but such importer may secure an analysis of the fertilizer, as delivered to him, on making application to the Minister, together with a fee of ten dollars. The sample submitted must be taken in accordance with the requirements of section 8 of this Act.

As to fertilizers imported for personal use, not for sale.

Analysis.

12. Fertilizers which are manufactured to the order of the purchaser, and which are not intended for sale, shall not be held as coming under this Act; but such purchaser may secure an analysis of the fertilizer as delivered to him, under the conditions stated in section 11 of this Act.

As to fertilizers made to order, not for sale.

Analysis.

13. Every person who sells or offers or exposes for sale any fertilizer in respect of which the provisions of this Act have not been complied with; or who sells or offers or exposes for sale any fertilizer which does not contain the percentage of constituents mentioned in the manufacturer's certificate accompanying the same, shall be liable in each case to a penalty not exceeding fifty dollars for the first offence, and for each subsequent offence to a penalty not exceeding one hundred dollars, and in either case to the forfeiture of the fertilizer in respect of which the conviction has been had: Provided always, that a deficiency of one-half of one per cent of the ammonia or its equivalent in nitrogen or nitric acid, or of the phosphoric acid, or of the potash claimed to be contained in the fertilizer, shall not be considered as evidence of fraudulent intent.

Penalties for non-compliance with this Act.

Proviso as to evidence of fradulent intent.

14. Every person who forges, or utters or uses, knowing it to be forged, any manufacturer's certificate, registration number or certificate of analysis, required under this Act, is guilty of an indictable offence, and liable to imprisonment, for a term not exceeding two years, with or without hard labour.

Forgery of certificate, &c.

Penalty.

15. Every person who wilfully applies to any fertilizer a certificate or tag, or registration number given in relation to any other package or lot of fertilizer, shall be liable to a penalty not exceeding five hundred dollars, and in default of payment to imprisonment for a term not exceeding twelve months.

Wilful application of wrong certificate, &c.

Penalty.

16. Every person who gives a false certificate in writing to any person in respect to a fertilizer sold by him as a principal or agent shall be liable to a penalty not exceeding five hundred dollars, and in default of payment to imprisonment for a term not exceeding twelve months.

False certificate.

Penalty.

Application of fees and penalties.

17. All fees paid and penalties recovered under this Act shall form part of the Consolidated Revenue Fund of Canada.

Repeal.

18. *The Fertilizers Act*, chapter 132 of *The Revised Statutes*, 1906, is repealed.

SCHEDULE A.

STATEMENT TO BE ATTACHED TO PACKAGE.

1. (*Name of Brand.*)
2. (*Registration number.*)
3. (*Name and address of manufacturer.*)
4. (*Analysis, as guaranteed by the manufacturer.*)
5. (*Materials from which the fertilizer is made.*)

6. *Notice.* Purchasers will note that the above values are guaranteed by the manufacturer only, and not by the Minister of Inland Revenue. The registration number identifies the fertilizer and authorizes its sale.

Any purchaser resident in Canada may have an analysis made by the Department of Inland Revenue, on payment of two dollars; and the certificate of such analysis will be accepted as evidence in court.

Samples intended for analysis must be taken in conformity with the regulations of *The Fertilizer Act*, 1908. Necessary instructions may be obtained by addressing the Deputy Minister of Inland Revenue, Ottawa.

SCHEDULE B.

INSTRUCTIONS FOR TAKING SAMPLES OF FERTILIZERS TO BE SUBMITTED FOR ANALYSIS IN ACCORDANCE WITH SECTION 8.

Samples of fertilizer submitted by purchasers, for analysis, according to section 8 of this Act, must be enclosed in glass jars, or bottles, and properly sealed. The sampling must be done in the presence of the manufacturer or agent, and must bear the signature of the same, as well as that of the purchaser. In lots of five tons, or less, portions should be drawn from each separate package, and at least from ten packages; or if less than ten packages are present, all should be sampled. In lots of over five tons, not less than twenty packages should be sampled. The portions so taken should be thoroughly mixed in the presence of the parties interested, and from this mixture the sample sent to the Minister is to be taken; and at the same time a duplicate sample is to be left with the party whose goods are inspected, subject to the call of the manufacturer, or agent.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8.

THE SENATE OF CANADA.

BILL.

III

An Act respecting Agricultural Fertilizers.

Received and read a first time,

Wednesday, July 8, 1908.

Second reading,

Friday, July 10, 1908.

Honourable Mr. Scott.

OTTAWA
Printed by S. E. Dawson
Printer to the King's most Excellent Majesty
1907-8.

THE SENATE OF CANADA.

JJJ.] **BILL.** [1907-8

An Act respecting The Canadian Patriotic Fund Association.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. 1901, c. 92.

1. The by-laws, rules and regulations heretofore made or purporting to be made under section 13 of chapter 92 of the Statutes of 1901, intituled "An Act to incorporate the Canadian Patriotic Fund Association" are hereby ratified and confirmed and declared to be and to have been valid. Confirmation of by-laws, etc.

2. Whenever it is necessary or desirable to take a vote of the members of the corporation upon any motion, such vote may be taken by mail. Voting by mail.

3. In such case the Secretary of the Association shall transmit by mail to each member a copy of the motion, proposition or question to be voted upon, and also a copy of this Act, and any member may thereupon vote by transmitting to the Secretary by mail a letter stating that he votes "aye" or "no," as the case may be, upon such motion, proposition or question. Procedure for voting.

4th Session, 10th Parliament, 7-8 Edward VII., 1907-8

THE SENATE OF CANADA.

BILL.

JJJ

An Act respecting The Canadian Patriotic Fund Association.

Received and read a first time,

Tuesday, July 14, 1908.

Second reading,

Tuesday, July 14, 1908.

Honourable Mr. SCOTT.

OTTAWA
Printed by S. E. DAWSON
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1907-8.

THE SENATE OF CANADA.

BILL AS PASSED JULY 15, 1908.

JJJ.] [1907-8

An Act to amend chapter 92 of the statutes of 1901, respecting The Canadian Patriotic Fund Association.

HIS Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. 1901, c. 92.

1. Whenever it is necessary or desirable to take a vote of the members of the corporation upon any motion, such vote may be taken by mail on any question or matter affecting The Canadian Patriotic Fund Association. Voting by mail.

2. In such case the Secretary of the Association shall transmit by mail to each member a copy of the motion, proposition or question to be voted upon, and also a copy of this Act, and any member may thereupon vote by transmitting to the Secretary by mail a letter stating that he votes "aye" or "no," as the case may be, upon such motion, proposition or question. Procedure for voting.