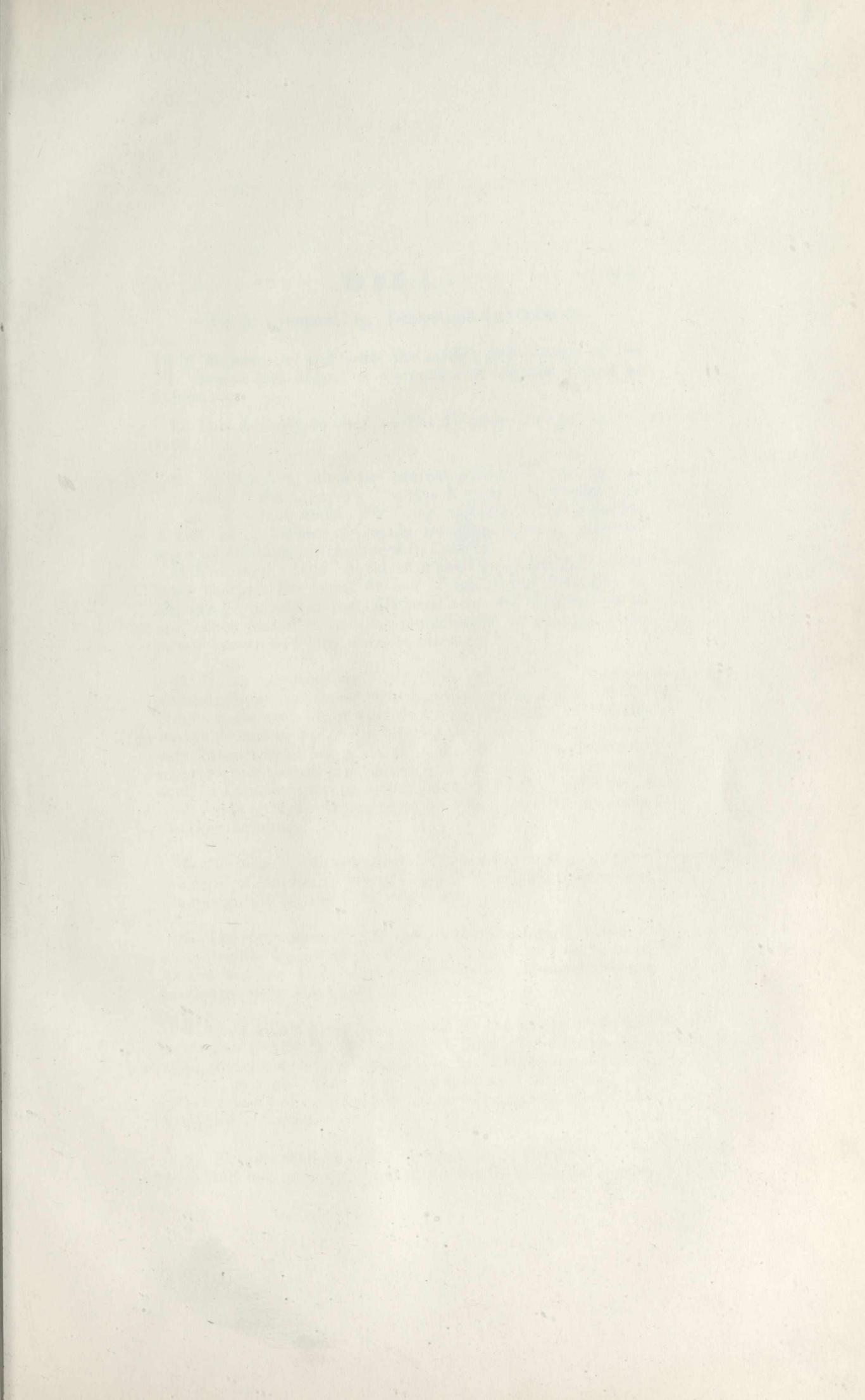






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No. 2.]

**BILL.**

[1902.

An Act respecting Telephone Companies.

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

5 **1.** This Act may be cited as *The Telephone Companies Act*, Short title. 1902.

**2.** In this Act, unless the context otherwise requires, the expression "the Company" means a company incorporated by letters patent under *The Companies Act*, or by a special Act of the Parliament of Canada, for the purpose of constructing a line or lines of telephones in Canada. Interpretation. "Company."

**2.** The word "tolls" in this Act shall apply, not only to the rates charged for rental or use of telephones, but also to charges for messages from any person in one municipality to any other person in another municipality or country, commonly known as "long distance messages." "Tolls."

**3.** Every company may construct the lines of telephone authorized by its charter along, under, or upon any of the public roads and highways, or across or under any of the navigable waters within Canada, by the erection of the necessary fixtures, including posts, piers or abutments for sustaining or protecting the wires or cables of such lines; but the same shall be so constructed as not to incommode the public use of such roads or highways, or to impede free access to any house or other building. Power for the construction of the line.

**4.** Nothing herein contained shall confer on the company the right of building a bridge over, or injuriously to interrupt the navigation of, any navigable water. Protection of navigable waters.

**5.** The company may by by-law, or the directors, if thereunto authorized by by-law of the company, may, from time to time, fix and regulate the tolls to be taken for all messages or other service given by the company. Tolls, how fixed.

**6.** Such tolls may be fixed either for the whole or for any particular portion of the company's lines; but all such tolls shall, under the same circumstances, be charged equally to all persons, and no reduction in any such tolls shall be made, either directly or indirectly, in favour of or against a particular company or person. No discrimination in favour of any person.

**7.** No tolls shall be levied or taken until the by-law fixing such tolls has been approved of by the Governor in Council, Tariff to be approved by Governor in Council.

nor until after two weekly publications in the *Canada Gazette* of such by-law and of the Order in Council approving thereof.

Revision of  
tariff.

**8.** Every by-law fixing and regulating tolls shall be subject to revision by the Governor in Council, from time to time, after approval thereof; and after an Order in Council altering the tolls fixed and regulated by any by-law has been twice published in the *Canada Gazette*, the tolls mentioned in such Order in Council shall be substituted for those mentioned in the by-law, so long as the Order in Council remains unrevoked. 5

Tariff to be  
posted up.

**9.** The company shall, from time to time, cause to be printed and posted up in its office, and in every place where the tolls are to be collected, in some conspicuous position, a printed board or paper exhibiting all the rates of tolls payable; and such tolls shall be paid to such persons and at such places, near to the despatch office, and, if possible, in such manner and under such regulations as the by-law directs. 10

No discrimi-  
nation in  
favour of any  
locality.

**10.** No company, in fixing any toll or rate, shall, under like conditions and circumstances, make an unjust or partial discrimination between different localities.

No rebate  
to be given.

**11.** No company shall make or give any secret special toll, rate, rebate, drawback or concession to any person; and every company shall, on demand of any person, make known to him any special rate, rebate, drawback or concession given to any one. 20

Enforcement  
of payment  
of tolls.

**12.** In case of denial or neglect of payment on demand of any such tolls or any part thereof, the same shall be recoverable in any court of competent jurisdiction. 25

Agreements  
with other  
companies.

**13.** The directors of any company may, at any time, make and enter into any agreement or arrangement with any other company for the regulation and interchange of messages or services passing to and from the companies lines, and for the working of the lines of the said companies respectively, or for either of those objects separately, and for the division and the apportionment of tolls and rates, in respect to such messages or services, and generally in relation to the management and working of the lines or services of such companies, or any of them, or any part thereof, and of any companies in connection therewith, for any term not exceeding twenty-one years, all subject to the approval of the Governor in Council. 30 35

Approval of  
Governor in  
Council.

Notice of  
application  
for approval.

**14.** Before such approval is given, notice of application therefor shall be published in the *Canada Gazette* for at least two months previous to the time therein named for the making of such application, and such notice shall state a time and place when the application is to be made, and that all persons may then and there appear and be heard on such application. 40 45

Right to use  
other lines.

**15.** Any telephone company now or hereafter incorporated shall have the right to use any line or service of any other telephone company upon such terms and conditions as are deemed equitable by the Governor in Council, if the companies interested cannot agree as to the terms of such use. 50

- 16.** The company shall transmit all long distance messages in the order in which they are received, and assign the service of the lines to customers in the order in which such customers apply for service; and every company which violates the provisions of this section shall incur a penalty not exceeding \$100 and not less than \$20, which shall be recoverable with costs by the person whose message or requisition for service has been postponed out of its order. Order of service.
- 17.** Every message or service in relation to the administration of justice, the arrest of criminals, the discovery or prevention of crime, and Government messages or service, shall always be transmitted in preference to any other message or service, if so required by any person connected with the administration of justice or any person thereunto authorized by the Secretary of State of Canada. Preferential messages.
- 18.** His Majesty may, at any time and for any length of time, retain possession of any telephone line, and all things necessary to the sufficient working thereof, and may, for the same time, require the exclusive services of the operators and other persons employed in working such line; and the company shall give up possession of such line, and the operators and other persons so employed shall during the time of such possession diligently and faithfully obey such orders, and assign the use of lines, and transmit and receive such messages, as they are required to receive and transmit by any duly authorized officer of the Government of Canada, as aforesaid. Government may take over the line temporarily.
- 19.** His Majesty may, at any time and after two months' notice to the company, assume possession of the property thereof; and, upon such assumption, the company's line, and all the property, real or personal, essential to the working thereof, and all the rights and privileges of the company as regards such line, shall be vested in the Crown. Government may assume the property of the line.
- 20.** If any difference arises between the company and those who act for the Crown, as to the compensation which ought to be paid to the company, for any telephone line and appurtenances taken possession of, or temporarily and exclusively used, by the Crown under this Act, such differences shall be referred to three arbitrators, one to be appointed on the part of the Crown, another by the company, and the third by the two arbitrators so appointed; and the award of any two of the said arbitrators shall be final; and if the company refuses or neglects to appoint an arbitrator on its behalf, or if the two arbitrators cannot agree upon a third arbitrator, then such arbitrator or third arbitrator shall be appointed by any two judges of the Supreme Court of Canada on application on the part of the Crown. Compensation.
- 21.** Upon the application of any person, firm or corporation within the city, town or village or other territory within which a general service is given and where a telephone is required for any lawful purpose, the company shall, with all reasonable despatch, furnish telephones for premises fronting upon or within feet of any highway, street, lane or other place Obligatory service.

along, over, under or upon which the company has a main or branch telephone service or system, upon tender or payment of the lawful rates semi-annually in advance.

No increase in present rates.

**22.** Except as herein otherwise provided, no higher rates than the rates now in force in the municipalities of Canada respectively, for long distance messages, or for rental of telephones to subscribers, or for any other purpose, shall be chargeable, payable or recoverable in any such municipality; and any sum paid in excess of the said rates after the coming into force of this Act may be recovered by the subscribers in an action therefor in any court of competent jurisdiction, or may be deducted from any rates unpaid.

R.S.C., c. 132, s. 10 repealed.

**23.** Section 10 of *The Electric Telegraph Companies Act*, chapter 132 of the Revised Statutes, is repealed.

Commencement of Act.

**24.** This Act shall come into force on the first day of October, 1902.

No. 2.

2nd Session, 9th Parliament, 2 Edward VII., 1902

BILL.

An Act respecting Telephone Companies.

First reading, February 17, 1902.

MR. MACLEAN.

OTTAWA

Printed by S. E. DAWSON

Printer to the King's most Excellent Majesty

1902

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No. 3.]

**BILL.**

[1902.

An Act to amend the Railway Act.

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

1. The subsection substituted for subsection 3 of section 5 194 of *The Railway Act*, by section 2 of chapter 28 of the statutes of 1890, is amended by adding thereto the following words: “and no animal not allowed by law to run at large shall be held for the purpose of such liability to be improperly on a place adjoining the railway if such animal gets 10 upon the railway from the highway by reason of such omission or neglect to maintain such cattle guards or fences at the highway crossing.” 1888, c. 29, s. 194 amended.

No. 3.

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2nd Session, 9th Parliament, 2 Edward VII., 1902

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BILL.

An Act to amend the Railway Act.

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First reading, February 17, 1902.

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MR. LANCASTER.

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OTTAWA  
Printed by S. E. Dawson  
Printer to the King's most Excellent Majesty  
1902

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

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

1. This Act may be cited as *The Railway Drainage Act*, Short title.  
5 1902.

2. In this Act, unless the context otherwise requires,— Interpretation.
- (a.) The expression “engineer” includes a civil engineer, provincial land surveyor, and any person authorized by the law of the province to lay out, report upon or prepare plans, record having jurisdiction in the county or district in which the proposed drainage work or any portion thereof is situated; “Engineer.”
- (b.) The expression “judge” means any judge of a court of record having jurisdiction in the county or district in which the proposed drainage work or any portion thereof is situated; “Judge.”
- (c.) The expression “drain” or “drainage work” means and includes every kind of ditch, drain, or sewer, open or covered wholly or in part, and whether in the channel of a natural stream, creek or watercourse or not, and also the work and material necessary for bridges and culverts; “Drain.” “Drainage work.”
- (d.) The expression “railway company” means a railway company subject to the legislative authority of the Parliament of Canada. “Railway company.”

3. Subject to the provisions of this Act, municipalities and landowners shall have the right of drainage on and across the property of any railway company to the same extent and by the same proceedings as they have by law on and across the property of any other landholders. Right of drainage on railway property.

4. Where no provision is made by law for hearing the parties interested before the laying out of the drainage work, and for an appeal to a judge or other officer, the engineer shall, before making his report or laying out the drain, notify, in writing, the railway company, by serving notice upon the agent of the company nearest to the proposed work, of a time and place convenient to the proposed drainage work to consider the location of the drain on the railway company’s lands, the specifications and cost of the work to be done on the railway lands, and the proportion of the cost to be borne by the railway company. Engineer to notify railway company.

2. Such notice to be given at least ten days before the time appointed for the meeting. Length of notice.

Agreement  
with  
Company.

3. If the engineer and the representative of the railway company agree upon the matters aforesaid, they shall sign their agreement, and it shall be incorporated into the engineer's report and shall be given effect to in the construction of the work. 5

Reference to  
judge in case  
of disagree-  
ment.

4. Should they fail to agree, they shall refer the matters in question to a judge, who shall, after such notice as he deems reasonable, determine the matters in question; and the decision of the judge shall be final, and shall be incorporated into the engineer's report, and shall be given effect to in the construction of the work. 10

Costs of  
meeting and  
reference.

5. The costs occasioned by the meeting and by the reference to the judge shall be borne by the drainage work, or shall be apportioned between the drainage work and the railway company, as agreed upon or as decided by the judge. 15

Apportion-  
ment of cost  
of drain.

6. The proportion of the cost of the drain across or upon the railway to be borne by the railway company shall be based upon the increase of cost of such work caused by the construction and operation of the railway.

If no meeting  
takes place.

7. In the event of no representative of the railway company attending pursuant to the engineer's notice, his decision shall be final and binding on the railway company. 20

Railway  
company may  
itself build  
drain.

5. Whenever any drainage work is to be constructed across or upon the lands of a railway company, the railway company shall have the option of constructing the portion of the drain across or upon its own lands at the amount of the estimated cost thereof; and, in the event of its not exercising this option, the work shall be constructed in the same manner as other portions of the work are provided to be constructed. 25

No. 4.

2nd Session, 9th Parliament, 2 Edward VII.,

BILL.

An Act respecting Drainage on and a  
the property of railway companies

First reading, February 18, 1902.

MR. COWAN.

OTTAWA

Printed by S. E. DAWSON

Printer to the King's most Excellent Majesty  
1902

No. 5.]

**BILL.**

[1902.

An Act to Amend the Dominion Elections Act, 1900.

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

1. Section 108 of *The Dominion Elections Act, 1900*, is  
5 amended by inserting the following paragraph immediately  
after paragraph (i) :—

1900, c. 12, s.  
108 amended.

“(j.) Every person who, in order to induce a person to  
allow himself to be nominated as a candidate, or to refrain  
from becoming a candidate, or to withdraw if he has become a  
10 candidate, directly or indirectly, by himself or any other person  
on his behalf, gives or lends, or agrees to give or lend, or offers  
or promises, any money or valuable consideration, or promises  
to procure or to endeavour to procure any money or valuable  
consideration, to or for such person or to or for any person on  
15 his behalf;”

Bribery of  
candidates.

No. 5.

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2nd Session, 9th Parliament, 2 Edward VII., 1902

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BILL.

An Act to amend the Dominion Elections  
Act, 1900.

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First reading, February 24, 1902.

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MR. NORTHRUP.

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OTTAWA  
Printed by S. E. Dawson  
Printer to the King's most Excellent Majesty  
1902

An Act to amend the Railway Act with respect to drainage.

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

1. Sections 14, 14A and 14B of *The Railway Act*, chapter 29 1888, c. 29,  
5 of the statutes of 1888, as amended by section 2 of chapter 23 new sections  
of the statutes of 1900, are repealed, and the following are 14, 14A and  
substituted therefor:— 14B.

“14. Whenever, after due notice of application therefor, Drains, water  
the Railway Committee decides that it is necessary in the and other  
10 interests of any municipality that means of drainage should be pipes on  
provided, or lines of water pipes or other pipes should be laid, property of  
or streets made, through, along, across or under any works or Company.  
lands of the Company, it may, after hearing the parties, direct  
how and on what terms such drainage may be effected, or  
15 water pipes or other pipes laid, or streets made; and, there-  
upon, such municipality may construct the works necessary to  
carry out such direction, but only under the supervision of such  
official as the Railway Committee appoints,—or at its option  
the Company may construct such works under the like super-  
20 vision; and the cost of constructing such works, the cost of  
supervision, and the continued maintenance of the works shall  
be paid by such municipality, or the Company, or both, as the  
Railway Committee decides and directs, and if by both, then,  
in such proportions as the Railway Committee decides and  
25 directs.

“14A. Whenever proceedings for the drainage of lands have Drainage  
been taken by any land-owner under the provisions of an Act under provin-  
of the legislature of any province in that behalf, and it appears cial Acts.  
to the Railway Committee that an outlet for such drainage  
30 works is required over, across or under the lands of the Com-  
pany, the Railway Committee may, upon the application of  
the land-owner or engineer in charge of the works, or of the  
clerk of the municipality, and on due notice to and hearing  
the parties, order the Company to construct and provide upon  
35 its lands all necessary means of drainage, as in such order  
specified, upon the land-owner first complying with such  
terms as to payment or security, if any, for the payment of the  
whole or so much of the cost of construction and maintenance  
of the said drainage works, as the Railway Committee in such  
40 order provides, and the cost of such construction and mainten-  
ance shall be borne as in the next preceding section provided.

“14B. Whenever it is brought to the notice of the Railway Inquiry and  
Committee by any land-owner or engineer in charge of the report.

works, or the clerk of the municipality (which notice may be by informal letter directed to the Minister of Railways), that an outlet for drainage works is required over, across or under the lands of the Company, the Railway Committee may, if it thinks proper, direct any person to make an inquiry in the locality in question, and may authorize such person to hear the parties and take evidence on oath, and may also, if it thinks proper, act on his report without further hearing of the parties; and the cost of such inquiry shall be borne by the Department of Railways and Canals, and the cost of construction and maintenance shall be paid as under the next preceding section provided.”

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No. 6.

2nd Session, 9th Parliament, 2 Edward VII, 1902

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BILL.

An Act to amend the Railway Act with respect to drainage.

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First reading, February 24, 1902.

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MR. ROBINSON,  
(West Elgin.)

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OTTAWA

Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

An Act respecting the Canada Southern Railway Company.

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

- 1.** The times limited by the Acts respecting the Canada Southern Railway Company and the Erie and Niagara Railway Company, set forth in the schedule to this Act, for commencing and completing the lines or branches of railway authorized by such Acts, or any of them, are continued and extended as follows : The said lines or branches shall be commenced within five years and completed within ten years from the first day of July, one thousand nine hundred and two, and the powers to construct the same are revived and confirmed, and the powers conferred by the said Acts with respect to such lines and branches, and by this Act, shall, if the said lines or branches are not commenced and completed as herein provided for the construction thereof, be null and void as respects so much thereof as then remains uncompleted.

Preamble.

Time extended.

1863, c. 59 (Dom.)

1873, c. 86 (Dom.)

1872, c. 48 (Ont.)

1873, c. 86 (Ont.)

SCHEDULE.

Year and Chapter.	Title of Act.
27 Vict. (Prov. of Can.), c. 59..	Known as the "Erie and Niagara Railway Company Act of 1863."
36 Vict. (Can.), c. 86 . . . . .	An Act to amend the Erie and Niagara Railway Company Act of 1863.
35 Vict. (Ont.), c. 48 . . . . .	An Act to confer further corporate powers on the Canada Southern Railway Company.
36 Vict. (Ont.), c. 86 . . . . .	An Act respecting the Canada Southern Railway Company.

No. 7.

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2nd Session, 9th Parliament, 2 Edward VII., 1902

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BILL.

An Act respecting the Canada Southern  
Railway Company.

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First reading, February 25, 1902.

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(PRIVATE BILL.)

MR. INGRAM,

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OTTAWA  
Printed by S. E. Dawson  
Printer to the King's most Excellent Majesty  
1902

## An Act to amend the Interpretation Act.

**W**HEREAS doubts have arisen as to the powers conferred Preamble.  
 by Acts of the Parliament of Canada upon certain com-  
 panies, and more particularly upon railway companies: There-  
 fore His Majesty, by and with the advice and consent of  
 5 the Senate and House of Commons of Canada, enacts as  
 follows:—

**1.** Paragraph 1 of section 7 of *The Interpretation Act*, R.S.C., c. 1,  
 chapter 1 of the Revised Statutes, is repealed and the follow- s. 7 amended.  
 ing is substituted therefor:—

10 “(1.) The enactments apply to the whole of Canada: Pro- Acts to apply  
 vided always, that no right, power or privilege conferred by to the whole  
 an Act of the Parliament of Canada, or by a charter granted of Canada.  
 under an Act of that Parliament, shall exempt any person Proviso as to  
 exercising that right, power or privilege, from any liability provincial  
 15 incurred by him under any Act of a Legislature or under the Acts and  
 common law.” common law.

No. 8.

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2nd Session, 9th Parliament, 2 Edward VII., 1902

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BILL.

An Act to amend the Interpretation Act.

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First reading, February 25, 1902.

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MR. MONK.

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OTTAWA  
Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

An Act respecting the United Gold Fields of British  
Columbia, (Limited)

**W**HEREAS the United Gold Fields of British Columbia, Limited, has represented that it is a company incorporated under the laws of the United Kingdom, and is registered as a foreign company in the North-West Territories, and 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.

- 10 **1.** The United Gold Fields of British Columbia, Limited, hereinafter called "the Company," may construct, maintain and operate a railway of the gauge of four feet eight and one half inches from a point on the line of the Canadian Pacific Railway at or near Frank, Alberta, thence in a northerly direction through townships seven and eight, range four, west of the fifth meridian in the North-West Territories to Grassy Mountain in the said township eight; and may also, for the purpose of its undertaking, construct, maintain and operate such railway sidings, switches or spur lines therefrom, not exceeding eight miles in length, as are necessary to connect the property of the Company with any shipping point or navigable water or with any line of any railway company incorporated by Parliament.
- 15 **2.** The head office of the Company in the North-west Territories shall be at Frank, Alberta.
- 20 **3.** The Company may, for the purposes of its undertaking, construct, operate and dispose of telegraph and telephone lines, water powers, piers wharfs, smelting works, refineries and other factories.
- 30 **4.** *The Railway Act* shall apply to the railways constructed or operated by the Company under the authority of this Act.

Line of railway described.

Construction of sidings, spur lines, etc.

Head office in N. W. T.

Works of Company.

1888, c. 29.

No. 9.

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2nd Session, 9th Parliament, 2 Edward VII., 1902

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BILL.

An Act respecting the United Gold  
Fields of British Columbia, Limited.

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First reading, February 26, 1902.

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(PRIVATE BILL.)

MR. GALLIHER.

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OTTAWA  
Printed by S. E. Dawson  
Printer to the King's most Excellent Majesty  
1902

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No. 10.]

**BILL.**

[1902.

An Act respecting the Orford Mountain Railway  
Company.

**W**HEREAS the Orford Mountain Railway Company has, Preamble.  
by its petition, prayed that it be enacted as hereinafter 1901, c. 79.  
set forth, and it is expedient to grant the prayer of the said  
petition : Therefore His Majesty, by and with the advice and  
5 consent of the Senate and House of Commons of Canada,  
enacts as follows :

1. The Orford Mountain Railway Company may construct Time for  
and complete the railway and branches which by its Act of construction  
incorporation it was authorized to construct, within five years extended.  
10 from the passing of this Act; provided that as to so much Que., 1888,  
thereof as is not constructed within that period the powers of c. 98.  
the said company shall cease and determine.

No. 10.

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2nd Session, 9th Parliament, 2 Edward VII., 1902

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BILL.

An Act respecting the Orford Mountain  
Railway Company.

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First reading, February 26, 1902.

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(PRIVATE BILL.)

MR. PARMELEE.

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OTTAWA

Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

An Act to provide for the establishment of a Medical Council in Canada.

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 Canada Medical Act, 1902.* Short title.
- 5 2. In this Act, unless the context otherwise requires :— “Medicine”  
 (a.) The expression “medicine” shall be held to include and “medical” defined.  
 surgery and obstetrics, and the expression “medical” shall be held to include “surgical” and “obstetrical.”  
 (b.) The expression “Provincial medical council” includes  
 10 “Provincial medical board.”
3. The persons from time to time appointed or elected, or otherwise being, under the provisions of this Act, members of The Medical Council of Canada, are hereby constituted a corporation under the name of “The Medical Council of Canada,”  
 15 hereinafter called “the Council.”
4. The purposes of the Council shall be to promote and effect— Its purposes.  
 (a.) the establishment of a qualification in medicine, such that the holders thereof shall be acceptable and empowered to  
 20 practice in all the Provinces of Canada ; One qualification for all provinces.  
 (b.) the establishment of a register for Canada of medical practitioners and students, and the publication and revision  
 from time to time of such register ; Medical register.  
 (c.) the determination and fixing of the qualifications and  
 25 conditions necessary for registration, including the courses of study to be pursued, the examinations to be undergone, and generally the requisites for registration ; Requisites for registration.  
 (d.) the establishment and maintenance of a board of examiners for the examination of such persons and for the granting  
 30 of certificates of qualification ; Board of examiners.  
 (e.) the establishment of such a status of the medical profession in Canada as shall ensure recognition thereof in the United Kingdom, and enable Canadian practitioners to acquire  
 the right to registration under the Acts of the Imperial Parliament known as the “Medical Acts ;”  
 35 Registration of Canadian practitioners in U. K.  
 (f.) the enactment, with the consent and at the instance of the medical councils or boards of the various Provinces of Canada, of such Provincial legislation as is necessary to supplement the provisions of this Act and to effect the foregoing  
 40 purposes. Provincial legislation.

Powers as to real estate.

5. The Council may acquire and hold such real estate and personal property as is necessary or expedient for the purposes of the Council or of providing a revenue therefor, and may sell, lease or otherwise dispose thereof; but the annual value of the real estate owned by the Council and held for the purposes of revenue only shall not at any time exceed the sum of twenty-five thousand dollars. 5

Composition of Council.

6. The Council shall be composed of—  
 (a.) One member from each Province, who shall be appointed by the Governor in Council. 10

(b.) Members representing each Province, their number being fixed in each case according to the number of practitioners registered under the law of the Province, in the following proportions:—

- For the first 100, or fraction thereof..... One. 15
- For the second 100, or fraction thereof over one-half..... One.
- After the first 200, for each succeeding 600, or fraction thereof over one-half..... One.

These members shall be elected by each Provincial medical council under such regulations as are made by it for that purpose. 20

(c.) One member from each University in Canada engaged in the active teaching of medicine, who shall be elected by the University under such regulations as are made or provided for by law for the government of the University. 25

(d.) Three members, who shall be elected by such practitioners in Canada as, by the law of the Province wherein they practice, are recognized as forming a particular and distinct school of practice of medicine, and, as such, are by the said law entitled to practice in the province. 30

Qualification of members.

2. No one shall be a member of the Council unless he—  
 (a.) resides in the Province for which he is an appointed or elected member;  
 (b.) is a duly registered member of the medical profession according to the law of the Province which he represents; 35  
 (c.) is duly registered as a medical practitioner in the register established under the provisions of this Act; but this qualification shall not be required of any of the members originally composing the Council. 40

Condition as to representation of a province.

3. No Province shall be represented upon the Council either by appointed or elected members until the Legislature of the Province has enacted in effect that students and medical practitioners duly registered as such by the Council may, without further study, be registered as students or duly qualified medical practitioners within, and under the laws of, such Province. 45

Tenure of office.

7. The term of office for appointed members shall be four years.

Elected members.

2. Members elected by Provincial medical councils shall remain in office until the expiration of the term of office of the members of the medical council of the Province for which they are elected. 50

Others.

3. All other members shall be elected for four years.

4. Any member may at any time tender his resignation by written notice thereof to the president or to the secretary of the Council. Upon the acceptance of such resignation by the Council, the Council shall forthwith give notice in writing thereof, in case of an appointed member to the Secretary of State of Canada, and, in case of an elected member, to the secretary of the medical council for the Province, or to the University, which such member represents.

Resignations.

6. Any person who is or has been a member may, if properly qualified, be re-appointed or re-elected; but no person shall at one time serve as a member in more than one capacity.

Re-election.

7. In the case of members of the Council whose term of office is about to expire, successors may be appointed or elected at any time within three months before the expiration of such term; provided that where any vacancy exists in the membership of the Council by reason of any term of office having expired, or otherwise, such vacancy may be filled at any time.

Election of successors.

8. If there has been a failure to elect a member of the Council, or to elect a properly qualified member, or to cause the name of the member elected to be certified to the secretary of the Council within a reasonable time after such election might have been made, then, after notice from the Council, requiring the Provincial medical council to cause such election to be made and to certify the result thereof to the Council within one month from the date of service of such notice, the Council may, in case the default continues, itself elect such member.

If provincial authority fails to elect member.

9. A member appointed or elected to fill a vacancy caused by death or resignation shall hold office in all respects as the person in whose place he is appointed or elected would have held office, and for the remainder of the term for which that person was appointed or elected.

Tenure of office of member filling vacancy.

10. In case of any doubt or dispute as to the qualification or the validity of the election of any member, the decision of the provincial medical council shall be final.

Decision of disputes.

8. The Council may from time to time—

Executive.

(a.) elect from among its members a president, a vice-president and an executive committee;

(b.) appoint a registrar, who may also, if deemed expedient, act as secretary and treasurer;

Registrar.

(c.) appoint or engage such other officers and employees as the Council deems necessary to carry out the objects and provisions of this Act;

Other officers.

(d.) require and take from the registrar, or from any other officer or employee, such security for the due performance of his duty as the Council deems necessary;

Security by officers.

(e.) fix the allowances or remuneration to be paid to the president, vice-president, members, officers and employees of the Council.

Remuneration of executive and officers.

9. The Council shall hold its first meeting at the city of Ottawa, at such time and place as is appointed by the Minister of Agriculture; and, thereafter, an annual meeting of the Council shall be held at such a time and place as is from time to time appointed by the Council.

Meetings of Council.

Quorum.	2. Until otherwise provided by regulation of the Council, twenty-one members of the Council shall form a quorum, and all acts of the Council shall be decided by a majority of the members present.	
Voting.	3. The president or vice-president, when in the chair, and the chairman of any meeting of the Council or of any committee of the Council, shall have a casting vote in addition to his vote as a member of the Council or of the committee.	5
Regulations.	<b>10.</b> The Council may make regulations not contrary to law or to the provisions of this Act, for or with reference to—	10
Executive Management.	(a.) the purposes mentioned in section 8 of this Act ;	
Meetings.	(b.) the direction, conduct and management of the Council, and of its property ;	
President and vice-president.	(c.) the summoning and holding of the meetings of the Council, the times and places where such meetings are to be held, the conduct of business thereat, and the number of members necessary to constitute a quorum ;	15
Officers.	(d.) the powers and duties of the president and vice-president, and the selection of substitutes for them if unable to act for any cause at any time ;	20
Committees.	(e.) the tenure of office, and the powers and duties of the registrar and other officers and employees ;	
Fees.	(f.) the election and appointment of an executive committee and of other committees for general and special purposes, the definition of their powers and duties, the summoning and holding of their meetings, and the conduct of business by such committee ;	25
Registration.	(g.) generally, all fees to be required, paid or taken under this Act ;	
Qualifications for registration.	(h.) the admission, enrolment and registration of practitioners and students of the medical profession, subject to the provisions of this Act ;	30
	(i.) the qualifications to be required from all persons desirous of being registered, either as practitioners or students, under the authority of this Act, including the establishment, maintenance and effective conduct of examinations for ascertaining whether such persons possess the qualifications required ; the number, nature, times and modes of such examinations ; the appointment of examiners ; the terms upon which matriculation and other certificates from universities, colleges and other educational institutions, or from the governing bodies of other professions, shall be received as evidence of qualification ; the dispensation of candidates from undergoing examinations, either wholly or partially ; and generally all matters incident to such examinations or necessary or expedient to effect the objects thereof :	35
	Provided, however, that—	
	(i.) The requirements of any curriculum established by the Council, shall not, at any time, be lower than the requirements of the most comprehensive curriculum then established for the like purpose in any Province ;	50
	(ii.) The standard of examination, either preliminary or professional, shall not, at any time, be lower than the highest standard for the like purpose then established for ascertaining the qualification for registration in any Province ;	55

- (iii.) The possession of a Canadian university degree alone, or of a certificate of Provincial registration founded on such possession, shall not entitle the possessor thereof to be registered under this Act ;
- 5 (j.) The recognition of licenses granted by any British, Canadian, colonial or foreign licensing body or authority ; the arranging and bringing into effect of any schemes of reciprocity as to registration with any British, colonial or foreign medical licensing body or authority ; the terms and conditions upon  
10 which, and the circumstances under which, medical practitioners shall be entitled to registration under this Act in cases where such medical practitioners are duly registered or licensed under the Medical Acts of the United Kingdom, or under the laws of any British possession other than Canada, or under the  
15 laws of any foreign country, which British possession or foreign country extends reciprocal advantages to Canada ;
- (k.) Generally, all matters which it is necessary or expedient to provide for or regulate in pursuance of the purposes of this Act and in furtherance of its general intention. Generally.
- 20 2. No regulation made under the authority of this section shall have effect until approved by the Governor in Council. Approval of Governor in Council.
11. A copy of any such regulation certified by the registrar or secretary under his hand and the seal of the Council, may  
25 be received in evidence in any court of justice without proof other than the production of a copy purporting to be so certified. Evidence of regulations.
12. The Council shall enact such regulations as shall secure to practitioners who, under the laws of any Province, are now  
30 recognized as forming a particular school in the practice of medicine, and to all applicants for registration who desire to be practitioners of such school, all the rights and privileges now possessed by them under the laws of any province, and the regulations of any Provincial medical council. Regulations as to particular schools of medicine.
13. At each annual meeting of the Council, the Council shall  
35 appoint a board of examiners, to be known as "The Medical Council of Canada Examination Board," whose duty it shall be to hold the examinations prescribed by the Council. Board of examiners.
2. The members of the board of examiners shall be eligible  
for reappointment. Reappointment.
- 40 14. There shall be two classes of examinations to be held under this Act, namely, the preliminary or matriculation examination, and the professional examination. Matriculation and professional examinations.
2. The subjects of these examinations shall be decided by  
the Council, and candidates for examination may elect to be  
45 examined in the English or French language. Choice of language.
15. The Council shall cause to be kept by the registrar,  
under the direction of the Council, a book or register to be  
known as "The Canadian Medical Register," in which shall  
50 be entered, in such manner and with such particulars as the Council directs, the names of all persons who have complied with the requirements of this Act and with the regulations made by the Council respecting registration under this Act, and who apply to the registrar to have their names so entered. Canadian Medical Register.

Qualification  
for registra-  
tion.

**16.** Except as otherwise provided by this Act, every one shall, upon payment of the fees prescribed by the Council in that behalf, be entitled to be registered, either as a medical practitioner, or student, as the case may be, who passes the examinations duly prescribed by the Council, and otherwise complies with all the conditions and regulations requisite for such registration as prescribed by this Act and by the Council under the authority of this Act. 5

Registration  
of provincial  
practitioners.

2. Until \_\_\_\_\_, any person now registered in any Province of Canada as a medical practitioner, shall, after \_\_\_\_\_ years from the date of each registration, if during those \_\_\_\_\_ years he has continued to be so registered, be entitled to be registered under this Act as a medical practitioner, without examination, upon payment of the fees and upon compliance with the other conditions and regulations for such cases prescribed by the Council. 15

Registration  
of foreign  
practitioners.

3. Any person coming within any of the classes of registered or licensed practitioners to which paragraph (j) of section 10 of this Act applies shall be entitled to be registered upon complying with the orders and regulations established by the Council in that behalf. 20

Alterations  
in register.

**17.** Any entry in the register may be cancelled or corrected upon the ground of fraud, accident or mistake.

Appeal to  
Council.

**18.** In any case of an application for registration or for correcting or amending any entry upon the register, the applicant, if aggrieved by the decision of the registrar, may appeal to the Council, and the Council shall hear and determine the matter; but all applications to cancel or strike off entries from the register made adversely to the person whose registration it is desired to affect shall be by the registrar referred to the Council, and the Council shall, after due notice, hear and determine all such applications. 25

Decision of  
Council final.

2. The decision of the Council in all matters affecting the register, the entries made or to be made therein, and the right to registration, whether upon appeal or otherwise, shall be final. 25

Erasing name  
from register  
for crime or  
misconduct.

**19.** If it is made to appear to the Council, after inquiry, that any person registered under this Act has been convicted, either in any part of His Majesty's possessions or elsewhere, of an offence which if committed in Canada would be an indictable offence under *The Criminal Code*, 1892, and its amendments, or that he has been guilty of infamous or disgraceful conduct in a professional respect, then, whether such offence has been committed, or such conviction has taken place, or such infamous or disgraceful conduct has occurred, either before or after the passing of this Act, or either before or after the registration of such person, the Council shall direct the registrar to erase the name of such person from the register: Provided, however, that if a person registered under this Act has likewise been registered under the laws of any Province, and such provincial registration has been cancelled for any of the causes aforesaid by the authority of the medical council for that Province, the Council shall then, without further inquiry, direct the registration of such person under this Act to be cancelled. 55

Proviso,  
in case of  
provincial  
registration.

2. The name of a person shall not be erased under this section—

Certain things  
insufficient to  
disqualify.

- (a.) because of his adopting or refraining to adopt the practice of any particular theory of medicine or surgery; or  
 5 (b.) because of his conviction out of His Majesty's possessions of a political offence against the laws of any foreign country; or  
 (c.) because of his conviction for any offence which, though  
 10 of the Council, either from the trivial nature of the offence or from the circumstances in which it was committed, insufficient to disqualify a person from being registered under this Act.

20. Whenever it is made to appear to the Governor in Council by a Provincial medical council that any of the requirements of paragraphs (i) and (ii) of the proviso to paragraph (i) of section 10 of this Act are not complied with, the Governor in Council may empower the commission of arbitration hereinafter provided for to inquire in a summary way into and report to him whether such is the case and, if so, to prescribe what  
 20 remedies are necessary, if any.

2. The Governor in Council shall require the Medical Council of Canada to adopt the said remedies within such time as he, having regard to the report of the commission, thinks fit to appoint. In default of the Council so doing, he shall by  
 25 Order in Council amend the regulations, as to the curriculum or as to the standard of examination, as the case may be, so as to give effect to the said remedies. The regulations so amended shall be held to be regulations made under this Act.

3. The commission of arbitration shall be composed of three  
 30 members. The Governor in Council shall appoint a judge of the Supreme Court of Canada to be one; the Medical Council of Canada shall appoint one; the Provincial medical council making the complaint shall appoint the third.

4. The commission may compel the attendance of witnesses  
 35 and examine them under oath and require the production of books and papers, and shall have such other necessary powers as are conferred upon it by the Governor in Council for the purposes of the inquiry.

No. 11.

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2nd Session, 9th Parliament, 2 Edward VII., 1902

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BILL.

An Act to provide for the establishment  
of a Medical Council in Canada.

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First reading, February 26, 1902.

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MR. RODDICK.

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OTTAWA  
Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

An Act respecting the Edmonton and Slave Lake  
Railway Company.

**W**HEREAS the Edmonton and Slave Lake Railway Com-  
pany has, by its petition, prayed that it be enacted as  
hereinafter set forth, and it is expedient to grant the prayer of  
the said petition: Therefore His Majesty, by and with the  
5 advice and consent of the Senate and House of Commons of  
Canada, declares and enacts as follows :—

Preamble.

**1.** Chapter 66 of the statutes of 1899, incorporating the  
Edmonton and Slave Lake Railway Company is revived  
and declared to be in force, and the time limited for com-  
10 mencing the railway which the said company is by the said  
Act authorized to construct, and for the expenditure of fifteen  
per cent on the amount of the capital stock as provided by  
section 14 of the said Act, is extended for a period of  
15 hundred and two; and if the construction of the said railway  
is not then commenced, and if such expenditure is not so made,  
or if the railway is not finished and put in operation within  
five years from the said first day of November, then the  
powers of construction granted to the said company shall cease  
20 and be null and void as respects so much of the railway as then  
remains uncompleted.

1899, c. 66  
revived.

Time for  
construction  
extended.

No. 12.

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2nd Session, 9th Parliament, 2 Edward VII., 1902

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BILL.

An Act respecting the Edmonton and  
Slave Lake Railway Company.

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First reading, February 28, 1902.

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(PRIVATE BILL.)

MR. COSTIGAN.

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OTTAWA  
Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

An Act respecting the Canada and Michigan Bridge  
and Tunnel Company.

**W**HEREAS the Canada and Michigan Bridge and Tunnel Preamble.  
Company has, under the Acts relating thereto, the  
power, among others, to construct, maintain, work and manage  
a railway bridge across the Detroit River from some point at  
5 or near the town (now city) of Windsor or the town of Sand-  
wich, in the county of Essex, towards the city of Detroit, in  
the State of Michigan, one of the United States; and whereas,  
under the provisions of chapter 71 of the statutes of 1895, it  
was enacted that the said company shall not commence the  
10 actual erection of the said bridge until an Act of the Congress  
of the United States has been passed assenting to or approving  
of the bridging of the said river; and whereas the said com-  
pany has, by its petition, prayed that it be enacted as herein-  
after set forth, and it is expedient to grant the prayer of the  
15 said petition: Therefore His Majesty, by and with the advice  
and consent of the Senate and House of Commons of Canada,  
enacts as follows:—

**1.** The times limited for the commencement and completion Time  
of the works of the Canada and Michigan Bridge and Tunnel extended.  
20 Company are extended as follows: The work shall be com- 1900, c. 90.  
menced within two years after an Act of the Congress of the  
United States has been passed consenting to or approving of  
the construction, maintenance and operation of a bridge across  
the Detroit River, or within two years after the Executive of  
25 the United States, or other competent authority, has consented  
to or approved of such bridge, and shall be completed within  
five years after such commencement, otherwise the powers  
granted by this Act shall cease and be null and void as  
respects so much of the undertaking as then remains uncom-  
30 pleted.

No. 13.

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2nd Session, 9th Parliament, 2 Edward VII., 1902

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BILL.

An Act respecting the Canada and  
Michigan Bridge and Tunnel Company.

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First reading, February 28, 1902.

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(PRIVATE BILL.)

MR. COWAN.

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OTTAWA

Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

An Act to incorporate the Indian River Railway Company.

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

1. Michael Patrick Davis, Robert J. Devlin, William P. Davis and John W. Thompson, all of the city of Ottawa, in the province of Ontario, and H. G. Harrison, of the city of Montreal, in the province of Quebec, together with such persons as become shareholders in the company, are incorporated under the name of the "Indian River Railway Company," hereinafter called "the Company."
2. The persons named in section 1 of this Act are constituted provisional directors of the Company.
3. The capital stock of the Company shall be two hundred thousand dollars, and may be called up by the directors from time to time as they deem necessary, but no one call shall exceed ten per cent on the shares subscribed.
4. The head office of the Company shall be in the city of Quebec, or in such other place in Canada as the Company determines by-law.
5. The annual meeting of the shareholders shall be held on the first Wednesday in September in each year.
6. At such meeting the shareholders for the capital stock assembled who have paid all calls due on their shares shall choose five persons to be directors of the Company, one or more of whom may be paid directors.
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 of junction with the existing railway lines at or near the north end of Lake Megantic, in the counties of Beauce and Compton, in the province of Quebec, thence southerly along the said lake through the said counties to a point on the international boundary line at or near Rivière Mort.
8. If the construction of the railway is not commenced and fifteen per cent of the amount of the capital stock is not ex-

Preamble.

Incorporation.

Corporate name.

Provisional directors.

Capital stock.

Head office.

Annual meeting.

Election of directors.

Line of railway described.

Time for construction limited.

pended thereon within two years from the passing of this Act, or if the railway is not finished and put in operation within five years from the passing of this Act, the powers conferred upon the Company by Parliament shall cease and be null and void as respects so much of the railway as then remains un- 5 completed.

Bond issue limited.

9. The Company may issue bonds, debentures or other securities to the extent of twenty thousand dollars per mile of the railway, and such bonds, debentures or other securities may be issued only in proportion to the length of railway con- 10 structed or under contract to be constructed.

Agreements with other companies.

10. The Company may enter into an agreement with the Rumford Falls and Rangeley Lakes Railway Company, or the Portland and Rumford Falls Railway Company [or any other railway companies which may be formed in the State of Maine, 15 one of the United States], for the purpose of building a railway to connect with the railway of the Company at the international boundary line, to sell or lease to any one of such companies the railway of the Company, in whole or in part, and all the rights and powers acquired under this Act, together 20 with the franchises, surveys, plans, works, plant, material, machinery and other property to it belonging, or for amalgamation with such company, upon such terms and conditions as are agreed upon and subject to such restrictions as to the directors seem fit; provided that such agreement has been 25 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 capital stock are present or represented by proxy, and that such agreement has also 30 received the sanction of the Governor in Council.

Approval of shareholders and Governor in Council.

Notice of application for sanction.

2. Such sanction shall not be signified until after notice of the proposed application therefor has been published in the manner and for the time set forth in section 239 of *The Railway Act*, and also for a like period in one newspaper in each 35 of the counties through which the railway of the Company runs and in which a newspaper is published.

Agreement to be filed with Secretary of State.

3. A duplicate of the agreement referred to in subsection 1 of this section shall, within thirty days after its execution, be filed in the office of the Secretary of State of Canada, and 40 notice thereof shall be given by the Company in *The Canada Gazette*; and the production of *The Canada Gazette* containing such notice shall be prima facie evidence of the requirements of this Act having been complied with.

No. 14.

2nd Session, 9th Parliament, 2 Edward VII.

BILL.

An Act to incorporate the Indian Railway Company.

First reading, February 28, 1902

(PRIVATE BILL.)

MR. BÉLAI

OTTAWA

Printed by S. E. DAWSON

Printer to the King's most Excellent Majesty  
1902

No. 15.]

**BILL.**

[1902.

An Act respecting the River St. Clair Railway Bridge  
and Tunnel Company.

**W**HEREAS the Canada Southern Railway Company and  
the provisional board of directors of the River St.  
Clair Railway Bridge and Tunnel Company have, by their  
petition, prayed that it be enacted as hereinafter set forth,  
and it is expedient to grant the prayer of the said petition :  
Therefore His Majesty, by and with the advice and consent of  
the Senate and House of Commons of Canada, enacts as  
follows :—

**1.** Section 29 of chapter 87 of the statutes of 1872 is  
10 repealed. 1872, c. 87,  
s. 29 repealed.

**2.** The times limited for the commencement and completion  
of the works of the River St. Clair Railway Bridge and Tunnel  
Company are extended as follows: The works shall be  
commenced within two years after an Act of the Congress of  
15 the United States has been passed consenting to or approving  
of the bridging of the said river at the point mentioned  
in section 1 of chapter 117 of the statutes of 1900, or  
within two years after the Executive of the United States, or  
other competent authority, has consented to and approved of  
20 such bridging, and the said works shall be completed within  
five years after such commencement, otherwise the powers  
granted by this Act shall cease and be null and void as respects  
so much of the undertaking as then remains uncompleted.

Preamble.

Time for  
construction  
limited.

1900, c. 117,  
s. 2.

Proviso.

No. 15.

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2nd Session, 9th Parliament, 2 Edward VII, 1902

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BILL

An Act respecting the River St. Clair  
Railway Bridge and Tunnel Company.

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First reading, February 28, 1902.

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(PRIVATE BILL.)

MR. INGRAM.

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OTTAWA  
Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

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No. 16.]

**BILL.**

[1902.

An Act respecting the Manitoba and North-western  
Railway Company of Canada.

**W**HEREAS the Manitoba and North-western Railway Com- Preamble.  
pany 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  
5 with the advice and consent of the Senate and House of  
Commons of Canada, enacts as follows :—

1. The Manitoba and North-western Railway Company of Time for  
Canada may construct and complete, within seven years from construction  
the passing of this Act, the lines of railway authorized by extended.  
10 section 9 of chapter 52 of the statutes of 1893. 1893, c. 52,  
s. 9.

No. 16.

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2nd Session, 9th Parliament, 2 Edward VII., 1902

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BILL.

An Act respecting the Manitoba and  
North-western Railway Company  
of Canada.

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First reading, February 28, 1902.

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(PRIVATE BILL.)

MR. DOUGLAS.

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OTTAWA  
Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

An Act to incorporate the Lake Bennett Railway  
Company.

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

**1.** M. King and H. A. Munn, both of the city of Victoria, Incorporation.  
and D. G. Macdonell, of the city of Vancouver, in the pro-  
vince of British Columbia; together with such persons as  
become shareholders in the company, are incorporated under  
10 the name of the "Lake Bennett Railway Company," herein- Corporate  
after called "the Company." name.

**2.** The persons named in section 1 of this Act are consti- Provisional  
tuted provisional directors of the Company. directors.

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

**4.** The head office of the Company shall be at the city of Head office.  
Vancouver.

**5.** The annual meeting of the shareholders shall be held Annual  
20 on the first Monday in February in each year. meeting.

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

**7.** The Company may lay out, construct and operate a rail- Line of  
way of the gauge of four feet eight and one-half inches, [or railway  
a narrow gauge railway] from a point on or near the Dyea described.  
River, on the international boundary line between British  
30 Columbia and Alaska, to a point at or near Lake Bennett,  
thence to a point on the Yukon River, at or near Selkirk, in  
the Yukon Territory.

**8.** The Company may issue bonds, debentures or other Bond issue  
securities to the extent of thirty five thousand dollars per limited.  
35 mile of railway and branches, and such bonds, debentures or

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

Agreement with another company.

9. The Company may enter into an agreement with the Canadian Pacific Railway Company [or such other companies as it desires] for conveying or leasing to such company [or companies] the railway of the Company, in whole or in part, or any rights or powers acquired under this Act, as also the franchises, surveys, plans, works, plant, material, machinery and other property to it belonging, or for an amalgamation with such company [or companies], on such terms and conditions as are agreed upon, and subject to such restrictions as to the directors seem fit; provided that such agreement has been first approved by two-thirds of the votes at a special general meeting of the shareholders duly called for the purpose of considering it,—at which meeting shareholders representing at least two-thirds in value of the stock are present or represented by proxy,—and that such agreement has also received the sanction of the Governor in Council. 5 10 15

Approval of shareholders and Governor in Council.

Notice of application for sanction.

2. Such sanction shall not be signified until after notice of the proposed application therefor has been published in the manner and for the time set forth in section 239 of *The Railway Act*, and also for a like period in one newspaper in each of the counties or electoral districts through which the railway of the Company runs, and in which a newspaper is published. 20 25

Agreement to be filed with Secretary of State.

3. A duplicate of the agreement referred to in subsection 1 of this section shall, within thirty days after its execution, be filed in the office of the Secretary of State of Canada, and notice thereof shall be given by the Company in *The Canada Gazette*, and the production of *The Canada Gazette* containing such notice shall be prima facie evidence of the requirements of this Act having been complied with. 30

BILL.

An Act to incorporate the Lake B  
Railway Company.

First reading, February 28, 1902

(PRIVATE BILL.)

MR. MAXW

OTTAWA

Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

An Act to incorporate the Velvet (Rossland) Mine  
Railway Company.

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

1. Frederick Edwin Harman, George Brooke Mee, Alex- Incorpora-  
ander Davidson and Henry Frisby, the younger, all of the tion.  
city of London, in the county of Middlesex, England, together  
with such persons as become shareholders in the company,  
10 are incorporated under the name of "The Velvet (Rossland)  
Mine Railway Company," hereinafter called "the Company." Corporate  
name.
2. The persons named in section 1 of this Act are consti- Provisional  
tuted provisional directors of the Company. directors.
3. The capital stock of the Company shall be five hundred Capital stock.  
15 thousand dollars, and may be called up by the directors from  
time to time as they deem necessary, but no one call shall  
exceed ten per cent on the shares subscribed.
4. The head office of the Company shall be in the city of Head office.  
London, England, or in any other place in [Great Britain or]  
20 Canada as the Company from time to time determines by  
by-law.
5. The annual meeting of the shareholders shall be held on Annual  
the first Wednesday in September in each year. meeting.
6. At such meeting the subscribers for the capital stock Election of  
25 assembled, who have paid all calls due on their shares, shall  
choose not less than three and not more than seven persons  
to be directors of the Company, one or more of whom may be  
paid directors.
7. The Company may lay out, construct and operate a rail- Line of  
30 way of either standard [or narrow gauge] from or near the railway  
city of Rossland, in the province of British Columbia, in a described.  
south-westerly direction to a place known as Velvet Mines, on  
the west side of Sopha Mountain, in the Rossland Mining  
district, and thence in a south-easterly direction, to a point on  
35 the International boundary line.

- Connection with U. S. railway.      8. The Company may also form connections at the International boundary line with a proposed railway in the State of Washington, one of the United States, and generally with the railway system of the United States.
- Ropeways and tramways.      9. The Company may construct, acquire and operate ropeways and tramways for the transportation of ore or other freight, not exceeding in any one case five miles in length, as are from time to time authorized by the Governor in Council, to or from any point on its railway or branches. 5
- Powers of Company.      10. The Company may, in connection with its railway and 10  
for the purposes of its business,—
- Lands, and water powers.      (a.) acquire lands and water powers, and erect, use and manage works and manufacture machinery and plant for the generation, transmission and distribution of electric power and Motive power.      energy and other motive power ; 15
- Patent rights.      (b.) acquire exclusive rights in letters patent, franchises or patent rights for the purpose of the works and undertakings hereby authorized, and again dispose of such rights ;
- Surplus power.      (c.) sell or lease any surplus power which it may develop or acquire, either as water power or other motive power, or by 20 converting it into electricity or other force for the distribution of light, heat or power or for all purposes for which electricity or other motive power can be used, with power to transmit the same ;
- Water for Company's works.      (d.) subject to such regulations as are imposed by the Gov- 25 ernor in Council, acquire and dispose of lands and construct, acquire and dispose of buildings and other erections and plant for the purpose of supplying water for the use of its works, railway and branches.
- Telegraph and telephone lines.      11. The Company may construct and operate telegraph 30 and telephone lines along the whole length of the railway and branches, and may establish offices for the transmission of messages for the public and collect tolls therefor ; and for the purposes of constructing and operating such telegraph and telephone lines the Company may enter into a contract with 35 any other company or may lease the Company's lines or any part thereof ; and may connect its lines with the lines of any telegraph or telephone company.
- Arrangements with telegraph and telephone companies.      2. The Company may enter into arrangements with any telegraph or telephone company for the exchange and trans- 40 mission of messages, or for the working in whole or in part of the lines of the Company.
- Rates to be approved.      3. No rates or charges shall be demanded or taken from any person for the transmission of any message by telegraph or telephone, or for leasing or using the telegraphs or telephones 45 of the Company, until such rates or charges have been approved of by the Governor in Council, and such rates and charges shall be subject to revision from time to time by the Governor in Council.
- R.S.C., c. 132.      4. *The Electric Telegraph Companies Act* shall apply to 50 the telegraphic business of the Company.
- Bond issue limited.      12. The Company may issue bonds, debentures or other securities to the extent of thirty thousand dollars per mile

of the railway and branches, and such bonds, debentures or other securities may be issued only in proportion to the length of railway constructed or under contract to be constructed.

- 5 **13.** The Company may enter into an agreement with the Canadian Pacific Railway Company, the Columbia and West-  
 10 ern Railway Company, the Red Mountain Railway Company, and the Great Northern Railway Company for converting or  
 15 leasing to such company the railway of the Company, in whole or in part, or any rights or powers acquired under this Act,  
 as also the franchises, surveys, plans, works, plant, material, machinery and other property to it belonging, or for an amal-  
 20 gamation with such company, on such terms and conditions as are agreed upon, and subject to such restrictions as to the dir-  
 25 ectors seem fit; provided that such agreement has been first approved by two-thirds of the votes at a special general meet-  
 ing of the shareholders duly called for the purpose of consider-  
 ing it, at which meeting shareholders representing at least two-thirds in value of the stock are present or represented by  
 30 proxy, and that such agreement has also received the sanction of the Governor in Council.
2. Such sanction shall not be signified until after notice of the proposed application therefor has been published in the  
 35 manner and for the time set forth in section 239 of *The Railway Act*, and also for a like period in one newspaper in each  
 county or electoral district through which the railway of the Company runs and in which a newspaper is published.
3. A duplicate of the agreement referred to in subsection 1 of this section shall, within thirty days after its execution, be  
 40 filed in the office of the Secretary of State of Canada, and notice thereof shall be given by the Company in *The Canada Gazette*, and the production of *The Canada Gazette* containing  
 such notice shall be prima facie evidence of the requirements of this Act having been complied with.
- 35 **14.** If the construction of the railway is not commenced within [three] years from the passing of this Act, or if the  
 railway is not finished within [six] years from the passing of this Act, the powers conferred upon the Company by Parlia-  
 40 ment shall cease and be null and void as respects so much of the railway as then remains uncompleted.

Agreements with other companies.

Approval of shareholders and Governor in Council.

Notice of application for sanction.

Agreement to be filed with Secretary of State.

Time for construction limited.

No. 18.

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2nd Session, 9th Parliament, 2 Edward VII., 1902

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BILL.

An Act to incorporate the Velvet (Ross-  
land) Mine Railway Company.

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First reading, February 28, 1902.

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(PRIVATE BILL.)

MR. GALLIHER.

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OTTAWA  
Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

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No. 19.]

**BILL.**

[1902.

An Act relating to the Regina Law Library.

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

1. The Governor in Council may transfer to "The Law <sup>Library may</sup> Society of the North-west Territories" the law library at <sup>be transferred.</sup> Regina belonging to the Government, upon such terms and conditions as to the Governor in Council seem proper.

No. 19.

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2nd Session, 9th Parliament, 2 Edward VII., 1902

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BILL.

An Act relating to the Regina Law  
Library.

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First reading, February 28, 1902.

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MR. FITZPATRICK.

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OTTAWA

Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

An Act to incorporate the Battleford and Lake Lenore  
Railway Company.

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

1. George Duncan Wood, of the city of Winnipeg, in the Incorporation.  
province of Manitoba ; Alan Joseph Adamson, of the village  
of Rosthern, and John H. Lamont, of the town of Prince  
Albert, in the district of Saskatchewan, in the North-west  
10 Territories ; Raymond Prefontaine, of the city of Montreal, in  
the province of Quebec ; Alexander Rennie Auld, of the city  
of Toronto, and Clayton Peterson, of the city of Guelph, in  
the province of Ontario, together with such persons as become  
shareholders in the company, are incorporated under the name  
15 of "The Battleford and Lake Lenore Railway Company," Corporate name.  
hereinafter called "the Company."
2. The undertaking of the Company is declared to be a Declaratory.  
work for the general advantage of Canada.
3. The persons named in section 1 of this Act are consti- Provisional directors.  
20 tuted provisional directors of the Company.
4. The capital stock of the Company shall be one million Capital stock.  
dollars and may be called up by the directors from time to  
time as they deem necessary, but no one call shall exceed ten  
per cent on the shares subscribed.
- 25 5. The head office of the Company shall be in the city of Head office.  
Winnipeg, or in such other place in Canada as the Company  
from time to time determines by by-law.
6. The annual meeting of the shareholders shall be held on Annual meeting.  
the first Tuesday in September in each year.
- 30 7. At such meeting the subscribers for the capital stock Election of directors.  
assembled, who have paid all calls due on their shares,  
shall choose five persons to be directors of the Company, one  
or more of whom may be paid directors.
8. The Company may lay out, construct and operate a rail- Line of railway described.  
35 way of the gauge of four feet eight and one-half inches,  
from a point at or near Hobbena station on the line of the Calgary

and Edmonton Railway Company in the district of Alberta, thence in a generally easterly direction crossing the line of the Qu'Appelle, Long Lake and Saskatchewan Railway and Steamboat Company at or near Osler station, to a point on the south Saskatchewan river in townships thirty-nine or forty in the district of Saskatchewan; thence in a generally easterly direction to Lake Lenore, thence in a north-easterly direction to a point on the Canadian Northern Railway Company's line at or near Crooked river, in the district of Saskatchewan; and also a branch line from a point on the Company's said line of railway in township forty or forty-one in range twenty-four west of the second meridian in the district of Saskatchewan to a point at or near Yorkton, in the district of Assiniboia.

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

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

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

**3.** A duplicate of the agreement referred to in subsection 1 of this section shall, within thirty days after its execution, be filed in the office of the Secretary of State of Canada, and notice thereof shall be given by the Company in *The Canada Gazette* and the production of *The Canada Gazette* containing such notice shall be prima facie evidence of the requirements of this Act having been complied with.

**11.** The Company may construct and maintain a telegraph line and telephone lines along the whole line of its railway and branches, and may establish offices for the transmission of messages for the public; and for the purpose of erecting and working such telegraph and telephone lines the Company may enter into a contract with any other company.

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

5 3. No rates or charges shall be demanded or taken from any person for the transmission of any message by telegraph or telephone, or for leasing or using the telegraph or telephones of the Company until such rates or charges have been approved of by the Governor in Council, and such rates and charges shall be subject to revision from time to time by the Governor in Council. Rates to be approved.

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

15 12. If the construction of the railway is not commenced and fifteen per cent of the amount of the capital stock is not expended thereon within two years after the passing of this Act, or if the railway is not finished and put in operation within five years after the passing of this Act, the powers conferred upon the Company by Parliament shall cease and be null and void as respects so much of the railway as then remains uncompleted. Time for construction limited.

No. 20.

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2nd Session, 9th Parliament, 2 Edward VII., 1902

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BILL.

An Act to incorporate the Battleford and  
Lake Lenore Railway Company.

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First reading, March 3, 1902.

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(PRIVATE BILL.)

MR. CALVERT.

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OTTAWA  
Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

An Act respecting the Port Dover, Brantford, Berlin and Goderich Railway Company, and to change its name to "The Grand Valley Traction Company."

**W**HEREAS the Port Dover, Brantford, Berlin and Goderich Railway Company has, by its petition, prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

- 1.** The name of the Port Dover, Brantford, Berlin and Goderich Railway Company, hereinafter called "the Company," is changed to "The Grand Valley Traction Company," but such change in name shall not in any way impair, alter or affect the rights or liabilities of the Company, nor in any wise affect any suit or proceeding now pending, or judgment existing, either by, or in favour of, or against the Company, which, notwithstanding such change in the name of the Company, may be prosecuted, continued, completed and enforced as if this Act had not been passed.
- 2.** Section 4 of chapter 75 of the statutes of 1900 is repealed, and the following is substituted therefor:—
- 4.** The capital stock of the Company shall be one million dollars, and may be called up by the directors from time to time as they deem necessary."
- 3.** Section 6 of the said Act is repealed, and the following is substituted therefor:—
- 6.** The annual meeting of the shareholders shall be held on the first Thursday in February in each year."
- 4.** Section 13 of the said Act is repealed, and the following is substituted therefor:—
- 13.** The Company may issue bonds, debentures or other securities to the extent of thirty thousand dollars per mile of the railway and branches, and such bonds, debentures or other securities may be issued only in proportion to the length of railway constructed or under contract to be constructed, and may be secured by mortgage deed upon the portion of the railway so constructed or under contract to be constructed.
- 2.** The power of issuing bonds, debentures or other securities, secured upon a portion of the railway as in the preceding subsection defined shall not be construed to be exhausted by one issue, but the Company may, in the same manner, from time to time issue other bonds, debentures or other securities

Preamble.

Name changed.

Existing rights saved.

1900, c. 73, new s. 4.

Capital stock.

New s. 6.

Annual meeting.

New s. 13.

Bond issue.

in the proportion aforesaid, secured by mortgage deed upon such other portions of the railway as may be constructed or under contract to be constructed.”

Time for construction extended.

1900, c. 73.

5. If the construction of the railway is not commenced and fifteen per cent of the amount of the capital stock is not expended thereon within two years from the passing of this Act, or if the railway is not finished and put in operation within seven years from the passing of this Act, then the powers granted by the Act authorizing the construction of the railway and by this Act shall cease and be null and void with respect to so much of the railway as then remains uncompleted. 5 10

No. 21.

2nd Session, 9th Parliament, 2 Edward VII, 1902

BILL.

An Act respecting the Port Dover, Brantford, Berlin and Goderich Railway Company, and to change its name to "The Grand Valley Traction Company."

First reading, March 3, 1902.

(PRIVATE BILL.)

MR. HEYD.

OTTAWA

Printed by S. E. DAWSON

Printer to the King's most Excellent Majesty  
1902

An Act to incorporate the Board of the Presbyterian  
College, Halifax.

WHEREAS the board of the Presbyterian College, Halifax has, by its petition, represented that by chapter 68 of the statutes of the province of Nova Scotia, of 1861, intituled: "An Act to incorporate the Board of Education of the Presbyterian Church of the Lower Provinces of British North America," certain persons therein named were created a body corporate, subject to the control of the synod of the lower provinces of British North America, for the purposes mentioned in the said Act, and among others to hold, manage and administer all property, real and personal, trust funds, moneys, securities, bequests, devises, incomes, goods, chattels and effects of, belonging to, or held by the educational board of the Presbyterian Church of Nova Scotia, and the college and academy board of the Free Church of Nova Scotia, or trustees for such corporate bodies, or either of them, for the purpose of promoting classical, literary and theological education in institutions connected with and under the control of the Presbyterian Church of the lower provinces of British North America, and also to receive, hold and dispose of, in accordance with the will of the donors, and subject to the direction of the synod, any bequests or contributions in bonds, moneys or other securities, made for the promotion of any of the schemes or religious objects of the Presbyterian Church of the lower provinces of British North America; and whereas, in the year one thousand eight hundred and seventy-five, the provinces of Ontario, Quebec, Nova Scotia, New Brunswick, Prince Edward Island and Manitoba passed the following Acts, viz.: Ontario, 1875, chapter 75; Quebec, 1875, chapter 62; Nova Scotia, 1875, chapters 99 and 100; New Brunswick, 1875, chapter 99; Prince Edward Island, 1875, chapter 27; and Manitoba, 1875, chapter 47, respectively, in all of which said Acts provision was made for the union of the following churches, namely: the Canada Presbyterian Church, the Presbyterian Church of Canada, in connection with the Church of Scotland, the Presbyterian Church of the maritime provinces, in connection with the Church of Scotland, and the Presbyterian Church of the lower provinces of British North America, under the title of "The Presbyterian Church in Canada;" and whereas, by section 6, of chapter 100, of the statutes of the province of Nova Scotia, of 1875, it was enacted that all the funds and property in the possession or under the control of the board of education of the Presbyterian Church of the lower provinces shall, until the general assembly otherwise provide for the management thereof, remain in the charge

Preamble

N.S., 1861,  
c. 68.Ont., 1875,  
c. 75;Que., 1875,  
c. 62;N.S., 1875,  
cc. 99, 100;N.B., 1875,  
c. 99;P.E.I., 1875,  
c. 47;Man., 1875,  
c. 47.N.S., 1875,  
c. 100.

N.S., 1879,  
c. 82.

of such board and its officers as heretofore ; and all their acts shall be as valid as if this Act had not passed ; and whereas, by chapter 82 of the statutes of the province of Nova Scotia, of 1879, the said chapter 68 of the statutes of the province of Nova Scotia, of 1861, was amended, and the name of "The Board of Education of the Presbyterian Church of the lower provinces of British North America," thereby changed to "The Board of the Presbyterian College, Halifax ;" and whereas, by chapter 82 of the statutes of the province of Nova Scotia, of 1879, it was further provided that the general assembly of the Presbyterian Church in Canada should have power to remove or displace any members of such board, and to substitute the names of any persons to fill their places and to add to or reduce the number of said board, and all the property, real and personal, powers and authority of the said the board of education of the Presbyterian Church of the lower provinces of British North America, were absolutely vested in the said the board of the Presbyterian College, Halifax ; and whereas, since the year one thousand eight hundred and seventy-nine the said the board of the Presbyterian College, Halifax, has continued to hold, manage, invest and administer all property, real and personal, funds, securities, moneys, bequests, devises, incomes, goods, chattels and effects so vested in it by the said chapters 68 and 82 of the statutes of the province of Nova Scotia, of 1861 and 1879, respectively, and has also held, managed, invested and administered all property, real and personal, funds, securities, moneys, bequests and devises given or devised to said board since the year one thousand eight hundred and seventy-nine, for the schemes or religious and educational objects of the Presbyterian Church in Canada, eastern division ; and whereas, in the year one thousand nine hundred, the said board and the synod of the maritime provinces, comprising the provinces of Nova Scotia, New Brunswick and Prince Edward Island, passed certain resolutions with regard to the management and administration of property, funds and securities now held by the said the board of the Presbyterian College, Halifax, and also a resolution authorizing that the necessary legislation be obtained to give effect thereto ; and whereas, the general assembly of the Presbyterian Church in Canada at its session in June, one thousand nine hundred and one, approved and ratified said resolutions of said board and synod ; and whereas, it is desirable, in order to give effect to said resolutions, and for the better protection security, and administration of the property, securities, funds, moneys, bequests, devises, incomes, goods, chattels and effects now held by the said the board of the Presbyterian College, Halifax, as at present incorporated, that legislation in that behalf be passed by the Parliament of Canada : 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 Reverends Thomas Sedgwick, Allan Pollok, John Currie, Daniel M. Gordon, John MacMillan, John Forrest, Doctors of Divinity ; and the Reverends E. A. McCurdy, Robert Falconer, L. G. McNeil, James S. Carruthers, H. W. Henderson, Donald Fraser, E. D. Miller, A. McLean Sinclair,

Thomas Stewart, Ralph G. Strathie, Hector K. McLean, John S. Sutherland, James M. Fisher, Anderson Rogers, Alfred B. Dickie, Angus McMillan, John F. Forbes, George Miller, Arthur Silver Morton, Thomas Cumming and Robert Murray ;  
 5 and John Stewart, Alexander Kennedy, James D. McGregor, the Honourable David McKeen, His Honour James G. Forbes, George Mitchell, James C. Mackintosh, John F. Stairs, Hugh McKenzie, James Kennedy, R. H. Chase, James Walker and Robert Baxter, the present members of the board of the Pres-  
 10 byterian College, Halifax, as at present incorporated, are incorporated under the name of "The Board of the Presbyterian College, Halifax," hereinafter called "the Board." Corporate name.

**2.** The persons named in section 1 of this Act, and their successors in office as hereinafter appointed, shall constitute the  
 15 members of the Board, and shall hold office subject to the will of the General Assembly of the Presbyterian Church in Canada, and the said General Assembly may remove or displace any member of the Board, and substitute others in the place of  
 20 those so removed by death, resignation or otherwise, and may add to or reduce the number of members of the Board : provided that no person shall be appointed a member of the Board unless he is, at the time of his appointment, a member of the Presbyterian Church in Canada. Members of Board.

**3.** The Board may,—

25 (a.) receive, take over, hold, manage, invest and administer the property, real and personal, securities, moneys, funds, gifts, bequests, devises, incomes, goods, chattels and effects, of every kind and description, rights, powers, privileges, claims and choses in action, now held, possessed or enjoyed, or at  
 30 present under the management or control of the board of the Presbyterian College, Halifax, as hitherto incorporated, and adopt, enforce and reduce into possession any mortgage, bill, note or security for money now outstanding in favour of the said the board of the Presbyterian College, Halifax, as hitherto  
 35 incorporated ; Powers of Board.  
Property under control of previous board.  
Securities.

(b.) execute the office of and act as executors and trustees  
 40 under any will, deed, conveyance or deed of trust, with respect to any gift or bequest in favour of or for the benefit of any fund, scheme or object of the Presbyterian Church in Canada, eastern division ; Trustees.

(c.) receive, take over, hold, invest and manage any real  
 45 property, or devises which may be given, entrusted or devised, to the Board 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 ; Property.

(d.) consolidate the capital funds of the Board into one fund, to be called "The Consolidated Fund" and apportion the  
 50 interest arising therefrom annually to and among the schemes or objects of the Board (or the said Presbyterian Church in Canada, Eastern Division) in proportion to the amount of capital of each scheme or object in said consolidated fund ; Consolidated Fund.

(e.) invest moneys in its hands, or under its control, in any  
 55 security in which private trustees may by law invest trust Investment of moneys.

- moneys, and in the public stock, funds or Government securities of Canada or any province thereof, or in any securities guaranteed by the United Kingdom or by Canada, or any of the said provinces, or in the bonds and debentures of any municipal corporation in any of the said provinces, or in such of its stocks, funds or securities as the Board deems expedient, provided, however, that the Board shall not in any case invest the moneys of any trust in securities prohibited by the trust ;
- Notes and cheques. (f.) make, accept, endorse and execute promissory notes, bills of exchange, cheques and all other negotiable instruments necessary or incidental to the business and purposes of the Board ;
- Conveyances, etc., and how to be executed. (g.) make and execute deeds, mortgages, bonds, leases, releases and all necessary conveyances, said documents to be signed by the chairman and secretary of the Board for the time being, and in the absence of the chairman by the vice-chairman, and the corporate seal of the Board shall be affixed thereto.
- Rules for management of corporation. 4. The Board may make by-laws, rules and orders concerning the powers, duties and functions of the secretary and agent and the good government of the Board and the income and property thereof, and the collection, administration, investment, application, control and management of the funds, securities and property held by the Board for and on behalf of the schemes and objects of the Presbyterian Church in Canada, Eastern Division, provided, however, that such by-laws, rules and orders shall be in force only when and after they have been submitted to and approved by the General Assembly of the Presbyterian Church in Canada.
- Value of property which may be held. 5. The total value of the property, real and personal, which may be held by the Board shall not exceed one million dollars.
- Chairman of Board. 6. The said General Assembly may appoint the chairman and an officer to be styled the secretary and agent of the Board, provided, that in the event of the death, resignation or removal from any cause of the chairman or the secretary and agent for the time being, at any time between the annual sessions of the said General Assembly, the Board may make an interim appointment of a chairman or secretary and agent, who shall have and exercise all the powers, duties and functions of the chairman and the secretary and agent.
- Members of Board not liable for investments. 7. No personal liability shall attach to any of the individual members of the Board for failure of any investment or security which may be made by the Board.
- Annual report to General Assembly. 8. The Board shall annually present a report to the said General Assembly, in which shall be set forth fully the various moneys, securities and property real and personal, held by the Board, and also show the disposition made by it of the interest and income arising from all moneys, securities and properties.

No. 23.]

**BILL.**

[1902.

An Act respecting the Ontario, Hudson's Bay and  
Western Railways Company.

**W**HEREAS the Ontario, Hudson's Bay and Western Rail-<sup>Preamble.</sup>  
ways Company has, by its petition, prayed that it be en-  
acted as hereinafter set forth, and it is expedient to grant the  
prayer of the said petition: Therefore His Majesty, by and  
5 with the advice and consent of the Senate and House of Com-  
mons of Canada, enacts as follows:—

1. The time limited for the commencement of the railway <sup>Time for</sup>  
of the Ontario, Hudson's Bay and Western Railways Company, <sup>construction</sup>  
and for the expenditure of fifteen per cent of the amount of <sup>extended.</sup>  
10 its capital stock, as required by section 89 of *The Railway Act*,  
is extended for a period of three years from the seventh <sup>1901, c. 78.</sup>  
day of April, one thousand nine hundred and two, and if such  
expenditure is not so made, or if the railway is not finished  
and put in operation within ten years from the seventh day of  
15 April, one thousand nine hundred and two, then the powers  
of construction granted to the said company shall cease and  
be null and void as respects so much of the railway as then  
remains uncompleted.

No. 23.

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2nd Session, 9th Parliament, 2 Edward VII., 1902

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BILL.

An Act respecting the Ontario, Hudson's  
Bay and Western Railways Company.

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First reading, March 4, 1902.

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(PRIVATE BILL.)

MR. DYMENT.

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OTTAWA  
Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

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No. 24.]

**BILL.**

[1902.

An Act respecting the Windsor and Detroit Union  
Bridge Company.

**W**HEREAS the Windsor and Detroit Union Bridge Com- Preamble.  
pany has, by its petition, prayed that it be enacted as  
hereinafter set forth, and it is expedient to grant the prayer of  
the said petition : Therefore His Majesty, by and with the  
5 advice and consent of the Senate and House of Commons of  
Canada, enacts as follows :—

**1.** Section 32 of chapter 120 of the statutes of 1898 is 1898, s. 120.  
repealed, and the following is substituted therefor :— New section  
32.

“**32.** The bridge which the Company is authorized to  
10 construct shall be commenced within five years and completed  
within seven years from the thirteenth day of June, one  
thousand nine hundred and three, otherwise the powers  
granted for such construction shall cease and be null and  
void.” Time for  
construction  
limited.

No 24.

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2nd Session, 9th Parliament, 2 Edward VII., 1902

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BILL.

An Act respecting the Windsor and  
Detroit Union Bridge Company.

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First reading, March 4, 1902.

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(PRIVATE BILL.)

MR. COWAN.

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OTTAWA  
Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

An Act in further amendment of the Railway Act

[N amendment of *The Railway Act*, His Majesty, by and 1888, c. 29  
with the advice and consent of the Senate and House of  
Commons of Canada, enacts as follows :—

1. Notwithstanding anything in any public or special Act Agreement by railway employee, when it shall be a defence to action for compensation.  
5 heretofore passed, or in the rules or by-laws of any railway company, or in the rules or by-laws of any insurance or provident society or association of railway employees formed under the authority of any Act heretofore passed, no contract or agreement made or entered into by a workman, employee or  
10 servant of any railway company, and no rule or by-law of any society or association as aforesaid, shall be a bar or constitute any defence to an action against such railway company by such workman, employee or servant, for the recovery of compensation or damages for personal injury to him, or, in case the  
15 injury results in death, to an action by the personal representatives of such workman, employee or servant—
- (a.) unless for such workman, employee or servant entering into such contract or agreement, or becoming a member of such insurance or provident society, there was other consideration than that of his being taken into, or continued in the  
20 employment of the railway company;
- (b.) unless such other consideration is, in the opinion of the court or judge before whom such action is tried, ample and adequate; nor
- 25 (c.) unless, in the opinion of the court or judge, such contract or agreement, in view of such other consideration, was not on the part of the workman, employee or servant, improvident, but was just and reasonable ;  
and the burden of proof with respect to such other consideration, and of its being ample and adequate, and that the contract was just and reasonable, and was not improvident, shall  
30 in all cases rest upon the railway company.

No. 25.

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2nd Session, 9th Parliament, 2 Edward VII., 1902

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BILL.

An Act in further amendment of the  
Railway Act.

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First reading, March 4, 1902.

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MR. GUTHRIE.

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OTTAWA  
Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

An Act respecting the Quebec and Lake Huron  
Railway Company.

**WHEREAS** the Quebec and Lake Huron Railway Company Preamble.  
has, by its petition, prayed that it be enacted as herein-  
after set forth, and it is expedient to grant the prayer of the  
said petition: Therefore His Majesty, by and with the advice  
5 and consent of the Senate and House of Commons of Canada,  
enacts as follows :—

- 1.** Section 10 of chapter 74 of the statutes of 1900, incor- 1900, c. 74,  
porating the Quebec and Lake Huron Railway Company, is new s. 10.  
repealed, and the following is substituted therefor :—
- 10 **“10.** If the construction of the railway is not commenced Time for  
and fifteen per cent of the amount of the capital stock is not construction  
expended thereon within four years from the passing of this extended.  
Act, or if the railway is not finished and put in operation  
15 conferred upon the Company by Parliament shall cease and be  
null and void as respects so much of the railway as then  
remains uncompleted.”
- 2.** The Company may lay and set a third rail on its road, Power to  
in order to have a gauge of six feet in addition to the standard make a gauge  
20 gauge of four feet eight and one-half inches. of six feet.

No. 26.

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2nd Session, 9th Parliament, 2 Edward VII., 1902

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BILL.

An Act respecting the Quebec and Lake  
Huron Railway Company.

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First reading, March 5, 1902.

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(PRIVATE BILL.)

MR. MALOUIN,

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OTTAWA

Printed by S. E. Dawson  
Printer to the King's most Excellent Majesty  
1902

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No. 27.]

**BILL.**

[1902.

An Act to further amend the Dominion Elections Act,  
1900.

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

1. Section 112 of *The Dominion Elections Act, 1900*, is <sup>1900, c. 12, s.</sup>  
5 amended by adding after the word "loss" in the fifth line <sup>112 amended,</sup>  
thereof, the following words: "or makes use of any language  
to the effect that the ballot to be used or the mode of voting  
at such election is not secret,"

No. 27.

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2nd Session, 9th Parliament, 2 Edward VII, 1902

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BILL.

An Act to further amend the Dominion  
Elections Act, 1900.

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First reading, March 5, 1902.

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MR. CLANCY.

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OTTAWA  
Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

An Act respecting Telegraph and Telephone  
Companies.

**H**IS 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 Telegraph and Telephone* Short title.  
5 *Act, 1902.*

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

(a.) the expression “the Company” means a company sub- Interpretation.  
ject to the provisions of this Act; “Company.”

(b.) the expressions “telegraph company” and “telephone  
10 company” mean, respectively, a company having authority to  
construct a telegraph or telephone line or to carry on a tele- “Telegraph  
graph or telephone business, and include any person having Company.”  
that authority; “Telephone  
Company.”

(c.) the expression “charter” means any Act or letters “Charter.”  
15 patent under which the company has the said authority, or  
which is enacted or are issued with special reference to the  
company, and includes all such Acts and letters patent;

(d.) the expression “tolls” includes any rate or charge for “Tolls.”  
20 the transmission of messages by telegraph or telephone, or for  
the installation and use of telegraph or telephone instruments,  
lines or apparatus, or for the transmission by one telegraph  
or telephone company of such communications received from  
another telegraph or telephone company, or for any other ser-  
vice incidental to the business of a telegraph or telephone  
25 company.

**3.** The works of all telegraph and telephone companies Application to  
incorporated under provincial laws, or otherwise operating in all companies  
Canada, are hereby declared to be for the general advantage operating in  
of Canada and subject to the provisions of this Act. Canada.

**4.** Subject to the provisions of its charter, the company Powers for  
30 may construct the lines of telegraph or telephone authorized construction  
by its charter along, under, or upon any of the public roads of line.  
and highways, or across or under any of the navigable waters  
within Canada, by the erection of the necessary fixtures,  
35 including posts, piers or abutments for sustaining or protecting  
the wires or cables of such lines; but they shall be so con-  
structed as not to incommode the public use of such roads  
or highways, or to impede free access to any house or other  
building.

Protection of navigable waters.

**5.** Nothing in this Act shall confer on the company the right to build a bridge over, or injuriously interrupt the navigation of, any navigable water.

Tolls how fixed.

**6.** Subject to the provisions of this Act and of its charter, the company may by by-law, or the directors, if thereunto authorized by by-law of the company, may, from time to time, fix and regulate the tolls to be taken for all messages or other services.

No discrimination to be made.

**7.** Such tolls may be fixed either for the whole or for any particular portion of the company's lines; but all such tolls shall, under the same circumstances, be charged equally to all persons, and no reduction in any such tolls shall be made, either directly or indirectly, in favour of or against a particular company or person.

Proposed tariff to be submitted for approval of Governor in Council.

**8.** Within months after the passing of this Act, or such further time as the Governor in Council in any case grants, the company shall submit through the Department of Public Works, for the approval of the Governor in Council, a by-law or by-laws fixing and regulating the tolls proposed to be charged by it.

Approval and publication of tariff.

**9.** After the expiry of months from the passing of this Act, or any extension thereof by the Governor in Council, and subject to the provisions of section 10 of this Act, no tolls shall be taken by the company unless a by-law fixing and regulating them has been approved by the Governor in Council, nor until after two weekly publications in the *Canada Gazette* of such by-law, and of the Order in Council approving thereof.

Tolls chargeable pending approval.

**10.** Pending the approval by the Governor in Council of a by-law or by-laws fixing the tolls to be charged by the company, and the publication thereof in the *Canada Gazette*, the company may take the tolls heretofore usually charged by it.

Revision of tariff.

**11.** Every by-law fixing and regulating tolls shall be subject to revision by the Governor in Council, from time to time, after approval thereof; and after an Order in Council altering the tolls fixed and regulated by any by-law has been twice published in the *Canada Gazette*, the tolls mentioned in the Order in Council shall be substituted for those mentioned in the by-law, so long as the Order in Council remains unrevoked.

Tariff to be posted up.

**12.** The company shall, from time to time, cause to be printed and posted up in its office, and in every place where the tolls are to be collected, in some conspicuous position, a printed board or paper exhibiting all the tolls payable; and such tolls shall be paid to such persons and at such places, near to the despatch office, and, if possible, in such manner and under such regulations as the by-law directs.

No discrimination.

**13.** The company, in fixing any toll, shall not, under conditions and circumstances, make an unjust or partial discrimination between localities or persons.

14. The company shall not make or give any secret special toll, rebate, drawback or concession to any person; and the company shall, on demand of any person, make known to him any special toll, rebate, drawback or concession given to any one; and for every violation of this section the company shall be liable to a penalty of \_\_\_\_\_ dollars.

No rebate to be given.

Penalty.

15. In case of denial or neglect of payment on demand of any such tolls or any part thereof, they shall be recoverable in any court of competent jurisdiction.

Enforcement of payment of tolls.

10 16. The directors of company may, at any time, make and enter into any agreement or arrangement with any other such company for the regulation and interchange of messages or services passing to and from the companies' lines, and for the working of the lines of the companies respectively, 15 or for either of those objects separately, and for the division and the apportionment of tolls, and generally in relation to the management and working of the lines or services of such companies, or any of them, or any part thereof, and of any 20 twenty-one years, all subject to the approval of the Governor in Council.

Arrangements with other companies.

Approval of Governor in Council.

17. Before such approval is given, notice of application therefor shall be published in the *Canada Gazette* for at least two months previous to the time therein named for the making 25 of the application, and the notice shall state a time and place when the application is to be made, and that all persons may then and there appear and be heard on the application.

Notice of application for approval.

18. The company shall transmit all messages in the order in which they are received, and assign the service of the 30 lines to customers in the order in which the customers apply for service; and for every violation of this section the company shall incur a penalty not exceeding \$100 and not less than \$20, which shall be recoverable with costs by the person whose message or requisition for service has been postponed out of 35 its order.

Order of service.

Penalty.

19. Notwithstanding anything in this Act, arrangements may be made by the company with the proprietors or publishers of newspapers for the transmission for the purpose of publication, of intelligence of general or public interest, out of its 40 regular order and for less than the usual tolls.

Arrangements as to newspapers.

20. Every message or service in relation to the administration of justice, the arrest of criminals, the discovery or prevention of crime, and Government messages or service, shall always be transmitted in preference to any other message or 45 service, if so required by any person connected with the administration of justice or any person thereunto authorized by the Secretary of State of Canada.

Preferential messages.

21. His Majesty may, at any time, and for any length of time, retain possession of any telegraph or telephone line, and 50 all things necessary to the efficient working thereof, and may,

Government may take over the line temporarily.

- for the same time, require the exclusive services of the operators and other persons employed in working the line; and the company shall give up possession of the line, and the operators and other persons so employed shall, during the time of such possession, diligently and faithfully obey such orders, and transmit and receive such messages, as they are required to transmit and receive by any duly authorized officer of the Government of Canada, as aforesaid; and for every violation of any provision of this section, the company shall incur a penalty of \_\_\_\_\_ dollars, which shall be recoverable by the Crown for the public uses of Canada, with costs, in any way in which debts of like amount are recoverable by the Crown; and every such operator or person violating any such provision shall be liable, on summary conviction, to a penalty not exceeding \_\_\_\_\_ dollars, or to imprisonment for a period not exceeding \_\_\_\_\_ months, or to both. 5
- 22.** His Majesty may, at any time, after two months' notice to the company, assume possession of its property; and, upon such assumption, the company's line, and all the property, real or personal, essential to the working thereof, and all the rights and privileges of the company as regards such line, shall be vested in the Crown. 20
- 23.** If any difference arises between the company and those who act for the Crown, as to the compensation which ought to be paid to the company, for any telegraph or telephone line and appurtenances taken possession of, or temporarily and exclusively used, by the Crown under this Act, such differences shall be referred to three arbitrators, one to be appointed on the part of the Crown, another by the company, and the third by the two arbitrators so appointed; and the award of any two of the said arbitrators shall be final; and if the company refuses or neglects to appoint an arbitrator on its behalf, or if the two arbitrators cannot agree upon a third arbitrator, then such arbitrator or third arbitrator shall be appointed by any two judges of the Supreme Court of Canada on application on the part of the Crown. 30 35
- 24.** Upon the application of any person to a telephone company, and upon payment or tender by him of the lawful tolls, the company shall, with all reasonable despatch, furnish and install upon any premises owned or occupied by such person, situate in any city, town, village or other territory within which a general service is given by such company, and adjoining or within 150 feet of any highway, street, lane or other place along, over, under or upon which the company has a main or a branch telephone service or system, such telephone or telephones, and usual, necessary or proper fixtures or appliances connected therewith, as such person may require for any lawful purpose, and connection of such telephone or telephones with the central office or exchange of the company. 40 45 50
- 25.** Except as herein otherwise provided, no higher tolls than those now usually charged or taken in any place within which any telephone company provides a general service, shall

Duty of company.

Penalty for non-compliance.

Government may assume the property of the line.

Compensation.

Obligatory service.

No increase in present rates.

be chargeable, payable or recoverable in that place; and any sum paid in excess of the said tolls after the coming into force of this Act, may be recovered by the subscribers in an action therefor in any court of competent jurisdiction, or may  
5 be deducted from any tolls unpaid.

**26.** The Railway Committee of the Privy Council may enquire into, hear and determine any application, complaint or dispute respecting—

Powers of  
Railway  
Committee.

(a.) tolls charged or demanded by any telegraph or tele-  
10 phone company;

(b.) unjust preference, discrimination or extortion by the company;

(c.) any matter, act or thing which by this Act or the charter of the company, is sanctioned, required to be done or  
15 prohibited.

**27.** The provisions of section 12 and of sections 15 to 25, both inclusive, of the *Railway Act*, shall, so far as they are applicable, apply to applications, complaints and hearings under the next preceding section, and to the proceedings  
20 in connection therewith.

Application  
of certain  
sections of  
1888, c. 29.

**28.** The provisions of this Act shall not apply to existing contracts.

Existing  
contracts  
saved.

**29.** *The Electric Telegraph Companies Act*, chapter 132 of the Revised Statutes, is repealed.

R.S.C., c. 132  
repealed.

No. 28.

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2nd Session, 9th Parliament, 2 Edward VII., 1902

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BILL.

An Act respecting Telegraph and  
Telephone Companies.

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First reading, March 6, 1902.

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MR. FITZPATRICK.

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OTTAWA  
Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

An Act to incorporate the Sovereign Life Assurance  
Company of Canada.

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

**1.** Thomas Dunnet, Robert E. Menzie, Josiah B. King, Incorporation.  
James Glanville, George W. Clendennan, Edmund E. Shep-  
pard, A. H. Hoover, John T. Hornibrook, John T. Gilmour  
10 and Edmund E. King, all of the city of Toronto, in the  
province of Ontario, together with such persons as become  
members of and shareholders in the company, are incorporated  
under the name of "The Sovereign Life Assurance Company Corporate  
of Canada," hereinafter called "the Company." name.

**2.** The persons named in section 1 of this Act, together Provisional  
with such persons, not exceeding six, as they associate with directors.  
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 Powers.  
20 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 shall withdraw the same for  
25 the purposes only of the Company, and may do generally what  
is necessary to organize the Company.

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

**4.** As soon as two hundred and fifty thousand dollars of Election of  
30 the capital stock have been subscribed and ten per cent of directors.  
that amount paid into some chartered bank in Canada, the  
provisional directors shall call a general meeting of the share-  
holders of the Company at some place to be named in the  
said city of Toronto, at which meeting the shareholders  
35 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-five directors, of whom a majority shall be a quorum.

**2.** No person shall be a director unless he holds in his own Qualification.  
40 name and for his own use at least twenty-five shares of the

capital stock of the Company, and has paid all calls due thereon and all liabilities incurred by him to the Company.

Payment for shares.

**5.** 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 Company shall not commence the business of insurance until sixty-two thousand five hundred dollars of capital stock have been paid in cash into the funds of the Company, to be appropriated only for the purposes of the Company under this Act: provided further, that the amount so paid in by any shareholder shall not be less than ten per cent upon the amount subscribed by such shareholder.

When business may be commenced.

Increase of capital.

**6.** The directors may, after the whole capital stock has been subscribed and the whole has been 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 a majority of the shareholders representing at least two-thirds in value of the subscribed stock of the Company present at a special general meeting of the shareholders duly called for the purpose of considering such by-law.

Head office.

**7.** 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 the Company, from time to time, determines by by-law.

Branches.

**2.** The directors may, from time to time, establish branches, sub-boards or agencies either within Canada or elsewhere as they deem expedient.

General meeting.

**8.** A general meeting of the Company shall be called once in each year after the organization of the Company and commencement of business, at its head office, and at such meeting a statement of the affairs of the Company shall be submitted.

Business of Company.

**9.** The Company may effect contracts of life insurance with any person, and may grant, sell or purchase annuities, grant endowments, and generally carry on the business of life insurance in all its branches and forms.

Real property.

**10.** 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.

Dividends.

**11.** 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 part from the profits derived from other sources; and the holders of participating policies shall be entitled to share in that portion of the profits so set apart which has been so distinguished as having been derived from participating policies, to the extent of not less than ninety per cent thereof; but no dividend or bonus shall at any time be declared or paid out of estimated profits, and the portion of such profits which remains undivided upon the declaration of a dividend shall never be less than one-fifth of the dividend declared.

12. All persons who are actual holders of policies from the Company 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 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.

Participating  
policy holders.

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

Husband  
or father.

13. 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, but he shall be entitled to receive a paid-up and commuted policy for such sum as the directors 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, the Company may employ such surrender value as a single premium to extend the duration of the existing policy.

Paid up  
policies.

14. Notwithstanding anything contained therein, *The Companies Clauses Act*, except sections 18 and 39 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 this Act.

R.S.C., c. 118.

R.S.C., c. 124.

No. 29.

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2nd Session, 9th Parliament, 2 Edward VII., 1902

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BILL.

An Act to incorporate the Sovereign Life  
Assurance Co.

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First reading. March 6, 1902.

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(PRIVATE BILL.)

MR. CAMPBELL.

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OTTAWA

Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

An Act to incorporate the Sydney Land and Loan  
Company, Limited.

**W**HEREAS the Sydney Real Estate Company, Limited, has, Preamble.  
by its petition, represented that it is incorporated under  
the provisions of chapter 142 of the Revised Statutes of Nova R.S.N., 1900,  
Scotia, 1900, and has prayed that it be enacted as hereinafter c. 142.  
5 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,  
declares and enacts as follows:—

1. The shareholders of the said Sydney Real Estate Com- Incorporation.  
10 pany, Limited, hereinafter called "the old Company," together  
with such persons as become shareholders in the company, are  
incorporated under the name of "The Sydney Land and Loan Corporate  
Company, Limited," hereinafter called "the new Company." name.
2. The president, vice-president and directors of the old Existing  
15 Company shall, respectively, be the president, vice-president officers  
and directors of the new Company until their successors are continued.  
appointed.
3. The capital stock of the new Company shall be one Capital stock.  
20 million dollars, divided into shares of one hundred dollars  
each.
2. The new Company may issue two thousand five hundred Preferred  
25 shares of its stock as preferred shares, which shall bear interest shares.  
at a rate not exceeding eight per cent per annum, and such  
preferred shares shall entitle the holder to such priorities and  
privileges, and be subject to such conditions, as the new Com-  
pany determines.
4. The shareholders of the old Company are hereby declared Shareholders  
to be holders respectively of shares in the new Company, to in old com-  
the same extent, and with the same amounts paid up thereon, pany to be  
30 as they are holders respectively of shares in the old Company. shareholders  
in new  
company.
5. The head office of the new Company shall be at the Head office.  
town of Sydney, in the province of Nova Scotia, or in such  
other place in Canada as the directors may from time to time  
determine by a by-law confirmed at a special general meeting  
35 of the new Company duly called for the purpose of consider-  
ing it.
6. The affairs of the new Company shall be managed by a Directors.  
board of not less than five directors.

- By-laws. **7.** The by-laws, rules and regulations of the old Company, awfully enacted, shall be the by-laws, rules and regulations of the new Company, subject to repeal, amendment or other change lawfully made.
- Liability for obligations of old company. **8.** The new Company shall be liable for and subject to, and shall pay, discharge, carry out and perform, all the debts, liabilities, obligations, contracts and duties of the old Company; and any person having any claim, demand, right, cause of action or complaint against the old Company, or to whom the old Company is under any liability, obligation, contract or duty, shall have the same rights and powers with respect thereto and to the collection and enforcement thereof from and against the new Company, its directors and shareholders, as such person has against the old Company, its directors and shareholders. 5  
10  
15
- Existing rights preserved. **9.** Nothing in this Act contained or done in pursuance hereof, shall take away or prejudice any claim, demand, right, security, cause of action or complaint which any person has against the old Company, or its directors or shareholders, or shall relieve the old Company, its directors or shareholders from the performance of any debt, liability, obligation, contract or duty. 20
- Acquisition of old company's assets. **10.** The new Company may acquire all the assets, rights, credits, effects and property, real and personal, of whatever kind and wheresoever situated, belonging to the old Company, or to which it is or may be or become entitled, and a conveyance and assignment thereof, in the form of the schedule to this Act or to the like effect, shall be sufficient. 25
- Powers respecting lands and buildings. **11.** The new Company may purchase or otherwise acquire, hold and dispose of lands, and may build houses, barns and other buildings, and break up, cultivate and occupy lands, and make roads, drains and ditches, and generally do everything necessary for the proper and profitable cultivation and occupation or development of land either by the new Company itself or by parties to whom the lands of the new Company may from time to time be sold or leased, or by whom they may be occupied. 30  
35
- Investment powers. **12.** The new Company may lend money on the security of, or purchase or invest in,—  
Mortgages. (a.) mortgages or hypothecs upon freehold or leasehold real estate or other immovables; 40  
Debentures, etc. (b.) the debentures, bonds, stocks and other securities of any government or any municipal corporation or school corporation, or of any chartered bank (to the extent of not more than twenty per cent of the paid-up capital stock of any such bank) or incorporated company, if incorporated by or under the authority of the Parliament of Canada, or of the legislature of any former, or present, or future province of Canada; provided that the new Company shall not lend upon the security of, or purchase or invest in bills of exchange or promissory notes. 45  
50

**13.** The new Company may borrow money and receive money on deposit upon such terms as to interest, security and otherwise as may be agreed on, and may issue its bonds, debentures and other securities for moneys borrowed; provided always that the total of the new Company's liabilities to the public, outstanding from time to time, shall not exceed four times the amount paid upon its capital stock; and provided further that the amount held on deposit shall not at any time exceed the aggregate amount of its then actually paid-up and unimpaired capital and of its cash actually in hand or deposited in any chartered bank in Canada and belonging to the new Company.

Borrowing powers.

Limitations.

**14.** The liabilities of the old Company assumed by the new Company shall form part of the total liabilities of the new Company to the public for the purposes of the last preceding section, but the amount of cash on hand or deposited in chartered banks belonging to the new Company shall be deducted from such total liabilities for the purposes of said section.

Liabilities assumed.

**15.** So long as the new Company is indebted for money received upon deposit, the total amount of its real estate and its mortgages or hypothecs upon freehold or leasehold real estate or immovables, shall not from time to time exceed eighty per cent of its total assets.

Real estate which may be held.

**16.** The new Company may have an agency or agencies in any city or cities in England, Scotland or Ireland, and any by-law passed for such purpose shall not be altered or repealed excepting by a vote of two-thirds of the shareholders present, or represented by proxy, at a special meeting to be called for that purpose; nor unless the notice calling such meeting be published once a week for four consecutive weeks in a daily newspaper in each city in England, Scotland and Ireland where the new Company has an agency.

Agencies.

**17.** The new Company shall not be bound to see to the execution of any trust, whether expressed, implied or constructive, to which any share of its stock or debenture stock, or to which any deposit or any other moneys payable by or in the hands of the new Company, may be subject; and the receipt of the person in whose name such share, debenture stock or money stands in the books of the new Company shall, from time to time, be sufficient discharge to the new Company for the payment of any kind made in respect of such share, stock or money, notwithstanding any trust to which the same may then be subject, and whether or not the new Company has had notice of such trust; and the new Company shall not be bound to see to the application of the money paid upon such receipt.

No liability on trusts.

**18.** The new Company shall transmit, on or before the first day of March in each year, to the Minister of Finance and Receiver General, a statement in duplicate, to the thirty-first day of December inclusive of the previous year, verified by the oath of the president or vice-president and the manager, setting out the capital stock of the new Company and the proportion thereof paid up, the assets and liabilities of the new

Annual return to Minister of Finance.

Company, the amount and nature of the investments made by the new Company, both on its own behalf and on behalf of others, and the average rate of interest derived therefrom, distinguishing the classes of securities, and also the extent and value of the lands held by it, and such other details as to the nature and extent of the business of the new Company as the Minister of Finance and Receiver General requires, and in such form and with such details as he, from time to time, requires and prescribes; but the new Company shall in no case be bound to disclose the name or private affairs of any person who has dealings with it.

Future  
legislation.

**19.** Nothing herein contained shall be held to exempt the new Company from the effect of any legislation hereafter passed by Parliament with respect to the powers to be exercised by loan companies.

R.S.C., c. 118.

**20.** Sections 7, 18, 38 and 39 of *The Companies Clauses Act* shall not apply to the new Company.

When Act to  
take effect.

Approval of  
shareholders.

Proviso as to  
organization.

**21.** This Act shall not take effect unless and until, at an annual or a special general meeting of the shareholders of the old Company duly called for the purpose of considering it, a resolution accepting and approving thereof, and fixing the date or event upon which this Act is to take effect, has been passed by the shareholders present or represented by proxy at such meeting, such shareholders holding not less than seventy-five per cent of the subscribed capital stock of the old Company represented at such meeting; and a certified copy of such resolution shall, within fifteen days from the passing thereof, be transmitted to the Secretary of State of Canada, and shall be by him published in *The Canada Gazette*; but upon such resolution being passed this Act shall take effect from the time or event fixed by such resolution; provided that, prior to the time or event so fixed, the board of directors of the new Company may pass the necessary by-laws for the organization of the new Company, and may procure the corporate seal therefor, and may authorize the execution of the conveyance and assignment referred to in section 10 of this Act, and may do whatever is required for compliance with any laws relating to the licensing, registration or otherwise of the new Company, in any province of Canada.

#### SCHEDULE.

This indenture made the ——— day of ——— A.D. 19—, between The Sydney Real Estate Company, Limited, of the first part, hereinafter called "the old Company," and "The Sydney Land and Loan Company, Limited," of the second part, hereinafter called "the new Company."

Whereas the shareholders of the old Company have accepted and approved of the new Company's Act of incorporation, being the Act of Parliament of Canada, passed in the year 1902, intituled "An Act to incorporate the Sydney Land and Loan Company, Limited," and, by the resolution of the shareholders duly passed in that behalf, the ——— day of ———,

19—, [or the day of the execution hereof, as the case may be] was fixed as the date [or event] from which the said Act should take effect:

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

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

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

No. 30.

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2nd Session, 9th Parliament, 2 Edward VII., 1902

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BILL.

An Act to incorporate the Sydney Land  
and Loan Company, Limited.

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First reading, March 6, 1902.

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(PRIVATE BILL.)

MR. KENDALL.

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OTTAWA

Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

No. 31.]

**BILL.**

[1902.

An Act respecting the Buffalo Railway Company and  
the International Railway Company.

**W**HEREAS the Niagara Falls Park and River Railway Preamble.  
Company, the Buffalo Railway Company, the Queenston  
Suspension Bridge Company, the Queenston Heights Bridge  
Company, the Clifton Suspension Bridge Company and the  
5 International Railway Company have, by their petitions,  
prayed that it be enacted as hereinafter set forth, and it is  
expedient to grant the prayer of the said petitions : Therefore  
His Majesty, by and with the advice and consent of the Senate  
and House of Commons of Canada, enacts as follows :

- 10 1. The name "International Railway Company" (the 1900, c. 54  
successor in interest of the Buffalo Railway Company) is amended.  
substituted for the name "Buffalo Railway Company" where Name of  
it occurs in section 1 of chapter 54 of the statutes of 1900. Company.

No. 31.

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2nd Session, 9th Parliament, 2 Edward VII., 1902

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BILL.

An Act respecting the Buffalo Railway  
Company and the International Railway  
Company.

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First reading, March 7, 1902.

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(PRIVATE BILL.)

MR. OSLER.

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OTTAWA  
Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

## An Act to amend the Conciliation Act, 1900.

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

**1.** Paragraph (c.) of subsection 1 of section 4 of *The Conciliation Act*, 1900, is repealed, and the following is substituted therefor :—

“ (c.) appoint a person or persons to act as conciliator or as a board of conciliation ;”

**2.** Paragraph (d.) of the said subsection is repealed, and the following is substituted therefor :—

“ (d.) on the application of either party to the difference, appoint an arbitrator or arbitrators ;”

**3.** Section 5 of the said Act is amended by adding thereto the following subsection :—

“ 2. It shall be the duty of the arbitrator to take evidence under oath regarding the matter in dispute, and, after having carefully considered the facts, to render a decision indicating a fair basis of settlement, a copy of which decision shall be presented to the parties to the dispute, and shall also be published in the *Labour Gazette*.”

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

“ **6A.** In no case shall a conciliator or arbitrator stipulate, nor shall it be stipulated in any agreement promoted or recommended by a conciliator or arbitrator, that any employee shall relinquish his membership in any local, national or international trades-union or labour association ; nor shall an agreement subject any employee to a penalty on account of such membership.”

No. 32.

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2nd Session, 9th Parliament, 2 Edward VII., 1902

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BILL.

An Act to amend the Conciliation Act,  
1900.

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First reading, March 10, 1902.

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MR. PUTTEE.

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OTTAWA

Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

## An Act to amend the Criminal Code, 1892.

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

1. Subsection 2 of section 667 of *The Criminal Code, 1892*,<sup>1892, c. 29, s. 667 amended.</sup>  
5 is amended by striking out the words “and directions to stand by” at the end thereof.
2. Subsection 3 of the said section is amended by striking<sup>The same.</sup>  
out the words “and jurors directed to stand by” in the fourth  
line thereof, and the words “and directions to stand by” in  
10 the eighth line thereof.
3. Subsection 4 of the said section is repealed. The same.
4. Subsection 9 of section 668 is repealed, and the following<sup>Section 668 amended.</sup>  
is substituted therefor :—  
“9. The Crown shall have the same number of challenges  
15 as the accused is entitled to.”
5. Subsection 10 of the said section is repealed and the<sup>The same.</sup>  
following is substituted therefor :—  
“10. The accused may be called upon to declare whether he  
challenges any juror peremptorily or otherwise, before the  
20 prosecutor is called upon to challenge either for cause or  
peremptorily.”
6. The said section is further amended by adding thereto<sup>The same.</sup>  
the following subsection :—  
“11. In the event of the panel being composed of more than  
25 forty-eight jurors, the number of challenges shall be increased  
proportionately.”
7. Section 669 of the Code is repealed. Section 669 repealed.

No. 33.

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2nd Session, 9th Parliament, 2 Edward VII., 1902

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BILL.

An Act to amend the Criminal Code, 1892.

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First reading, March 10, 1902.

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MR. GERMAN.

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OTTAWA

Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

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No. 34.]

**BILL.**

[1902.

An Act to amend the Act to restrict the Importation and Employment of Aliens, Chapter 11 of the Statutes of 1897.

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

1. Section 5 of chapter 11 of the Statutes of 1897, intituled <sup>1897, c. 11,</sup>  
5 *An Act to restrict the importation and employment of Aliens*, is <sup>s. 5 amended.</sup> amended by striking out the words "in or upon any new industry not at present established in Canada," in the tenth and eleventh lines of the said section.

No. 34.

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2nd Session, 9th Parliament, 2 Edward VII., 1902

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BILL

An Act to amend the Act to restrict the  
importation and employment of Aliens,  
chapter 11 of the Statutes of 1897.

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First reading, March 10, 1902.

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MR. CHARLTON.

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OTTAWA

Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

An Act to incorporate the Nipissing and Ottawa  
Railway Company.

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

**1.** James Pearson, William Clark and James Herbert Incorporation.  
Denton, all of the city of Toronto, and John Hawthorne  
Taylor, of the township of York, in the county of York, and  
province of Ontario, together with such persons as become  
10 shareholders in the company, are incorporated under the name  
of “The Nipissing and Ottawa Railway Company,” hereinafter Corporate  
called “the Company.” name.

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

15 **3.** The persons named in section 1 of this Act are consti- Provisional  
tuted provisional directors of the Company. directors.

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

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

**6.** The annual meeting of the shareholders shall be held on Annual  
the first Tuesday in February in each year. meeting.

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

**8.** The Company may lay out, construct and operate a rail- Line of  
30 way of the gauge of four feet eight and one-half inches from a railway  
point on South-east Bay at the east end of Lake Nipissing; described.  
thence north-easterly through the township of Ferris to a point  
on Trout Lake, and thence across Trout Lake through the  
townships of Phelps and French, and thence to a point on the  
35 Ottawa River, at or near the Opemicon River.

- Power to build elevators, docks, etc.      **9.** The Company may, where its railway or any branch thereof touches on the said South-east Bay, or elsewhere touches on any navigable waters, for the purpose of its business, acquire and hold land and water lots, and build, construct, own and operate wharves, docks, warehouses and elevators, and steamships and other vessels for carrying passengers and freight, and may lease or mortgage collectively or separately the said lands, water lots, docks, wharves, warehouses, elevators, steamships and other vessels, and may collect wharfage store charges, freight and other dues, earnings and incomings to be derived from the use of its property, steamships and other vessels, works and buildings, and in the carrying on of its business. 5
- Vessels.      5
- Water powers.      **10.** The Company may acquire and hold water powers and such lands adjacent thereto as are necessary in the development, operation and use of such powers and approaches thereto, and may erect all buildings and erections and construct all works, machinery and plant, necessary in the development and transmission of electricity for motive power, heating and lighting, and may use the same in the operation of the Company's elevators and works, and may sell or lease such water power, or the electricity generated thereby, for motive power, heating or lighting purposes. 15
- Electricity.      15
- Bond issue limited.      **11.** The Company may issue bonds, debentures or other securities to the extent of twenty-five thousand dollars per mile of the railway and branches, and such bonds, debentures or other securities may be issued only in proportion to the length of railway constructed, or under contract to be constructed, [and such bonds, debentures or other securities shall not cover or include the Company's property or rights other than the said railway and branches, unless expressly mentioned therein.] 25
- Agreement with another company.      **12.** The Company may enter into an agreement with the Canadian Pacific Railway Company, the Grand Trunk Railway Company of Canada [or any other railway company that may desire to enter into such agreement], for conveying or leasing to such company the railway of the Company, in whole or in part, or any property, rights or powers acquired under this Act, as also the franchises, surveys, plans, works, plant, material, machinery and other property [and rights] to it belonging, or for an amalgamation with such company, on such terms and conditions as are agreed upon, and subject to such restrictions as to the directors seem fit; provided that such agreement has been first approved by two-thirds of the votes at a special general meeting of the shareholders duly called for the purpose of considering it, at which meeting shareholders representing at least two-thirds in value of the stock are present or represented by proxy, and that such agreement has also received the sanction of the Governor in Council. 35
- Approval of shareholders and Governor in Council.      35
- Notice of application for sanction.      **2.** Such sanction shall not be signified until after notice of the proposed application therefor has been published in the manner and for the time set forth in section 239 of *The Railway Act*, and also for a like period in one newspaper in each of the counties or electoral districts through which the railway of the Company runs, and in which a newspaper is published. 45
- 55

3. A duplicate of the agreement referred to in sub-section 1 of this section shall, within thirty days after its execution, be filed in the office of the Secretary of State of Canada, and notice thereof shall be given by the Company in *The Canada Gazette*, and the production of *The Canada Gazette* containing such notice shall be prima facie evidence of the requirements of this Act having been complied with.

Agreement to  
be filed with  
Secretary of  
State.

No. 35.

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2nd Session, 9th Parliament, 2 Edward VII., 1902

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BILL.

An Act to incorporate the Nipissing and  
Ottawa Railway Company.

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First reading, March 11, 1902.

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(PRIVATE BILL.)

MR. CAMPBELL.

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OTTAWA  
Printed by S. E. Dawson  
Printer to the King's most Excellent Majesty  
1902

An Act to incorporate the British Columbia and  
Yukon Railway Company.

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

**1.** Thomas O'Brien, of Dawson, Yukon Territory ; George Incorporation.  
Lawson Milne, Hugh Mackenzie Cleland and Richard Hall, of  
Victoria, British Columbia, and James England, of Vancouver,  
British Columbia, together with such persons as become share-  
10 holders in the company, are incorporated under the name of  
"The British Columbia and Yukon Railway Company," Corporate  
hereinafter called "the Company." name.

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

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

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

**5.** The annual meeting of the shareholders shall be held on Annual  
the first Tuesday in February in each year. meeting.

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

**7.** The Company may lay out, construct and operate a rail- Line of  
way of the gauge of four feet eight and one-half inches, from railway  
a point in or near the northern boundary line of British described.  
30 Columbia, between 140 degrees and 130 degrees longitude, by  
the most feasible route, to the Yukon River, below Rink  
Rapids, thence via Selkirk, to a point in or near the city of  
Dawson, Yukon Territory.

**8.** The Company may issue bonds, debentures or other Bond issue  
35 securities to the extent of forty thousand dollars per mile of limited.  
the railway and branches, and such bonds, debentures or other

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

Agreement with other companies.

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

Approval of shareholders and Governor in Council.

Notice of application for sanction.

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

Agreement to be filed with Secretary of State.

3. A duplicate of the agreement referred to in subsection 1 of this section shall, within thirty days after its execution, be filed in the office of the Secretary of State of Canada, and notice thereof shall be given by the Company in *The Canada Gazette*, and the production of *The Canada Gazette* containing such notice shall be primâ facie evidence of the requirements of this Act having been complied with.

Time for construction limited.

10. If the construction of the railway is not commenced and fifteen per cent of the amount of the capital stock is not expended thereon within two years after the passing of this Act, or if the railway is not finished and put in operation within five years after the passing of this Act, the powers conferred upon the Company by Parliament shall cease and be null and void as respects so much of the railway as then remains uncompleted.

No. 36.

2me Session, 9me Parlement, 2 Edouard VII,

BILL.

An Act to incorporate the British Columbia and Yukon Railway Company

First reading, March 11, 1902.

(PRIVATE BILL.)

MR. RILEY

OTTAWA

Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

An Act to incorporate the Sprague's Falls Manufacturing Company (Limited).

**W**HEREAS the persons hereinafter named have, by their Preamble.  
 petition, prayed that it be enacted as hereinafter set  
 forth, and it is expedient to grant the prayer of the said peti-  
 tion: Therefore His Majesty, by and with the advice and con-  
 5 sent of the Senate and House of Commons of Canada, declares  
 and enacts as follows:—

**1.** Frank Todd, Henry F. Todd, James G. Stevens, junior, Incorporation.  
 John F. Grant and W. C. Hazen Grimmer, all of Saint Stephen,  
 in the county of Charlotte, in the province of New Bruns-  
 10 wick, together with such persons as become shareholders  
 in the company, are incorporated under the name of "The Corporate  
 Sprague's Falls Manufacturing Company (Limited)," herein- name.  
 after called "the Company."

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

**3.** The said Frank Todd, Henry F. Todd, James G. Stevens, Provisional  
 jr., John F. Grant and W. C. Hazen Grimmer shall be the first directors.  
 or provisional directors of the Company, a majority of whom  
 shall form a quorum, and they shall have all the powers which  
 20 are conferred upon directors by *The Companies Clauses Act* R.S.C., c. 118.  
 and by this Act.

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

**5.** The head office of the Company shall be in Saint Stephen, Head office.  
 in the county of Charlotte, in the province of New Brunswick,  
 30 at which place all meetings of the shareholders shall be held,  
 but the directors may meet elsewhere.

**6.** The Company may carry on the business of lumberers Business of  
 and manufacturers of lumber and lumber products in all its Company.  
 branches, including the manufacture of pulp and paper and  
 35 other business incident thereto or connected therewith, and  
 may erect and operate lumber mills and pulp and paper mills  
 on or near to the St. Croix River, and may, for all or any of  
 the said purposes, purchase, hold, lease or otherwise acquire,

lands and limits and rights to cut lumber, and other property real and personal, movable and immovable, and may get, drive and manufacture lumber of all kinds, and may improve, extend, manage, develop, lease, exchange, sell and deal in lumber and lumber products of all kinds, including pulp and paper. 5

Power to acquire other businesses.

7. The Company may purchase or otherwise acquire any business within the objects of the Company, and any lands, property, privileges, water powers, rights, contracts and liabilities appertaining thereto, and may let or sublet any property of the Company, and may sell or otherwise dispose of the business, property or undertaking of the Company, or any part thereof, for such considerations as the Company thinks fit, and in particular for shares, debentures or securities of any other company having objects altogether or in part similar to those of the Company. 15

Dams.

8. The Company may locate, erect and maintain at or near Sprague's Falls, in the Saint Croix River, in the county of Charlotte, in the Province of New Brunswick, dams, with the right of flowage, for the purpose of holding reserves of water in the said river and the storing and holding of timber, logs or other lumber; provided that in the construction of such dams an opening or openings with the necessary slides and gates sufficient for the safe transmission of square timber, saw-logs or loose lumber shall be maintained free of charge for the use of all persons who may desire to transmit square timber, saw-logs or loose lumber, and the Company shall be liable to pay damages to any owners of property injured by any overflowing of the waters of the said river caused by the said dams. 20

Payment of damages.

2. The Company shall be liable to pay to any persons injured compensation for any loss, damage, expense, detention, obstruction or unnecessary delay caused by the said dams, or the piers or booms hereinafter mentioned, or by the erection or maintenance of the said dams, piers or booms, in the driving or floating down the said river of any such square timber, saw-logs or loose lumber. 25

Fishways in dams.

3. The Company shall, without delay, build and maintain in the said dams such fishways, and of such design, as may be prescribed by any fishery officer by notice in writing.

Piers, booms, etc., for mills.

9. The Company may locate, erect and maintain in the Saint Croix River, piers, booms, shear booms, wharves, slips or other works necessary for operating saw or pulp mills or other manufactories; such side booms and piers and shear booms to be extended from the said dams at or near Sprague's Falls, or other dams hereinafter provided for, up river to such a distance as is necessary for the purpose of holding, collecting, separating, driving and sorting out logs, pulp wood and other lumber coming down the Saint Croix River, belonging to the Company or to any other person, and the logs, pulp wood or other lumber of any person which comes into the Company's booms shall, without unnecessary delay, be separated by the Company from its own, and shall, at the cost and expense of the Company, be driven out of the booms and into the river. 30 35 40 45 50

2. The Saint Croix Log Driving Company may place one or more men at the said booms, and at the expense of the Company hereby incorporated, to see that the logs of any person other than the last mentioned company are all, and properly, 5 passed by, and if not passed by to the satisfaction of the said log driving company, then the said log driving company may themselves take charge and pass the logs by, at the expense of the Company hereby incorporated. Rights of St. Croix Log Driving Co.
- 10 **10.** The Company shall not take or hold within its booms any prize or unmarked logs. Any person interested may go upon the property of the Company at any reasonable time and in any reasonable manner, search for such prize or unmarked logs, but the Company shall have its proper proportion of the proceeds therefrom. Prize and unmarked logs.
- 15 **11.** Such piers, boom and shear booms shall be so erected and maintained by the Company as not to obstruct, hinder or unnecessarily delay the free and uninterrupted passage down the river, to and below the said dam, of any square timber, saw-logs or loose timber belonging to persons other than the 20 Company. Passage of logs and timber not to be interrupted.
- 12.** The Company may locate, erect and maintain in the Saint Croix River, above Sprague's Falls, at or near Grand Falls and Chipetnicook Falls, on the said river, auxiliary dams, which shall be erected and maintained with the 25 same requirements and under like conditions as required by section 8 respecting the dams at Sprague's Falls, and may use the power created by the said dams directly or locally, or may transmit the said power, by electricity or otherwise, to tide waters on the said river, or to points on the said river below 30 the said dams, and for such purpose may erect poles and do all other things necessary therefor, but paying all damages caused by reason thereof. Auxiliary dams. Water powers. Electricity.
2. The Company may construct, maintain and operate for its own use a tramway, to be worked by electricity or other- 35 wise, from the said dams to tide waters on the said river, and for such purpose may erect poles and do all other things necessary therefor, but paying all damages caused by reason thereof. Tramway.
- 13.** The Company may enter upon, take and hold such 40 lands on the Saint Croix River as are necessary for the location, erection and maintenance of its dams and piers, and of the booms connecting the same with the shores; and may, with its agents and teams, pass and repass over, along and upon the said shores, for the purpose and for the operation and manage- 45 ment of its dams, piers and booms, but the Company shall make compensation therefor, as hereinafter provided for, in case of damage to lands by the overflowing thereof. Expropriation of lands.
- 14.** If the owner of any land entered upon, taken and held as provided for in the next preceding section, or the owner of 50 any land injured in any way by reason of the erection of the said dams shall not agree with the Company as to the value of Compensation to owners of land to be settled by arbitration.

the land so taken, or of the amount of damages which should be paid for any such injury by the said dams or other operations and works of the Company, then the said value or damages shall be established and assessed by arbitration as follows: The Company shall appoint one arbitrator, and the person claiming damages shall appoint one arbitrator, and if the arbitrators so appointed cannot agree upon the amount of damages to be paid for the taking of the said land or for the injury done, the two arbitrators so appointed shall select a third arbitrator to act with them, provided that in case the two arbitrators cannot agree as to the third arbitrator the Judge in Equity for the province of New Brunswick shall appoint a third arbitrator. Before proceeding to assess the damages which any person may have sustained as aforesaid the said arbitrators shall be sworn to the faithful discharge of their duties, and their award or that of a majority of them shall be final, and the amount thereof shall be paid to the person entitled thereto within thirty days of the making of such award.

Hotels and  
boarding  
houses.

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

Power to  
acquire pro-  
perty of the  
incorporators.

**16.** The Company may purchase, lease and acquire timber and other lands, including the property of the incorporators or any of them, and the whole or any of the good-will, stock in trade, assets and property, real and personal, movable and immovable of the incorporators or other persons in connection with the said business, subject to the obligations, if any, affecting the same, and may pay the price thereof wholly in cash or wholly or partly in fully paid up or partly paid up shares of stock of the Company, or wholly or partly in debentures of the Company or otherwise, and may mortgage, sell or otherwise dispose thereof.

Payment  
therefor.

Bills and  
notes.

**17.** The Company may make, endorse, accept or execute cheques, promissory notes, bills of exchange, warehouse receipts, bills of lading and other negotiable instruments. Provided, however, that nothing in this section shall be construed to authorize the Company to issue any note or bill payable to bearer or intended to be circulated as money or as a note or bill of a bank.

Borrowing  
powers.

**18.** 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 a special general meeting 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 and secure the repayment of any of the moneys so borrowed or any moneys owing by the Company in such manner and upon such terms and conditions as they see fit, and in particular by mortgage, pledge, hypothecation or charge of or on all or any of the assets and property of the Company.

**19.** The Company may, under the authority of a majority vote of its shares to be given by the holders thereof present or represented by proxy at a meeting called for that purpose, or at any annual meeting of the Company, from time to time, issue debentures for sums of not less than one hundred dollars each, bearing such rate of interest as is agreed upon, and such debentures and any interest thereon may be made payable at such place and times as the Company may at such meeting agree upon ; and such debentures shall be signed by its president or other authorized officer under the seal of the Company and countersigned by its treasurer or secretary, and the directors may sell or pledge the said debentures for the purposes of borrowing money or of paying or securing the indebtedness of the Company ; provided that the total amount of debentures at any time outstanding shall not exceed in amount seventy-five per cent of the paid up capital stock of the Company.

**20.** This Act shall expire and the charter hereby granted shall cease to be in force if the Company does not go into actual operation within two years from the passing of this Act.

No. 37.

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2nd Session, 9th Parliament, 2 Edward VII., 1902

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BILL.

An Act to incorporate the Sprague's Falls  
Manufacturing Company (Limited).

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First reading, March 11, 1902.

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(PRIVATE BILL.)

MR. EMMERSON.

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OTTAWA

Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

## An Act respecting the Montreal Bridge Company.

**W**HEREAS the Montreal Bridge Company has, by its Preamble.  
 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  
 5 consent of the Senate and House of Commons of Canada,  
 enacts as follows :—

**1.** Section 1 of chapter 67 of the statutes of 1 97, and so 1894, c. 63,  
 much of section 6 of chapter 63 of the statutes of 1894 as s. 6 amended.  
 relates to the Montreal bridge, are repealed. 1897, c. 67,  
 s. 1 repealed.

**10 2.** The bridge which the Montreal Bridge Company is Time for  
 authorized to construct shall be completed before the first day construction  
 of June, one thousand nine hundred and seven, otherwise the extended.  
 powers granted for such construction shall cease and determine  
 with respect to so much of the said bridge as then remains  
 15 uncompleted.

No. 38.

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2nd Session, 9th Parliament, 2 Edward VII, 1902

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BILL.

An Act respecting the Montreal Bridge  
Company.

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First reading, March 11, 1902.

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(PRIVATE BILL.)

MR. BELCOURT.

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OTTAWA  
Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

An Act to incorporate the St. Lawrence and Northern  
Railway Company.

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

- 1.** P. E. Lane, of the city of New York, in the state of New York ; François Siméon Tourigny, L. Edmond Dufresne, Alexander Houliston and P. Avila Gouin, all of the city of Three Rivers, in the province of Quebec, together with such persons as become shareholders in the company, are incorporated under the name of "St. Lawrence and Northern Railway Company," hereinafter called the "the Company."
- 2.** The undertaking of the Company is declared to be a work for the general advantage of Canada.
- 3.** The persons named in section 1 of this Act are constituted provisional directors of the Company.
- 4.** The capital stock of the Company shall be one million dollars, and may be called up by the directors from time to time as they deem necessary, but no one call shall exceed ten per cent on the shares subscribed.
- 5.** The head office of the Company shall be in the city of Three Rivers, or in such other place in Canada as the Company from time to time determines by by-law.
- 6.** The annual meeting of the shareholders shall be held on the second Monday in July in each year.
- 7.** At such meeting the subscribers for the capital stock assembled, who have paid all calls due on their shares, shall choose five persons to be directors of the Company, one or more of whom may be paid directors.
- 8.** The Company may lay out and construct a railway or tramway of the gauge of four feet eight and one half inches, and operate it by steam or electricity ; such railway or tramway to begin at a point in the city of Three Rivers, in the county of Three Rivers and St. Maurice, and extend in a generally northerly direction to a point at or near La Tuque, in the county of Champlain, on the west shore of the river St.

Preamble.

Incorporation.

Corporate name.

Declaratory.

Provisional directors.

Capital stock.

Head office.

Annual meeting.

Election of directors.

Line of railway described.

Maurice, and passing alongside of the said river as near as may be practicable, crossing the Great Northern Railway tracks at a point between the east line of the parish of St. Boniface de Shawenegan, in the county of Three Rivers and St. Maurice, and Shawenegan Junction in the parish of Ste. Flore, in the county of Champlain; with a branch extending from a point on the main line, in a generally north-westerly direction, to a point in the parish of St.-Michel-des-Saints, in the county of Berthier.

Powers of Company.	<b>9.</b> The Company may, in connection with its undertaking and for the purpose of its business,—	10
Construction of roads, works, etc.	(a.) construct and operate, or aid in and subscribe towards the construction, operation, maintenance and improvements of stage or wagon roads, tramways, docks, piers, viaducts, flumes, ditches, elevators and pulp mills, and acquire and own lands for the said purposes;	5
Lands.	(b.) erect, use and manage or aid or subscribe towards works, machinery and plant for the generation, transmission and distribution of electric power and energy;	15
Electricity.	(c.) connect with and enter into running arrangements over any railways which the railway of the Company may intersect;	20
Traffic arrangements.	(d.) acquire and utilize water power and dispose thereof either directly or by converting it into electric or other power and energy;	25
Water power.	(e.) carry on the business of carriers, forwarding and transportation agents, and all other business incident thereto or connected therewith, and also the business of wharfingers, shippers and vessel owners.	30
Telegraph and telephone lines.	<b>10.</b> The Company may construct and operate telegraph and telephone lines and establish offices for the transmission of messages for the public and collect tolls for so doing; and for the purpose of operating such telegraph and telephone lines, the Company may enter into a contract with any other company, or may lease the Company's lines or any part thereof, and may connect its lines with the lines of any telegraph or telephone company.	35
Agreements with telegraph and telephone companies.	<b>2.</b> The Company may enter into an agreement with any telegraph or telephone company for the exchange and transmission of messages, or for the working in whole or in part of the lines of the Company.	40
Rates to be approved.	<b>3.</b> No rates or charges shall be demanded or taken from any person for the transmission of any message by telegraph or telephone, or for leasing or using the telegraphs or telephones of the Company, until such rates or charges have been approved of by the Governor in Council, and such rates and charges shall be subject to revision, from time to time, by the Governor in Council.	45
R.S.C., c. 132.	<b>4.</b> <i>The Electric Telegraph Companies Act</i> shall apply to the telegraphic business of the Company.	50
Aid to Company.	<b>11.</b> The Company may receive by grant from any government or person, in aid of the construction, purchase, equipment or maintenance of any of its works, any Crown lands, real or personal estate or property, bonuses, debentures or subsidies, or securities for money or the guarantee of the	50

bonds of the Company, and may dispose of such property, other than right of way acquired for railway purposes.

12. The Company may, under the authority of a resolution passed by the ordinary shareholders at a special general meeting duly called for that purpose, representing at least three-fourths in value of the shareholders of the Company, issue any portion of its capital stock as preference stock, and such preference stock shall have such preference and priority, as respects dividends and otherwise, over ordinary stock as may be declared by the resolution.

Preference stock.

2. Holders of shares of such preference stock shall be shareholders within the meaning of this Act ; provided, however that, in respect of dividends and otherwise, they shall, as against the ordinary shareholders, be entitled to the preference and rights given by such resolution.

Rights of preference stock holders.

3. Nothing in this section contained, or done in pursuance thereof, shall affect or impair the rights of creditors of the Company.

Rights of creditors not affected.

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

Bond issue on railway.

14. The Company, being 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 other than the railway which the Company is authorized to acquire, but such bonds and debentures shall not exceed in amount the value of such vessels or property.

Bond issue on other property.

15. For the purpose of securing the issue of such bonds the Company shall 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 by a resolution passed at the special general meeting of shareholders mentioned in the next preceding section.

Mortgages to secure bonds.

2. The said mortgages shall be made to the trustees appointed for this purpose at the said special general meeting, and may contain provisions establishing the amount secured upon the vessels or class of vessels or property other than the railway 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.

Provisions of mortgages.

Power to bind  
tolls and  
revenues.

3. The Company may charge and bind the tolls and revenues of the vessels or class of vessels or property other than the railway 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 incumbrance on the vessels or class of vessels or property other than the railway 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. 5

How bonds  
to rank.

16. Each issue of bonds intended to be secured by any of 10 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.

No. 39.

2nd Session, 9th Parliament, 2 Edward VII., 1902

BILL.

An Act to incorporate the St. Lawrence  
and Northern Railway Company.

First reading, March 11, 1902.

(PRIVATE BILL.)

MR. BUREAU.

OTTAWA

Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

An Act respecting pensions to Officers of the North  
West Mounted Police.

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 Mounted Police Officers' Pension Act, 1902.* Short title.
2. In this Act, unless the context otherwise requires,—
- (a.) The expression "Force" means the North-west Mounted Police Force; Interpretation.  
"Force."
- (b.) The expression "Officer" means a commissioned officer of the force; "Officer."
- (c.) The expression "Service" means service on the force. "Service."
3. An officer who is retired compulsorily, for any cause other than misconduct or inefficiency, after twenty years' service shall be entitled to a pension for life, not exceeding one-fiftieth of the pay and allowances of his rank or permanent appointment at the time of his retirement for each completed year of service. Rates of pension to officers.
2. An officer who retires voluntarily after twenty-five years' service shall be entitled to a pension for life, twenty per cent less than he would be entitled to if he were retired compulsorily. In case of voluntary retirement after 25 years' service.
3. An officer who retires voluntarily after thirty-five years' service shall be entitled to the same pension as if he were retired compulsorily. After 35 years.
4. No addition shall be made to such pension for any service beyond thirty-five years. Maximum rate.
5. If the service has not been continuous, the period or periods during which such service has been discontinued shall not be counted. Breaks in service not to be counted.
6. In the case of an officer who, before becoming one, has served as a non-commissioned officer or constable, the time during which he has so served may be included in his term of service for the purpose of this Act, subject to the provisions of subsection 2 of section 4; and time served in the Civil Service of Canada which could be reckoned for the purposes of *The Civil Service Superannuation Act* may in like manner be included in his term of service for the purposes of this Act. Officer's service as militiaman or civil servant may be reckoned.
4. A deduction towards making good the pensions hereinbefore mentioned shall be made from the pay of every officer Deductions from pay.

at the rate of five per cent per annum on such pay; but such deduction shall not be made during more than thirty-five years of service.

In case deductions have not been made for sufficient number of years.

2. If an officer becomes entitled to a pension, and the deduction from his pay provided for in this section has not been made for as great a number of years as that upon which his pension is based, the aggregate amount of pay received by him during the years for which no such deduction has been made shall be divided by the number of such years for the purpose of ascertaining the average pay of such officer during such years, and a yearly deduction amounting to five per cent upon such average pay shall be made from the pension of such officer, and such deduction shall continue to be made until the expiration of the number of years last mentioned or the cessation of the payment of the pension, whichever shall first happen: Provided that, if the officer thinks fit, the deficiency in the deduction may be made good by him in one payment.

Consolidated Revenue Fund.

3. The sums deducted under this section shall form part of the Consolidated Revenue Fund of Canada.

Gratuity when pension not earned.

5. If any officer is constrained, from any infirmity of body or mind, to quit the force before a period at which a pension might be granted to him, the Governor in Council may allow him a gratuity not exceeding one month's pay for each year of his service; and if any such officer is so constrained to quit the service before such period by reason of severe bodily injury, received without his own fault, in the discharge of his public duty, the Governor in Council may allow him a gratuity not exceeding three months' pay for every two years' service.

Gratuity in case of severe injury on duty.

Gratuity in case of reduction of staff, etc.

6. If an officer is retired to promote efficiency or economy in the service, the Governor in Council may grant him such gratuity as he would have been entitled to if he had been retired in consequence of permanent infirmity of body or mind.

Right of dismissal not affected.

7. Nothing herein contained shall be understood as affecting the right of the Governor in Council to dismiss or remove any officer.

Provisions for officers' wives and children.

8. Subject to the provisions hereinafter contained, the Governor in Council may, as to him sees fit, grant a pension to the widow and a compassionate allowance to each of the children of any officer who, having completed twenty years' service, was at the time of his death either on full pay or in receipt of a pension.

When pension or allowance shall not be granted.

9. Such pension or compassionate allowance shall not be granted in the following cases:—

- (a) If the applicant is unworthy of it;
- (b) If the applicant is already wealthy;
- (c) If the officer married after retirement;
- (d) If the officer was at the time of his marriage over sixty years of age;
- (e) In the case of an officer who married after the first day of July, nineteen hundred and two, if he was more than twenty-five years older than his wife;

(f) If the officer died within one year after his marriage, unless he was manifestly in good health at the time of his marriage, and his death was caused by disease or injury not due to causes within his own control, and there are no other  
5 objections to the granting of the pension or compassionate allowance.

10 **10.** The pension to a widow shall be as follows:—the widow of the Commissioner, five hundred dollars; of the Assistant Commissioner, four hundred and fifty dollars; of a superintendent or surgeon, three hundred and fifty dollars; of an inspector, assistant surgeon or veterinary surgeon, two hundred and fifty dollars.

Rates of pension to widows.

15 **11.** The compassionate allowance to a child shall be as follows:—The child of the Commissioner or Assistant Commissioner, eighty dollars; of a superintendent or surgeon, seventy dollars; of an inspector, assistant surgeon or veterinary surgeon, sixty-five dollars.

Rates of allowance to children.

2. If the child is motherless and in great need, the allowance may be double that fixed by this section.

If children are in great need.

20 **12.** The total amount paid to the widow and children of an officer during any year shall not exceed the amount of the pension which the officer was in receipt of or to which he would have been entitled, as the case may be.

Amount to family limited.

25 **13.** A widow's pension or a child's compassionate allowance shall be discontinued if she or it becomes unworthy of it, or becomes wealthy.

Discontinuance of pension.

2. If the widow remarries, her pension shall be suspended from the day following that of her remarriage; but in the event of her again becoming a widow, her pension may be  
30 restored, if she is otherwise qualified.

If widow remarries.

3. If, through her own neglect or omission, the claim of a widow to pension is not established before her death, the amount of pension which she might have received, if living, shall not be allowed her representatives.

If widow fails to establish claim.

35 **14.** The compassionate allowance to officers' children shall cease when the son reaches the age of eighteen, and when the daughter reaches the age of twenty-one or marries.

No allowance to son over 18, or daughter over 21 or married.

40 **15.** Pensions and compassionate allowances to officers' wives and children shall be paid from the day following that of the officers' death to the thirteenth day of June next ensuing; and subsequent payments shall be made quarterly in advance from the first day of July in each year.

Time of payment.

**16.** No pension or compassionate allowance shall be granted unless the Treasury Board reports that the person to whom it  
45 is proposed to grant it is eligible within the meaning of this Act.

Treasury Board to report.

**17.** This Act shall apply, instead of *The Civil Service Superannuation Act*, or *The Civil Service Retirement Act*,—

Application of Act.

(a) to every officer hereafter appointed to the force;

(b) to every officer now in the force who, within six months from the coming into force of this Act, elects to accept the provisions of this Act in lieu of those of *The Civil Service Superannuation Act* or of *The Civil Service Retirement Act*.

Deductions  
from pay  
under R.S.C.,  
c. 18, and  
1898, c. 17.

2. Any deduction made from the pay of an officer towards the Civil Service Superannuation Fund or the Civil Service Retirement Fund may, if such officer elects to accept the provisions of this Act, be counted as part of the five per cent deduction required by section four of this Act. 5

Commence-  
ment of Act.

18. This Act shall come into force on the first day of July, 1919, nineteen hundred and two. 10

No. 40.

2nd Session, 9th Parliament, 2 Edward VII, 1902

BILL

An Act respecting pensions to Officers  
of the North-west Mounted Police.

First reading, March 11, 1902.

SIR WILFRID LAURIER.

OTTAWA

Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

No. 41.]

**BILL.**

[1902.

An Act in amendment of the Supreme and Exchequer  
Courts Act.

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

1. Section 23 of *The Supreme and Exchequer Courts Act*, R.S.C., c. 135,  
5 chapter 135 of the Revised Statutes, is repealed and the  
following is substituted therefor:—  
new s. 23.

“**23.** The Supreme Court shall have, hold, and exercise an  
appellate, civil and criminal jurisdiction within and throughout  
Canada, in all matters relating to the constitution or to the  
10 laws of Canada; in cases in Admiralty or relating to marine  
law; in cases wherein the Government of Canada is a party;  
and in cases between two or more Provinces, or between one  
Province and a resident in another Province, or between  
residents in different Provinces, or between residents of the  
15 same Province claiming real property under titles acquired in  
different Provinces, or between a Province and residents there-  
in or subjects of a foreign state.”  
Jurisdiction  
in appeal.

No. 41.

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2nd Session, 9th Parliament, 2 Edward VII., 1902

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BILL.

An Act in amendment of the Supreme  
and Exchequer Courts Act.

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First reading, March 12, 1902.

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MR. DEMERS,  
(St. John and Iberville.)

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OTTAWA  
Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

## An Act to amend the Railway Act.

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

1. Every railway company owning or operating a railway  
5 in the North-west Territories shall, on or before the thirty-  
first day of July in each year, provide a fire guard on each  
side of the line of railway upon any uncultivated or unoccupied  
land not covered by timber adjoining such railway, consisting  
of a strip of plowed land at least eight feet in width which  
10 shall at all times thereafter during the year be kept free from  
grass and other inflammable matter.
2. The fire guard shall be distant at least three hundred  
feet from the centre line of the railway, and the company shall  
cause the grass to be burned off between it and such centre  
15 line not later than the first day of August in each year.
3. The company shall, when causing such grass to be burned,  
have present sufficient persons and appliances to prevent the  
fire from spreading.
2. Any company neglecting or failing to comply with any  
20 of the provisions of the foregoing section, and the officers and  
directors thereof, shall be liable, on summary conviction, to a  
penalty of \$1,000 for each day of such neglect.
3. For the purpose of complying with the provisions of  
section 1 hereof the company may enter upon any land not  
25 owned by it, and no claim for damages shall be maintained  
against the company for any act done in compliance with the  
provisions of the said section 1.
4. This Act shall be read and construed as if it formed part 1888, c. 29.  
of *The Railway Act*, chapter 29 of the statutes of 1888.

Fire guards  
to be main-  
tained along  
railways in  
N.-W. T.

Penalty for  
non-compli-  
ance.

Authority to  
enter upon  
lands.

No. 42.

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2nd Session, 9th Parliament, 2 Edward VII., 1902

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BILL.

An Act to amend the Railway Act.

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First reading, March 12, 1902.

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MR. SCOTT.

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OTTAWA

Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

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No. 43.]

**BILL.**

[1902.

An Act respecting the Vancouver, Victoria and Eastern  
Railway and Navigation Company.

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

**1.** The Vancouver, Victoria and Eastern Railway and Navigation Company may construct and put in operation the lines of railway authorized by its Act of incorporation within three 10 years from the passing of this Act, otherwise the powers granted for such construction shall cease and be null and void with respect to so much of the said lines as then remains uncompleted.

Preamble.

1898, c. 89.

Time for  
construction  
of railway  
extended.

B.C., 1897,  
c. 75.

No. 43.

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2nd Session, 9th Parliament, 2 Edward VII, 1902

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BILL.

An Act respecting the Vancouver,  
Victoria and Eastern Railway and  
Navigation Company.

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First reading, March 13, 1902.

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(PRIVATE BILL.)

MR. MAXWELL.

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OTTAWA

Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

An Act respecting the Tilsonburg, Lake Erie and  
Pacific Railway Company.

**W**HEREAS the Tilsonburg, Lake Erie and Pacific 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 5 advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows:—

1. The powers granted to the Tilsonburg, Lake Erie and Pacific Railway Company by section 3 of chapter 56, of the statutes of 1890, to construct a railway from the town of Tilsonburg to some point on the Canadian Pacific Railway at or near the town of Woodstock or the town of Ingersoll in the county of Oxford, are revived and declared to be in force, and the said company shall construct and complete the said portion of its railway within two years from the passing of this Act, otherwise the powers of construction thereof shall cease and be null and void with respect to so much of the said railway as then remains uncompleted. Section 3  
revived in  
part.  
  
Time for  
construction  
extended.
2. The said company may lay out, construct and operate an extension of its railway from the town of Ingersoll, thence passing through the counties of Oxford, Perth, Waterloo, Wellington, Dufferin, Grey and Simcoe, or any of them, to a point at or near Collingwood on Georgian Bay. Extension to  
Collingwood.
3. The said company shall construct and complete the said extension to Collingwood within five years from the passing of this Act, otherwise the powers of construction thereof shall cease and be null and void with respect to so much of the said extension as then remains uncompleted. Time for  
construction  
of extension  
limited.

No. 44.

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2nd Session, 9th Parliament, 2 Edward VII., 1902

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BILL.

An Act respecting the Tilsonburg, Lake  
Erie and Pacific Railway Company.

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First reading, March 13, 1902.

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(PRIVATE BILL.)

MR. McCARTHY.

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OTTAWA  
Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

## An Act to amend the Companies Act.

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

1. *The Companies Act*, chapter 119 of the Revised Statutes, R.S.C., c. 119, is amended by inserting the following section immediately section added. after section 24 :—
- “24A. The company may from time to time lend money on the security of, or purchase or invest in, (a.) mortgages or hypothecs upon freehold or leasehold real estate or other Investment of funds.  
10 immovables, (b.) the debenture bonds, stocks and other securities of any Government or any municipal or school corporation, or of any chartered bank or incorporated company if incorporated by Canada or by any former or present or future province of Canada, but not including bills of exchange  
15 or promissory notes.
- “2. The company may take personal security as collateral for any advance made or to be made by it, or for any debt due to it. Personal security.
- “3. The company may lend upon its own paid-up permanent Loans upon its own stock.  
20 stock to an amount not exceeding in the aggregate of all such loans ten per cent of the company's paid-up permanent stock, but no such loan shall exceed eighty per cent of the market price then actually offered for the stock; and the company shall not, except as in this section provided, make any loan or  
25 advance upon the security of any permanent shares or permanent stock of the company, whether with or without collateral security: Provided however, that the company may pass a Proviso.  
30 contained in this subsection) a by-law limiting the aggregate amount which may be loaned on such stock, and the company shall not repeal either of such by-laws until the liabilities of the company are discharged.”
2. Subsections (a.) and (b.) of section 88 of *The Companies Act* are repealed. Section 88 amended.  
35
3. This Act shall apply to companies incorporated heretofore as well as hereafter. Application.

No. 45.

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2nd Session, 9th Parliament, 2 Edward VII., 1902

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BILL.

An Act to amend the Companies Act.

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First reading, March 13, 1902.

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MR. THOMPSON.

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OTTAWA

Printed by S. E. DAWSON

Printer to the King's most Excellent Majesty  
1902

An Act to incorporate the Strait of Canso Bridge  
Company.

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

- 1.** Robert G. Reid of Montreal, in the province of Quebec, Incorporation.  
Alexander C. Ross of Sydney, Graham Fraser of New Glasgow,  
and Hiram Donkin of Antigonish, in the province of Nova  
Scotia, together with such persons as become shareholders in  
10 the company, are incorporated under the name of "The Strait Corporate  
of Canso Bridge Company," hereinafter called "the Company." name.
- 2.** The works of the Company are declared to be for the Declaratory.  
general advantage of Canada.
- 3.** The said Robert G. Reid, Alexander C. Ross, Graham Provisional  
15 Fraser and Hiram Donkin are constituted the provisional directors.  
directors of the Company.
- 4.** The capital stock of the Company shall be five million Capital  
dollars, and may be called up by the directors from time to stock.  
time as they deem necessary.
- 20 **5.** The head office of the Company shall be in the city of Head office.  
Montreal or in such other place in Canada as the Company  
determines by by-law.
- 6.** The annual meeting of the Company shall be held on Annual  
the second Tuesday in September in each year. meeting.
- 25 **7.** At such meeting the subscribers for the capital stock Number of  
assembled, who have paid all calls due on their shares, shall directors.  
choose five persons to be directors of the Company, and the  
Company by by-law may increase the number of directors.
- 8.** The Company may,— Powers of
- 30 (a.) construct, maintain and use a bridge with approaches Company.  
for railway purposes or for railway and general traffic purposes, Bridge.  
over the Strait of Canso at or near the village of Port Hastings,  
in the county of Inverness, in the province of Nova Scotia;  
(b.) lay out, construct and operate one or more lines of Railways.  
35 railway to connect the bridge with existing and future lines  
of railway on each side of the said Strait of Canso;

Tolls. (c.) charge and collect tolls upon and for the use of the said bridge and railways.

Design, etc.,  
to be approved  
by Governor  
in Council.

9. The bridge authorized to be constructed under this Act shall be built and located under, and subject to such regulations for the security of navigation of the said strait as the Governor in Council shall prescribe, and to secure that object the Company shall submit to the Governor in Council for his examination and approval a design and drawing of the bridge, and a map of the location giving the soundings, accurately showing the bed of the stream and location of other bridges, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject; and until the said plans and location are approved by the Governor in Council the bridge shall not be built or commenced, and should any change be made in the plans of the said bridge during the process of construction, such change shall be subject to the approval of the Governor in Council and shall not be made or commenced until the same is approved.

Regulations  
by Minister.

10. The Minister of Railways and Canals may, from time to time, make and give regulations or orders respecting the reconstructing or maintaining of the bridge and approaches, and the piers, abutments and other work relating thereto, the operating of the bridge or any part thereof, or approaches thereto, the displaying upon the bridge or the piers thereof, between the hours of sunset and sunrise, of beacons or lights, or other signals at other times—the construction, placing, operating and maintaining upon, or in the vicinity of, the passage or passages of the bridge, of piers, booms, buoys or other aids or safeguards to navigation—or otherwise designed to protect the interests of the public or the prevention of obstructions to navigation.

Enforcement  
of regulations.

2. On the failure of the Company to comply, within such time as the Minister deems reasonable, with any such regulations or orders the Governor in Council may, on the report of the Minister, either close the bridge and approaches until such regulations or orders are complied with, or cause them to be observed or executed at the expense of the Company; and all amounts expended under the order of the Governor in Council in giving effect to such regulations or orders shall be recoverable from the Company by proceedings in the name of the Attorney General of Canada in any court of competent jurisdiction.

Union with  
another  
company.

11. The Company may, with the approval of two-thirds of the votes of the shareholders present at a special general meeting duly called for the purpose of considering the matters in this section referred to, at which meeting shareholders representing at least two-thirds in value of the capital stock are present or represented by proxy, and after obtaining the sanction of the Governor in Council in the manner provided by section 239 of *The Railway Act*, and subject to the provisions contained in this Act, unite with any other company incorporated for similar purposes under the laws of Canada or of the province of Nova Scotia, or with any body corporate, in building, maintaining, managing and using the bridge and

approaches, and may enter into any agreement with such corporation respecting the construction, maintenance, management and use thereof.

**12.** The Company may issue bonds, debentures or other Bond issue,  
5 securities in aid of the construction herein mentioned to an amount not exceeding five million dollars.

**13.** The Company's work shall be commenced within two Time for  
years and completed within six years from the passing of this construction  
Act, otherwise the powers granted for the construction of the limited.  
10 said work shall cease and be null and void.

**14.** The provisions of *The Railway Act*, so far as they are 1888, c. 29.  
applicable to the Company and its undertakings, and when not  
inconsistent with the provisions hereof, shall apply to the Com-  
pany and its undertakings in the same manner as if they were  
15 included in and formed part of this Act.

No. 46.

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2nd Session, 9th Parliament, 2 Edward VII., 1902

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BILL.

An Act to incorporate the Strait of Canso  
Bridge Company.

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First reading, March 14, 1902.

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(PRIVATE BILL.)

MR. McLENNAN.

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OTTAWA  
Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

An Act to incorporate the Canadian Manufacturers' Association.

**W**HEREAS the persons hereinafter named have, by their Preamble.  
 petition, represented that they and others have for some  
 time past been associated together under the name of The  
 Canadian Manufacturers Association, and have prayed that it  
 5 be enacted as hereinafter set forth, and it is expedient to grant  
 the prayer of the said petition : Therefore His Majesty, by and  
 with the advice and consent of the Senate and House of  
 Commons of Canada, enacts as follows :—

**1.** W. K. George, J. J. McGill, Geo. Booth, A. Campbell, Incorporation.  
 10 C. R. H. Warnock, H. Cockshutt, James Goldie, W. C. Breck-  
 enridge, T. H. Smallman, J. B. Henderson, J. O. Thorn, S.  
 M. Wickett, Wm. Stone, J. H. Housser, R. J. Christie, Geo.  
 H. Hees, J. R. Shaw, Jno. M. Taylor, Thos. Roden, J. P.  
 Murray, A. W. Thomas, E. G. Gooderham, P. H. Burton,  
 15 Frederic Nicholls, C. N. Candee, R. Millichamp, E. C. Boeckh,  
 R. Y. Ellis, Frank Paul, the Honourable J. D. Rolland, W.  
 W. Watson, A. E. Ogilvie, Wm. McMaster, Jas. Davidson,  
 C. C. Ballantyne, G. W. Sadler, P. W. Ellis, J. F. Ellis, A. E.  
 Kemp, W. K. McNaught, Edward Gurney, and such others  
 20 as are now members of the association mentioned in the pre-  
 amble, together with such others as hereafter become members  
 of the association hereby incorporated, are incorporated under  
 the name of "The Canadian Manufacturers' Association," here- Corporate  
 inafter called "the Association." name.

25 **2.** The objects of the Association shall be to promote Cana Objects.  
 dian industries and to further the interests of Canadian  
 manufacturers and exporters, and to render such services and  
 assistance to members of the Association, and to manufacturers  
 and exporters generally, as the Association shall deem advis-  
 30 able from time to time. UNLTD

**3.** The members of the Association who, at the time of the Existing  
 passing of this Act, hold office in, or are members of any com- officers and  
 mittee of the unincorporated association, shall continue to hold by-laws  
 the same offices, and to act on the same committees, until the continued.  
 35 next annual general meeting of the Association ; and, in like  
 manner, the Association shall continue to work under the  
 existing constitution, by-laws and regulations of the unincor-  
 porated Association until the next annual meeting of the  
 Association, and from that date the Association shall have such  
 40 officers and committees having such powers and duties as the  
 Association may, from time to time, by by-law or resolution  
 determine.

- Head office. **4.** Until otherwise determined by the Association, the head office of the Association shall be in the city of Toronto, in the province of Ontario.
- By-laws, etc. **5.** The majority of the members of the Association present at any general meeting may make by-laws, rules and regulations for the government of the Association, including by-laws providing for the admission, suspension, expulsion or retirement of members, and for the imposing of fees, subscriptions and penalties, which shall be binding upon all members of the Association, and on all its officers, servants and others lawfully under its control. 5
- Powers of Association. **6.** The Association may,—  
 (a.) publish such pamphlets, periodicals or other publications as are deemed advisable in the interests of the Association or any of its members; 15  
 (b.) organize, establish, regulate and dissolve branches or sections of the Association, but no such branch or section shall be deemed to be a separate corporation;  
 (c.) engage in the work of developing and promoting the export trade of Canadian goods by such means as may be considered desirable by the Association; 20  
 (d.) obtain information and statistics for its members or for Canadian manufacturers and exporters, and render to them such other services or assistance as may be deemed advisable;  
 (e.) purchase or acquire real property, and mortgage, lease, sell or otherwise alienate the same, provided that the value of such property held by the Association at any one time shall not exceed twenty-five thousand dollars. 25
- Arbitration powers. **7.** The Association may provide by by-law for the appointment of arbitrators, members of the Association, to hear and decide controversies, disputes or misunderstandings relating to any commercial matter which may arise between members of the Association or any person whatsoever claiming by, through or under them, which may be voluntarily submitted for arbitration by the parties in dispute. 30 35
- Agreement to submit to arbitration. **2.** Members assenting to an arbitration by an instrument in writing shall be understood to have submitted to the decision of the majority of the arbitrators appointed to hear the case and to decide upon the same.
- Powers of arbitrators. **3.** The arbitrators appointed to hear any case submitted for arbitration as aforesaid, may examine upon oath (which oath any one of such arbitrators is hereby empowered to administer) any party or witness who appears before them, and shall give their award thereupon in writing, and their decision, or that of a majority of them, given in such award shall be final and binding upon the parties. 40 45
- Committees of inquiry. **8.** The Association may, by by-law or resolution, provide for the appointment of committees of inquiry to inquire into any matter affecting the manufacturing or export interests of Canada, and such committees may examine upon oath (which oath any member of said committee is hereby empowered to 50

administer) any party who appears before them, and the evidence so taken may be used to assist the Association in arriving at a decision with reference to the matter under consideration.

No. 47.

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2nd Session, 9th Parliament, 2 Edward VII., 1902

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LL.

An Act to incorporate the Canadian  
Manufacturers' Association.

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First reading, March 14, 1902.

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(PRIVATE BILL.)

MR. CAMPBELL.

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OTTAWA  
Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

An Act to incorporate the Montreal and St. Lawrence  
Bridge Company.

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

**1.** William L. Bull, Arthur L. Meyer and Robert J. Camp- Incorporation.  
bell, all of the city of New York, in the State of New York,  
one of the United States ; the Honourable Frank Campbell, of  
the town of Bath, in the said State of New York ; Frank H.  
10 Kelly and Henry L. Sprague, of the said city of New York, and  
Edmund Guerin, Joseph Alexandre Camille Madore, Joseph  
E. Gauthier, Alphonse Racine and Joseph Adolphe Madore,  
all of the city of Montreal, in the Province of Quebec, together  
with such persons as become shareholders in the company, are  
15 incorporated under the name of "The Montreal and St. Law- Corporate  
rence Bridge Company," hereinafter called "the Company." name.

**2.** The works of the Company are declared to be for the Declaratory.  
general advantage of Canada.

**3.** The persons named in section 1 of this Act are constitu- Provisional  
20 ted the provisional directors of the Company, and in case of directors.  
the death, resignation or inability of any of them to act, their  
successors shall be appointed by the remaining provisional  
directors.

**4.** The capital stock of the Company shall be four million Capital stock.  
25 five hundred thousand dollars, in shares of one hundred dollars  
each, and may be called up by the directors from time to  
time as they deem necessary.

**2.** The Company may, under the authority of a resolution Preference  
30 passed by the ordinary shareholders at a special general meet- stock.  
ing duly called for that purpose, at which meeting share-  
holders representing at least two-thirds in value of the sub-  
scribed stock of the Company are present or represented by  
proxy, issue any portion of its capital stock as preference stock,  
and such preference stock shall have such preference and  
35 priority as respects dividends and otherwise over ordinary  
stock as may be declared by the resolution.

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

Annual meeting.

6. The annual meeting of the shareholders shall be held at the city of Montreal on the first Wednesday in September in each year.

Election of directors.

7. At the first meeting of shareholders the subscribers for the capital stock present or represented by proxy, who have paid all calls due on their shares, shall choose not less than nine nor more than thirteen persons to be directors of the Company, a majority of whom shall be residents of Canada, and at every subsequent annual meeting not less than nine nor more than thirteen persons shall be chosen to be directors of the Company unless the Company shall pass a by-law fixing the number of directors thereafter to be appointed and which shall be not less than nine nor more than thirteen.

Bridge.

8. The Company may lay out, construct and operate a railway and general traffic bridge with the necessary approaches over the River St. Lawrence from a point on the south shore in or near the parish of Longueuil, to a point to be approved by the Governor in Council, on the north shore in the city of Montreal; and may also lay out, construct and operate one or more lines of railway, either elevated or level, not exceeding twenty miles in length, on each side of the St. Lawrence River from the said bridge to the stations or depots which the Company may erect in the city of Montreal and in the parish of Longueuil, to connect the bridge with any existing or future lines of railway.

Railways.

Uses of bridge.

2. The bridge shall be constructed and arranged for the use of foot passengers, street cars, carriages and other vehicles as well as for railway purposes.

Design, etc., to be approved by Governor in Council.

9. The bridge authorized to be constructed under this Act shall be built and located under and subject to such regulations for the security of navigation of the said river, as the Governor in Council shall prescribe; and to secure that object the Company shall submit to the Governor in Council for his examination and approval, a design and drawing of the bridge and a map of the location giving the soundings, accurately showing the bed of the stream and the location of other bridges, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject, and until the said plans and location are approved by the Governor in Council the bridge shall not be built or commenced; and should any change be made in the plans of the bridge during the process of construction, such change shall be subject to the approval of the Governor in Council, and shall not be made or commenced until the same is approved.

Time for submitting plans limited.

2. The plans of the bridge and all the intended works thereunto appertaining shall be submitted to the Governor in Council within four months from the passing of this Act, and the bridge and its approaches shall be commenced within three months after such plans have been approved, and the bridge and its approaches shall be completed within three years from the passing of this Act, otherwise the powers conferred upon the Company by Parliament shall cease and be null and void with respect to such of the works as then remain uncompleted.

Time for construction limited.

10. The Minister of Railways and Canals may, from time to time, make and give regulations or orders respecting the reconstructing or maintaining of the bridge and approaches, and the piers, abutments and other work relating thereto, the displaying upon the bridge or the piers thereof, between the hours of sunset and sunrise, of beacons, or lights, or other signals at other times, the construction, placing, operating and maintaining upon or in the vicinity of the passage or passages of said bridge, of piers, booms, buoys or other aids or safe- guards to navigation, or otherwise designed to protect the interests of the public, or the prevention of obstructions to navigation.
2. On failure of the Company to comply, within such time as the Minister deems reasonable, with any such regulations or orders, the Governor in Council may, on the report of the Minister, either close the bridge and approaches, until such regulations or orders are complied with, or cause them to be observed and executed at the expense of the Company; and all amounts expended under the order of the Governor in Council in giving effect to such regulations or orders shall be recoverable from the Company by proceedings in the name of the Attorney General of Canada in any court of competent jurisdiction.
3. The Company shall also submit for the approval of the Harbour Commissioners of Montreal, the plan of such portion of its undertaking as may be constructed upon the works under the jurisdiction of the said commissioners, the whole to be subject to such terms and conditions as are agreed upon.
4. The Company shall abide by and conform to all reasonable regulations which may be adopted by the city of Montreal with reference to the said undertaking, in so far as the said city has jurisdiction.
11. The Company may grant to any other company rights over the bridge upon such terms as are agreed upon.
12. The Company may, subject to the provisions of this Act, enter into an agreement with any municipality or bridge company or other corporation duly authorized to act, or with any railway company whose railway connects with the bridge, or the lines of railway leading thereto, for conveying or leasing to such municipality or company the railways or bridge of the Company in whole or in part, or any rights or powers acquired under this Act, and also the surveys, plans, works and other property to it belonging, or for a consolidation, merger or amalgamation with such company on such conditions as are agreed upon and subject to such restrictions as to the directors of the Company seem fit; provided that such agreement has been first approved by two-thirds of the votes at a special general meeting of the shareholders duly called for the purpose of considering it, at which meeting shareholders representing at least two-thirds in value of the capital stock are present or represented by proxy, and that such agreement has also received the sanction of the Governor in Council.
2. Such approval shall not be signified until after notice of the proposed application therefor has been published in the
- Regulations by Minister of Railways.
- Enforcement of regulations.
- Plans to be submitted to Montreal Harbour Commissioners.
- Regulations of city of Montreal.
- Use of bridge by other companies.
- Agreement with municipality or other corporation.
- Agreement to be approved.
- Notice of application for sanction.

manner and for the time set forth in section 239 of *The Railway Act* and for a like period in one daily newspaper published in the city of Montreal.

Bond issue.

**13.** The Company may, from time to time, issue interest bearing bonds, debentures or other securities, upon the bridge and its approaches, but the amount thereof outstanding at any one time shall not exceed the sum of four million five hundred thousand dollars in the aggregate, and the Company may also issue interest bearing bonds, debentures and other securities upon any lines of railway which it may construct in accordance with the provisions of this Act, not to exceed fifty thousand dollars per mile, and such bonds shall be secured by mortgage upon the bridge and approaches, and the said railways, and the security to be provided in such mortgages may include tolls and revenue derived from the use of the bridge and the other works of the Company, and may include all other assets, rights and benefits to which the Company is entitled. The said mortgages shall be registered with the Secretary of State of Canada, and the said mortgages may be in favour of any trustee or trustees, either in Canada or elsewhere who may be selected by the directors of the Company.

Mortgages to be registered with Secretary of State.

Stations, warehouses and railways.

**14.** In addition to the lines of railway hereinbefore provided for, the Company may erect and use stations, warehouses, elevators, sidings and lines of railway connected therewith, not exceeding in the aggregate twelve miles, and may acquire and own such real property in the city of Montreal or in the parish of Longueuil as is necessary for the purposes of its undertaking, and may issue bonds, debentures or other securities separately upon such stations, warehouses, elevators and sidings, and such railways and real property as is connected therewith, to an amount not exceeding the actual cost of such properties, and the said bonds, or other securities may be secured by a deed which shall contain a description of the property for which the said bonds are issued, and such bonds shall form a first charge upon and be limited to the particular property with respect to which they are issued, and the directors shall have like power to select the trustee or trustees therein to be appointed in like manner as hereinbefore provided.

Real property.

Bonds.

Power to acquire shares in railway companies.

**15.** The Company may acquire, hold, deal with and dispose of shares in any railway company whose line runs to or from any point at or near the city of Montreal or the parish of Longueuil; provided that the powers hereby granted shall not in any case be exercised unless and until the directors have been expressly authorized by a by-law passed by them for the purpose and sanctioned by a vote of not less than two-thirds in value of the shareholders present or represented by proxy at a special or general meeting of the Company duly called for considering the subject of the by-law.

Draw bridge.

**16.** The Company may, in connection with any line of railway extending from the guard pier and crossing the Lachine Canal, construct and operate a draw-bridge upon plans to be first submitted and approved by the Governor in Council.

**17.** The Company may construct and operate lines of tele- Telephone  
phone or telegraph along its lines of railway and on any part and telegraph  
of the Company's property, but the use of such lines shall be lines for  
confined to the purposes of the Company. Company's  
use.

5 **18.** *The Railway Act*, so far as applicable, shall apply to 1888, c. 29.  
the Company and its undertaking in the same manner as if in  
the said Act the word "bridge" was substituted for the word  
"railway."

No. 48.

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2nd Session, 9th Parliament, 2 Edward VII., 1902

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BILL.

An Act to incorporate the Montreal and  
St. Lawrence Bridge Company.

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First reading, March 14, 1902.

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(PRIVATE BILL,)

MR. MADORE.

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OTTAWA  
Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

An Act to confer on the Commissioner of Patents certain powers for the relief of John Westren.

**W**HEREAS John Westren, of the city of Toronto in the province of Ontario has, by his petition, represented that he is the holder and owner of letters patent, issued under the seal of the Patent Office, dated the twenty-eighth day of February, one thousand eight hundred and ninety-four, for new and useful improvements in pneumatic tires, being patent number forty-five thousand four hundred and forty-nine, and of letters patent under the seal of the Patent Office, dated the eleventh day of July, one thousand eight hundred and ninety-four, for new and useful improvements in bicycle tires, being patent number forty-six thousand five hundred and sixty-one; that on or before the expiration of the first six years of each of the said letters patent, which were granted for a term of eighteen years, only the partial fee for the first six years being paid upon the issue of each of said letters patent, the said John Westren was entitled, upon application therefor, to a certificate of payment of the additional fee provided by section 22 of *The Patent Act*, chapter 61 of the Revised Statutes, as amended by section 5 of chapter 24 of the statutes of 1892, and section 3 of chapter 34 of the statutes of 1893; that the said John Westren and The Graham Tire Company, Limited, have invested large sums in purchasing the said patents and in the perfecting of the details of the manufacture of the said two inventions and in the extension and advertising of the business dealing in the tires covered by the said letters patent; that the said John Westren inadvertently omitted to make such an application before the expiration of the first six years of each of the said letters patent owing to the fact that the said John Westren had not in his possession either of the said two letters patent, and in good faith believed that the said two patents had eighteen years to run, and a short time prior to the date of the said petition, and so soon as the said John Westren was advised that the said omission could be cured, he forthwith made application to pay the said fees on the said two patents, at which date such application could not be entertained, as the Commissioner of Patents could not then accept the additional fee and grant the certificate of payment thereof; and whereas the said John Westren has, by his petition, prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

R.S.C., c. 61,  
s. 22.1892, c. 24,  
s. 5.1893, c. 34,  
s. 3.

Commissioner  
of Patents  
may extend  
duration of  
letters patent.

1. Notwithstanding anything to the contrary in *The Patent Act*, or in the two letters patent mentioned in the preamble, the Commissioner of Patents may receive from John Westren the application for a certificate of payment and the usual fees upon the said two letters patent for the remainder of the term of eighteen years from the date of each of the said patents, and may grant and issue to the said John Westren the certificate of payment of fees provided by *The Patent Act* and an extension of the period of the duration of the said two letters patent to the full term of eighteen years each, in as full and ample a manner as if the application therefor had been duly made within the first six years of the said two letters patent from the respective dates of issue of the said two letters patent.

No. 49.

2nd Session, 9th Parliament, 2 Edward VII, 1902

BILL.

An Act to confer on the Commissioner of Patents certain powers for the relief of John Westren.

First reading, March 14, 1902.

(PRIVATE BILL.)

MR. CAMPBELL.

OTTAWA

Printed by S. E. DAWSON

Printer to the King's most Excellent Majesty  
1902

An Act respecting the Niagara, St. Catharines and  
Toronto Railway Company.

**W**HEREAS the Niagara, St. Catharines and Toronto Rail- Preamble.  
way 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 1899, c. 77.  
5 with the advice and consent of the Senate and House of Com-  
mons of Canada, enacts as follows:—

**1.** The Niagara, St. Catharines and Toronto Railway Com- Power to  
pany may acquire, hold and dispose of stock, bonds or other acquire and  
securities of any electric railway company or navigation com- guarantee  
10 pany with which it runs in connection, or may guarantee the securities  
of other  
payment of bonds or other securities of any such company. companies.

**2.** The Company may, from time to time, issue and secure Bond issue on  
by mortgage, bonds, debentures or other securities for the miscellaneous  
purpose of the acquisition by purchase, construction or other- property.  
15 wise of vessels, terminals and other properties required for use  
in connection with the undertakings of the Company. Provid- Amount  
ed however, that the total amount of such bonds, debentures limited.  
or other securities issued by the Company at any time out-  
standing shall not exceed two hundred and fifty thousand  
20 dollars.

**3.** The time limited for the completion of the Company's Time for  
line or branch to Hamilton is extended for three years from construction  
the passing of this Act, and the times limited for the commence- extended.  
ment and completion of the line or branch from Hamilton to  
25 Toronto are extended for two years and five years respectively  
from the passing of this Act.

No. 50.

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2nd Session. 9th Parliament, 2 Edward VII., 1902

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BILL.

An Act respecting the Niagara, St.  
Catharines and Toronto Railway  
Company.

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First reading, March 14, 1902.

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(PRIVATE BILL.)

MR. CALVERT.

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OTTAWA  
Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

An Act respecting the Niagara, St. Catharines and  
Toronto Railway Company.

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

**W**HEREAS the Niagara, St. Catharines and Toronto Rail- Preamble.  
way 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 1899, c. 77.  
5 with the advice and consent of the Senate and House of Com-  
mons of Canada, enacts as follows:—

1. The Niagara, St. Catharines and Toronto Railway Com- Power to  
pany, hereinafter called "the Company," may acquire, hold and acquire and  
dispose of stock, bonds or other securities of the Niagara, guarantee  
10 St. Catharines and Toronto Navigation Company; and pro- securities  
vided that the Company holds not less than three-fourths of of another  
all the capital stock of the said navigation company it may company.  
guarantee the payment of bonds or other securities of the said  
company: Provided, however, that the total amount of such Amount  
15 bonds, or other securities guaranteed by the Company at any limited.  
time outstanding shall not exceed two hundred and fifty  
thousand dollars.

2. The time limited for the completion of the extension of Time for  
the Company's line to a point in or near the city of Toronto construction  
20 by way of Hamilton is extended for three years from the extended.  
passing of this Act, and the times limited for the commencement  
and completion of the extension to a point on the Niagara  
River at or near Fort Erie are extended for two years and five  
years respectively from the passing of this Act, and if the said  
25 extensions are not completed within the times so limited, the  
powers granted by the Company's Act of incorporation, or by  
this Act, shall be null and void with respect to so much of the  
said extensions as then remains uncompleted.

No. 50.

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2nd Session, 9th Parliament, 2 Edward VII., 1902

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BILL.

An Act respecting the Niagara, St.  
Catharines and Toronto Railway  
Company.

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

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(PRIVATE BILL.)

MR. CALVERT.

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OTTAWA

Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

An Act to incorporate the Dymont Banking, Loan and Savings Company.

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

**1.** Nathaniel Dymont, Simon Dymont, A. E. H. Creswicke Incorporation.  
all of the town of Barrie, in the county of Simcoe ; Thomas Baker, of the city of London, in the county of Middlesex, and  
10 Albert E. Dymont, of the town of Thessalon, in the district of Algoma, all in the province of Ontario, together with such persons as become shareholders in the company, are incorporated under the name of "The Dymont Banking, Loan and  
Savings Company," hereinafter called "the Company." Corporate name.

**15 2.** The persons named in section 1 of this Act shall be the first directors of the Company. First directors.

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

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

**25 4.** The head office of the Company shall be at the town of Barrie, in the province of Ontario, or at such other place in Canada as the directors from time to time determine by by-law, but the Company may establish other offices and places  
of business elsewhere. Head office. Branch offices.

**30 5.** At the first general meeting of the Company, and at each annual meeting, the holders of the capital stock present or represented by proxy who have paid all calls due on their shares shall choose not less than three nor more than nine  
persons to be directors of the Company, each of whom shall hold at least ten shares of the capital stock of the Company, and a majority of whom shall form a quorum. Election of directors. Quorum.

**35 2.** The number of directors may, within the limits aforesaid, be changed from time to time by a vote of the shareholders at any general meeting of the Company. Number may be changed.

- Voting power. 3. Every shareholder of the Company who has paid all calls due on his shares shall be entitled to one vote for each share held by him.
- Loaning and investment powers. 6. The Company may carry on the business of lending money on, or purchasing, selling, investing and dealing in, mortgages or hypothecs upon freehold or leasehold real estate or other immovables; debentures, bonds, stocks and other securities and obligations of any government, or of any municipal, school or other corporation, bills of exchange and promissory notes, life insurance policies, annuities, endowments and personal property. 5 10
- Personal security. 2. The Company may take personal security as collateral for any advance made or to be made, or contracted to be made by, or for any debt due to the Company.
- Agency association. 7. The Company may act as an agency association for the interest and on behalf of others who intrust it with money for that purpose, and may, either in the name of the Company or of such others, lend and advance money to any person or body corporate, or municipal or other authority, or any board or body of trustees or commissioners, upon such securities as are mentioned in the next preceding section, and may purchase and acquire any securities on which they are authorized to advance money, and again re-sell the same. 15 20
- Enforcement of agreements. 2. The conditions and terms of such loans and advances, and of such purchases and re-sales, may be enforced by the Company for its benefit, and for the benefit of the person or corporation for whom such money has been lent and advanced, or such purchase and re-sale made; and the Company shall have the same power in respect of such loans, advances, purchases and sales as are conferred upon it in respect of loans, advances, purchases and sales made from its own capital. 25 30
- Guarantee of moneys. 3. The Company may also guarantee the repayment of the principal or the payment of the interest, or both, of any moneys entrusted to the Company for investment.
- Employment of capital. 4. The Company may, for every or any of the foregoing purposes, lay out and employ the capital and property, for the time being, of the Company, or any part of the moneys authorized to be raised by the Company in addition to its capital for the time being, or any moneys so entrusted to it as aforesaid, and may do, assent to and exercise all acts whatsoever which, in the opinion of the directors of the Company for the time being, are requisite or expedient to be done in regard thereto. 35 40
- Money guaranteed to be deemed borrowed. 5. All moneys of which the repayment of the principal or payment of interest is guaranteed by the Company, shall, for the purposes of this Act, be deemed to be money borrowed by the Company. 45
- Trustee powers. 8. The Company may act as agent or trustee for the purpose of issuing or countersigning certificates of stock, bonds, or other obligations of any association or corporation, and as attorney or agent for the collection of interest, dividends, debts, mortgages, debentures, bonds, coupons and other securities for money. 5

9. The Company may liquidate, and carry on for the purposes of such liquidation, the business of any other company, partnership or person carrying on any business which the Company is authorized to carry on, upon such terms as may be agreed upon. Liquidation of other companies.

10. The Company may, subject to any limitation or prohibition imposed by its by-laws, lend upon its own paid-up stock. Loans upon Company's stock.

11. The Company may borrow money and receive money on deposit upon such terms as to interest, security, time of payment and otherwise as may be agreed on, and may issue its bonds, debentures and other securities for moneys borrowed; and may borrow also on the security of any stocks, bonds, debentures, or other securities purchased and owned by it; provided always that the total of the Company's liabilities to the public outstanding from time to time shall not exceed four times the amount paid upon its capital stock; and provided further that the amount held on deposit shall not at any time exceed twice the aggregate amount of its then actually paid-up and unimpaired capital and of its cash actually in hand or deposited in any chartered bank in Canada or elsewhere, and belonging to the Company. Moneys on deposit. Proviso. Proviso.

12. The directors may, with the consent of the shareholders at a special general meeting duly called for the purpose, create and issue debenture stock in sterling or currency, in such amounts and manner, on such terms as to redemption or payment thereof, and otherwise, and bearing such rate of interest as the directors, from time to time, think proper, but such debenture stock shall be treated and considered as part of the ordinary debenture debt of the Company, and shall be included in estimating the Company's liabilities to the public under section 11 of this Act, and such debenture stock shall rank equally with the ordinary debenture and deposit debt of the Company, and no greater rights or privileges shall be conferred upon holders of debenture stock in respect thereof than are held or enjoyed by depositors or holders of ordinary debentures of the Company. Debenture stock.

13. The debenture stock aforesaid shall be entered by the Company in a register to be kept for that purpose in the head or other registered office of the Company in Canada or elsewhere, wherein shall be set forth the names and addresses of those from time to time entitled thereto, with the respective amounts of the said stock to which they are respectively entitled, and the register shall be accessible for inspection and perusal at all reasonable times to every debenture holder, mortgagee, bondholder, debenture stockholder and shareholder of the Company without the payment of any fee or charge. Such stock shall be transferable in such amounts and in such manner as the directors determine. Entry in register.

14. The holders of the ordinary debentures of the Company may, with the consent of the directors, at any time exchange such debentures for debenture stock. Exchange of debenture stock.

Cancellation  
of debenture  
stock.

**15.** The directors, having issued debenture stock, may, from time to time, as they think fit and for the interest of the Company buy up and cancel the debenture stock or any portion thereof.

Preference  
stock.

**16.** The directors may make a by-law for creating and issuing any part of the capital stock as preference stock, giving it such preference and priority as respects dividends and otherwise over ordinary stock as may be declared by the by-law. 5

Holders  
may select  
directors.

**2.** The by-law may provide that the holders of shares of such preference stock shall have the right to select a certain stated proportion of the board of directors, or may give the said holders such control over the affairs of the Company as may be considered expedient. 10

By-law to be  
sanctioned.

**3.** No such by-law shall have any force or effect until it has been sanctioned either by the shareholders in writing or by a vote of the shareholders present or represented by proxy at a general meeting of the Company duly called for considering it, such shareholders holding not less than two-thirds of the amount paid up upon the capital stock of the Company. 15 20

Preference  
stockholders  
to have rights  
of shareholders.

**4.** Holders of shares of such preference stock shall be shareholders within the meaning of this Act, and shall in all respects possess the rights and be subject to the liabilities of shareholders within the meaning of this Act, provided however that in respect of dividends and otherwise they shall, as against the ordinary shareholders, be entitled to the preferences and rights given by such by-law. 25

Rights of  
creditors.

**5.** Nothing in this section contained or done in pursuance thereof shall affect or impair the rights of creditors of the Company. 30

Reserve fund.

**17.** The directors may set aside out of the profits of the Company such sum as they think proper as a reserve fund to meet contingencies or for equalizing dividends, or for repairing, improving and maintaining any of the property of the Company, and for such other purposes as the directors shall, in their absolute discretion, think conducive to the interests of the Company, and may invest the several sums so set aside upon such investments as they think fit, and may from time to time deal with and vary such investments and dispose of all or any part thereof for the benefit of the Company, and may divide the reserve fund into such special funds as they think fit, with full power to employ the assets constituting the reserve fund in the business of the Company, and that without being bound to keep the same separate from the other assets. Provided always that the investment of the reserve fund shall be subject to the limitations contained in section 6 of this Act 35 40 45

Business of  
foreign  
agencies.

**18.** The Company may have agencies in any places in Great Britain, or elsewhere, for the registration and transfer of debenture or other stock and for the transaction of any other business of the Company. 50

Power of  
directors.

**19.** The business of the Company shall be managed by the directors, who may pay all expenses incurred in getting up and incorporating the Company, and may affix the seal of the Com-

pany, and may make or cause to be made for the Company any description of contract which the Company may by law enter into, and may exercise all such powers of the Company as are not by this Act required to be exercised by the Company in general meeting, and among other things may, from time to time, exercise the following powers, the same being specifically referred to for greater certainty but not so as to restrict the generality of the foregoing terms of this section :—

10 (a) issue debentures, bonds, deposit receipts and stock, and regulate the allotment of stock, the making of calls thereon, the payment thereof, the issue and registration of certificates of stock, the forfeiture of stock for non-payment, the disposal of forfeited stock and of the proceeds thereof, and the transfer of stock ;

15 (b) declare and pay dividends ;

(c) determine the number of directors, their term of service, the amount of their stock qualification and their remuneration, if any ;

20 (d) delegate any of their powers to committees consisting of such member or members of their body as they think fit, and any committee so formed shall in the exercise of the powers so delegated conform to any regulations that may be imposed on them by the directors ;

25 (e) appoint and remove all agents, officers and servants of the Company, and provide for and determine their functions and duties, the security to be given by them to the Company and their remuneration ;

30 (f) determine the time and place for the holding of the annual or any other meeting of the Company, the calling of meetings regular and special of the board of directors and of the Company, the quorum at meetings of the directors and of the Company, the requirements as to votes and proxies and the procedure in all things at such meetings ;

35 (g) provide for the imposition and recovery of all penalties and forfeitures admitting of regulations by by-law ;

(h) conduct in all other particulars the affairs of the Company ;

40 (i) make by-laws for the regulation of the business of the Company, its officers and servants, or the members of the Company, and repeal, amend or re-enact the same.

20. The Company shall not be bound to see to the execution of any trust, whether express, implied or constructive, to which any share or shares of its stock, or debentures, or debenture stock, or any deposit of any moneys payable by or in the hands of the Company may be subject, and the receipt of the party or parties in whose name such share or shares, debentures, debenture stock, deposit or moneys stand in the books of the Company shall from time to time be sufficient discharge to the Company for any payment made in respect of such share or shares, debentures, debenture stock, deposit or moneys, notwithstanding any trust to which the same may then be subject, and whether or not the Company has had notice of such trust, and the Company shall not be bound to see to the application of the money paid upon such receipt.

Company not bound to see to execution of trusts.

Term for  
which land  
may be held.

Forfeiture.

Extension of  
term.

Notice of  
enforcing  
forfeiture.

**21.** No parcel of land or interest therein, at any time acquired by the Company and not required for its actual use and occupation or not held by way of security, shall be held by the Company or by any trustee on its behalf for a longer period than ten years after the acquisition thereof, but such land or interest therein shall be absolutely sold and disposed of so that the Company shall no longer retain any interest therein unless by way of security: Provided that any such parcel of land or any interest therein not within the exceptions hereinbefore mentioned which has been held by the Company for a longer period than ten years without being disposed of, shall be forfeited to the Crown: Provided also, that the Crown may extend the said period, from time to time, but so that it shall not exceed in the whole twelve years: Provided further that no such forfeiture shall take effect or be enforced until the expiration of at least six months after notice in writing to the Company of the intention of the Crown to claim such forfeiture; and the Company shall, when required, give the Minister of Finance a full and correct statement of all lands at the date of such statement held by the Company or in trust for the Company, and subject to these provisos.

R.S.C., c. 118. **22.** Sections 13, 18, 38, 39 and 41 of *The Companies Clauses Act* shall not apply to the Company.

1899, c. 41. **23.** Sections 42, 43, 44 and 45 of *The Loan Companies Act Canada, 1899*, shall apply to the Company.

No. 51.

2nd Session, 9th Parliament, 2 Edward VII.,

BILL.

An Act to incorporate the Dym  
Banking, Loan and Savings Compe

First reading, March 14, 1902.

(PRIVATE BILL)

MR. MCCARTH

OTTAWA

Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

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No. 52.]

**BILL.**

[1902.]

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

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

1. The times limited for commencing and for finishing and Time for  
construction  
extended.  
putting in operation the canal of the St. Clair and Erie Ship  
Canal Company, are extended for two years and five years  
10 respectively from the passing of this Act, otherwise the powers 1899, c. 128.  
of constructing the said canal shall cease and be null and void  
with respect to so much of the said canal as then remains  
uncompleted.

No. 52.

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2nd Session, 9th Parliament, 2 Edward VII, 1902

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BILL.

An Act respecting the St. Clair and Erie  
Ship Canal Company. 20941

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First reading, March 17, 1902.

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(PRIVATE BILL.)

MR. TISDALE.

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OTTAWA  
Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

An Act respecting the Canadian Northern Railway Company.

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

1 The Canadian Northern Railway Company, hereinafter Lines of  
 railway  
 described.  
 called "the Company," may lay out, construct and operate  
 the following lines of railway of the gauge of four feet eight  
 10 and one-half inches, namely,—

(a.) from a point on the Company's line between Port  
 Arthur and Fort Frances, Ontario; thence in a generally  
 north-easterly and south-easterly direction to a point in or near  
 the city of Quebec, and from points on the line hereby autho-  
 15 rized to points in or near Port Arthur, Ottawa and Montreal  
 respectively;

(b.) from a point on the Company's line at or near McCreary  
 station, Manitoba, to the southerly boundary of Manitoba;

(c.) from a point on the Company's authorized line near the  
 20 Narrows of Lake Manitoba to a point at or near Edmonton,  
 thence to the Pacific Coast at or near Skeena River by way of  
 the Pine River Pass;

(d.) from a point on the Company's line near Swan River to  
 a point between Edmonton and the Yellow Head Pass;

(e.) from a point on the Company's authorized line east of  
 25 Edmonton in Alberta or Saskatchewan to the Red Deer River;

(f.) from a point on the Company's authorized line near  
 Hanging Hide River, Saskatchewan, to a point at or near the  
 mouth of the Carrot River near Pas Mission.

30 2. The respective lines hereby authorized shall be com-  
 menced and completed within the respective times below  
 mentioned, otherwise the powers hereby granted for their con-  
 struction respectively shall cease and be null and void as  
 respects so much of the said lines respectively as then remains  
 35 uncompleted, viz. :—The lines mentioned in subsection (a) of  
 section 1 shall be commenced within five years and completed  
 within ten years from the passing of this Act. The lines  
 mentioned in subsections (b), (c) and (d) shall be commenced  
 within two years and completed within five years from the  
 40 passing of this Act. The lines mentioned in subsections (e)  
 and (f) shall be commenced within three years and completed  
 within six years from the passing of this Act. Time for  
 construction  
 limited.

- Capital increased. **3.** The capital stock of the Company is increased from twenty-four million seven hundred and fifty thousand dollars, the present capital, to thirty-five million dollars.
- Bonding powers. **4.** The Company may from time to time issue and secure by mortgage, bonds, debentures or other securities for the purpose of the acquisition by purchase, construction or otherwise of vessels, hotels, terminals and other properties required for use in connection with the undertakings of the Company. Provided that the total amount of bonds, debentures or other securities issued by the Company and at any time outstanding, including those heretofore issued, shall not at any time exceed twenty-five thousand dollars per mile of the Company's lines of railway constructed or under contract to be constructed.
- Waterpowers. **5.** The Company may, for the purposes of its undertakings, acquire by purchase, lease or otherwise and utilize water powers for the generation of electric and other power, and may dispose of surplus power, and the Company may acquire by purchase, lease or otherwise and may establish parks and pleasure resorts in connection with its railways and vessels.
- Parks, etc. **6.** The Company may aid settlers upon lands served by the Company's railways and may improve and utilize the Company's lands, and may acquire by purchase, lease or otherwise lands outside of Canada required for use in connection with the Company's undertakings.
- Aid to settlers. **7.** The Company may enter into an agreement with the Morden and North-Western Railway Company (which has been authorized in that behalf by chapter of the statutes of the province of Manitoba of 1902), for amalgamation with that company under the name of "The Canadian Northern Railway Company," or may purchase by agreement of sale from that company, on such terms as may be agreed on, its undertakings, rights, franchises, lines, assets and properties, real and personal.
- Lands. **8.** The agreement for amalgamation may prescribe the terms and conditions of the amalgamation, and may provide for the mode of carrying it into effect, the mode of converting the capital stock of each company into that of the amalgamated company, and such other and additional terms and conditions as may be necessary or convenient for perfecting the new organization and the management and working thereof.
- Agreement with Morden and North Western Railway Company. **9.** Any agreement made under section 7 of this Act shall be submitted to the shareholders of each of the companies parties thereto at an annual general meeting, or at a special general meeting of each company called for the purpose of considering such agreement, at each of which meetings shareholders representing at least two-thirds in value of the capital stock of the Company are present or represented by proxy; and if such agreement be accepted and approved by resolution passed by two-thirds of the votes of the shareholders so present or represented by proxy, it may be executed and delivered and an application may be made to the Governor in Council for an order approving thereof, and upon such order being made such
- Man., 1902, c. **10.**
- Terms of agreement. **11.**
- Agreement to be submitted to shareholders. **12.**

agreement shall be valid and binding according to its terms, and may be acted upon and carried out.

**10.** Unless an agreement made under section 7 of this Act has been approved by every shareholder in each company party thereto, the sanction of the Governor in Council shall not be signified until after notice of the proposed application for the said Order in Council has been published in the manner and for the time set forth in section 239 of *The Railway Act*.

Sanction of agreement.

**11.** Upon the agreement of amalgamation being accepted and approved and executed and delivered as aforesaid, and the said Order in Council being made, the Canadian Northern Railway Company, as amalgamated, shall possess and be vested with all the powers, franchises, privileges, assets, rights, credits, effects and properties, real, personal and mixed, of whatever kind and wheresoever situated, belonging to, possessed by or vested in the Morden and North Western Railway Company, or to which that company may be or become entitled.

Rights and powers of amalgamated company.

**12.** A duplicate of any agreement made under section 7 of this Act shall, within thirty days after its execution, be filed in the office of the Secretary of State of Canada, and notice thereof shall be given by the Canadian Northern Railway Company in *The Canada Gazette* and the production of *The Canada Gazette* containing such notice shall be prima facie evidence of the requirements of this Act having been complied with.

Agreement to be filed with Secretary of State.

**13.** Nothing in any agreement made under section 7 of this Act or done in pursuance thereof shall take away or prejudice any claim, demand, right, security, cause of action, complaint or contract which any person has against or with either of the companies parties to such agreement, nor shall it relieve such company from any claim, demand, right, security, cause of action or complaint or contract, or from the payment or performance of any existing debt, liability, obligation, contract or duty.

Existing rights not affected.

**14.** No pending or future claim, action or proceeding, by or against either of the said companies shall abate or be affected by such amalgamation, but for all the purposes of such claim, action or proceeding the amalgamated company may be substituted therein.

Future claims not affected.

No. 53.

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2nd Session, 9th Parliament, 2 Edward VII., 1902

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BILL.

An Act respecting the Canadian Northern  
Railway Company.

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First reading, March 17, 1902.

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(PRIVATE BILL.)

MR. DAVIS.

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OTTAWA  
Printed by S. E. Dawson  
Printer to the King's most Excellent Majesty  
1902

An Act to incorporate the Essex Terminal Railway  
Company.

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

Preamble.

**1.** John Allen Auld and Franklin Arthur Hough, both of the town of Amherstburg; Ernest Girardot, Ralph Loveland and John Gowie Watson, all of the town of Sandwich; and Sidney Arthur King, of the city of Windsor, all in the county of Essex, together with such persons as become shareholders in the company, are incorporated under the name of "The Essex Terminal Railway Company, hereinafter called "the Company."

Incorporation.

Corporate name.

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

Declaratory.

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

Provisional directors.

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

Capital stock.

**5.** The head office of the Company shall be in the town of Amherstburg, in the county of Essex.

Head office.

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

Annual meeting.

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

Election of directors.

**8.** The Company may lay out, construct and operate a railway, of the gauge of four feet eight and one-half inches, from a point in or near the town of Walkerville, through the townships of Sandwich East and Sandwich West, and the city of Windsor, to some point in or near the town of Sandwich, and through the town of Sandwich, the townships of Sandwich

Line of railway described.

West and Anderdon to a point in or near the town of Amherstburg.

Bond issue limited.

9. The Company may issue bonds, debentures or other securities to the extent of twenty thousand dollars per mile of the railway and branches, and such bonds, debentures or other securities may be issued only in proportion to the length of railway constructed or under contract to be constructed. 5

Agreements with other companies.

10. The Company may enter into an agreement with the Grand Trunk Railway Company of Canada, the Lake Erie and Detroit River Railway Company, the Canadian Pacific Railway Company, the Michigan Central Railway Company and the Flint and Pèrè Marquette Railway Company, for conveying or leasing to such companies, or any of them, the railway of the Company in whole or in part, or any rights or powers acquired under this Act, as also the franchises, surveys, plans, works, plant, material, machinery and other property to it belonging, or for an amalgamation with such companies, or any of them, on such terms and conditions as are agreed upon, and subject to such restrictions as to the directors seem fit; provided that such agreement has been first 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, and that such agreement has also received the sanction of the Governor in Council. 15 20 25

Approval of shareholders and Governor in Council.

Notice of application for sanction.

2. Such sanction shall not be signified until after notice of the proposed application therefor has been published in the manner and for the time set forth in section 239 of *The Railway Act*, and also for a like period in one newspaper in each of the 30 counties through which the railway of the Company runs, and in which a newspaper is published.

Agreement to be filed with Secretary of State.

3. A duplicate of the agreement referred to in subsection 1 of this section shall, within thirty days after its execution, be filed in the office of the Secretary of State of Canada, and notice thereof shall be given by the Company in *The Canada Gazette*, and the production of *The Canada Gazette* containing such notice shall be prima facie evidence of the requirements of this Act having been complied with. 35

Electricity.

11. The Company may manufacture or otherwise acquire and use electricity for motor or other purposes, and dispose of surplus electricity. 40

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

**W**HEREAS the Lake Erie and Detroit River Railway Preamble.  
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  
5 advice and consent of the Senate and House of Commons of  
Canada, enacts as follows:—

1. The agreement of amalgamation dated the twenty-third Agreement  
in schedule  
confirmed.  
day of May, one thousand nine hundred and one, made between  
the Lake Erie and Detroit River Railway Company and the  
10 Erie and Huron Railway Company, approved by order of the  
Governor in Council dated the twentieth day of June, one  
thousand nine hundred and one, which agreement is set forth  
in schedule A to this Act, and the amalgamation thereby  
made, are confirmed and declared to be valid and binding.
- 15 2. The time limited for the commencement and completion Time for  
construction  
extended.  
and putting in operation of the railway authorized by section  
1 of chapter 23 of the statutes of 1896 (First Session), are  
respectively extended for two years and five years from the 1900, c. 62;  
1896 (1st Sess.)  
c. 23.  
passing of this Act.

**SCHEDULE A.**

This indenture made the twenty-third day of May, A.D.  
1901, between the Lake Erie and Detroit River Railway  
Company, hereinafter called the "Lake Erie Company," of the  
first part, and the Erie and Huron Railway Company, herein-  
after called the "Erie and Huron Company," of the second  
part.

Whereas the parties hereto are companies under the legis-  
lative authority of the Parliament of Canada;

And whereas by an Act passed by the Parliament of  
Canada, being chapter 67 of the statutes of Canada for the  
year 1899, entitled: "An Act to authorize the amalgamation  
of the Erie and Huron Railway Company and the Lake Erie  
and Detroit River Railway Company," it is, among other  
things, enacted that the parties hereto may enter into an  
agreement for amalgamation with each other; that the name  
of the company constituted by such amalgamation shall be  
"The Lake Erie and Detroit River Railway Company;" that  
the capital stock of such company shall be the sum of the  
capital stocks of the two companies, divided into shares of

\$100.00 each, subject to the increase of capital stock under *The Railway Act*; and that the agreement for amalgamation may prescribe the other terms and conditions of the amalgamation and may provide for the mode of carrying the same into effect, the place of the head office, the number of the board of directors, the names of the first directors and their term of office, the manner of converting the capital stock of each company into that of the amalgamated company, and such other or additional details as may be necessary or convenient to perfect the new organization and the after management and working thereof;

And whereas by the said Act it is enacted that the said agreement shall be submitted to the shareholders of each company party thereto at an annual general meeting, or at a special general meeting called for the purpose of taking the same into consideration, at which meeting shareholders representing at least two-thirds in value of the stock are present or represented by proxy, and that the agreement which is accepted and approved by resolution passed by two-thirds of the votes of the shareholders present or represented by proxy at such meeting may be executed under the corporate seals of the said companies, and an application may be made to the Governor in Council for an order approving of the same;

And whereas the capital stock of the Lake Erie Company is the sum of \$1,250,000.00, being 12,500 shares of \$100.00 each; and the capital stock of the Erie and Huron Company is the sum of \$150,000.00, being 1,500 shares of \$100 each;

And whereas the said companies have agreed to amalgamate upon the terms of this agreement and of the said Act, and this agreement has been submitted to the shareholders of the Lake Erie Company at an annual general meeting thereof, and to the shareholders of the Erie and Huron Company at a special general meeting called for the purpose of taking the same into consideration, at which meetings, respectively, shareholders representing at least two-thirds in value of the stock were present or represented by proxy, and this agreement was duly accepted and approved by resolution passed by two-thirds of the votes of the shareholders present or represented by proxy at such meeting;

Now therefore this indenture witnesseth as follows,—

1. The Lake Erie Company and the Erie and Huron Company hereby agree to amalgamate, and do hereby amalgamate and form one company, upon the terms and conditions hereinafter set out.

2. The name of the amalgamated company shall be "The Lake Erie and Detroit River Railway Company."

3. The amount of the capital stock of the amalgamated company shall be \$1,400,000.00, divided into 14,000 shares of \$100.00 each.

4. The head office of the amalgamated company shall be at the town of Walkerville, province of Ontario.

5. The number of the board of directors shall be five, with power to increase the same from time to time by by-law to any number not exceeding ten. The first directors shall be S. A. King, William Robins, William Aikman, jr., Stephen A.

Griggs and Edward Radford, and they shall hold office until the first annual meeting of the company for the election of directors, or until their successors are appointed.

6. Each shareholder in the Lake Erie Company shall be entitled to receive, and there shall be issued to him by the amalgamated company, one share in the capital stock of the amalgamated company, issued as fully paid up and free from calls and other liability, for every one hundred dollars paid up upon the shares held by him in the capital of the Lake Erie Company.

7. Each shareholder in the Erie and Huron Company shall be entitled to receive, and there shall be issued to him by the amalgamated company, one share in the capital stock of the amalgamated company, issued as fully paid up and free from calls and other liability, for every one hundred dollars paid up upon the shares held by him in the capital of the Erie and Huron Company.

8. The by-laws, rules and regulations of the Lake Erie Company shall, as far as applicable, be the by-laws, rules and regulations of the amalgamated company until repealed, amended, altered or added to by by-laws, rules or regulations of the amalgamated company.

9. An application shall be made to the Governor General in Council for an order approving of this agreement, and upon such order being made this agreement shall take effect.

In witness whereof the parties hereto have caused their respective seals to be affixed hereto and this agreement to be countersigned by their proper officers in that behalf.

[Seal of the L. E. & D. R. Ry. Co.] WM. ROBINS,  
Vice-President.  
EDWARD RADFORD,  
Secretary.

[Seal of the E. & H. Ry. Co.] WM. ROBINS,  
EDWARD RADFORD,  
Secretary.

No. 55.

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2nd Session, 9th Parliament, 2 Edward VII., 1902

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BILL.

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

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First reading, March 18, 1902.

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(PRIVATE BILL.)

MR. SUTHERLAND, (Essex).

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OTTAWA  
Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

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No. 56.]

**BILL.**

[1902.

An Act respecting damage by fires caused by  
railways.

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

1. Whenever damage is caused to crops, lands, fences,  
5 plantations, or buildings and their contents, by fires started by a  
railway locomotive, the company making use of such locomotive  
shall, notwithstanding any provision in any general or special  
Act of the Parliament of Canada, be responsible for such  
damage, and may be sued for the recovery of the amount of  
10 such damage in any court of ordinary jurisdiction.

Liability of  
railway com-  
pany for fire  
caused by  
locomotive.

No. 56.

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2nd Session, 9th Parliament, 2 Edward VII., 1902

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BILL.

An Act respecting damage by fires caused  
by railways.

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First reading, March 18, 1902.

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MR. DEMERS  
(St. John and Iberville.)

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OTTAWA  
Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

An Act respecting the Ontario Power Company of  
Niagara Falls.

**W**HEREAS the Ontario Power Company of Niagara Falls  
has, by its petition, prayed that it be enacted as herein-  
after set forth, and it is expedient to grant the prayer of the  
said petition: Therefore His Majesty, by and with the advice  
5 and consent of the Senate and House of Commons of Canada,  
enacts as follows:—

Preamble.

1887, c. 120 ;  
1891, c. 126 ;  
1893, c. 89 ;  
1899, c. 105 ;  
1900, c. 113.

**1.** The directors of the Ontario Power Company of Niagara  
Falls, hereinafter called "the Company," may by by-law  
divide the capital stock of the Company into shares of one  
10 hundred dollars each, the present shares being fifty dollars  
each, and may, by such by-law, provide for the getting in and  
cancellation of existing stock certificates and issuing in lieu  
thereof new certificates to an equal amount in shares of one  
hundred dollars each, and may provide a mode of dealing  
15 with odd shares in cases where a shareholder holds a number  
of existing shares which cannot be evenly converted into one  
hundred dollar shares: Provided, that such by-law shall not  
take effect unless and until at a special general meeting of the  
shareholders of the Company, duly called for the purpose of  
20 considering it, such by-law has been sanctioned by a vote of  
shareholders, present or represented by proxy and holding not  
less than two-thirds of the shares represented at such meeting.

Capital stock.

Par value of  
shares may be  
changed by  
by-law.Approval of  
shareholders.

**2.** The directors may make regulations respecting the form  
of stock certificates and the transfer of stock in the capital of  
25 the Company.

Regulations  
respecting  
stock transfer.

**3.** The works referred to in sections 27 and 29 of the Com-  
pany's Act of incorporation, chapter 120 of the statutes of  
1887, shall be deemed to include all works authorized by the  
said Act and the amendments thereto, including lines, cables  
30 and other appliances for the transmission and supply to manu-  
facturers, corporations or persons of hydraulic, electric or other  
power generated at the works of the Company for use in  
manufacturing or any other business or purpose; and wherever  
in the said sections the canal or tunnel authorized to be con-  
35 structed by the Company is mentioned or referred to such  
mention or reference shall be deemed to include all the said  
works so authorized by the said Act and its amendments.

1887, c. 120.

Powers of  
Company  
under amend-  
ing Acts.

No. 57.

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2nd Session, 9th Parliament, 2 Edward VII., 1902

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BILL.

An Act respecting the Ontario Power  
Company of Niagara Falls.

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First reading, March 19, 1902.

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(PRIVATE BILL.)

MR. GERMAN.

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OTTAWA  
Printed by S. E. Dawson  
Printer to the King's most Excellent Majesty  
1902

An Act respecting the Ontario Power Company of  
Niagara Falls.

(Reprinted as proposed to be amended by the Select Standing Committee  
on Miscellaneous Private Bills.)

**W**HEREAS the Ontario Power Company of Niagara Falls Preamble.  
has, by its petition, prayed that it be enacted as herein-  
after set forth, and it is expedient to grant the prayer of the  
said petition: Therefore His Majesty, by and with the advice  
5 and consent of the Senate and House of Commons of Canada,  
declares and enacts as follows:—  
1887, c. 120 ;  
1891, c. 126 ;  
1893, c. 89 ;  
1899, c. 105 ;  
1900, c. 113.

**1.** The directors of the Ontario Power Company of Niagara Falls, hereinafter called "the Company," may, by by-law,  
10 divide the capital stock of the Company into shares of one  
hundred dollars each, the present shares being fifty dollars  
each, and may, by such by-law, provide for the getting in and  
cancellation of existing stock certificates and issuing in lieu  
thereof new certificates to an equal amount in shares of one  
15 hundred dollars each, and may provide a mode of dealing  
with odd shares in cases where a shareholder holds a number  
of existing shares which cannot be evenly converted into one  
hundred dollar shares: Provided, that such by-law shall not  
take effect unless and until at a special general meeting of the  
shareholders of the Company, duly called for the purpose of  
20 considering it, such by-law has been sanctioned by a vote of  
shareholders, present or represented by proxy and holding not  
less than two-thirds of the shares represented at such meeting.  
Capital stock.  
Par value of  
shares may be  
changed by  
by-law.  
Approval of  
shareholders.

**2.** The directors may make regulations respecting the form  
of stock certificates and the transfer of stock in the capital of  
25 the Company.  
Regulations  
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**3.** The works referred to in sections 27 and 29 of the Com-  
pany's Act of incorporation, chapter 120 of the statutes of  
1887, shall be deemed to include all works authorized by the  
said Act and the amendments thereto, including lines, cables  
30 and other appliances for the transmission and supply to manu-  
facturers, corporations or persons of hydraulic, electric or other  
power generated at the works of the Company for use in  
manufacturing or any other business or purpose; and wherever  
in the said sections the canal or tunnel authorized to be con-  
35 structed by the Company is mentioned or referred to such  
mention or reference shall be deemed to include all the said  
works so authorized by the said Act and its amendments.  
1887, c. 120.  
Powers of  
Company  
under amend-  
ing Acts.

Declaratory. 4. The said works are declared to be for the general advantage of Canada.

Agreements  
in schedule  
confirmed.

5. The agreements set forth in the schedules to this Act are ratified and declared to be valid and binding upon the Ontario Power Company of Niagara Falls, and the Company may carry out and give full effect to the several provisions of the said agreements to the full extent contemplated by the said several provisions of the said agreements as therein set forth. 5

#### SCHEDULE A.

THIS AGREEMENT made this eleventh day of April, 1900, between the Commissioners of the Queen Victoria Niagara Falls Park, acting herein on their own behalf and with the approval of the Government of the Province of Ontario, and hereinafter called the "Commissioners," of the first part, and, The Ontario Power Company of Niagara Falls incorporated by the Parliament of Canada under and by virtue of Act 1887, 50-51 Victoria, Chapter 120; Act 1891, 54-55 Victoria, Chapter 126; Act 1893, 56 Victoria, Chapter 89; Act 1899, 62-63 Victoria, Chapter 105, hereinafter called "the Company," of the second part.

And whereas the Company are desirous to exercise the powers, which by and under the hereinbefore recited Acts of the Parliament of Canada or either of them have been conferred upon the Company.

And whereas for convenience and to prevent ambiguity, it is agreed and understood by and between the said parties hereto, and is hereby declared as follows, that is to say:

- (a.) The expression "the park," whenever it occurs herein, shall be understood to mean the Park proper, namely the Queen Victoria Niagara Falls Park south of its original boundary in front of the Clifton House and running easterly to Niagara River.
- (b.) The expression "the Commissioners," wherever it occurs herein, shall be understood to mean not only the Commissioners of the Queen Victoria Niagara Falls Park, as representing the Government of the province of Ontario in the premises named as parties hereto of the first part, but also their successors and assigns and those who for the time being may be the Commissioners of the Queen Victoria Niagara Falls Park, or other representatives of the government of Ontario in the premises.
- (c.) The expression "the Company," whenever it occurs herein shall be understood to mean The Ontario Power Company of Niagara Falls and its successors and assigns as incorporated and described in and by the several Acts of the Parliament of Canada, hereinbefore mentioned.

And whereas in and by the said in part recited Acts of the Parliament of Canada, the Company is empowered to construct, equip, maintain and operate a canal and hydraulic tunnel from such point in the Welland river at or near its conjunction with the Niagara river, to a point or points on the

west bank of the Niagara river, about or south of the Whirlpool (and from a point or points in the Niagara river at or immediately south of the head of the rapids near the Welland river, to a point or points on the west bank of the Niagara river about or south of Clark hill), with all such works, dams, and wing dams, docks, conduits, accessories and buildings as may be necessary to give full effect to the intent of the aforesaid Act of Canada 1887, 50-51 Victoria, Chap. 120, and whereby it is provided that none of the works authorized by the said Act, or the amendment thereof, shall be commenced until the plans thereof have been submitted to the Minister of Railways and Canals, and his sanction thereto has been obtained.

And whereas by the said in part recited Acts it is further provided "none of the works authorized by the said Chapter 120 of the Statutes of 1887 or by any other Act relating to the Company or by this Act shall be constructed within the limits of the Queen Victoria Niagara Falls Park; and none of the powers given by such Acts, or either of them, shall be exercised within the limits of the said Park, except with the consent of the Lieutenant-Governor of Ontario in Council, and of the Commissioners of the said Park."

And whereas by the said in part recited Acts; section 7 plans and surveys, and section 8 lands and their valuation, with other sections of *The Railway Act*—R.S.C. c. 109, in the said in part recited Acts mentioned are made applicable to the works by the said in part recited Acts authorized to be constructed or operated.

And whereas by section 27 of the first of the said in part recited Acts it is enacted:

"The Company may take and make the surveys and levels of the land upon, through, or under which, the said works are to pass or be operated, together with the map or plan thereof, and of the course and direction of the said canal or tunnel, and of the other works, and of the lands intended to be passed through or under so far as then ascertained, and also the book of reference for the works, and deposit the same as required by *The Railway Act* with respect to plans and surveys, by sections or portions less than the whole length of the said canal or tunnel authorized, and of such length as the Company, from time to time, see fit; and upon such deposit as aforesaid, of the map or plan and book of reference, of any and each of such sections or portions of the said canal, all and every of the clauses of *The Railway Act* applied to, included in, or incorporated with this Act, shall apply and extend to any and each of such sections or portions of the said canal or other work authorized, as fully and effectually as if the said surveys and levels had been taken and made of the lands through, or under which the whole of the said canal and tunnel is to pass, together with the map or plan of the whole thereof, and of their whole course and direction, and of the lands intended to be passed through or under and taken or affected, and as if the book of reference for the whole of the said canal and tunnel had been taken, made, examined, certified, and deposited according to the said clauses of *The Railway Act* with respect to plans and surveys."

And whereas the Company pending submission to the Minister of Railways and Canals of the plans and surveys of the works authorized by the said in part recited Acts for his sanction, have submitted to the Commissioners a plan or map of such part of the Park intended to be taken, and upon, through, or under which, the said works are intended to pass or be operated, and have proposed to the Commissioners terms and conditions for their consent thereto whereby the powers of the Company may be exercised within the limits of the Park and the Commissioners subject to the sanction of the Minister of Railways and Canals duly obtained, and other compliances with the terms of the Acts as hereinbefore recited, being duly observed and performed; and subject always to the consent thereto of the Lieutenant-Governor of Ontario in Council in respect of such proposals, have agreed,

As these presents witness:—

1. Should the Minister of Railways and Canals, upon the submission to him of the plans of the works proposed for his sanction as hereinbefore recited, require such plans to be varied or altered in any manner which the Commissioners may deem material, then such variations or alterations will be subject to the assent or dissent of the Commissioners, and in giving assent the same may be on such conditions as may be agreed on by an agreement supplementary hereto.

2. That the plans and surveys to be submitted to the Minister of Railways and Canals above mentioned, for his sanction, shall be not only of the works of the Company within the limits of the Park, but of the course and direction of the canal to lead the waters from the Welland River, at and from some point between Chippawa and Montrose, whereby said waters may be discharged into the Niagara River.

Provided that after such sanction as aforesaid shall have been obtained, it shall not be open to the Commissioners to object that the capacity and width of the canal as may be at first defined, outside the Park or for discharge into the Niagara River, and submitted for sanction as aforesaid, may not from time to time be widened under the sanction of the Minister of Railways and Canals, with the view of increasing the supply or discharge of water by the Company—but within the Park shall not be widened beyond the limits defined in a certain plan hereinafter mentioned.

And whereas the Commissioners have consented to the construction of works and the exercise of powers by the Company within the Park, subject to the provisions and reservations as hereinbefore recited, for the considerations and upon the conditions hereinbefore and hereinafter expressed and contained or intended so to be.

Now therefore this agreement further witnesseth, and it is hereby agreed by the parties to these presents as follows, that is to say:—

3. The Commissioners hereby irrevocably license the Company, subject to the provisions and considerations herein more specifically set forth and save as hereinafter limited to construct and operate within the Park the works necessary for the purposes of the Company, and which may be particularly described as follows:—

(a.) To excavate an open channel or head race through the high bank forming the western boundary of the Park for the

purposes of conducting the water from the Welland River to the site of the Company's works.

(b.) To construct a forebay or reservoir immediately in the line of the head race and adjoining the high bank with all necessary dams, revetment walls, penstocks, gates and all appliances for containing and regulating the flow of water.

(c.) To erect a power house for the machinery needed to utilize the head of water available at this point, and in which to generate the electric or pneumatic power required, said power house to be located within the limits as shewn on the map hereto attached.

(d.) To make an open tail race from the power house to the Niagara river.

(e.) To construct such other works as may be necessary for making the power plant complete in all its details.

THE WORKS ABOVE DESCRIBED MAY BE KNOWN AND DISTINGUISHED AS THE FIRST DEVELOPMENT.

4. All the works to be done and executed by the Company in order to carry out the work of this first development, and the manner in which the same may from time to time be proposed to be performed or varied, shall before being commenced be submitted by the Company to the Commissioners accompanied by suitable plans, profiles, specifications, and elevations as the case may require, and the scenic features thereof shall be approved by the Commissioners in writing. This approval shall in no wise relieve the Company from responsibility for the stability and effectiveness of its works, but it is intended to secure as far as possible a degree of harmony in outline and treatment compatible with the location and with the works in a public park. The works to which such approval may be given are the following :—

(a.) The slopes of the cuttings and embankments for the canal and forebay, together with the precautions taken to prevent overflow or flooding Park territory.

(b.) The power house and means of access thereto.

(c.) The tail race for spent water, with bridges to carry the park driveways and the Niagara Falls Park and River Railway tracks over the same.

(d.) The depositing of excavated and surface material within the Park area.

5. Before commencing its work in the Park, the Company shall remove all good surface soil from the area to be disturbed, and deposit the same in heaps at convenient points as the Commissioners may direct, to be used as a top dressing for embankments and slopes, as all other materials which may be taken from the excavations of the Company and authorized to be deposited within the Park.

6. Material other than the good top soil above referred to, which may be excavated from the works of the Company in the Park shall be used for filling out into the Niagara River to a line shown on the map or plan "A" attached hereto and marked "line to which excavated material shall be deposited," and extending from the Suspension Bridge leading to Dufferin Islands northwards as far as the outlet of the tail race of the Company. Before depositing this material the Company shall

first construct a substantial and efficient crib work facing, of the same general character and dimensions as that built by the park over a part of this distance, in order to protect the filling from being eroded by the action of the river, the heights, lines, slopes and levels of this filling to be defined by the Commissioners.

7. Any excess of waste or refuse materials taken from the excavations of the head race, forebay, tail race and power house not required to complete the filling into the river above mentioned, may be used in raising the levels of the grounds to the south of the tail race to such an extent of ground and to such levels and slopes as the Commissioners may determine—all such filling shall be brought to its proper grade and covered over with the good surface soil previously stripped off as described, and finished ready for seeding down or planting. Should there be any materials in excess of what is needed for the embankments of the forebay or for the above mentioned purposes it shall be taken away by the Company and deposited outside the Park.

8. For the purposes of construction and to remove or receive supplies of materials and machinery, the Company may build, subject to the approval of the Commissioners, tramways and such other appliances and structures as may be necessary for the prosecution of the work; but these appliances are to incommode to the least possible extent the ordinary travel in the Park, and shall be removed as soon as the works for which they are required are completed.

9. The Company shall provide and construct two drive-way bridges across the tail-race, at such points as the Commissioners shall determine; such bridges to be of steel, of appropriate design, not less than twenty feet width of roadway, and with five feet pathways on each of the two sides.

During construction of works, temporary wooden bridges to carry the drive-way traffic, of substantial construction are to be provided and maintained by the Company where directed by the Commissioners.

10. The sides of the tail race shall be constructed in a permanent manner, and so as to secure the banks against erosion. Above high water level, the slopes shall be sodded and protected by a substantial iron railing to the approval of the Commissioners.

11. The Company undertake before commencing any works or excavation or construction within the Park limits to have actually expended upon the works of the canal or head race from the Welland River outside the Park bounds, not less than fifty thousand dollars exclusive of cost of land and work heretofore done.

Provided that should the Company before expending the said fifty thousand dollars upon their works outside the Park, desire to commence work upon that portion of their works within the limits of the Park marked "Forebay," "embankment," and "open head race from Welland River" on the plan A hereto annexed they shall be at liberty to do so upon depositing with the Commissioners the sum of fifty thousand dollars in cash as security that the Company will, after commencing such work, duly carry on the same up to and beyond the Park limit, until the work done outside the Park amounts

to not less than fifty thousand dollars and to be expended within two years from the time of the commencement of the work by the Company within the Park.

The said fifty thousand dollars to be deposited by the Commissioners in a chartered bank at such interest as the bank may allow; and as the work outside the Park progresses, the said sum is to be returned to the Company in amounts equal to the value of the work actually done from time to time outside the Park on fortnightly certificates of an engineer approved of by the Commissioners showing the value of such actual work from time to time. But if, after commencing the said work within the Park, the Company makes default for the period of two years from the time of such commencement in duly carrying on the said work within the Park as above particularly described and shall extend the same without the Park so that the work actually done outside the Park within such period of two years amounts to fifty thousand dollars, then at the end of the said period of two years, the said fifty thousand dollars deposited with the Commissioners, or so much thereof as may not have been paid over on said certificates shall be forfeited.

12. The works in the Park, when begun, shall be prosecuted vigorously, and brought to as complete state with as little delay as possible, and the Company undertake to complete all the filling up, grading, levelling, sodding and other works affecting the surface of the park as hereinbefore provided, and to have removed all tramways and other constructions, materials or appliances used in carrying out the operations of the Company in its first development within the time provided for the completion of the works themselves.

#### SECOND DEVELOPMENT.

13. The Company shall further have the right at any time upon notification to such effect to the Commissioners in writing, to construct works for conducting the water to be brought as hereinbefore described to the first development, by means of an open canal or head race excavated in the Park, from the power house aforesaid to a point distant one hundred feet south of the southerly line of the table rock house, and the location of which open canal as indicated on said plan marked "A" the Commissioners hereby approve, thence by an underground channel or covered forebay northwards as far as the Dufferin Café, and by means of penstocks from this underground channel or covered forebay to conduct the waters aforesaid to a second power house situate in the gorge below the falls, and north of the present hydraulic elevator, the whole as shown in yellow lines upon the map attached marked "A."

14. The plans of the Company shall provide for construction of works of a substantial and permanent character. The said canal shall not be greater in width at the water surface than is indicated on said plan. The works below high water level shall be built in a substantial manner, the side slopes above high water level to be neatly graded and sodded, and the whole to be of such construction as to prevent leakage that will in any way cause damage. Two steel driveway bridges

on stone abutments are to be provided by the Company to carry the Park travel over the canal at points to be defined by the Commissioners.

15. Should it be found necessary to provide means for passing floating ice from the open canal, the Company may construct an ice run as shown on plan—the sides to be walled in masonry and bridges to be provided to carry the driveway and railway traffic in the manner and under the authority stipulated for the works of the tail race of the first development.

16. All the materials to be excavated in the construction of this open canal may have to be removed from the Park and deposited without its bounds, unless the Commissioners find that a greater or lesser quantity may be used in the Park at points convenient to the work, in which case the Company shall deposit, grade and slope the same in the manner provided for the material taken from the works of the first development.

17. The underground channel or covered forebay shall be so constructed as to permanently sustain a dead load of one and a half feet of surface soil and a moving load of fifty pounds to the square foot in addition.

18. The underground channel or covered forebay, and the penstocks or flumes are all to be made as nearly as possible water-tight. Stone walls or other objectionable features shall not be exposed to view above the finished surface of the Park.

19. The power house in the gorge to be compact and designed with special reference to its position. Its architectural features, colouring and otherwise, shall be to the approval of the Commissioners, and the method of disposing of tail water overflow, ice runs, the changing of the talus and the erection of a service elevator, &c., shall also be to their approval.

20. All materials required in the construction or equipment of this power-house penstocks or flumes, &c., shall be brought on the ground and put in place in such a way as to interfere with or obstruct to the least possible extent the Park driveway leading to table rock.

Steam power for drilling, excavating or hauling materials or drawing machinery required in construction of the covered forebay or penstocks shall be used in the Park as little as possible, preference being given to compressed air or electricity.

21. The Company shall carry on all the works of the second development with such expedition that the excavations and constructions which may be upon the upper level shall be completed within two years from the time of commencement, and the works in the lower level within three years, but this shall not prohibit the Company from constructing the covered forebay in three sections and lower power house with penstock connections in several sections, with like limits as to time in each case, should it be found desirable so to do, nor from deepening the canal at any time. Excavated or refuse material taken out of the talus slope in building the power house for the second development may be distributed at some point or points below the cliff, as the Commissioners may from time to time point out, but shall not be required to be covered with good soil.

22. The Company shall further have the right at any time, upon notification of the Commissioners in writing to such effect, to extend the power-house and forebay of their first development and to widen out the tail race to the Niagara River, as is indicated in dotted yellow lines on the map hereto attached marked "A." Said work of extension shall be undertaken and completed and the Park grounds left in a finished condition within the space of two years after such notification to the Commissioners.

23. All the material and machinery required in construction and equipment shall be brought on the ground in such a manner as to incommode to the least possible extent the ordinary traffic of the Park.

24. The character of the work in the extension shall correspond in all respects to those of the first development. None of the materials which may require to be excavated or removed in the execution of this extension may be deposited within the Park, but the whole, together with all debris and unused building materials brought on the ground, must be taken away and deposited without the Park bounds, unless permission is granted by the Commissioners to deposit such materials within the Park.

And this agreement further witnesseth :

25. The Commissioners, subject to the sanction of the Minister of Railways and Canals to the plans and the consent of the Lieutenant-Governor of Ontario to this agreement as hereinbefore set forth, hereby signify their consent to the location of the said works within the Park and adjacent thereto, as outlined and shown in pink upon the map or plan and in other coloured lines and explanations thereon noted and attached hereto ; such map or plan being marked "A," and submitted by the Company to the Commissioners, as hereinbefore stated, and is a duplicate of so much of the map or plan of the lands intended to be taken, passed through or over within the Park, to be submitted to the Minister of Railways and Canals for his sanction. The said map or plan marked "A" is identified by the seals and signatures of the parties hereto : Provided always that the provisions of the statutes applicable to the Company with respect to crossing the line of the Niagara Falls Park and River Railway Company, as in all other matters in the said statutes contained shall be duly complied with by the Company.

26. The license hereby granted is for the term of fifty years, commencing with the first day of April, nineteen hundred, the Company paying therefor a clear yearly rental of fifteen thousand dollars, payable half yearly on the first days of October and April in each year, and in addition thereto payment at the rate of the sum of one dollar per annum for each electrical horse-power generated and used and sold or disposed of over ten thousand electrical horse-power up to twenty thousand electrical horse-power, and the further payment of the sum of seventy-five cents for each electrical horse-power generated and used and sold or disposed of over twenty thousand electrical horse-power up to thirty thousand electrical horse-power, and the further payment of the sum of fifty cents for each electrical horse power generated and used and sold or disposed of over thirty thousand

and electrical horse-power ; that is to say, by way of example, that on generation and use and sale or disposal of thirty thousand electrical horse-power the gross rental shall be thirty-two thousand five hundred dollars per annum, payable half-yearly, and so on in case of further development as above provided, and that such rates shall apply to power supplied or used either in Canada or the United States. Such additional rentals as shall be payable for such generation and sale, or other disposition as aforesaid, to the Commissioners shall be payable half yearly at the rate above specified on the first days of October and April in each year, for all the power sold in the said several half-yearly periods from the day of sale ; and within ten days after the said first days of October and April in each year on which such additional rentals shall be payable respectively, the treasurer, or if no treasurer the head officer of the Company, shall deliver to the Commissioners a verified statement of the electrical horse-power generated and used and sold or disposed of during the preceding half year, and the books of the Company shall be open to inspection and examination by the Commissioners, or their agent, for the purpose of verifying or testing the correctness of such statement ; and if any question or dispute arises in respect to such return, or if any statement delivered at any time by the Company to the Commissioners of the quantity or amount of the electrical horse-power generated and used and sold or disposed of, or of the amount payable for such additional rentals, the High Court of Justice of Ontario shall have jurisdiction to hear and determine the same and to enforce the giving of the information required. The Company has paid, contemporaneously with the signing of this agreement, the sum of thirty thousand dollars, being the first two years rental in advance (being up to thirty-first March, one thousand nine hundred and two).

Provided always that if any part of the said rent, whether payable under this paragraph, or in respect of the renewal term or terms in the following paragraph, shall be in arrear for three months whether legally demanded or not, the Commissioners, or if not then an existing corporation, the Government of the Province of Ontario, may re-enter on the premises, or any part thereof in the name of the whole and thereupon this agreement shall determine, and the remainder of the term then current shall terminate as well as any renewal or renewals thereof which under this agreement may be claimed.

27. If at the end of the said period of fifty years the Company desire to renew for a further period of twenty years, and shall give notice in writing to the Commissioners at least twelve months before the expiration of the fifty years period, they shall be entitled to and shall receive a further lease of such rights for the period of twenty years more at the same rental as above provided, unless the Lieutenant Governor in Council shall desire a readjustment of said rent as below provided, and similarly the Company shall be entitled at their option to two further renewals of twenty years each at same rental, subject to the same qualifications, the object and intention of this stipulation being to confer upon the Company the right to an original term of fifty years at the rentals hereinbefore specified, and to three further terms of periods of twenty years each at said rentals, making one hundred and ten years

in all, and the Company shall then give up, or at the expiration of the first term of fifty years, or any subsequent term of twenty years, if unrenewed in accordance with this agreement the works, premises, rights and privileges by this agreement created without any claim for compensation with liberty to the Company to remove their machinery. In case the Company desire to terminate the lease, they may do so during the first period of fifty years upon three months' notice in writing to the Commissioners, or in case the Commissioners are not then an existing corporation, the Government of the Province of Ontario, payment of rent up to the time of the termination of such notice being made upon the giving of such notice. At the end of said period of fifty years the same rental as are hereby reserved shall continue to be paid by the said Company unless the Lieutenant Governor in Council shall desire a readjustment of the said rent, in which case the rentals for a further period of twenty years shall be readjusted by agreement, and in the absence or failure of agreement by the parties hereto, then the rentals for such further term shall be ascertained by three arbitrators or a majority of them, one of whom shall be named and appointed by the Commissioners, another by the Company, and the third by the Chief Justice or senior presiding Judge of the Provincial Court of Ultimate Appellate Jurisdiction for Ontario. The proceedings of and before such arbitrators shall be subject to the provisions of the law relating to "References by consent out of Court," contained in the Revised Statute of Ontario, 1897, chapter 62, respecting Arbitrations and References; and either party to such arbitration may appeal in accordance with the provisions of the said Revised Statute. The Lieutenant Governor in Council may, in the like manner for the two further periods of twenty years each require a readjustment of said rentals. In which case the same shall be determined as aforesaid, and at the expiration of such two periods of twenty years each the term so limited by these presents shall determine and end in accordance with all provisions above contained, whereby the Company shall then give up the works, premises, rights and privileges by this agreement granted or created without any claim for compensation, but with liberty to the Company to remove their machinery. And it is hereby further agreed that at any time not less than three years before the period at which such third renewal of twenty years shall terminate the Lieutenant Governor in Council, and notice thereof to the Company given, may require the Company to continue its operations for a further period of twenty years, to commence from the termination of such third renewal, at the same rental as shall have been paid during the said third renewal period of twenty years or at a readjustment of said last mentioned rentals for such further period of twenty years by agreement, and in the absence or failure of agreement by the parties hereto, then the rentals for such further term of twenty years shall be ascertained by arbitration in manner and form and according to the provisions of arbitration hereinbefore contained. and in the event of such option being so exercised, the terms and provisions of these presents shall extend and bind the parties hereto until the said period of twenty years shall have elapsed and expired, but the exercise of such option requiring such further renewal

by the Lieutenant Governor in Council shall not change, alter or affect the above provisions in respect of the termination of the liberties, licenses, powers and authorities, and so declared applicable at the termination of the said last mentioned or fourth renewal.

28. The Commissioners will not themselves engage in making use of the water to generate electric, pneumatic or other power except for the purposes of the Park, provided that in case the said Commissioners shall have granted or at any time may have granted to any other person or corporation license to use the waters of the said Niagara or Welland rivers, and by reason of failure of such person or corporation to carry on the works so licensed the said Commissioners find it necessary to forfeit said license, and take over said works, this clause shall not prohibit said Commissioners from operating such works for the generation and transmission, sale or lease of electricity or power.

29. The Commissioners shall not be responsible for any damages to person or property caused by the Company in the construction or operation of its works, and the Company shall hold the Commissioners safe and harmless from liability for all damages so caused.

30. For the transmission of electricity or pneumatic power to points beyond the Park in Canada or the United States, the Company shall have the right to convey the same by wires, cables, pipes or other appliances in conduits, beneath the surface of the Park at such depth and in such locations as the Commissioners may from time to time determine, including the right to cross the so-called chain reserve so far as the same is within the jurisdiction of the Commissioners at any point or points approved of by the Commissioners between Fort Erie Niagara-on-the-Lake, but subject to any rights which the Commissioners may have created or licensed or which may be created, without prejudice however to the exercise by the Company of any of its rights and powers.

31. The Company undertake to begin the works hereby authorized within two years from the date of this agreement and to have proceeded so far with the said works on or before April first, one thousand nine hundred and six that they will have completed within the Park water connections (that is to say: head-race, forebay, penstocks and tail race) for the development of twenty-five thousand horse power and have actually ready for use, supply and transmission ten thousand developed electrical or pneumatic horse power by said last mentioned day, and if not then completed the Lieutenant Governor in Council may declare this agreement, the liberties, licenses, powers and authorities so granted and every of them to be forfeited and void, and thenceforth after such declaration the same shall cease and determine and be utterly void and of no effect whatever.

Provided always that unless the Company has on or before the tenth day of July, A.D. one thousand nine hundred and two, completed works capable of delivering at least fifteen thousand horse power, or unless the time for the completion of such works limited by section 2 of chapter 105 Dominion Statutes of 1899, is duly extended by the Parliament of Canada the Lieutenant Governor in Council

may on and after the tenth day of July, A.D. 1902, declare this agreement and the liberties, licenses, powers and authorities hereby granted, and every of them, to be forfeited and void, and thenceforth after such declaration the same shall cease and determine and be utterly void and of no effect whatever.

Provided always that no extension of time by the Parliament of Canada shall extend or affect the time for completion under this agreement beyond the first day of April, 1906.

32. So long as this agreement is in force the Commissioners undertake and agree that the amount of rentals which may be fixed and charged for the right to use the waters of the Niagara or Welland rivers within the Park for the purpose of generating electricity by any other Company or person shall not be at less rentals than is provided and reserved by these presents, and further, that any such company shall be subject to the like restrictions as in paragraph 33 of this agreement. Provided, however, that notwithstanding anything in this paragraph contained the rentals so to be fixed and charged against any other company or person may be reduced below the rentals provided and reserved by these presents so far only as such reduction may fairly and reasonably be allowed in respect of the increased cost of the construction of the canal within the Park, or of the canal and tail race or tunnel within the Park, by reason of its greater length or other ground of expense in its or their construction, whether required for supply or waste, through the Park to the point of discharge into the Niagara river in excess of the distance between the power house of the Canadian Niagara Power Company and the point of discharge into the Niagara river, such reduction not to be of an amount sufficient to give any undue advantage as against the parties of the second part except by reason of such increased cost of canal or tail race (or tunnel) or both, as the case may be.

33. The Company whenever required shall, from the electricity or pneumatic power generated under this agreement, supply the same in Canada to the extent of any quantity not less than one-half the quantity generated, at prices not to exceed the prices charged to cities, towns and consumers in the United States at similar distances from the Falls of Niagara for equal amounts of power and for similar uses, and shall, whenever required by the Lieutenant Governor in Council, make a return of prices charged for such electricity or power, verified under oath by any chief officer of the Company and if any question or dispute arises involving the non-supply or prices of electricity or power for consumption in Canada, the High Court of Justice of Ontario shall have jurisdiction to hear and determine the same and enforce the facilities to be given or the prices to be charged.

34. All power developed within the limits of the Park under this agreement shall be in a form capable of transmission and use outside the park, and shall not be used within the park except such uses as may be convenient or necessary within the buildings of the Company for the purposes of its power development, and except such cases as may be hereafter agreed upon for railway, pumping, elevator, or other purposes within the Park. The Company may agree with the Niagara Falls Park and River Railway Company for the supply of

electricity, pneumatic or other power to work the said railway, and with the town of Niagara Falls, Ontario, and the town of Niagara Falls South, Ontario, for the supply of power for their pumping station or stations within the Park, and may also supply electricity for any other persons within the Park.

35. If the Company should at any time or times after the completion of its plant and power house, or the first of April, 1906, whichever shall first happen, continuously neglect for the space of one year effectually to generate electricity or pneumatic power as hereby agreed by the Company, unless hindered by unavoidable accident, the Lieutenant Governor in Council may then and from thenceforth declare this agreement, the liberties, licenses, powers and authorities thereby granted and every of them to be forfeited, and thenceforth the same shall cease and determine and be utterly void and of no effect whatever.

36. The rents hereby agreed to be paid are hereby declared to be the first and preferential charge upon the said works, and the Company shall not have power to create any lien, charge or incumbrance upon the said works or any of them by bond, debenture, mortgage or otherwise which would interfere with or prevent the Commissioners from procuring payment of the rent hereby reserved or any part thereof; and no simple contract creditor or other creditor of the Company shall have any claim against the said works or any part thereof in priority of the Commissioners for rent.

37. The said Company shall not amalgamate with any other corporation or company heretofore or hereafter incorporated by or under the laws of the Dominion of Canada or by or under authority of the Province of Ontario, or which shall be hereafter licensed by the said Commissioners to take and use the waters of the Niagara or Welland rivers or both for the purpose of generation and transmission of electricity without the consent of the Lieutenant Governor in Council to such amalgamation, nor shall they enter into any arrangement or agreement for that purpose with any such company which may directly or indirectly have that effect, or which may or shall have the effect of keeping up the price or prices of said power, nor shall they enter into an agreement with any such company for pooling the receipts of the said Company, or of any part thereof, with those of any other company, nor which shall provide for or have the effect of establishing a common charge or schedule of charges for the use of said power or any part thereof.

38. This agreement shall have no force or effect until approved by the Lieutenant Governor in Council.

In witness whereof the Board of Commissioners, acting by and through their Chairman, duly authorized for all purposes hereof, by resolution of the Board, duly passed on the 11th day of April, 1900, has affixed its corporate seal and has signed, sealed and executed the present agreement.

And the Company, acting by and through its President and Secretary, duly authorized for all purposes hereof, by resolution of the Board of Directors of the said Company, duly passed on the ninth day of April, 1900, has hereunto affixed its corporate seal under the hand of the President and Secretary.

[SEAL] THE COMMISSIONERS OF THE QUEEN  
VICTORIA NIAGARA FALLS PARK.

J. W. LANGMUIR,  
*Chairman.*

[SEAL] THE ONTARIO POWER COMPANY OF  
NIAGARA FALLS.

JOHN J. ALBRIGHT,  
*President.*  
ROBERT C. BOARD,  
*Secretary.*

The Corporate Seal of each of the Corporations affixed, and the above signatures made, and delivery of this Instrument being duly made by the said signatories on behalf of their respective Corporations in my presence.

JAMES WILSON.

Received from the Ontario Power Company of Niagara Falls the sum of thirty thousand dollars (\$30,000), being the first two years' rental in advance under the above agreement.

J. W. LANGMUIR,  
*Chairman.*

BY HIS HONOUR

The Honourable Sir OLIVER MOWAT, G.C.M.G., Member of the Queen's Privy Council for Canada, and Lieutenant Governor of the Province of Ontario.

Members of the Council present :

The Honourable Mr. Ross, in the Chair.

“ GIBSON,  
“ HARCOURT,  
“ DRYDEN,  
“ DAVIS,  
“ STRATTON,  
“ LATCHFORD.

## ON MATTERS OF STATE.

Upon the recommendation of the Honourable the Attorney General, His Honour the Lieutenant Governor, by and with the advice of the Executive Council of Ontario, has been pleased to approve, and does hereby approve of a certain Agreement bearing date the 11th day of April, 1900, made between the Commissioners of the Queen Victoria Niagara Falls Park, of the first part, and the Ontario Power Company, of Niagara Falls, of the second part, respecting the construction of works and exercise of powers within the Queen Victoria Niagara Falls Park.

G. W. ROSS,  
*Chairman.*

12th April, 1900.

J. LONSDALE CAPREOL,  
Asst. C.E.C.

Approved and Ordered 13th April, 1900.  
O. MOWAT.

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 SCHEDULE B.

This agreement made this fifteenth day of August, in the year of Our Lord, one thousand nine hundred and one, between the Commissioners of the Queen Victoria Niagara Falls Park, acting herein on their own behalf and with the approval of the Government of the Province of Ontario, and hereinafter called the "Commissioners," of the first part, and the Ontario Power Company of Niagara Falls, incorporated by the Parliament of Canada under and by virtue of Act 1888, 50-51 Victoria, Chapter 120; Act 1891, 54-55 Victoria, Chapter 126; Act 1893, 56 Victoria, Chapter 89, and Act 1899, 62-63 Victoria, Chapter 105, hereinafter called the "Company" of the second part.

Whereas the parties hereto made an agreement dated the 11th day of April, one thousand nine hundred, respecting the development of power within the Queen Victoria Niagara Falls Park;

And whereas the Company desires certain changes in respect to the order in which the several works referred to in said agreement of eleventh April, one thousand nine hundred, were to be carried out, and also desires certain changes in the design of some of the works therein described and as outlined or indicated on the plan marked "A" thereto attached, which said changes are outlined and indicated on the plan hereto annexed marked "B," being the plan of works intended to be submitted to the Minister of Railways and Canals for his approval and consent, no plan of the works intended under plan marked "A" having been so submitted.

Now therefore this agreement witnesseth, and it is agreed by and between the parties hereto as follows, that is to say:—

1. This agreement shall be taken as supplementary to the said agreement of eleventh April, one thousand nine hundred. Save when inconsistent with this agreement, all the terms of

the said last mentioned agreement are to remain in full force and the rights and liabilities of the parties respectively are to be according to said agreement, but in so far as this agreement is inconsistent with the said agreement of eleventh April, one thousand nine hundred, or any part thereof, this agreement shall govern. Before any of the works authorized by this agreement are commenced the detail working plans and specifications of the various parts thereof shall be from time to time submitted to the Commissioners for approval, and no works shall be proceeded with until such approval has been given.

2. The map or plan hereto annexed, entitled, "Amended map of the Ontario Power Company's Works in the Queen Victoria Niagara Falls Park," and lettered "B," shall be substituted for and take the place of so much of the works indicated on the plan "A" attached to said agreement of eleventh April, one thousand nine hundred, as are shown thereon in yellow lines and which are known and referred to and described in said agreement as the works of the "second development"; such works hereby proposed and agreed to be substituted being subject to the same approval and consent by the Minister of Railways and Canals as required by the agreement of eleventh April, one thousand nine hundred, in respect of the works indicated on the plan "A" attached to the said agreement.

3. The works to be constructed under this agreement may be described as follows:—

(a.) The Company shall conduct the waters of the Welland River from their hydraulic works without the Park to the open canal or raceway in the Park by means of one or more tunnels constructed under the high bank and entering the Park at or near the point marked "C" on said plan lettered "B."

(b.) The open canal or raceway in the Park shall extend from the point "C" on said plan to a point distant 100 feet south of the southerly line of Table Rock House and marked "D" on said plan. The easterly limit of the works of the Company required in the construction of this open canal or raceway shall at the finished level of the surface of the Park, as such finished level may be defined by the Commissioners, conform generally to the heavy continuous red line indicated on the said plan. The westerly limit of the canal or raceway north of the Monastery hill shall follow generally the base of the high bank forming the western boundary of the Park, but the Company may, with the approval and sanction of the Minister of Railways and Canals, straighten out any projections of the base of the bank which may unduly contract the area of the said canal. The works of the Company are to be so constructed as to permanently secure the high bank or any part of it from erosion or displacement, and the Company shall execute such additional works for the protection of such high bank or part thereof whenever the stability thereof is endangered, as the Commissioners may direct.

(c.) From the point "D" on said plan the Company may construct an open forebay extending northwards as far as the point "E" on said plan or to within fifty feet of the line of the most southerly wall of the Dufferin Café, on the east side of the forebay a retaining wall shall be constructed from the level of the bedrock to a height sufficient to protect the Park

and its roadways and railways against overflow, not only at ordinary working level but at any higher level which may arise by fluctuations from any cause. Between the said points "D" and "E" the easterly retaining wall of the forebay shall not at any point be located nearer than such distance to the westward of the present westward rail of the Niagara Falls Park and River Railway Company's tracks or sidings, as now located, as shall be sufficient to build and erect an embankment to the top of said wall on a slope of one to one, the easterly base of the foot of said embankment not being nearer to the said westerly rail of the Niagara Falls Park and River Railway than nine and one-half feet.

(d.) The said embankment shall be of earthwork, and shall be constructed so as to conceal the retaining wall from view, and it shall be graded and sodded to the approval of the Commissioners from time to time as they may direct until the whole has been completed. The embankment shall not be erected in front of the projecting penstock chambers, but the penstock chambers shall be faced with massive random coursed masonry and built to such batter as the Commissioners shall require and approve. The face of the masonry shall not be nearer at any point than nine and one-half feet from the present westerly rail of the tracks of the Niagara Falls Park and River Railway. The west side of the forebay shall be the slope of the hill, and the Company shall execute such works for the protection of the said hill wherever interfered with or its stability endangered, as the Commissioners may direct.

(e.) The gates at the penstock chambers must be of the least practicable dimensions and kept as far from the eastern face of the wall as possible. The design must be ornate and to the approval of the Commissioners.

(f.) From the open forebay above described the Company may by means of pipes or penstocks carried under the surface of the Park conduct the waters aforesaid to the power-house situate in the gorge below the falls and north of the present hydraulic elevator. The Company may also construct one or more underground pipes for the carrying away of ice or frazil from the forebay, but such ice-runs are to be constructed to the water level of the lower river.

(g.) The minimum ordinary working level of the water in said open canal or raceway is to be not over twelve feet above the level of the present ground floor of Table Rock House, but the said raceway is to be constructed of sufficient height to safely carry the water not only at said ordinary working level but also at any higher level which may arise by fluctuations caused by operating the penstocks or otherwise. The Company may construct a spillway of sufficient size to allow all water entering the raceway to flow out of the same through such spillway in case of sudden closing of the penstocks; the location of said spillway to be shown on said plan lettered "B."

(h.) One bridge only is to be constructed across said raceway as may be located by the Commissioners, so as to connect with the roadway leading down from the Convent, such bridge shall in size, strength, material and character generally conform to the bridges described in clause 9 of the agreement of 11th April, one thousand nine hundred.

4. The Company shall have the right to construct the works herein described and as shown in the plan marked "B" annexed hereto in advance of the works of the first development as such are by said agreement provided.

Before the Company shall proceed with the construction of the works of the first development mentioned and described in the agreement of 11th April, one thousand nine hundred, it shall submit to the Commissioners for approval the plans of the proposed mode of conducting the water from the hydraulic works without the Park to the power-house of the first development. Such plans or proposals for the works described as the first development shall not require any larger or different territorial rights than are provided in relation to such first development under the agreement of 11th April, one thousand nine hundred.

5. Notwithstanding anything in the agreement of 11th April, one thousand nine hundred, contained relating to the first development, the Company shall not proceed with the construction of the works of the same or any part thereof until the approval has been given by the Commissioners to the mode of conducting the water from the works without the Park as aforesaid. The right of the Company to construct such works relating to the first development is hereby limited to the period of ten years from the date hereof.

6. All the terms and provisions of the agreement of 11th April, one thousand nine hundred, shall so far as applicable apply to the works authorized by this agreement and to the execution and carrying on thereof.

And for greater certainty, but not so as to restrict the generality of the foregoing, it is declared and agreed that clause number eleven of the said agreement of 11th April, one thousand nine hundred, shall apply with respect to the works authorized by this agreement in the same manner as the said clause applies to the works therein specially referred to, and that clause number thirty-one of the said agreement of 11th April, one thousand nine hundred, shall apply with respect to its provisions so as to include the matters in these presents contained.

7. Provided that the works on the premises delineated on the plan hereto annexed shall not interfere with or deprive the Canadian Niagara Power Company of the right to construct, operate and maintain the underground tunnel leading the waters of the Niagara River from the power-houses and wheel-pits which they are about to erect and develop in pursuance of the several agreements entered into between the Commissioners of the Queen Victoria Niagara Falls Park (herein styled the Commissioners) bearing date 7th April, 1892, 15th July, 1899, and 19th June, 1901.

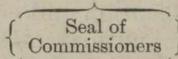
8. And the Company shall indemnify the Commissioners from all claims or demands by any person or persons whomsoever, whether arising by reason of the exercise by the Company of the powers, rights or authorities or any of them conferred by the hereinbefore recited Acts of the Parliament of Canada, or either of them, or by reason of anything done by the Company in the exercise thereof affecting any property, rights or privileges heretofore by the Commissioners granted to or conferred upon any person or persons whomsoever, or

enjoyed, used and exercised by any such person or persons under the Commissioners; it being the intention of this agreement that should the Company in the exercise of the aforesaid powers, rights and authorities so affect any such property, rights or privileges granted by or enjoyed under the Commissioners, the Company shall fully indemnify the Commissioners in respect thereof.

And in the event of any claims or demands aforesaid being preferred before or in any tribunal, whether in a court of law or by proceedings of arbitration against the Commissioners or for the Commissioners or in their name, the Company undertake and agree to intervene on behalf of the Commissioners and defend the same or take such action in the premises at the cost and charges of the Company; the Commissioners hereby conferring upon the Company all such rights and powers to act in their name and in their behalf in the premises, or to confer such other and further rights and powers as may be required by the Company and necessary.

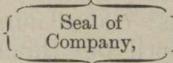
In witness whereof the corporate seal of the Commissioners has been hereunto affixed by their chairman, who has also signed these presents in certification of due execution hereof by the Commissioners, and the corporate seal of the Company has been hereunto affixed by the president who has also signed these presents in certification of due execution hereof by the Company and on the day and year aforesaid.

J. W. LANGMUIR,  
Chairman.



THE ONTARIO POWER COMPANY  
OF NIAGARA FALLS.

Executed in presence of By JOHN J. ALBRIGHT,  
JAMES WILSON.

President. 

Attest, ROBT. C. BOARD,  
Secretary.

SCHEDULE C.

ANCILLARY AGREEMENT.

An ancillary agreement made the 15th day of August, A.D. 1901, between the Commissioners of the Queen Victoria Niagara Falls Park, acting herein on their own behalf and with the approval of the Government of the Province of Ontario, and hereinafter called the "Commissioners," of the first part, and the Ontario Power Company of Niagara Falls, hereinafter called the "Company," of the second part.

Whereas by agreement bearing even date herewith made by the parties hereto as supplementary to the main agreement between the parties, dated the eleventh day of April, 1900, provision is made for the construction of certain works in the

Queen Victoria Niagara Falls Park in such manner that the building and premises in the said Park, known as "Table Rock House," will ultimately have to be removed or interfered with.

And whereas the said building and premises are now in the occupation of tenants of the Commissioners, but it is the intention to arrange, if possible, with said tenants to surrender their lease in order that the said building may be removed and the said works constructed in accordance with the plan hereto annexed, and if no arrangement is reached then that the Company do expropriate under their statutory powers.

And whereas this agreement is ancillary to the said agreement of even date herewith.

And whereas by the said agreement of even date it is among other matters in effect witnessed, that should the Company in the exercise of its powers, rights and authorities, affect any property, rights or privileges heretofore by the Commissioners granted to, or conferred upon any person or persons whomsoever, or enjoyed, used and exercised by any such person or persons under the Commissioners, the Company shall fully indemnify the Commissioners in respect thereof.

Now therefore the parties hereto hereby agree as follows:—

1. In respect of any sum of money which shall be agreed upon between the Company and the tenants of the Commissioners in occupation of the said Table Rock House as compensation to be paid to such tenants, or any sum of money which in the event of no agreement shall be determined to be paid to such tenants by the Company or by the Commissioners, as the case may be, either as compensation by award or as damages upon judgment, including the amount of costs in any case, shall be paid by the Company.

2. Such amount so recovered as aforesaid and paid by the Company, shall as between the Company and the Commissioners be borne as follows:—The sum of ten thousand dollars by the Company, and the excess, if any, over and above the said sum of ten thousand dollars, shall be borne and paid by and between the Company and the Commissioners in equal shares, and any balance due from the one to the other shall be paid accordingly.

3. In the event of such compensation or payment of damages being agreed upon between the Company and such tenants, no contribution shall be payable by the Commissioners, unless the Commissioners shall by resolution of their Board have assented to the amount agreed upon by the Company.

4. The Company shall on or before the first day of July, 1903, obtain possession of the Table Rock House, either by agreement with the tenants of the Table Rock House, or by entry under the powers of the Company, or otherwise, and the whole of the said Table Rock House shall be levelled by 1st January, 1904, and of such portion or part of the Table Rock House not within the line of works of the Company, as laid down on the plan marked "B" attached or annexed to the supplementary agreement of even date herewith, the materials shall be wholly removed, and possession of such part or portion delivered to the Commissioners by 1st January, 1904.

5. The Company shall, on or before the first day of March, 1902, submit for approval of the Minister of Railways and

Canals the plans referred to in the first and second paragraphs of said agreement of April 11th, A.D. 1900, and the Company shall prosecute with due diligence the proceedings necessary to enable it to obtain, under its statutory powers, possession of Table Rock House, and to remove and level the same within the period above mentioned, and should the Company make default in so submitting said plans or in prosecuting such proceedings with due diligence, and should such possession not be obtained and removal and levelling not be done within the said period by reason of such default, then this agreement shall be void and at an end.

6. Pending the getting of possession of Table Rock House and the removal thereof by the Company by consent as herein provided, or under its statutory powers, the eastern line of the Company's works near Table Rock House may be as shown by the dotted red line on plan "B" annexed to the said agreement of even date herewith.

In witness whereof the Commissioners have hereunto affixed their corporate seal, and the Chairman of the said Commissioners has signed these presents in token of due execution hereof on the part of the said Commissioners.

And the Company have hereunto affixed their corporate seal, and the President of the said Company has signed these presents in token of due execution hereof on the part of the said Company, the day and year first above written.

J. W. LANGMUIR,  
Chairman.

Commissioners'  
Seal.

THE ONTARIO POWER COMPANY  
OF NIAGARA FALLS.

By JOHN J. ALBRIGHT,  
President.

Attest ROBT. C. BOARD,  
Secretary.

Seal of  
Company.

Executed in the  
presence of  
JAMES WILSON.

RESOLUTION.

At a meeting of the Board of Directors of the Ontario Power Company of Niagara Falls held at the office of the Company, in the city of Buffalo, October 12th, 1901, the proposed supplementary agreement and the ancillary agreement thereto between the Commissioners of the Queen Victoria Niagara Falls Park and the Ontario Power Company of Niagara Falls were produced and read, and on motion duly seconded, it was unanimously

RESOLVED, that the supplementary agreement and the ancillary agreement thereto between the Commissioners of the Queen Victoria Niagara Falls Park, acting therein in their own behalf and with the approval of the Government of the Province of Ontario, and the Ontario Power Company of Niagara Falls, submitted to this meeting, be and the same are hereby approved and adopted, and Mr. John J. Albright, the President, and Mr. Robt. C. Board, the Secretary of the Com-

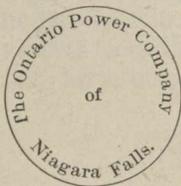
pany, be and they are hereby authorized and directed to execute the same on behalf of this Company, in triplicate, by affixing the corporate seal of this Company thereto and to map "B" attached to said agreements and forming part thereof, and by signing the same and said map "B" as such President and Secretary. And that when so executed said officers are authorized, empowered and directed to make delivery thereof as the act and deed of this Company, and that the said agreements and map be entered in full on the minutes of this meeting, which is accordingly done below.

I, Robert C. Board, Secretary of the Ontario Power Company of Niagara Falls, hereby certify that the foregoing resolution is a true copy of the resolution passed at a meeting of the Board of Directors of the said Company, held October 12, 1901.

Seal.

(Sgd.) ROBERT C. BOARD.

BUFFALO, N.Y., October 14, 1901.



No. 57.

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2nd Session, 9th Parliament, 2 Edward VII., 1902

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BILL.

An Act respecting the Ontario Power  
Company of Niagara Falls.

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*(Reprinted as proposed to be amended by the  
Select Standing Committee on Miscellaneous  
Private Bills.)*

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(PRIVATE BILL.)

MR. GERMAN.

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OTTAWA

Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

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No. 58.]

**BILL.**

[1902.

An Act in amendment of the Criminal Code, 1892.

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

**1.** Section 551 of *The Criminal Code*, 1892, is amended by 1892, c. 29, s. 551 amended.  
5 adding thereto the following subsection:—

“**3.** No prosecution shall be commenced against any person for the publication of a defamatory libel in a newspaper after six months from the publication, or at any time after civil proceedings have been taken with respect to the libel.”

No. 58.

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2nd Session, 9th Parliament, 2 Edward VII, 1902

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BILL.

An Act in amendment of the Criminal  
Code, 1892.

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First reading, March 19, 1902.

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MR. COWAN.

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OTTAWA

Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

## An Act respecting the James Bay Railway Company.

**W**HEREAS the James Bay 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. 50 ;  
1897, c. 47 ;  
1899, c. 71.

1. The James Bay Railway Company may construct, complete and put in operation the lines of railway authorized by its Act of incorporation, and amendments thereto, within five 10 years from the passing of this Act, otherwise the powers granted for such construction shall cease and be null and void with respect to so much of the said lines as then remains uncompleted. Time for construction extended.
2. The said company may lay out, construct and operate a 15 line of railway from a point on its authorized main line to a point on Batchawana Bay, Lake Superior. Railway to Batchawana Bay.
3. Unless the railway authorized by this Act be commenced within two years and finished and put in operation within five 20 years from the passing of this Act the powers granted for construction thereof shall cease and be null and void with respect to so much of the said line as then remains uncompleted. Time for construction limited.

No. 59.

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2nd Session, 9th Parliament, 2 Edward VII., 1902

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BILL.

An Act respecting the James Bay  
Railway Company.

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First reading, March 20, 1902.

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(PRIVATE BILL.)

MR. McCORMICK.

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OTTAWA

Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

## 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:—

1. The subsection substituted for subsection 4 of section 99 of *The Canada Temperance Act* (hereinafter called the principal Act), by section 5 of chapter 34 of the statutes of 1888 (hereinafter called the amending Act) is repealed and the following is substituted therefor:—

“4. Provided also that the sale of intoxicating liquor for exclusively medicinal purposes or for *bona fide* use in some art, trade or manufacture may be made by any person duly authorized to sell it; but such liquor when sold for medicinal purposes shall be removed from the premises, and such sale shall be made only on the certificate of a medical man having no interest in the sale, affirming, that the liquor has been prescribed for the person named thereon; and when such sale is for its use in some art, trade or manufacture, it shall be made only on a certificate signed by two justices of the peace of the good faith of the application, accompanied by the affirmation of the applicant that the liquor is to be used only for the particular purposes set forth in the affirmation; and such vendor shall file all such certificates and shall record every such sale in a book kept for that purpose, giving the name and address of the purchaser, the quantity of liquor or alcohol so sold, the name and address of the medical man prescribing it and of the person for whom it is prescribed, and of the parties whose names are appended to the certificate above referred to, and of the purpose for which the liquor or alcohol is prescribed; and the said file and book shall be kept for inspection by the inspector for the county, municipality, city or town, at all proper times, and the vendor shall make an annual return of all such sales on the thirty-first day of December to the Collector of Inland Revenue within whose division the county or city is situated; and any medical man who gives such a certificate for any other than strictly medicinal purposes, shall for the first offence be liable, on summary conviction, to a penalty of forty dollars: Provided that section 119 of this Act, taking away an appeal, shall not apply to any such conviction of any medical man.”

R.S.C., c. 99,  
s. 99 amended.  
Sale for  
medicinal or  
manufacturing  
purposes.

Certificate.

Annual return  
to collector.

Penalty for  
giving false  
certificate.

Proviso: as  
to appeal.

2. Section 100 of the principal Act is repealed and the following is substituted therefor:—

“100. Everyone who, by himself, his clerk, servant or agent, exposes or keeps for sale, or directly or indirectly, on any pretense or by any device, sells or barter, or in consideration of the purchase of any other property, gives to any other person

New s. 100.  
Penalty for  
sale in viola-  
tion of second  
part of this  
Act.

- any intoxicating liquor, in violation of the second part of this Act, 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 two months, with or without hard labour, and for a second offence to a fine of not less than one hundred dollars, or imprisonment for four months, with or without hard labour, and for the third and every subsequent offence, to imprisonment for a term not exceeding six months, with or without hard labour. 5
- Punishment of employe who sells. "2. Every one who, in the employment or on the premises of another, so exposes or keeps for sale, or sells or barter, or gives in violation of the second part of this Act, any intoxicating liquor, is equally guilty with the principal, and shall, on summary conviction, be liable to the same penalty or punishment. 10
- Forfeiture. "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. 15
- Punishment of owner, etc., of premises. "4. The owner, lessee or proprietor of any building who rents, sub-lets or leases it, or any part thereof, for the purpose of selling or keeping intoxicating liquor for sale, contrary to the provisions of the second part of this Act, shall, on summary conviction be adjudged guilty of keeping intoxicating liquor for sale contrary to the provisions of the second part of this Act. 20 25
- Execution of warrant on Sunday, etc. "5. Every warrant authorized by this Act or any amendment thereto, may be issued and executed on a Sunday or statutory holiday." 25
- New s. 104. "3. The section substituted for section 104 of the principal Act by section 7 of the amending Act is repealed and the following is substituted therefor :— 30
- If before certain magistrates, no other justices to sit, "104. If any prosecution is brought before any such judge of the sessions of the peace, recorder, police magistrate, stipendary magistrate, sitting magistrate, commissioner of a parish court, two justices of the peace, or magistrate having the power or authority of two or more justices of the peace, no other justice shall sit or take part therein, except in the case of the resignation, illness or absence of the officer before whom such prosecution was brought, and then only with the assent of the prosecutor." 35 40
- Exception. 40
- New s. 108. "4. The section substituted for section 108 of the principal Act by section 10 of the amending Act is repealed and the following is substituted therefor :—
- Warrant to search for liquor. "108. Any one of the officers named in section 103 of this Act, if satisfied by information on the oath of a credible witness that there is reasonable ground for belief that intoxicating liquor is sold or being kept for sale contrary to the provisions of the second part of this Act or of *The Temperance Act* of 1864, in any dwelling house, store, shop, warehouse, outhouse, garden, yard, craft, vessel, or other place, may, in his discretion, grant a warrant under his hand by virtue whereof it shall be lawful at any time within ten days from the date thereof, to enter, by force if necessary, the place named in the warrant, and every part thereof, or of the 45 50 55

premises connected therewith, and to examine the same and search for intoxicating liquor therein.

“2. The inspector appointed by any town or municipality for the prosecution of offences against this Act, may enter, by force if necessary, in the day time without a warrant, any premises occupied by a person against whom one or more convictions for offences against the second part of this Act have been made within a year, and to examine the premises and search for intoxicating liquor therein.”

Search by  
inspector  
without  
warrant.

“3. For the purpose of the said search the said person or inspector may, with such assistance as he deems expedient, break open the door, lock or fastening of such premises or any part thereof, or of any closet, cupboard, box or other article likely to contain such liquor; and in the event of any intoxicating liquor being found in any such dwelling house, store, shop, warehouse, outhouse, garden, yard, craft, vessel or other place, the occupant or person in possession thereof, or the owner of the said intoxicating liquor, shall, until the contrary is proved, be deemed to keep such intoxicating liquor for sale, contrary to the provisions of the second part of this Act.”

Breaking into  
premises, etc.

“4. Any information to obtain a warrant under this section may be in the form M in the schedule to this Act, and any search warrant under this section may be in the form N in the said schedule.”

Form of  
information  
and warrant.

“5. The section substituted for section 109 of the principal Act by section 11 of the amending Act, is repealed, and the following is substituted therefor:—

New s. 109.

“109. When any authorized person or inspector in the next preceding section mentioned, finds in any such dwelling house, store, shop, warehouse, outhouse, garden, yard, craft, vessel, or other place, or in the possession of any person or his servants, any intoxicating liquor which, in his opinion, is unlawfully kept for sale or disposal contrary to the provisions of the second part of this Act, he may forthwith seize and remove such liquor and the vessels in which it is kept; and upon the conviction of the owner, tenant or occupant of such house or place, or any dweller therein, or any other person employed in or about it, for selling intoxicating liquor or for keeping intoxicating liquor for sale contrary to the provisions of the second part of this Act, the officer making such conviction may in and by the said conviction, or by a separate or subsequent order, declare the said liquor and vessels to be forfeited to His Majesty, and may order and direct that the said constable or other officer shall destroy such liquor, and the said constable or other officer as aforesaid, shall forthwith destroy it as directed by such conviction or order; and in case no conviction is made and no person establishes his ownership thereof, within two months after the seizure, to the satisfaction of the officer so convicting, then the said officer may, at any time after the expiration of the said period of two months, order and direct that the said constable or other officer shall destroy the said liquor and the vessels in which it is kept, and the latter shall thereupon forthwith destroy the said liquor accordingly.”

Destruction  
of liquor.

- Section 114 amended. **6.** Section 114 of the principal Act, as amended by section 13 of the amending Act, is amended by adding thereto the following subsection :—
- Witness compellable. “2. Upon the trial of any offence against the provisions of the second part of this Act, when there is reasonable ground to believe, from the evidence of any witness, that an offence against any of the provisions of this Act has been committed, whether by the party then on trial or by another, the witness shall be compelled to give all the evidence within his knowledge tending to establish such offence and to identify the offender.” 5 10
- Section 115 amended. **7.** Paragraph (a.) of section 115 of the principal Act is amended by adding the following words at the end thereof :—
- If accused is absent. “If the accused is not present, the justices or magistrate or other officer shall proceed in the same manner as if he were present and denied that he was so previously convicted.” 15
- Evidence of identity. **2.** Paragraph (b.) of the said section is amended by adding the following words at the end thereof :—“A certificate showing the conviction of a person of the same name as the accused shall be *primâ facie* evidence of the identity of the accused with the person previously convicted as set out in such certificate.” 20
- Subsequent offences. **3.** Paragraph (c.) of the said section is amended by adding the following words at the end thereof :—“Neither shall a conviction for a second or for any subsequent offence be a bar to a subsequent conviction or convictions for other second or other subsequent offences, and all offences other than those laid as first or second offences may be described and disposed of as third offences.” 25
- Conviction for first offence upon charge of second offence. **4.** The said section is further amended by adding thereto the following paragraph :—
- “(g.) If, in any prosecution for a second or third offence, the evidence tendered fails to establish a previous conviction or convictions, the magistrate or other officer trying the case may, if the evidence shows a violation of this Act, convict the accused of a first offence, whether he is or is not present at the trial.” 30 35
- Section 119 amended. **8.** Subsection 1 of section 119 of the principal Act is amended by adding thereto the following paragraph :—
- Affidavit in case of no jurisdiction. “(a.) Whenever, by reason of want of jurisdiction in the person making it, any conviction, judgment or order is sought to be removed by *certiorari* or otherwise, the person convicted shall first make and file an affidavit that he did not, by himself, his servant, clerk or agent, violate any of the provisions of the second part of this Act as charged in the information; and such affidavit shall negative the charge in the terms used in the information, and shall further negative the commission of the offence so charged by the servant, clerk or agent of the person convicted, with his knowledge or consent.” 40 45
- Form M. amended. **9.** The form substituted for form M. in the schedule to the principal Act by section 15 of the amending Act is amended by striking out the words “that he hath just and reasonable cause to suspect, and doth suspect,” in the sixth and seventh lines of the said form, and inserting in lieu thereof the words 50

“that he hath reasonable ground for belief, and doth verily believe;” and also by striking out the words “*here add the causes of suspicion,*” in the eleventh line of the said form, and inserting in lieu thereof the words “*here state the ground of*  
5 *such relief.*”

**10.** The form substituted for form N. in the schedule to the said Act by section 15 of the amending Act is amended by striking out the words “that he hath just and reasonable cause to suspect, and doth suspect,” in the sixth and seventh lines of  
10 the said form, and inserting in lieu thereof the words “that he hath reasonable ground for belief, and doth believe;” and also by striking out the words “in the day time” in the fourteenth line of the said form.

No. 60.

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2nd Session, 9th Parliament, 2 Edward VII., 1902

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BILL

An Act to amend the Canada Temperance  
Act.

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First reading, March 20, 1902.

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MR. FLINT.

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OTTAWA

Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

## An Act to amend the Criminal Code, 1892.

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

1. The Criminal Code, 1892, is amended by inserting after 5 section 455, the following sections :— 1892, c. 29 amended.

## “FORGERY OF COPYRIGHT.

- “455A. The expression ‘copyright’ means the sole and exclusive right or liberty conferred upon, given to, had or held by any person by virtue of any law of copyright in force in Canada, of printing, reprinting, publishing, reproducing, multiplying or selling, in whole or in part, any manuscript, book, map, chart, plan or musical composition, either in the original language in which it was made or used, or in the form of a translation into another language, or any painting, drawing, etching, engraving, statue, sculpture or photograph. Copyright defined.
- 15 “455B. Every one is guilty of an indictable offence who, without the authority of the owner of the copyright, prints, reprints, publishes, reproduces, multiplies, sells, has in his possession, or exposes for sale, or causes to be printed, reprinted, published, reproduced, multiplied, sold or exposed for sale anything which is the subject of such copyright, unless he proves (a) that, having taken all reasonable precautions against committing such an offence, he had at the time of the commission of the alleged offence no reason to suspect the existence of copyright in the thing in respect of which the complaint is made; (b) that, on demand made by or on behalf of the prosecutor, he gave all the information in his power with respect to the persons from whom he obtained such thing; and (c), that otherwise he had acted innocently. Forgery of copyright.
- 20 “455C. Every one guilty of an offence defined in the next preceding section is liable, (a) upon conviction or indictment, to two years’ imprisonment with or without hard labour, or to fine, or to both fine and imprisonment, and (b) on summary conviction, to four months’ imprisonment, with or without hard labour, or to a fine not exceeding \$100, and in case of a second or subsequent conviction to six months’ imprisonment, with or without hard labour, or to a fine not exceeding \$250. Defence.
- 30 “455D. In any case in which the offence has been committed the infringing copies shall be forfeited to the owner of the copyright.” Punishment.
- 35 Forfeiture of infringing copies.

No. 61.

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2nd Session, 9th Parliament, 2 Edward VII., 1902

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BILL.

An Act to amend the Criminal Code.

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First reading, March 20, 1902.

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MR. MCCARTHY.

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OTTAWA

Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

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No. 62.]

**BILL.**

[1902.

An Act respecting the Klondike Mines Railway Company.

**W**HEREAS the Klondike Mines Railway Company has, by Preamble.  
its petition, prayed that it be enacted as hereinafter set  
forth, and it is expedient to grant the prayer of the said  
petition: Therefore His Majesty, by and with the advice and  
5 consent of the Senate and House of Commons of Canada,  
enacts as follows :—

1. The Klondike Mines Railway Company may lay out, <sup>Extension</sup>  
construct and operate an extension of its railway to the Stewart <sup>of railway.</sup>  
River, and may also lay out, construct and operate extensions <sup>1899, c. 72,</sup>  
10 or branch lines from any point on its main line to points at or <sup>s. 7.</sup>  
near the source of the Stewart River, and at or near its entrance  
into the Yukon River.

2. The powers, privileges and conditions conferred and <sup>Powers, etc.,</sup>  
imposed by the Acts relating to the Company shall apply to <sup>to apply to</sup>  
15 the said extensions and branch lines. <sup>branch lines.</sup>

No. 62.

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2nd Session, 9th Parliament, 2 Edward VII, 1902

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BILL.

An Act respecting the Klondike Mines  
Railway Company.

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First reading, March 21, 1902.

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(PRIVATE BILL.)

MR. MORRISON.

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OTTAWA  
Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

An Act to incorporate the Medicine Hat and  
Northern Alberta Railway Company.

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

- 1.** James Cochrane and David Lockerby, of the city of Montreal; F. R. Latchford and H. B. McGiverin, of the city of Ottawa and F. H. Phippen, of the city of Winnipeg, together with such persons as become shareholders in the company, are incorporated under the name of "The Medicine Hat and Northern Alberta Railway Company," hereinafter called "the Company."
- 2.** The persons named in section 1 of this Act are constituted provisional directors of the Company.
- 3.** The capital stock of the Company shall be five million dollars, and may be called up by the directors from time to time as they deem necessary, but no one call shall exceed ten per cent of the shares subscribed.
- 4.** The head office of the Company shall be at the city of Winnipeg, in the province of Manitoba, but the shareholders may, by by-law passed at any annual meeting, or at any special general meeting called for such purpose, change the head office to the city of Montreal, in the province of Quebec.
- 5.** The annual meeting of the shareholders shall be held on the first Tuesday in February in each year.
- 6.** At such meeting the subscribers for the capital stock assembled, who have paid all calls due on their shares, shall choose twelve persons to be directors of the Company, one or more of whom may be paid 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 in or near the town of Medicine Hat on the main line of the Canadian Pacific Railway Company in the district of Assiniboia in the North-west Territories; thence in a north-westerly direction to a point in the vicinity of township thirty-one, ranges sixteen or seventeen west of the fourth meridian; thence to a point on the North Saskatchewan River at or near

Preamble.

Incorporation.

Corporate name.

Provisional directors.

Capital stock.

Head office.

Annual meeting.

Election of directors.

Line of railway described.

Victoria in Northern Alberta, and may also construct branch lines from any point on the proposed line, not exceeding in any one case fifty miles in length.

Bridges,  
roads, ferries,  
etc.

8. The Company may, in connection with its railway and for the purposes of its business, construct, operate and maintain all necessary bridges, roads, ways, ferries and other works. 5

Telegraph and  
telephone  
lines.

9. The Company may construct and operate telegraph and telephone lines and establish offices for the transmission of messages for the public, and collect tolls for so doing, and for the purpose of operating such telegraph and telephone lines the Company may enter into a contract with any other company or may lease the Company's lines, or any part thereof, and may connect its lines with the lines of any telegraph or telephone company. 10 15

Arrangements  
with telegraph  
and telephone  
companies.

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

Rates to be  
approved.

3. No rates or charges shall be demanded or taken from any person for the transmission of any message by telegraph or telephone, or for leasing or using the telegraphs or telephones of the Company until such rates or charges have been approved of by the Governor in Council, and such rates and charges shall be subject to revision, from time to time, by the Governor in Council. 20 25

R.S.C., c. 132.

4. *The Electric Telegraph Companies Act* shall apply to the telegraphic business of the Company.

Bond issue.

10. The Company may issue bonds, debentures or other securities to the extent of twenty thousand dollars per mile of the railway and branches, and such bonds, debentures or other securities may be issued only in proportion to the length of railway constructed or under contract to be constructed. 30

Agreement  
with another  
company.

11. The Company may enter into an agreement with the Canadian Pacific Railway Company or the Canadian Northern Railway Company for conveying or leasing to such company the railway of the Company, in whole or in part, or any rights or powers acquired under this Act, as also the franchises, surveys, plans, works, plant, material, machinery and other property to it belonging, or for an amalgamation with such company, on such terms and conditions as are agreed upon and subject to such restrictions as to the directors seem fit; provided that such agreement has been first approved by two-thirds of the votes at a special general meeting of the shareholders duly called for the purpose of considering it, at which meeting, shareholders representing at least two-thirds in value of the stock are present or represented by proxy, and that such agreement has also received the sanction of the Governor in Council. 35 40 45

Approval of  
shareholders  
and Governor  
in Council.

2. Such sanction shall not be signified until after notice of the proposed application therefor has been published in the manner and for the time set forth in section 239 of *The Railway Act*, and also for a like period in one newspaper in each 50

Notice of  
application  
for sanction.

of the counties or electoral districts, through which the railway of the Company runs, and in which a newspaper is published.

3. A duplicate of the agreement referred to in subsection 1 of this section shall, within thirty days after its execution, be  
5 filed in the office of the Secretary of State of Canada, and notice thereof shall be given by the Company in *The Canada Gazette*, and the production of *The Canada Gazette* containing such notice shall be prima facie evidence of the requirements of this Act having been complied with.

Agreement to  
be filed with  
Secretary of  
State.

No. 63.

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2nd Session, 9th Parliament, 2 Edward VII., 1902

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BILL.

An Act to incorporate the Medicine  
Hat and Northern Alberta Railway  
Company.

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First reading, March 21, 1902.

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(PRIVATE BILL.)

MR. DAVIS.

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OTTAWA  
Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

## An Act to incorporate the Cosmos Cotton Company.

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

1. Charles T. Grantham, of the city of Hamilton, in the province of Ontario, and Robert Caie, Thomas Killam, John H. Killam and the Reverend William H. Heartz, all of the town of Yarmouth, in the province of Nova Scotia, together with such persons as become shareholders in the company, are incorporated under the name of the "Cosmos Cotton Company," hereinafter called "the Company."
2. The capital stock of the Company shall be six hundred thousand dollars, divided into shares of one hundred dollars each ; of which capital stock any part not exceeding three hundred and fifty thousand dollars may be created and issued as preference stock, as hereinafter provided.
3. The head office of the Company shall be at the town of Yarmouth, in the province of Nova Scotia.
4. The persons named in section 1 of this Act are constituted provisional directors of the Company, three of whom shall be a quorum, and, until directors are elected by the shareholders of the Company, they shall have power to allot shares and have all the other powers which are conferred upon directors by this Act or by *The Companies Clauses Act*, and any three of them may call meetings of the provisional directors which shall be held in the town of Yarmouth at such times as they determine, and the notice of such meeting shall be signed by the provisional directors calling it.
2. All notices calling meetings of the provisional directors shall state the date and place of holding such meetings, and shall be mailed by registered letter, postage prepaid, to the address of each of the other provisional directors, not less than ten days previous to the date of such meeting, and the mailing of such letter shall be sufficient notice of such meeting.
3. The provisional directors may create, allot and issue any part of the capital stock of the Company, not exceeding three hundred and fifty thousand dollars, as preference stock, with such preference and priority with respect to dividends and otherwise over ordinary stock, and subject to such restrictions and conditions, either as to the right of voting in respect

Preamble.

Incorporation.

Corporate name.

Capital stock.

Head office.

Provisional directors.

Powers.

R.S.C., c. 118.

Meetings of provisional directors.

Preference stock.

Rights of preference stockholders.

thereof, as to rate of dividend, or otherwise, as the provisional directors decide and determine; provided that the holders of such preference stock may vote as ordinary shareholders at all meetings of shareholders called for the purpose of borrowing money under section 10, or of increasing the capital stock 5 under section 11 of this Act.

Ordinary shares.

4. The provisional directors may, in their discretion, allot and issue the whole of the capital stock as ordinary shares.

Vacancy in provisional directorate.

5. The provisional directors may act, notwithstanding any vacancy in their number, provided that if the number fall 10 below three, they shall forthwith fill the vacancies by calling in other subscribers for the capital stock of the Company before transacting any further business.

First meeting of Company.

5. After at least fifty per cent of the capital stock of the Company has been subscribed and allotted, the provisional 15 directors shall call a meeting of the shareholders of the Company to be held at such time and place in the town of Yarmouth as they think proper, and notice of such meeting shall be given by mailing, at least ten days before the holding thereof, a written notice of the time and place, postage prepaid 20 and registered, to the address of each such shareholder.

Notice of meeting.

Election of directors.

6. At the first general meeting of the Company and at each annual general meeting thereafter, the shareholders shall choose five persons from among their number to be the directors of the Company, the majority of whom shall be a quorum 25 and one or more of whom may be paid directors.

Powers of Company.

7. The Company may,—

(a.) manufacture duck, canvas, cloth, ropes, yarns, fishing lines, sewing thread, and all other fabrics, goods, articles and products of every kind and description which can or may be 30 manufactured, either wholly or partly, of cotton, wool, sisal, hemp, flax, manilla or other substance or material capable of being spun, twisted or woven;

(b.) dye, bleach, print or otherwise prepare the raw material, yarns or manufactured goods; 35

(c.) buy, sell and deal in any and all manufactured goods and products of the character and description aforesaid and in the substances and materials of which the same or any of them can or may be manufactured or produced, and also in the waste material arising during the process of manufacture; 40

(d.) construct, purchase, rent, lease or otherwise acquire all land, easements, buildings, machinery, motive power, letters patent of invention, patent rights, trade marks, plant, material and property necessary or conducive to the business of the Company, and sell, lease or otherwise dispose of the same, or 46 of any rights or interests therein or in any part thereof;

(e.) buy, lease or otherwise acquire the land, easements, buildings, plant, machinery, manufactured stock, material, contracts, rights, good will, property or assets of any other company, firm or person carrying on the same or a like business, 50 or engaged either wholly or partly in any business which the Company hereby incorporated may lawfully conduct or engage in under the powers aforesaid.

8. The directors may issue as paid-up and unassessable stock shares of the capital stock of the Company, either preference or ordinary or both, in payment of and for any of the lands, easements, buildings, plant, machinery, manufactured stock, materials, motive power, letters patent of invention, patent rights, trade marks, contracts, good will, assets or other property which the Company may lawfully acquire by virtue hereof, and may allot and hand over such shares to any person, firm or company, or to its shareholders; and any such issue or allotment of stock shall be binding upon the Company and such stock not be assessable for calls nor shall the holder thereof be liable in any way thereon, and the Company may pay for any such property wholly or partly in paid-up shares, either preference or ordinary or both, as the directors deem proper.
9. The Company may enter into an agreement with the Yarmouth Duck and Yarn Company, Limited, for the purchase of the land, buildings, easements, plant, machinery, manufactured stock, material, contracts, good will, assets and other property of every kind and description of the said Yarmouth Duck and Yarn Company, Limited, and the said respective companies are hereby authorized to enter into such agreement, and to carry the same into effect; provided such agreement be ratified in writing by every shareholder of the Yarmouth Duck and Yarn Company, Limited, or, if any of them be dead, by his legal or personal representative.
2. The purchase price or consideration upon such sale and conveyance may be paid and received in fully paid and unassessable shares of the capital stock of the Company, either preference or ordinary or both, which shares shall be issued, handed over and received by virtue of and in accordance with section 8 of this Act.
3. It shall be a term of the said agreement that the Company shall assume and pay all debts and liabilities of the Yarmouth Duck and Yarn Company, Limited, incurred and outstanding at the date of the conveyance and delivery to the Company of the property and assets of the Yarmouth Duck and Yarn Company, Limited; and the rights, remedies and recourse of the then existing creditors of the Yarmouth Duck and Yarn Company, Limited, against the last named company, its property or assets shall not be prejudicially affected or impaired by the sale, conveyance or delivery of such property and assets to the Company as aforesaid.
10. The directors may, when authorized by a by-law for that purpose approved by the votes of holders of at least two-thirds in value of the subscribed stock of the Company present or represented by proxy at a special general meeting called for considering such by-law, borrow such sums of money, not exceeding in amount seventy-five per cent of the paid-up capital stock of the Company, as the shareholders deem necessary and may issue bonds or debentures therefor in sums of not less than one hundred dollars each, at such rate of interest and payable at such time and place and secured in such manner by a mortgage or otherwise upon the whole or any portion of the property and undertaking of the Company as may be provided by such by-law or decided upon by the directors under the

Issue of paid-up stock.

Purchase of property of Yarmouth Duck and Yarn Co.

How price payable.

Liabilities of Yarmouth Company.

Borrowing powers.

authority thereof, and the Company may make such provisions respecting the redemption of such securities as may be deemed proper

Increase  
of capital

**11.** After the whole of the capital stock of the Company has been issued and paid up, the capital stock of the Company may be increased, from time to time, to an amount not exceeding one million dollars by a resolution of the shareholders approved of by vote of the holders of at least two-thirds in value of the stock of the Company present or represented by proxy at a special general meeting of the shareholders called for the purpose of considering such resolution, and such increased capital stock shall be issued and may be held subject to the same conditions and dealt with in the same manner as the original capital stock of the Company, and such part of such increased capital stock may be created and issued as preference stock with such preference and priority over ordinary shares and subject to such conditions and restrictions as to voting in respect thereof or otherwise as may be decided upon by vote of the shareholders as aforesaid at any such meeting as aforesaid.

Redemption  
of preference  
shares.

**12.** The Company shall redeem its preference stock at par at the expiration of twenty years from the date of issue; provided however that the Company may, at any time after the expiration of five years from such date of issue, redeem the said preference stock at a premium of five per cent, upon giving to the holders thereof three months' notice in writing of the intention of the Company to redeem the same.

R.S.C., c. 118. **13.** Sections 9, 18 and 39 of *The Companies Clauses Act* shall not apply to this Act.

No. 64.

2nd Session, 9th Parliament, 2 Edward VII.

BILL.

An Act to incorporate the Cosmos Company.

First reading, March 21, 1902

(PRIVATE BILL.)

MR. FL

OTTAWA

Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

An Act to incorporate the Yukon Pacific Railway  
Company.

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

1. Duncan B. McBean, John Fleming, Thomas L. Metcalfe, Incorporation.  
William H. Moore and Dawson K. Elliott of the city of  
Winnipeg, together with such persons as become shareholders  
in the company, are incorporated under the name of "The Corporate  
10 Yukon Pacific Railway Company," hereinafter called "the name.  
Company."

2. The persons named in section 1 of this Act shall be the Provisional  
first or provisional directors of the Company, a majority of directors.  
whom shall form a quorum, and they may forthwith open  
15 stock books and procure subscriptions of stock and receive  
payments on account of stock subscribed, and carry on the  
business of the Company.

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

4. The head office of the Company shall be in the city of Head office.  
Winnipeg, in the province of Manitoba, or in such other place  
in Canada as the Company from time to time determines by  
25 by-law.

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

6. At such meeting the subscribers for the capital stock Election of  
assembled who have paid all calls due on their shares, shall directors.  
30 choose not more than nine and not less than five persons to be  
directors of the Company, each of whom shall hold at least  
fifty shares of the capital stock of the Company, and one or  
more of whom may be paid directors.

7. The Company may lay out, construct and operate a rail- Line of  
35 way or tramway, or both, from a point on or near the Chilkat railway  
river on the International boundary line between British described.  
Columbia and Alaska to a point at or near Rainy Hollow,

British Columbia, thence in a north-easterly direction to a point at or near Coal Lake, Yukon Territory, thence north-easterly to a point at or on the Yukon River at or near White Horse in the Yukon Territory; and may also lay out, construct and operate branch lines of such railway or tramway not exceeding in any one case thirty miles in length. 5

Route to be approved by Governor in Council.

2. The Company shall not commence the construction of any one of such lines of railway or tramway until the proposed route thereof has been approved of by the Governor in Council; and, as to any portion of any line which runs along or through any mountain pass or river gorge, and which, in the opinion of the Governor in Council, has room for only one line of rails, every other railway company whose authorized line necessarily runs through such pass or gorge, shall, upon such conditions, terms and regulations as the Governor in Council makes in that behalf, also have the right to operate its line of railway by the exercise of running powers, or otherwise, as the Governor in Council determines, over such portions of the line of the Company as runs along or through such pass or gorge. 15

Telegraph and telephone lines.

8. The Company may, in the Yukon Territory, and elsewhere in the district covered by its lines of railway or tramway, construct, maintain and operate telegraph and telephone lines, establish offices for the transmission of messages for the public, and collect tolls therefor, and, for the purposes of operating such telegraph or telephone lines, the Company may enter into a contract with any other company, or may lease the Company's lines, and may connect its lines with the lines of any telegraph or telephone companies in the United States at or near points on the International boundary line between British Columbia or the Yukon Territory and the District of Alaska, and with the lines of any telegraph or telephone companies in Canada, for the purposes of its business. 20 25 30

Arrangements with telegraph and telephone companies.

2. The Company may enter into arrangements with any telegraph or telephone company for the exchange and transmission of messages, or for the working in whole or in part of the lines of the Company. 35

Rates to be approved.

3. No rates or charges shall be demanded or taken from any person for the transmission of any message by telegraph or telephone or for leasing or using the telegraphs or telephones of the Company until such rates or charges have been approved of by the Governor in Council, and such rates and charges shall be subject to revision from time to time by the Governor in Council. 40

R.S.C., c. 132.

4. *The Electric Telegraph Companies Act* shall apply to the telegraphic business of the Company. 45

Powers of Company.

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

Electricity.

(a.) acquire lands, and erect, use and manage works, manufacture machinery and plant for the generation, transmission and distribution of electric power and energy; 50

Power houses.

(b.) build and maintain power houses and stations for the development of electrical force and energy;

Surplus power.

(c.) sell or lease any surplus power which the Company may develop or acquire, either as water power or by converting it into electricity or other force for the distribution of light, 55

heat or power, or for all purposes for which electricity can be used, with power to transmit the same ;

- (d.) acquire and work mines and mineral and mining rights Mining.  
 in the province of British Columbia and the Yukon Territory,  
 5 and may crush, smelt, reduce and amalgamate ore to render marketable the produce thereof, and may develop such mines, and may crush, smelt, reduce and amalgamate the ores and products of any mines, whether belonging to the Company or not ;
- 10 (e.) construct, or aid in and subscribe towards the construction, maintenance and improvement of roads, tramways, docks, Roads, docks, mills, etc.  
 piers, wharfs, viaducts, aqueducts, flumes, ditches, quartz mills, orehouses and other buildings and works which are necessary or convenient for the purposes of the Company ;
- 15 (f.) carry on the business of carriers, forwarders and transportation agents, and all other business incident thereto or connected therewith, and also the business of wharfingers, Carriers.  
 shippers, and vessel owners ; and may, for any of the said Vessels, lands, merchandise, etc.  
 20 works, boats, vessels, vehicles, goods, wares or merchandise and other property, real and personal ; and improve, extend, manage, develop, lease, mortgage, exchange and dispose thereof ;
- (g.) acquire by lease, purchase or otherwise, any rights in Patent rights.  
 25 letters patent, franchises or patent rights for the purposes of the works and undertakings hereby authorized, and again dispose of such rights.

10. The Company may receive from any government or Aid to Company.  
 person, in aid of the construction, equipment or maintenance  
 30 of any of its works, grants of land, bonuses, loans or gifts of money or securities for money, and may dispose thereof, and may alienate such property as is not required for the purposes of the Company.

11. The Company may, under the authority of the ordinary Preferred stock.  
 35 shareholders given at a special general meeting duly called for that purpose, at which meeting shareholders representing at least two-thirds in value of the stock are present or represented by proxy, issue any portion of its capital stock as preferred stock, and such preferred stock shall have the special  
 40 incidents and privileges defined by the following paragraphs, that is to say :—

- (a.) The profits of each year shall be first applied to pay a cumulative preferential dividend at a rate not exceeding six per cent per annum ;
- 45 (b.) The residue of surplus profits applicable for dividend in each year shall be divided among the holders of the ordinary shares ;
- (c.) Nothing herein contained shall prejudice or limit the powers or discretion of the directors as to the time or mode of  
 50 application and distribution of profits, or as to the setting aside of profits for a reserve fund and depreciation accounts ;
- (d.) The holders of the said preferred stock shall also be entitled to the preferential payment of the amount paid up on their shares out of the assets available for the return of capital,  
 55 in priority to any return of capital in respect of ordinary shares

in the Company; and, subject thereto, the residue of such surplus assets shall belong to and be divided among the ordinary shareholders.

Rights of holders.

2. The holders of such preferred stock shall have and enjoy the rights, privileges and qualifications of holders of capital stock for voting at all meetings of the shareholders and for the purpose of becoming directors. 5

Borrowing powers.

12. The directors, under the authority of a resolution of the shareholders passed at the first general meeting of the shareholders, or at any special general meeting at which shareholders representing at least two-thirds in value of the issued capital stock of the Company are present or represented by proxy, may, from time to time, at their discretion, borrow money for the purposes of the Company, and may issue bonds or debentures in respect thereof, and secure the repayment of the said moneys in such manner and upon such terms and conditions as they see fit, and for this purpose may mortgage, pledge, hypothecate or charge the assets and property of the Company other than the railway. 10 15

Bond issue.

13. The Company may, in addition to the powers granted by the next preceding section, issue bonds, debentures or other securities to the extent of thirty thousand dollars per mile of its railway and tramways, and such bonds, debentures or other securities may be issued only in proportion to the length of railways and tramways constructed or under contract to be constructed. 20 25

Time for construction limited.

14. If the construction of the railway is not commenced, and fifteen per cent of the amount of the capital stock is not expended thereon, within two years from the passing of this Act, or if the railway is not finished and put in operation within five years from the passing of this Act, the powers conferred upon the Company by Parliament shall cease and be null and void with respect to so much of the railway as then remains uncompleted. 30

No. 65.

2nd Session, 9th Parliament, 2 Edward VII,

BILL.

An Act to incorporate the Yukon Railway Company.

First reading, March 21, 1902.

(PRIVATE BILL.)

MR. MCCREARY

OTTAWA

Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

An Act respecting *La Compagnie du Chemin de fer de Colonisation du Nord*.

**W**HEREAS *La Compagnie du Chemin de fer de Colonisation du Nord* 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  
5 advice and consent of the Senate and House of Commons of of Canada, declares and enacts as follows:—

- 1.** The Act to incorporate *La Compagnie du Chemin de fer de Colonisation du Nord*, chapter 62 of the statutes of 1899, is hereby revived and declared to be in force. 1899, c. 62 revived.
- 10 2.** The election of the board of directors at a meeting of the shareholders held on the twenty-third day of November, one thousand nine hundred and one, is hereby confirmed and declared to be valid. Election of directors confirmed.
- 15 3.** The number of directors may be increased to seven or reduced to five by a by-law approved by a majority of the shareholders of the Company. Number of directors.
- 4.** The Company may, in connection with its railway and for the purposes of its business,— Powers of Company.
- (a) acquire lands, and erect, use and manage works, machinery and plant, for the generation, transmission and distribution of electric power and energy; Electricity.
- 20** (b) build and maintain power houses and stations for the development of electric power and energy; Power houses.
- (c) acquire by lease, purchase or otherwise, any exclusive rights in letters patent, franchises or patent rights for the purpose of its works and undertakings, and sell and dispose thereof; Letters patent.
- 25** (d) sell or lease any surplus power which the Company may develop or acquire, either as water power or by converting it into electricity or other force for the distribution of light, heat or power, or for all purposes for which electricity can be used; Surplus power.
- 30** (e) issue paid up stock and dispose thereof in payment of any moveable or immoveable rights, franchises and privileges acquired by the Company; Paid up stock.
- 35** (f) acquire, manage and operate hotels and parks along its line of railway. Hotels and parks.
- 5.** Section 3 of chapter 62 of the statutes of 1899 is amended by striking out the words "one million" on line one  
40 thereof, and substituting therefor the words "three hundred thousand." 1899, c. 62, s. 3 amended. Capital decreased.

Branch lines.

6. The Company may, from any points on its main line, construct and operate branch lines not exceeding in any one case fifteen miles in length.

Time for construction limited.

7. If the construction of the railway is not commenced and fifteen per cent of the amount of the capital stock is not expended thereon within two years after the passing of this Act, or if the railway is not finished and put in operation within five years after the passing of this Act, the powers conferred upon the Company by Parliament shall cease and be null and void as respects so much of the railway as then remains uncompleted. 5

No. 66.

2nd Session, 9th Parliament, 2 Edward VII., 1902

BILL.

An Act respecting *La Compagnie du Chemin de fer de Colonisation du Nord.*

First reading, March 21, 1902.

(PRIVATE BILL.)

Mr. LEMIEUX.

OTTAWA

Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

An Act to incorporate the Coast Yukon Railway  
Company.

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

- 1.** Robert Kelly, James Webster and Donald G. Mac- Incorporation.  
donell, all of the city of Vancouver, together with such per-  
sons as become shareholders in the company, are incorporated  
under the name of the "Coast Yukon Railway Company," Corporate  
10 hereinafter called "the Company." name.
- 2.** The persons named in section 1 of this Act are consti- Provisional  
tuted provisional directors of the Company. directors.
- 3.** The capital stock of the Company shall be one million Capital stock.  
dollars, and may be called up by the directors from time to  
15 time as they deem necessary, but no one call shall exceed ten  
per cent on the shares subscribed.
- 4.** The head office of the Company shall be in the city of Head office.  
Vancouver, or in such other place in Canada as the Company  
determines by by-law.
- 5.** The annual meeting of the shareholders shall be held on Annual  
20 the first Monday in February in each year. meeting.
- 6.** At such meeting the subscribers for the capital stock Election of  
assembled, who have paid all calls due on their shares, shall directors.  
25 choose three persons to be directors of the Company, one or  
more of whom may be paid directors.
- 7.** The Company may lay out, construct and operate a Line of  
railway of the gauge of four feet, eight and one-half inches, railway  
[or a narrow gauge railway] from a point at or near Kitimat, described.  
Douglas Channel, British Columbia, thence to a point at or  
30 near Hazelton, British Columbia, thence to a point at or near  
Telegraph Creek, on the Stikene River, thence to a point on  
the Yukon River, thence to the city of Dawson, in the  
Yukon Territory.
- 8.** The Company may issue bonds, debentures or other Bond issue  
35 securities to the extent of thirty five thousand dollars per mile limited.  
of the railway and branches, and such bonds, debentures or

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

Agreement with other companies.

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

Approval of shareholders and Governor in Council.

Notice of application for sanction.

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

Agreement to be filed with Secretary of State.

3. A duplicate of the agreement referred to in subsection 1 of this section shall, within thirty days after its execution, be filed in the office of the Secretary of State of Canada, and notice thereof shall be given by the Company in *The Canada Gazette*, and the production of *The Canada Gazette* containing such notice shall be prima facie evidence of the requirements of this Act having been complied with.

Time for construction limited.

10. If the construction of the railway is not commenced and fifteen per cent of the amount of the capital stock is not expended thereon within two years after the passing of this Act, or if the railway is not finished and put in operation within five years after the passing of this Act, the powers conferred upon the Company by Parliament shall cease and be null and void as respects so much of the railway as then remains uncompleted.

An Act respecting the Central Counties Railway  
Company.

**W**HEREAS the Central Counties Railway Company has, by  
its petition, prayed that it be enacted as hereinafter set Preamble.  
forth, and it is expedient to grant the prayer of the said peti-  
tion: Therefore His Majesty, by and with the advice and  
consent of the Senate and House of Commons of Canada, en-  
acts as follows:

1. Section 7 of chapter 82 of the statutes of 1887 is 1887, c. 82, s. 7 amended.  
amended by striking out the word "April" on line three  
thereof, and by substituting therefor the word "September." Annual meeting.
2. Section 2 of chapter 60 of the statutes of 1899 is re- 1899, c. 60. New s. 2.  
pealed, and the following is substituted therefor:—  
"2. The Company may issue bonds, debentures or other Bond issue.  
securities to the extent of twenty thousand dollars per mile of  
the said sections two and six, and such securities may be issued  
only in proportion to the length of railway constructed or  
under contract to be constructed."
3. Section 4 of the said Act is repealed, and the following New s. 4.  
is substituted therefor:—  
"4. The sections of the undertaking of the Company not Time for construction limited.  
yet constructed shall be completed within five years from the  
passing of this Act, otherwise the powers granted for such  
construction by the Acts relating to the Company shall cease  
and be null and void as respects so much of the undertaking  
as then remains uncompleted."

No. 68.

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2nd Session, 9th Parliament, 2 Edward VII, 1902

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BILL.

An Act respecting the Central Counties  
Railway Company.

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First reading, March 24, 1902.

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(PRIVATE BILL.)

MR. EDWARDS.

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OTTAWA  
Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

An Act respecting the Canadian Pacific Railway  
Company.

**W**HEREAS the Canadian Pacific Railway Company has, Preamble.  
by its petition, prayed that it be enacted as hereinafter  
set forth, and it is expedient to grant the prayer of the said  
petition: Therefore His Majesty, by and with the advice and  
5 consent of the Senate and House of Commons of Canada,  
enacts as follows:—

**1.** This Act may be cited as *The Canadian Pacific Railway* Short title.  
*Act, 1902.*

**2.** The expression “the Company,” when used in this Act, Interpreta-  
tion.  
10 means the Canadian Pacific Railway Company.

**3.** The Company may construct or acquire and may operate Line of  
railway  
described.  
a railway in the province of Quebec from a point at or near  
Piles Junction on the North Shore Railway or from a point on  
the Piles branch of that railway, thence in a north-westerly  
15 direction to Shawenegan Falls and thence in a north-easterly  
direction to Grand'Mère.

**4.** The said railway shall be commenced within three years Time for  
construction  
limited.  
and completed within five years from the passing of this Act,  
otherwise the powers hereby granted for its construction shall  
20 cease as to so much thereof as is not completed within that  
period.

**5.** The Company may issue bonds which shall be a first Bond issue.  
lien and charge and be secured exclusively upon the said rail-  
way in the same way and with the same effect as if it were  
25 a branch railway within the meaning of section 1 of chapter  
51 of the statutes of 1888, and the said section shall apply 1888, c. 51.  
accordingly; or, in lieu of such bonds, the Company may  
issue consolidated debenture stock, the holders of which shall Debenture  
stock.  
30 holders of such consolidated debenture stock as the Company  
has been, before the passing of this Act, authorized to issue.

**6.** The Company may commence and complete within five Time extended  
for construc-  
tion of railway  
authorized by  
1900, c. 55.  
years from the passing of this Act the railway which it was  
authorized by chapter 55 of the statutes of 1900 to construct  
35 from a point on the Company's railway at or near New West-  
minster, thence to Vancouver by such route as may be found  
most direct and feasible; provided that the powers hereby

granted shall cease and be null and void with respect to so much of the said railway as shall not be completed within that period.

Power to hold land, buildings, etc.

7. The Company may purchase, rent, hold and enjoy, as well in Canada as in such other places as are deemed 5 expedient for the purposes of the Company, and either in the name of the Company or in the name of trustees for the Company, such lands, wharves, docks, warehouses, offices, elevators and other buildings as it may find necessary and convenient for its purposes, and sell or dispose thereof for the purposes of the Company, and may take, hold and dispose of 10 shares in any companies having for one of their objects the purchase, renting, taking, holding and enjoying of lands, wharves, docks, warehouses, offices, elevators and other buildings, in Canada or elsewhere, to be used for the purposes of 15 the Company or its steamship connections.

Shares in land and building companies.

Hotels and restaurants.

8. The Company may, for the purposes of its railway and steamships and in connection with its business, build, purchase, acquire or lease for hotels and restaurants, such buildings as it deems advisable and at such points or places along 20 any of its lines of railway and lines operated by it or at points or places of call of any of its steamships, and may purchase, lease and hold the land necessary for such purposes, and may carry on business in connection therewith for the comfort and convenience of the travelling public, and may lay out and 25 manage parks and pleasure grounds upon the property of the Company and lease the same from or give a lease thereof to any person, or contract with any person for their use, on such terms as the Company deems expedient.

Mining and smelting.

9. The Company may, in order to utilize its land grant and 30 the land grants of other railway companies owned or controlled by the Company, in so far as they are available for mining and lumbering operations, engage in general mining, smelting and reduction, the manufacture and sale of iron and steel and lumber and timber manufacturing operations upon such lands 35 or in connection therewith, and may sell and dispose of the products thereof and take, hold and dispose of shares of stock in any incorporated company which has for one of its objects the carrying on and operation of the business of mining, smelting or reduction, the manufacture of iron and steel or 40 lumbering or timber manufacturing and accessories thereto upon any of such land grants or in connection with the product thereof, and of other properties adjacent thereto or in the vicinity thereof, and may also make such agreements with actual or intended settlers upon such lands as it deems expedi- 45 ent for promoting the settlement and cultivation thereof, including the advancing of moneys for such purposes and upon the security of the lands settled upon respectively.

Iron and steel manufacture.

Lumber.

Shares in other companies.

Electricity.

10. The Company may acquire or construct and operate such buildings and works as are necessary for generating and 50 transmitting electricity, and sell or otherwise dispose of surplus power so generated and not required for operating its railways and other works.

**11.** The Company may excavate, construct, maintain and operate irrigation ditches or canals upon its lands for supplying water for irrigating any portion of such lands and for supplying water for irrigation, water-power or other purposes to municipalities, cities or towns, and to individuals, corporations or companies holding lands contiguous to the lands of the Company, at such rates as may be fixed by agreement, and generally exercise the powers of an irrigation company.

Irrigation  
Irrigation

**12.** Section 6 of schedule A of chapter 1 of the statutes of 1881 is repealed, and the following is substituted therefor:—

1881, c. 1,  
schedule A.  
New s. 6.

**6.** The directors of the Company shall be elected by ballot at the shareholders' meeting and shall each hold at least two hundred and fifty shares of the stock of the Company. They shall be subject to the same conditions as the directors appointed by or under the authority of the last preceding section. The number of directors shall be such, not exceeding fifteen as shall be fixed by by-law, and may be altered from time to time in like manner. They shall remain in office for the period or respective periods fixed by by-law, approved of by the shareholders, but the terms of office of at least one-fourth of the directors shall expire each year."

Election of  
directors.

Qualification.

Number, and  
term of office.

No. 69.

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2nd Session, 9th Parliament, 2 Edward VII., 1902

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BILL.

An Act respecting the Canadian Pacific  
Railway Company.

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First reading, March 24, 1902.

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(PRIVATE BILL.)

MR. GUTHRIE.

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OTTAWA  
Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

## An Act to incorporate the Ross Rifle Company.

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

Preamble.

**1.** Sir Thomas Shaughnessy of the city of Montreal, K.B.,  
 Sir Charles Henry Augustus Frederick Lockhart Ross,  
 Baronet, the Honourable William Gibson of Beamsville, the  
 Honourable Frederick L. Beique of the city of Montreal,  
 Donald D. Mann, Frederick Nicholls and Wallace Nesbitt, all  
 of the city of Toronto, together with such persons as become  
 shareholders in the company, are incorporated under the  
 name of "The Ross Rifle Company," hereinafter called "the  
 Company."

Incorporation.

Corporate name.

**15 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 shall withdraw the same for the  
 purposes only of the Company, and may do generally what is  
 necessary to organize the Company.

Provisional directors.

Powers.

**3.** The head office of the Company shall be in the city of  
 Ottawa, in the province of Ontario, or in such other place in  
 Canada as the Company determines by by-law.

Head office.

**30 2.** A general meeting of the Company shall be called once  
 in each year after the organization of the Company and com-  
 mencement of business, at its head office, and at such meeting  
 a statement of the affairs of the Company shall be submitted.

Annual general meeting.

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

Capital stock.

**5.** The Company may, in connection with its business and  
 for the purposes of its undertaking,—  
 (a.) manufacture, buy, sell and deal in guns, rifles, small  
 arms, ammunition, ordnance, military and sporting supplies,  
 machinery, tools etc.;

Business of Company.

Fire arms, sporting goods, etc.

- Lands and works. (b.) acquire lands and construct and maintain works and structures necessary or proper in connection with the carrying on of such business, and dispose thereof.
- Patent rights water powers and property. (c.) acquire patent rights, letters patent of invention, processes, options, water powers and other rights and privileges, and real and personal property, and again dispose thereof; 5
- Foundries and shops for machinery supplies, etc. (d.) erect and operate furnaces, foundries and machine shops, and undertake and execute contracts for machinery, buildings, ships, cars or other structures or works involving the supply or use of any machinery, and carry out any ancillary or other works in connection with or for the purposes of such contracts; 10
- Iron and steel manufacture. (e.) manufacture, sell and deal in all classes of iron and steel products generally;
- Other businesses. (f.) carry on any business which may be carried on in connection with the foregoing businesses, or which may be calculated to enhance the value of any of the Company's property or rights. 15
- Preferred stock. 6. The directors may, by by-law approved at a special general meeting duly called for that purpose, or at any annual meeting of the Company at which two-thirds in value of the shareholders of the Company who have paid all calls due upon their shares are present or represented by proxy, issue any portion of the capital stock as preferred stock, with such preferences or privileges as to dividends or otherwise as such by-law determines. 25
- Issue of paid up stock. 7. The directors may 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, stock, assets and other property, which it may lawfully acquire, and may allot and hand over such shares to any person or company, or to its shareholders, and the Company may pay for any such property, right, power, privilege, letters patent or interest therein, contract, real estate or assets either wholly or partly in paid up shares as to their directors may seem proper. 30 35
- Borrowing powers. 8. The directors, under the authority of a resolution of the shareholders passed at any special general meeting duly called for the purpose, or at any annual general meeting at which holders representing at least two thirds in value of the issued capital stock of the Company are present or represented by proxy, may, from time to time, at their discretion borrow moneys for the purposes of the Company, and secure the repayment of such moneys in such manner and upon such terms and conditions as they see fit, and for such purpose may mortgage, pledge, hypothecate or charge the assets and property of the Company; but nothing herein contained shall be construed to authorize the Company to issue bonds, debentures, or debenture stock. 40 45 50
- Amount limited. 2. The aggregate amounts borrowed shall not at any time be greater than seventy-five per cent of the actual paid up stock of the Company, but this limitation shall not apply to commercial paper discounted by the Company.

9. This Act shall expire and the charter hereby granted shall cease to be in force, if the Company does not go into actual operation within two years from the passing of this Act. Charter to cease by non user.

5 10. Sections 18 and 39 of *The Companies Clauses Act* R.S.C., c. 118. shall not apply to the Company.

No. 70.

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2nd Session, 9th Parliament, 2 Edward VII., 1902

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BILL.

An Act to incorporate the Ross Rifle  
Company.

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First reading, March 24, 1902.

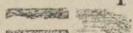
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(PRIVATE BILL,)

MR. THOMPSON.

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OTTAWA  
Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

 An Act respecting the Dominion Cotton Mills  
 Company, Limited.

**W**HEREAS the Dominion Cotton Mills Company, Limited, Preamble.  
 has, by its petition, prayed that it be enacted as herein-  
 after set forth, and it is expedient to grant the prayer of the said  
 petition : Therefore His Majesty, by and with the advice and 1900, c. 98.  
 5 consent of the Senate and House of Commons of Canada,  
 enacts as follows :—

**1.** Section 2. of chapter 98 of the statutes of 1900 is New s. 2.  
 repealed, and the following is substituted therefor :—

**“2.** The directors may, by resolution, when authorized Borrowing powers.  
 10 by a by-law for that purpose, approved by the votes of holders  
 of at least two thirds in value of the subscribed stock of the  
 Company present or represented by proxy at a special general  
 meeting called for considering such by-law, borrow, from  
 time to time, such sums of money not exceeding in amount  
 15 seventy-five per cent of the value of all the immoveable  
 property, buildings, plant, and machinery belonging to the  
 Company, and may issue bonds and debentures therefor of  
 sums of not less than one hundred dollars each, at such rate  
 of interest, payable at such time and place and secured in such  
 20 manner by way of transfer, mortgage, hypothec or otherwise  
 upon the whole or any part of the property and undertaking  
 of the Company as may be provided by such by-law or  
 determined by the directors under the authority of such by-  
 law.”

**2.** The directors may make such provisions respecting the Redemption of bonds, etc.  
 25 redemption of such bonds and debentures as they may deem  
 proper.

No. 71.

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2nd Session, 9th Parliament, 2 Edward VII., 1902

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BILL.

An Act respecting the Dominion Cotton  
Mills Company, Limited.

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First reading, March 24, 1902.

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(PRIVATE BILL.)

MR. PREFONTAINE.

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OTTAWA  
Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

An Act to incorporate the Pacific Northern and  
Omineca Railway Company.

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

Preamble.

**1.** John Irving, Harry F. Bullen and Francis Brooke  
Gregory, all of the city of Victoria, in the province of British  
Columbia, together with such persons as become shareholders  
in the company, are incorporated under the name of "The  
Pacific Northern and Omineca Railway Company," hereinafter  
called "the Company."

Incorporation.

Corporate name.

**2.** The persons named in section 1 of this Act are constitut-  
ed provisional directors of the Company.

Provisional directors.

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

Capital stock.

**4.** The head office of the Company shall be in the city of  
Victoria, or at such other place in the province of British Colum-  
bia as the Company determines by by-law.

Head office.

**5.** The annual meeting of the shareholders shall be held on  
the third Wednesday in October in each year.

Annual meeting.

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

Election of 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 Kitimat Inlet in the coast district of the province  
of British Columbia, and thence by the most convenient route  
to Hazelton on the Skeena River in the Cassiar district, thence  
by the most convenient route to a point on the northern bound-  
ary of British Columbia, at or near Teslin Lake or Atlin  
Lake, or both; also from Hazelton by the most feasible route  
via the Skeena, Babine, Driftwood, Omineca and Finlay Rivers  
to Peace River Pass, thence easterly to the eastern boundary

Line of railway described.

of the said province, thence to a point at or near Edmonton, in the North-west Territories.

- Powers of Company.  
Docks, etc.      **8.** The Company may, for the purposes of its undertaking,—  
 (a.) erect and maintain docks, dock yards, wharfs, slips and piers at any point on or in connection with its railway and all the termini thereof on navigable waters for the convenience and accommodation of vessels and elevators; 5
- Elevators.  
Vessels.      (b.) acquire and work elevators ;  
 (c.) acquire and run steam and other vessels for cargo and passengers upon any navigable water which its railway may connect with ; 10
- Electricity.      (d.) acquire and utilize water and steam power for the purpose of compressing air or generating electricity for lighting, heating or motor purposes, and may dispose of surplus power generated by the Company's works and not required for the undertaking of the Company ; 15
- Patent rights, etc.      (e.) acquire exclusive rights in letters patent, franchises or patent rights and again dispose thereof.
- Telegraph and telephone lines.      **9.** The Company may construct and maintain a telegraph line and telephone lines along the whole length of its railway and branches, and may establish offices for the transmission of messages for the public ; and, for the purpose of erecting and working such telegraph and telephone lines, the Company may enter into a contract with any other company. 20
- Arrangements with telegraph and telephone companies.      2. The Company may enter into arrangements with any telegraph or telephone company for the exchange and transmission of messages, or for the working in whole or in part of the lines of the Company. 25
- Rates to be approved.      3. No rates or charges shall be demanded or taken from any person for the transmission of any message by telegraph or telephone, or for leasing or using the telegraphs or telephones of the Company, until such rates or charges have been approved of by the Governor in Council, and such rates and charges shall be subject to revision from time to time by the Governor in Council. 30
- R.S.C., c. 132.      4. *The Electric Telegraph Companies Act* shall apply to the telegraphic business of the Company. 35
- Bond issue.      **10.** The Company may issue bonds, debentures or other securities to the extent of thirty thousand dollars per mile of the railway and branches, and such bonds, debentures or other securities may be issued only in proportion to the length of railway constructed or under contract to be constructed. 40
- Aid to Company.      **11.** The Company may from time to time receive by grant from any government or person as aid in the construction of the railway, vessels and works provided for in this Act, any real or personal property, sums of money, debentures, or subsidies, either as gifts by way of bonus, or guarantees, or in payment, or as subventions for services, and may dispose thereof, and may alienate such property as is not required for the undertaking of the Company. 45



No. 72.

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2nd Session, 9th Parliament, 2 Edward VII., 1902

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BILL.

An Act to incorporate the Pacific Northern  
and Omineca Railway Company.

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First reading, March 24, 1902.

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(PRIVATE BILL.)

MR. MORRISON.

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OTTAWA  
Printed by S. E. Dawson  
Printer to the King's most Excellent Majesty  
1902

An Act to incorporate the North Shore Power, Railway  
and Navigation Company.

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

1. James Clarke and George Clarke, of the city of New York, in the United States, William Clarke, John Clarke and Thomas Meaney, all of the city of Toronto, in the province of  
10 Ontario, together with such persons as become shareholders in  
the Company, are incorporated under the name of "The North  
Shore Power Railway and Navigation Company," hereinafter  
called "the Company." Incorporation.  
Corporate name.

2. The persons named in section 1 of this Act shall be the  
15 first or provisional directors of the Company, and they shall  
hold their meetings at the city of Quebec, at such times as they  
determine, and the notice of such meetings shall be signed by  
the provisional directors calling the same. Provisional directors.

2. All notices calling meetings of the provisional directors,  
20 directors or shareholders shall state the date and place of  
holding such meetings, and shall be mailed by registered letter  
to the address of each of the other provisional directors,  
directors or shareholders, as the case may be, not less than ten  
days previous to the date of such meeting, and the mailing of  
25 such letter shall be sufficient notice of such meeting. Notices of meetings.

3. The directors and provisional directors may act notwith-  
standing any vacancy in their number; provided that if the  
number falls below three they shall not, except for the purpose  
of filling vacancies, have power to act so long as the number  
30 is below the said minimum. A majority of the provisional  
directors shall be a quorum. Quorum of directors.

4. The provisional directors may forthwith open stock books,  
and procure subscriptions of stock for the undertaking, and  
35 receive payments on account of stock subscribed and carry on  
the business of the Company. Powers of provisional directors.

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

2. After the whole of the capital stock of the Company has  
40 been issued and fifty per cent thereof has been paid up, the  
capital stock may be increased, from time to time, to an amount  
not exceeding five million dollars, by resolution of the share- Increase of capital.

holders approved of by the votes of the holders of at least two-thirds of the issued stock of the Company present or represented by proxy at a special general meeting of the shareholders, duly called for the purpose of considering such resolution, and such increased capital stock shall be issued, and may be held, subject to the same conditions, and dealt with in the same manner, as the original capital stock of the Company. 5

Head office. 4. The head office of the Company shall be at the city of Quebec, in the province of Quebec, or at such other place in Canada as is, from time to time, determined by by-law. 10

First general meeting. 5. At any time after the passing of this Act the provisional directors or any three of them may call a general meeting of the shareholders of the Company, to be held in the city of Quebec, at such time as they determine, for the purpose of passing or confirming 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. 15

Business of Company. Lumber. Pulp and paper. Bricks. Merchants. Contractors. Common carriers. Vessels owners. Mills. Stock raising. Mining. Iron and steel works. Chemicals.

6. The Company may,—

(a.) carry on 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; 20

(b.) carry on the business, in all its branches, of manufacturing pulp wood, pulp, paper and all other business incident thereto; and also the business of manufacturing and burning of bricks, tiles, drain pipes, terra cotta and other materials from clay; and also the business of general merchants and general contractors; and also the business of general manufacturers, millers, common carriers, wharfingers, warehousemen, and may 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; 25 30

(c.) erect, acquire and operate saw mills and factories of all kinds, grist mills, flour mills, woollen mills, cotton mills, paper mills and elevators, and buy, deal in and dispose of the products of the said mills and factories in any form, and acquire materials of all kinds necessary for the manufacture of such products; 35

(d.) carry on the business of farming and stock raising;

(e.) acquire and operate mines and mineral and mining rights, 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; 40

(f.) erect and operate blast furnaces, Bessemer and open hearth steel plants, rolling mills, foundries, bridge construction and machine shops; and carry on the business of engineers and contractors for the manufacture of iron and steel railway and highway bridges, ships, cars, buildings and other structures and for the manufacture and sale of all classes of iron and steel products; 45 50

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

- (h.) produce, manufacture, supply and dispose of gas and electricity for the purpose of light, heat and motive power and any other purposes for which they may be used, and construct, maintain and operate works, poles and all other appliances necessary or useful for the production, sale and distribution of electricity and pneumatic power for the purposes of light, heat and power, and conduct, store, sell and supply electricity and pneumatic power, and with such pneumatic, electric or other conductors or devices, conduct, convey, furnish or receive such electricity or power to or from any person or corporation at any places in Canada;
- (i.) lease or acquire timber berths, timber licenses, water powers, hydraulic properties, buildings, docks, wharfs, carts, vehicles, goods, wares, merchandise and other property, real or personal, which are deemed necessary or useful in connection with any of the works or operations which the Company is authorized to carry on;
- (j.) construct, acquire, use, maintain and operate canals, watercourses, raceways and water powers, and construct dams, sluices, conduits and buildings in connection therewith;
- (k.) lease and acquire rights and privileges with respect to fisheries and fishing in the waters of the St. Lawrence river and gulf and streams emptying therein; take, cure, preserve, can and sell fish; erect, acquire and lease buildings and premises, fishways, slides and dams, and equip the same with plant, machinery, implements and boats requisite and necessary for the purposes of such fishing industry.
7. The Company may construct 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 aforesaid and for transporting the products of the said mills, factories, mines and works to any place in Canada and elsewhere, and for bringing and conveying to the properties of the Company all materials required thereat; and the Company may also construct, operate and dispose of telegraph and telephone lines for the purpose of its undertakings only; and the Company may acquire any business within any of the objects of the Company, and lands, properties, privileges, rights, contracts, limits and liabilities appertaining thereto, and may let or sublet any property of the Company, and sell or otherwise dispose of any business, property or undertaking of the Company.
8. The Company may license, lease or acquire patent rights, letters patent of invention, processes and options to facilitate the carrying out of any of the objects of the Company, and may dispose thereof.
9. The Company may, for the purpose of any of its undertakings, or for the promotion thereof, construct and operate by steam, electricity or other power a railway of the gauge of four feet eight and one-half inches, from some point or points on the St. Lawrence river, to the works and buildings of the Company on the river Ste. Marguerite, but not exceeding ten miles in length, and may also construct and operate all such

Gas and electricity.

Timber lands.

Water powers

Merchandise.

Canals.

Fishing rights.

Construction of roads, docks and bridges.

Vessels.

Telegraph and telephone lines.

Power to acquire similar businesses.

Patent rights.

Railway.

railway sidings, tramways, switches or spur lines as may be necessary to connect any property of the Company with its factories and mills or with the line of any railway company, and may also construct all stations, round houses, turntables and workshops necessary for the operation of the said railway. 5

Power to  
acquire  
properties of  
Jas. Clarke.

**10.** The Company may purchase the properties, rights, water powers and privileges acquired by James Clarkè from the Government of the province of Quebec, situate in the canton Arnaud, county of Saguenay, either under two notarial deeds of sale bearing date respectively the twenty-eighth day of 10 August, one thousand nine hundred and one, and the twenty-seventh day of January, one thousand nine hundred and two, or under letters patent, and may pay the price thereof wholly or partly in cash, or wholly or partly in fully paid-up or partly 15 paid-up shares of the capital stock of the Company, or wholly or partly in bonds or debentures of the Company or otherwise, and as a condition of such purchase or acquisition may undertake, guarantee and assume the obligations and conditions placed upon the said James Clarke in the said deeds of sale.

Issue of paid  
up shares.

**11.** The directors may issue as paid-up stock shares of the 20 capital stock of the Company in payment for all or any of the businesses, franchises, undertakings, rights, powers, privileges, letters patent, inventions, real estate, stocks, assets and other properties which the Company may lawfully acquire by this Act or by law, and may, for such considerations, allot and 25 hand over such shares to any person, including its shareholders or its directors; and any such issue or allotment of stock shall be binding upon the Company and such stock shall not be assessable for calls nor shall the holder thereof be liable in any way thereon; or the Company may pay for the same 30 wholly or partly in paid-up shares or wholly or partly in debentures, as may be agreed upon; provided that any allotment and issue of stock under authority of this section shall be approved by the holders of at least two-thirds in value of the stock of the Company, previously issued and held at the date 35 of such issue or allotment.

Proviso.

Borrowing  
powers.

**12.** The directors may, when authorized by a by-law for that purpose, approved of by the votes of holders of at least two-thirds in value of the issued stock of the Company, present or represented by proxy at a special general meeting called for 40 considering such by-law, borrow, from time to time, such sums of money, not exceeding the amount of the capital stock issued at the date of any such by-law as paid-up or unassessable capital stock of the Company, as the shareholders deem necessary, and may, if thought advisable, issue bonds and debentures 45 therefor, in sums of not less than one hundred dollars each, at such rate of interest and payable at such time and place and secured in such manner by a mortgage or otherwise, upon the whole or any portion of the property and undertakings and franchises of the Company as may be prescribed by such 50 by-law or decided upon by the directors under the authority thereof, and the Company may make such provisions respecting the redemption of such securities as are deemed proper; and the directors, upon such authorization, may, without

issuing debentures, secure the repayment of such loans by mortgage, hypothec or pledge upon such properties or assets of the Company as shall be indicated by the directors.

2. 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.

Money borrowed on current account.

10 **13.** 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 ;  
15 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 law be granted by such municipality.

Aid to Company.

20 **14.** The Company may receive, take and hold all voluntary grants and donations of lands or other property, or any bonus of money or debenture, or other benefit of any sort, made to it for the purpose of aiding in the construction, maintenance and accommodation of the said railway, but the same shall be held and used for the purpose of such grants or donations only.

Aid towards construction of railway.

25 **15.** *The Railway Act* shall not apply to the Company. 1888, c. 29.

**16.** Section 18 of *The Companies Clauses Act* shall not apply to the Company. R.S.C., c. 118.

No. 73.

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2nd Session, 9th Parliament, 2 Edward VII., 1902

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BILL.

An Act to incorporate the North Shore  
Power, Railway and Navigation  
Company.

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First reading, March 24, 1902.

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(PRIVATE BILL.)

MR. MCCARTHY.

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OTTAWA

Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

An Act respecting the Ottawa, Brockville and St.  
Lawrence Railway Company.

**W**HEREAS the Ottawa, Brockville and St. Lawrence Rail-  
way Company has, by its petition, prayed that it be  
enacted has hereinafter set forth, and it is expedient to grant  
the prayer of the said petition: Therefore His Majesty, by  
5 and with the advice and consent of the Senate and House of  
Commons of Canada, enacts as follows:—

**1.** Section 1 of chapter 71 of the statutes of 1900,  
incorporating the Ottawa, Brockville and St. Lawrence Rail-  
way Company is amended by striking out of the said section the  
10 words "Daniel Derbyshire and Daniel Downey, of the town  
of Brockville."

Preamble.

1900, c. 71.

Section 1  
amended.

Incorporation.

**2.** The time limited for commencing the railway of the said  
company and for the expenditure of fifteen per cent of the  
capital stock is extended for two years, and the time limited  
15 for completing the said railway is extended for five years from  
the seventh day of July one thousand nine hundred and two,  
and if the said railway is not commenced and such expend-  
iture is not so made, or if the said railway is not completed,  
within the said respective periods, the powers conferred upon  
20 the Company by Parliament shall cease and be null and void  
with respect to so much of the said railway as then remains  
uncompleted.

Time for con-  
struction  
extended.

No. 74.

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2nd Session, 9th Parliament, 2 Edward VII., 1902

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BILL.

An Act respecting the Ottawa, Brock-  
ville and St. Lawrence Railway Com-  
pany.

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First reading, March 24, 1902.

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(PRIVATE BILL.)

MR. LOGAN.

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OTTAWA

Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

An Act to incorporate the Knapp Tubular Steamship 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.** The Honourable George Eulas Foster, of the city of Toronto; and Frederick Augustus Knapp, of the town of Prescott, in the province of Ontario; and Frank Buller, Matthew Hutchinson, William Haywood Stewart, and Matthew John Baker, all of the city of Montreal, in the province of Quebec, together with such persons as become shareholders in the company, are incorporated under the name of "The Knapp Tubular Steamship 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, a majority of whom shall be a quorum, and the said provisional directors shall hold office until the first election of directors under this Act, and they may forthwith open stock books and procure subscriptions of stock for the undertaking and allot the stock, and receive payments on account of the stock subscribed and allotted, and deposit in any chartered bank of Canada moneys received by them on account of the stock subscribed, which moneys shall not be withdrawn, except for the purpose of the undertaking, or upon the dissolution of the Company for any cause whatsoever.

Provisional directors.

Powers.

**2.** The money so raised shall be applied, in the first place, in the payment of all fees, expenses and disbursements for procuring the passing of this Act, and the remainder of such money shall be applied in carrying out the purposes of this Act.

Application of moneys.

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

Capital stock.

**4.** As soon as twenty per cent of the capital stock has been subscribed and ten per cent thereof paid into some chartered bank in Canada, the provisional directors, or the majority of them, shall call a general meeting of the shareholders to be held at the city of Montreal, or at such other place in Canada as the provisional directors calling such meeting determine, for the purpose of electing the first directors of the Company and of transacting any other business that may be done at a

Election of directors.

shareholders' meeting, and notice in writing, signed by or on behalf of the provisional directors or the majority of them calling such meeting, of the date and place of holding the same, mailed, postage prepaid to the post office address of each shareholder not less than ten days previous to the calling of such meeting shall be sufficient notice of such meeting.

Qualification  
of sharehold-  
ers.

5. No person shall be elected a director unless he is a shareholder holding at least ten shares of the stock of the Company and has paid all calls due thereon.

Head office.

6. The head office of the Company shall be in the city of 10 Montreal, in the province of Quebec, or at such other place in Canada as the Company from time to time determines by by-law, but the directors may establish offices in other places in Canada or elsewhere.

Annual  
meeting.

7. The annual general meeting of the shareholders shall be 15 held on the first Tuesday in February in each year.

Election of  
directors.

8. At such annual general meeting the subscribers for the capital stock assembled, who have paid all calls due on their shares, shall choose five persons to be directors of the Company, a majority of whom shall be a quorum, and one or more 20 of whom may be paid directors.

Business of  
Company.

9. The Company may build, own and operate ships of the shape known as the "Knapp Tubular Steamship," and may purchase and obtain rights in the invention known as the "Knapp Tubular Steamship" and may sell the same or any 25 part or interest therein, and may acquire by purchase, lease or otherwise, and own and operate steam and other boats and vessels and therewith carry on the business of conveying and carrying goods, wares and merchandise, freight and cargoes of all descriptions as well as passengers, and may mortgage or 30 dispose of the said boats and vessels.

Wharfs,  
buildings,  
etc.

Real  
property.

10. The Company may build, acquire, use and dispose of wharfs, docks, warehouses, elevators and other buildings for the purpose of its said boats and vessels and of its transportation business, and may acquire and use real property for the 35 purpose of the Company and dispose thereof, but the Company shall not commence the construction of any wharf or dock until the plans and site of such wharf or dock have first been submitted to and approved of by the Governor in Council.

Preference  
stock.

11. The directors may, in addition to the ordinary capital 40 stock, issue preferential or preferred stock to an amount not exceeding one million dollars; but no such preferential or preferred stock shall be issued until the authority of the shareholders of the Company has been obtained for that purpose at a special general meeting of the shareholders called for that 45 purpose, at which meeting shareholders representing at least two-thirds in value of the subscribed stock of the Company, and who have paid all calls due on their shares, are present or represented by proxy; and the said stock when issued may be pledged or sold by the directors for the purpose of raising 50

money or securing advances of money for any of the objects of the Company, and the holders of such stock shall have all the rights and privileges of holders of the ordinary stock, and the dividends on such stock shall be preferential as between the holders thereof and the holders of ordinary shares at a rate not exceeding eight per cent per annum, and shall be cumulative.

12. The directors may make and issue as paid up stock shares in the Company whether subscribed for or not, and may allot and hand over such stock in payment for the rights in the invention known as the "Knapp Tubular Steamship," steamboats and other vessels, plant of any kind, and also for the service of contractors and engineers; and such issue and allotment of stock shall be binding on the Company and such stock shall not be assessable for calls.

Issue of paid up shares.

13. The Company may carry on the business of wharfingers and warehousemen, and may charge on all property placed with it or in its custody such fair remuneration as is fixed upon by the directors for storage, warehousing, wharfage, dockage, cooperage, grazing or any other care or labour in and about such property on the part of the Company, over and above the regular freight and primage upon the said property which has been carried or may be carried by it.

Wharfingers.

14. The directors may, under the authority of a resolution of the shareholders at any meeting called for such purpose, at which meeting shareholders representing at least two-thirds in value of the subscribed stock of the Company, and who have paid all calls due upon their stock, are present or represented by proxy, borrow money on behalf of the Company at such rates of interest and upon such terms as they may, under such resolution determine; and to effect such loan the directors may authorize the managing director of the Company or the president or any two of the directors, to make and execute mortgages, issue, grant and consent to bottomry or other bonds or other instruments which are necessary, and to that end charge such property of the Company as they are by such resolution authorized to charge, by way of pledge, mortgage or hypothec, and may assign, transfer or deposit any of the documents, title deeds, muniments, securities or property of the Company, and either with or without power of sale, or other special provisions, as the directors under the authority conferred at such meeting deem expedient; provided that the aggregate of the sum or sums borrowed on bonds under the authority of this section issued shall not, at any time, exceed half the amount of the paid up capital stock of the Company; and no lender on or purchaser of bonds so issued by the Company shall be bound to enquire into the occasion for the loan, or into the validity of any resolution authorizing the same or the purpose for which such loan is wanted.

Borrowing powers.

Limitation.

15. Sections 18 and 39 of *The Companies Clauses Act* shall not apply to the Company.

R.S.C., c. 118.

No. 75.

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2nd Session, 9th Parliament, 2 Edward VII., 1902

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BILL.

An Act to incorporate the Knapp Tubular  
Steamship Company.

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First reading, March 24, 1902.

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(PRIVATE BILL.)

MR. BELCOURT.

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OTTAWA

Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

## An Act further to amend the Pilotage Act.

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

**1.** Paragraph (c) of section 59 of *The Pilotage Act*, as amended by chapter 36 of the statutes of 1900, is repealed, and the following is substituted therefor:—

“(c.) ships propelled wholly or in part by steam—

10 “(i.) employed in trading from port to port in the same province, or

Steamships  
exempted  
from pilotage  
dues.

“(ii.) employed in trading between any one or more of the provinces of Quebec, New Brunswick, Nova Scotia or Prince Edward Island and any other or others of them, or

15 “(iii.) employed in voyages between any port or ports in the said provinces or any of them and the port of New York or any port of the United States of America on the Atlantic north of New York, or

20 “(iv.) employed in voyages between any port in any of the said provinces and any port in Newfoundland, or

25 “(v.) having a draught when loaded not exceeding sixteen feet, and employed exclusively in voyages between any port or ports on Lake Ontario, Lake Erie, Lake Huron, Lake Superior, Lake Michigan or on any of the waters connecting those lakes and any port or ports on the River St. Lawrence, or between any ports on the River St. Lawrence;

30 except only in the ports of Halifax, Sydney pilotage district, Miramichi and Pictou, as respects each of which ports the pilotage authorities of the district may, from time to time, determine, with the approval of the Governor in Council, whether any, and which, if any, of the steamships so employed  
35 shall or shall not be wholly or partially, and, if partially, to what extent, and under what circumstances, exempt from the compulsory payment of pilotage.”

Exception as  
to Halifax,  
Sydney,  
Miramichi  
and Pictou.

No. 76.

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2nd Session, 9th Parliament, 2 Edward VII., 1902

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BILL.

An Act further to amend the Pilotage Act.

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First reading, March 24, 1902.

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MR. FITZPATRICK.

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OTTAWA  
Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

An Act to provide for the appointment of assistant Judges of the Supreme Court of Canada in certain cases.

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

1. Whenever, by reason of the sickness or absence on leave  
 5 of any judge of the Supreme Court of Canada, or by reason of any such judge being disqualified from sitting in a case, it appears or becomes probable that there will not be a quorum of five judges to hear any appeal to the said court, the chief justice, or in his absence the senior puisné judge who is able  
 10 to act, may certify to the Governor in Council his opinion that the due administration of justice would be promoted by the appointment of an assistant judge of the said court during the sickness, absence or disqualification of such judge; and thereupon the Governor in Council may appoint any judge  
 15 of a superior court in any province of Canada to be assistant judge of the Supreme Court for such time as it appears probable that the sickness, absence or disqualification of the judge first mentioned will continue; and such assistant judge shall perform all the duties of an ordinary judge of the  
 20 Supreme Court: Provided always, that if the appeal to be heard is from judgments of a court of the province of Quebec, such assistant judge shall be taken from the bench of that province.
2. After the expiration of the time for which he is appointed  
 25 an assistant judge may render judgment in any cause heard by him while acting as an assistant judge.

Assistant judges may be appointed.

Proviso: as to Quebec appeals.

Rendering judgment.

2. The expression "judges" and "judge" in section 19  
 of *The Supreme and Exchequer Courts Act* shall include any  
 assistant judge or judges appointed under this Act.

R.S.C., c. 135, s. 19.

No. 77.

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2nd Session, 9th Parliament, 2 Edward VII., 1902

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BILL.

An Act to provide for the appointment  
of assistant Judges of the Supreme  
Court of Canada in certain cases.

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First reading, March 24, 1902.

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MR. FITZPATRICK.

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OTTAWA

Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

An Act respecting the Trans-Canada Railway Company.

**W**HEREAS the provisional directors of the Trans-Canada Railway Company have, by their petition, prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore 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 contained in *The Railway Act* or in the Acts relating to the Trans-Canada Railway Company, hereinafter called "the Company," it is hereby declared that the Company shall have ten years from the passing of this Act within which to complete the railway authorized by the said Acts; and if the said railway is not completed within the said period the powers of construction conferred upon the Company by Parliament shall cease and be null and void with respect to so much of the said railway as then remains uncompleted.

Time for completion of railway extended.

1888, c. 29;  
1895, c. 68;  
1897, c. 65.

**2.** Section 2 of chapter 68 of the statutes of 1895 is repealed, and the following is substituted therefor:—

1895, c. 68.  
New s. 2.

"**2.** The head office of the Company shall be in the city of Quebec or in such other place in Canada as the directors from time to time determine by by-law."

Head office.

**3.** Section 6 of the said Act is repealed, and in lieu thereof it is enacted that George Earl Church, Richard Biddulph Martin and Frank Crisp, all of London, England; the Honourable Francis Clemow and J. A. Gemmill, of the city of Ottawa; George Tanguay, John T. Ross, Gaspard LeMoine, Victor Chateauvert, J. G. Scott, William Price, W. A. Marsh, T. A. Piddington, the Honourable P. Garneau, Vesey Boswell, William Shaw, the Honourable N. Garneau, L. A. Robitaille, N. Rioux, E. Beaudet, E. E. Ling, A. E. Doucet, the Honourable Jules Tessier, Guy Tombs, Alexandre Hardy and S. S. Oliver, all of the city of Quebec; B. A. Scott, of Roberval; George T. Davie, of Levis; J. D. Guay and J. E. A. Dubuc, of Chicoutimi; Joseph Girard, of St. Gédéon; Onézime Côté, of St. Alphonse; William Hanson, of Montreal; W. Reeves, of Montreal; James McNaught, of New York, and H. H. Melville, of Boston, Massachusetts, shall be the provisional directors of the Company.

Section 6 amended.

**4.** The Company may continue the construction of its main line which was commenced at Roberval on the Quebec and

Point of commencement of main line.

Running powers over Quebec and Lake St. John Railway.

Lake St. John Railway, from that point in a westerly or north-westerly direction, and the Company may, subject to agreement with the Quebec and Lake St. John Railway Company, exercise running powers over the said railway to Quebec and Chicoutimi.

5

Agreements with an other company.

5. The Company may enter into agreements with the Great Northern Railway of Canada, the Quebec and Lake St. John Railway Company, or the Canadian Northern Railway Company, for conveying or leasing to such company the railway of 10 the Company, in whole or in part, or any rights or powers acquired under this Act, as also the franchises, surveys, plans, works, plant, material, machinery and other property to it belonging, or for an amalgamation with either of the said companies, or may purchase or lease the railway of either of 15 the said companies, on such terms and conditions as are agreed upon, and subject to such restrictions as to the directors seem fit; provided that each such agreement has been first approved by two-thirds of the votes at a special general meeting of the 20 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, and that each such agreement has also received the sanction of the Governor in Council.

Approval of shareholders and Governor in Council.

Notice of application for sanction.

2. Such sanction shall not be signified until after notice of 25 the proposed application therefor has been published in the manner and for the time set forth in section 239 of *The Railway Act*, and also for a like period in one newspaper in each of the counties or electoral districts through which the railway of the Company runs, and in which a newspaper is published. 30

Agreement to be filed with Secretary of State.

3. A duplicate of the agreement referred to in subsection 1 of this section shall, within thirty days after its execution, be filed in the office of the Secretary of State of Canada, and notice thereof shall be given by the Company in *The Canada Gazette*, and the production of *The Canada Gazette* containing such 35 notice shall be prima facie evidence of the requirements of this Act having been complied with.

## An Act to incorporate the Crown Bank of Canada.

**W**HEREAS the persons hereinafter named have, by their Preamble.  
 petition, prayed that an Act be passed for the purpose  
 of establishing a bank in the city of Toronto, and it is expedient to grant the prayer of the said petition: Therefore His  
 5 Majesty, by and with the advice and consent of the Senate and  
 House of Commons of Canada, enacts as follows:—

**1.** The persons hereinafter named, together with such others Incorporation.  
 as become shareholders in the corporation by this Act created,  
 are constituted a corporation by the name of "The Crown Corporate  
 10 Bank of Canada," hereinafter called "the Bank." name.

**2.** The capital stock of the Bank shall be two million Capital stock.  
 dollars.

**3.** The chief office of the Bank shall be at the city of Chief office.  
 Toronto, in the province of Ontario.

**4.** James McMullen, of Mount Forest, Michael Patrick Provisional  
 15 Davis, of Ottawa, Whitford Van Dusen, John A. McGillivray, directors.  
 and Henry Romain Hardy, all of Toronto, shall be the provi-  
 sional directors of the Bank.

**5.** This Act shall, subject to the provisions of section 16 of Duration  
 20 *The Bank Act*, continue in force until the first day of July, of Act.  
 one thousand nine hundred and eleven.

No. 79.

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2nd Session, 9th Parliament, 2 Edward VII., 1902

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BILL.

An Act to incorporate the Crown Bank  
of Canada.

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First reading, March 26, 1902.

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(PRIVATE BILL.)

MR. GUTHRIE.

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OTTAWA

Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

An Act to incorporate the Huron and Erie Canal  
Company.

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

- 1.** In this Act, unless the context otherwise requires,—  
(a.) The word “canal” means “canal or navigation, and  
any branch canal,” and includes every kind of work necessary  
or done in respect of the canals for the purpose of carrying  
out the objects of this Act;  
(b.) The word “land,” wherever used in *The Railway Act* or  
in this Act, includes land covered by water;  
(c.) The word “vessel” includes any ship, barge, boat or  
raft passing through any of the canals hereby authorized, or  
plying upon any lake or river connecting therewith;  
(d.) The word “goods” includes any goods, merchandise  
and commodities of whatsoever description, passing through  
the canal hereby authorized.
- 2.** James McCarthy, Joseph T. R. Laurendeau and Arthur  
Terroux, all of the city of Montreal, and George P. Magann of  
the city of Toronto, together with such persons as become  
shareholders in the company, are incorporated under the name  
of “The Huron and Erie Canal Company,” hereinafter called  
“the Company.”
- 3.** The undertaking of the Company is declared to be a  
work for the general advantage of Canada.
- 4.** The persons named in section 2 of this Act are constituted  
provisional directors of the Company.
- 5.** The capital stock of the Company shall be ten million  
dollars, divided into shares of one hundred dollars each, and  
may be called up by the directors from time to time as they  
deem necessary.
- 6.** The head office of the Company shall be at the city of  
Montreal, in the province of Quebec, or at such other place in  
Canada as the Company from time to time determines by by-  
law.

Preamble.

Interpreta-  
tion.

“Canal.”

“Land.”

“Vessel.”

“Goods.”

Incorporation.

Corporate  
name.

Declaratory.

Provisional  
directors.

Capital stock.

Head office.

First meeting of share- holders,	<p><b>7.</b> As soon as five hundred thousand dollars of the capital stock have been subscribed, and fifty thousand dollars thereof have been paid into some chartered bank in Canada, the provisional directors, or a majority of them, shall call a general meeting of the shareholders to be held at the city of Montreal, or at such other place in Canada as the provisional directors calling such meeting determine, for the purpose of electing the first directors of the Company and of transacting any other business which may be done at a shareholders' meeting.</p>	5
Notice of meeting.	<p><b>2.</b> Notice in writing, signed by or on behalf of the provisional directors or a majority of them calling such meeting, of the date and place of holding the same, mailed, postage pre-paid, to the post office address of each shareholder not less than ten days previous to the calling of such meeting, shall be deemed sufficient notice of such meeting.</p>	10 15
Election of directors.	<p><b>8.</b> At the first meeting of shareholders, and at each annual meeting, the subscribers for capital stock assembled who have paid all calls due on their shares shall choose five persons to be directors of the Company, each of whom shall hold at least twenty shares of the capital stock of the Company, the majority of whom shall form a quorum, and one or more of whom may be paid directors.</p>	20
Term of office.	<p><b>2.</b> The directors elected at the first meeting of shareholders shall hold office only until the first annual meeting of the Company.</p>	25
Annual general meeting.	<p><b>9.</b> The annual meeting of the shareholders shall be held on the first Thursday in September in each year.</p>	
Business of Company. Canal.	<p><b>10.</b> The Company may,—</p> <p>(a.) construct and operate a canal from some point at or near the village of St. Joseph on the eastern shore of Lake Huron, in the county of Huron, to some point at or near the village of Port Stanley on the northern shore of Lake Erie, in the county of Elgin, in the province of Ontario, of such dimensions as to make a navigable channel of any depth not less than eighteen feet and of any width not less than seventy-two feet at the bottom of the said channel ;</p>	30 35
Locks, tow- paths, etc.	<p>(b.) construct and operate by any kind of motive power all such locks, dams, tow-paths, branches, basins, feeders to supply water from the said lake, or from any rivers, creeks or reservoirs, cuttings, apparatus, appliances and machinery as are desirable or necessary for the construction and operation of the canal ;</p>	40
Expropriation of lands.	<p>(c.) enter upon and take such lands as are necessary and proper for the making, preserving, maintaining, operating and using the canal and other works of the Company hereby authorized ; dig, cut, trench, get, remove, take, carry away, and lay earth, clay, stone, soil, rubbish, trees, roots of trees, beds of gravel or sand or any other matters or things which may be dug or got in making the canal and other works, on or out of the lands of any person adjoining or lying convenient thereto, and which may be proper, requisite, or necessary, for making or repairing the canal or the works incidental thereto or connected therewith, or which may hinder, prevent or</p>	45 50

obstruct the making, using or completing, extending or maintaining the same, respectively, according to the intent and purposes of this Act;

(d.) make, maintain and alter any places or passages over,<sup>Passages.</sup>  
5 under or through the canal or its connections;

(e.) obtain, take and use, during the construction and operation of the canal, from the rivers, lake, brooks, streams, water-courses, reservoirs and other sources of water supply adjacent or near to the canal, water sufficient for the purposes of constructing, maintaining, operating and using the canal and works hereby authorized, and sufficient to establish and maintain a current at the rate on the average of three miles per hour through the navigable channel of the canal; and the Company shall, in the exercise of the powers granted by this  
10 paragraph, do as little damage as possible, and shall make full compensation to all persons interested for all damage by them  
15 sustained by reason of the exercise of such powers, and such damage in case of disagreement shall be settled in the same manner as is provided for fixing compensation under the provisions of *The Railway Act*;  
20

(f.) construct and operate by any motive power a double or single line of iron or steel railway, of any gauge of not less than three feet, along or near the sides of the canal, and construct or operate branch lines thereof, connecting any towns  
25 and villages within fifteen miles of the canal in the counties of Huron, Lambton, Middlesex and Elgin with the canal;

(g.) construct, acquire, operate, lease or dispose of, terminals, harbours, wharfs, docks, piers, elevators, warehouses, dry docks and other structures, and building and repairing yards, and  
30 all works incidental thereto, upon the canal or upon lands adjoining or near the canal;

(h.) acquire and utilize water and steam power for the purpose of compressing air or generating electricity for lighting, heating and motor purposes in connection with the canal,  
35 vessels and works of the Company; and may sell or otherwise dispose of surplus electricity or other power generated by the Company's works, and not required for operating its canal or other works, and propel vessels in and through the canal by any kind of force, and sell, lease or otherwise dispose of the  
40 said works;

(i.) acquire, construct, navigate and dispose of vessels to ply on the canal, and the lakes, rivers and canals connecting therewith, and may also make agreements for vessels to ply upon the canal, lake and rivers;

(j.) acquire by license, purchase or otherwise, any rights in letters patent, franchises or patent rights, for the purposes of the works hereby authorized, and again dispose of such rights.

**11.** The Company may construct and operate telegraph and  
50 telephone lines, and lines for the conveyance of light, heat and electric and other power, by wires or pipes, along the whole length of the canal and its approaches, and between the canal and any town or village in the said counties, and may establish offices for the transmission of messages for the public, and  
55 collect tolls therefor; and, for the purposes of erecting and working such telegraph and telephone lines and electric plant,

- the Company may enter into contracts with any other company, or may lease the Company's lines.
- Arrangements with telegraph and telephone companies. 2. The Company may enter into arrangements with any telegraph or telephone company for the exchange and transmission of messages, or for the working in whole or in part of the lines of the Company. 5
- Rates to be approved. 3. No rates or charges shall be demanded or taken from any person for the transmission of any message by telegraph or telephone, or for leasing or using the telegraphs or telephones of the Company, until such rates or charges have been approved of by the Governor in Council, and such rates and charges shall be subject to revision from time to time by the Governor in Council. 10
- R.S.C., c. 132. 4. *The Electric Telegraph Companies Act* shall apply to the telegraphic business of the Company. 15
- Interference with drainage systems. 12. The Company shall make due provision for, take care and dispose of all water and drainage, to the extent to which it disturbs or interferes with artificial drains, natural streams or watercourses which the canal crosses, touches or interferes with, and which are in existence at the time of the construction of the canal. 20
- Disputes to be determined by Railway Committee. 2. All subsequent questions, disputes or complaints as to the construction of new drains, and as to the alterations, enlargement and change, of existing drains and of natural streams or watercourses, and as to who shall make such alterations, enlargement and change, and by whom the expense thereof shall be paid, and also any complaint or dispute as to the sufficiency of compliance with the provisions of the next preceding subsection, shall be inquired into, heard and determined by the Railway Committee of the Privy Council, in the same manner as is provided for other matters to be inquired into, heard and determined by the said committee under *The Railway Act*. 25 30
- Arbitration in case of disagreements. 13. When the Company and the owners or occupiers of private property entered upon cannot agree as to the compensation for lands required for the construction or maintenance of any work authorized under this Act, or for damages to lands injured by the Company, the matter shall be settled in the same manner as is provided for obtaining title and fixing compensation under *The Railway Act*, so far as the said Act is applicable. 35 40
- "Lands" defined. 2. In this section and in sections 10, 14, and 17 the expression "land" or "lands" means the lands the acquiring, taking or using of which is incident to the exercise of the powers given by this Act.
- Urgent repairs to works. 14. In case of any accident requiring immediate repair on the canal the Company may enter upon the adjoining land (provided such land is not an orchard or garden) and may dig for, work, get, carry away and use such gravel, stone, earth, clay or other materials as may be necessary for the repair of the accident aforesaid, doing as little damage as possible to such land and making compensation therefor; and in case of dispute or difference regarding the amount to be so paid, the same shall be decided by arbitration as provided in *The Railway Act*; but before entering upon any land for the purposes 45 50
- Arbitration in case of disputes.

aforesaid, the Company shall, in case the consent of the owner is not obtained thereto, pay into one of the superior courts of the province of Ontario, such sum, with interest thereon for six months, as is fixed, on the ex parte application of the Company, by a judge of the county court of the county in which such land is situate.

15. The Company may open, cut, erect and use such ponds and basins for the laying up and turning of vessels using the canal at such points thereon as it deems expedient, and may also construct and operate such dry docks, slips and machinery for the hauling out and repairing of vessels as it thinks proper, or may lease or hire the same.

Basins for laying up vessels.

Dry docks.

16. The Company shall, at every place where the canal crosses any railway, highway or public road (unless exempted from the provisions of this section, so far as any highway or public road is concerned, by the municipality having jurisdiction over such highway or public road), construct and maintain, to the satisfaction of the Governor in Council, bridges for passage over or tunnels for passage under the canal, so that the public thoroughfare or railway may be as little impeded as reasonably possible, and the Company shall not, in making the canal, cut through or interrupt the passage on any highway or public road, until it has made a convenient road past its works for the use of the public; and for every day on which it shall neglect to comply with the requirements of this section the Company shall incur a penalty of one hundred dollars.

Bridges to be constructed.

Penalty for impeding traffic.

17. The lands, ground or property to be taken or used, without the consent of the proprietors, for the canal and works, and the ditches, drains and fences to separate the same from the adjoining lands, shall not together exceed two thousand feet in breadth, or such less width or breadth as is directed by the Governor in Council, except in places where basins and other works are required to be cut or made as necessary parts of the canal as shown on the plan to be approved, as hereinafter provided, by the Governor in Council, or where flooding or drowning of lands is unavoidable, on account of the construction of dams.

Extent of land which may be expropriated.

18. Before the Company breaks ground or commences the construction of the canal or any of the works hereby authorized, the plans, locations, dimensions and all necessary particulars of the canal and other works shall be submitted to and receive the approval of the Governor in Council.

Plans to be approved by Governor in Council.

19. The Company may take, use, occupy and hold, but not alienate, so much of the public beach or beach road, or the land covered with the waters of the rivers or lakes which the canal may cross, start from or terminate at, as may be required, for the wharfs and other works of the canal, for making easy entrance thereto, and for the other works which they are hereby authorized to construct, doing no damage to nor causing any obstructions in the navigation of the said rivers or lake, and conforming in all respects to the plan and modes of con-

Public beach.

struction sanctioned as aforesaid by the Governor in Council, except in so far only as he may at any time authorize a deviation from such plan and mode of construction.

- By-laws. **20.** In addition to the general powers to make by-laws under *The Railway Act*, the Company may, subject to the approval of the Governor in Council, make by-laws, rules or regulations for the following purposes, that is to say :—
- Speed. (a.) for regulating the speed at which, and the mode by which, vessels using the Company's works are to be propelled :
- Hours of arrival and departure of vessels. (b.) for regulating the hours of the arrival and departure of such vessels :
- Loading and draught. (c.) for regulating the loading or unloading of such vessels and the draught thereof :
- Travel. (d.) for regulating the travelling and transportation upon, and the using and the working of the canal :
- Use of canal. (e.) for the maintaining, preserving and using the canal and all other works hereby authorized to be constructed, or connected therewith, and for the governing of all persons and vessels passing through the canal :
- Management of affairs. (f.) for providing for the due management of the affairs of the Company in all respects.
- Bond issue. **21.** The Company may issue and pledge or dispose of bonds, debentures or other securities as provided in *The Railway Act* to the extent in all of ten million dollars, and may issue such bonds, debentures or other such securities, in one or more separate series, and limit the security for any series to such of the franchises, property, assets, rents and revenues of the Company, present or future, or both, as are described in the mortgage deed made to secure each separate series of bonds, debentures or other securities ; and every such limited series of such bonds, debentures or other securities, if so issued, shall, subject to the provisions contained in section 94 of *The Railway Act*, form a first charge upon, and be limited to, the particular franchises, property, assets, rents and revenues of the Company with respect to which they are issued and which shall be described in the mortgage deed made to secure the same.
- Issue of paid-up stock. **22.** The directors may issue, as paid-up stock, shares of the capital stock of the Company in payment of and for all or any of the businesses, franchises, undertakings, properties, rights, powers, privileges, letters patent, contracts, real estate, stock and assets, and other property which it may lawfully acquire by virtue of this Act, at the true and actual price at which the same has been bona fide purchased, and may allot and hand over such shares to any person ; and may issue, as paid-up and unassessable stock, shares of the capital stock of the Company, and allot and hand over the same in payment for right of way, lands, rights, plant, property, letters patent of invention, rolling stock or materials of any kind, and any such issue and allotment of stock shall be binding on the Company, and such stock shall not be assessable for calls, nor shall the holders thereof be liable in any way thereon, and the Company may pay for any such property wholly or partly in paid-up shares, or wholly or partly in debentures, as the directors deem proper.

23. In all cases where there is a fraction of a mile in the distance which vessels, rafts, goods, wares, merchandise or other commodities or passengers shall be conveyed or transported on the canal, such fraction shall, in ascertaining the rate of charge be deemed and considered as a whole mile ; and in all cases where there is a fraction of a ton in the weight of any such goods, wares, merchandise and other commodities, a proportion of the said rate shall be demanded and taken by the Company, calculated upon the number of quarters of a ton contained therein ; and in all cases where there is a fraction of a quarter of a ton, such fraction shall be deemed and considered as a whole quarter of a ton.

Rates of charge.

24. Every owner or master of a vessel navigating the canal shall permit it to be gauged and measured, and every such owner or master who refuses to permit the same shall forfeit and pay the sum of two hundred dollars; and the proper officer of the Company may gauge and measure all vessels using the canal, and he may mark the tonnage or measurement on every vessel using the canal.

Measurement of vessels.

25. The Company shall, within six months after any land shall be taken for the use of the canal, divide and separate, and shall keep constantly divided and separated, the land so taken, from the lands and grounds adjoining thereto, with a sufficient post and rail, hedge, ditch, bank or other kind of fence sufficient to keep off hogs, sheep and cattle, to be set and made on the lands or grounds purchased by, conveyed to, or vested in the Company, as aforesaid, and shall, at its own cost and charges, from time to time maintain, support and keep in sufficient repair the said posts, fences, rails, hedges, ditches, trenches, banks and other fences so set up and made as aforesaid.

Lands taken for use of canal to be separated by fence, etc.

26. So soon as possible after the canal is completed, the Company shall cause it to be measured, and stones or posts with proper inscriptions on the sides thereof denoting the distances, shall be erected and maintained at convenient distances from each other.

Canal to be measured.

27. If any vessel is sunk or grounded in any part of the canal or in any approach thereto, and if the owner or master thereof neglects or refuses to remove it forthwith, the Company may forthwith proceed to have it raised or removed, and may retain possession of it until the charges and expenses necessarily incurred by the Company in so raising and removing it are paid and satisfied; and the Company may sue for and recover in any court of competent jurisdiction such charges and expenses from the owner or master of such vessel.

Sunken vessels

28. The Crown may at any time assume the possession and property of the canal and works, and all the rights, privileges and advantages of the Company, all of which shall, after such assumption, be vested in the Crown, on giving to the Company one month's notice thereof, and on paying to the Company the value thereof, to be fixed by three arbitrators or the majority of them, one to be chosen by the Government, another by the

Crown may take over canal.

Notice to Company

Company, and a third arbitrator by the two arbitrators; and the arbitrators may, in such valuation, take into account the expenditure of the Company, its property, the business of the canal and other works hereby authorized, and their past, present and prospective business, with interest from the time of the investment thereof. 5

Obstructions  
in canal, etc.

**29.** Every person who obstructs, interrupts or impedes the navigation of the canal, or interferes with any of the works belonging thereto, by the introduction of any timber or vessels or any other substance, or by any other means contrary to the provisions of this Act or of the by-laws of the Company, shall for every such offence incur a penalty not to exceed four hundred dollars, one-half of which penalty shall go to the Company and the other half to the Crown. 10

Time for  
construction  
limited.

**30.** If the construction of the canal hereby authorized to be constructed is not commenced, and ten per cent of the amount of the capital stock is not expended thereon, within three years from the passing this Act, or if the canal is not finished and put in operation within seven years from the passing of this Act, the powers granted by this Act shall cease and be null and void with respect to so much of the canal as then remains uncompleted. 15 20

Use of  
canal by  
Government.

**31.** An Act hereafter passed by Parliament, or any order of the Governor in Council, with regard to the exclusive use of the canal by the Government at any time, or the carriage of His Majesty's mails or His Majesty's forces, and other persons or articles, or the rates to be paid for carrying the same, or in any way respecting the use of any electric telegraph or telephone or any service to be rendered by the Company to the Government, shall not be deemed an infringement of the privileges conferred by this Act. 25 30

1888, c. 29.

**32.** *The Railway Act* shall, so far as applicable, and when not inconsistent with this Act, and except sections 3 to 25, both inclusive, sections 36, 37, 38, 89, subsection 3 of section 93, sections 103, 104, 105, 112, 120, 173 to 177, both inclusive, 179, 180, 182 to 199, both inclusive, 209, 210, 214, 240 to 263, both inclusive, 271 to 274, both inclusive, 276 to 286, both inclusive, and 288 to 293, both inclusive, apply to the Company, and to its canal and works, except the railway and branches authorized under paragraph (f) of section 10 of this Act, to which railways the whole of *The Railway Act* shall apply. 35 40

" Railway "  
to mean  
" canal."

2. Wherever in *The Railway Act* the expression " railway" occurs, it shall, unless the context otherwise requires, and in so far as it applies to the provisions of this Act, or to the Company, mean the canal or other works hereby authorized to be constructed; and in any section of *The Railway Act* relating to the collection of tolls, where the expressions " passengers" and " goods," or either of them, occur, such expressions shall be held to include any vessel passing through the canal, whether laden or otherwise. 45 50

" Goods "  
to include  
" vessel."

R.S.C., c. 118.

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



No. 80.

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2nd Session, 9th Parliament, 2 Edward VII, 1902

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BILL.

An Act to incorporate the Huron and  
Erie Canal Company.

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First reading, April 1, 1902.

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(PRIVATE BILL.)

MR. CALVERT.

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OTTAWA  
Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

An Act to incorporate the Canadian Northern  
Telegraph Company.

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

**1.** William Mackenzie and Donald D. Mann, of the city of Toronto, Roderick J. Mackenzie, of the city of Winnipeg, Zebulun Aiton Lash and Ernest William McNeill, of the city of Toronto, together with such persons as become shareholders in the company, are incorporated under the name of "The Canadian Northern Telegraph Company," hereinafter called "the Company."

**2.** The works of the Company are declared to be for the general advantage of Canada.

**3.** The persons named in section 1 of this Act are constituted the provisional directors of the Company, a majority of whom shall be a quorum, and they shall hold office until the appointment of a board of directors at the first general meeting of shareholders of the Company, and shall, until such board is appointed, have all the powers of the board.

**4.** The head office of the Company shall be in the city of Toronto, but the meetings of the directors and of the shareholders may be held in such other places in Canada and elsewhere as the directors from time to time determine.

**5.** The capital stock of the Company shall be five million dollars divided into shares of one hundred dollars each, and the capital may be increased in the manner provided by section 37 of *The Railway Act*.

**6.** As soon as fifty thousand dollars of the capital stock has been subscribed and allotted and ten per cent paid in thereon, the provisional directors shall call a meeting of the shareholders for the election of a board of directors and for the transaction of such other business as may be transacted at the annual general meeting of the Company.

**7.** The business of the Company shall be managed by a board of directors, consisting of so many, not less than three, as may from time to time be decided by the shareholders at an

annual general meeting or at a special general meeting called for the purpose.

Business of Company.

**8.** The Company may establish, construct or acquire by purchase, lease or otherwise, and may maintain and operate any overhead, underground or cable lines of telegraph or telephone from and to any places in Canada or elsewhere, and may make connection with any telegraph or telephone lines in Canada or elsewhere, or lease its lines, or any part thereof. 5

Arrangements with telegraph and telephone companies.

**9.** The Company may enter into arrangements with any telegraph or telephone company for the exchange and transmission of messages, or for the working in whole or in part of the lines of the Company. 10

Rates to be approved by Governor in Council.

**10.** No rates or charges shall be demanded or taken for the transmission of any message by telegraph or telephone, or for leasing or using the telegraphs or telephones of the Company, until such rates or charges have been approved of by the Governor in Council, and such rates and charges shall be subject to revision from time to time by the Governor in Council. 15

Manufacture of telegraph and telephone plant.

**11.** The Company may manufacture, purchase or otherwise acquire, lease, deal in, sell and dispose of instruments, apparatus, plant and appliances used or for use in connection with a telegraph or telephone business. 20

Borrowing powers.

**12.** If authorized by by-law passed by the directors and sanctioned by a vote of not less than two-thirds in value of the shareholders present or represented by proxy at a special general meeting of the shareholders duly called for considering the subject of such by-law, or at an annual general meeting, the directors may borrow money upon the credit of the Company, and may hypothecate, mortgage or pledge the real and personal property, rights and powers of the Company, to secure payment of money borrowed or to secure any indebtedness or liability of the Company. 25 30

Shares in other companies.

**13.** The Company may acquire by purchase or otherwise and may dispose of shares in the capital stock of, and the bonds, debentures or other securities of any company authorized to carry on a telegraph or telephone business. 35

1888, c. 29.

**14.** Sections 90 to 115, both inclusive; 117 to 120, both inclusive; 123 to 133, both inclusive; and 135 to 172, both inclusive of *The Railway Act*, shall, so far as applicable, apply to the Company; and whenever in the said Act the word "railway" occurs, it shall, unless the context otherwise requires, means the lines of telegraph or telephone authorized to be constructed under the authority of this Act. 40

R.S.C., c. 118.

**15.** Sections 18, 39 and 41 of *The Companies Clauses Act* shall not apply to the Company. 45

R.S.C., c. 32.

**16.** *The Electric Telegraph Companies Act*, except section 10 thereof, shall apply to the Company, and the word "telegraph" wherever used in the said Act shall include the telephone lines of the Company.



No. 81.

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2nd Session, 9th Parliament, 2 Edward VII., 1902

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BILL.

An Act to incorporate the Canadian  
Northern Telegraph Company.

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First reading, April 2, 1902.

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(PRIVATE BILL.)

MR. DAVIS.

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OTTAWA

Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

An Act to incorporate the Canadian Northern Express  
Company.

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

- 1.** William Mackenzie and Donald D. Mann, of the city of  
Toronto, Roderick J. MacKenzie, of the city of Winnipeg,  
and Zebulun Aiton Lash and Ernest William McNeill, of the  
city of Toronto, together are with such persons as become share-  
holders in the company, are incorporated under the name of  
“The Canadian Northern Express Company,” hereinafter called  
“the Company.”
- 2.** The persons named in section 1 of this Act are constituted  
the provisional directors of the Company, a majority of whom  
shall be a quorum, and they shall hold office until the appoint-  
ment of a board of directors at the first general meeting of  
shareholders of the Company, and shall, until such board is  
appointed, have all the powers of the board.
- 3.** The head office of the Company shall be in the city of  
Toronto, but the meetings of the directors and of the share-  
holders may be held in such other places in Canada, and else-  
where, as the directors from time to time determine.
- 4.** The capital stock of the Company shall be one million  
dollars, divided into shares of one hundred dollars each, and  
the capital may be increased in the manner provided by sec-  
tion 37 of *The Railway Act*.
- 5.** As soon as fifty thousand dollars of the capital stock has  
been subscribed and allotted and ten per cent paid in thereon,  
the provisional directors shall call a meeting of the share-  
holders for the election of a board of directors and for the  
transaction of such other business as may be transacted at the  
annual general meeting of the Company.
- 6.** The business of the Company shall be managed by a  
board of directors, consisting of so many, not less than three,  
as may from time to time be decided by the shareholders at  
an annual general meeting or at a special general meeting  
called for the purpose.

Preamble.

Incorporation.

Corporate name.

Provisional directors.

Head office.

Capital stock.

Increase of capital.

First meeting of Company.

Directors.

Business of Company.

7. The Company may, for hire, send carry and transport from and to any places in Canada or elsewhere goods, wares merchandize, packages, parcels and money, and for such purposes may contract with all persons and companies and may construct or acquire by purchase, lease, charter or otherwise, and may maintain, operate, sell, lease and otherwise dispose of boats, vessels, cars, vehicles and other conveniences and conveyances and may carry on generally the business of an express company. 5

Borrowing powers.

8. If authorized by by-law passed by the directors and sanctioned by a vote of not less than two-thirds in value of the shareholders present or represented by proxy at a special general meeting of the shareholders duly called for considering the subject of such by-law, or at an annual general meeting, the directors may borrow money upon the credit of the Company and may issue bonds, debentures or other securities of the Company for the lawful purposes of the Company, and may pledge or sell the same and may hypothecate, mortgage or pledge the real and personal property, rights and powers of the Company to secure payment of such bonds, debentures or other securities, or of money borrowed, or to secure any indebtedness or liability of the Company: Provided that no such bonds, debentures or other securities shall be for a less sum than one hundred dollars each. 10 15 20

Proviso.

Shares in other companies.

9. The Company may acquire by purchase or otherwise and may dispose of shares in the capital stock of, and the bonds, debentures or other securities of any company authorized to carry on a telegraph or telephone business. 25

R.S.C., c. 118.

10. Sections 18, 39 and 41 of *The Companies Clauses Act* shall not apply to the Company. 30

No. 83.

2nd Session, 9th Parliament, 2 Edward VII, 190

BILL.

An Act to incorporate the Canadian Northern Express Company.

First reading, April 2, 1902.

(PRIVATE BILL.)

MR. DAVIS.

OTTAWA

Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

An Act respecting the Bay of Quinté Railway Company.

**W**HEREAS the Bay of Quinté Railway Company has, by Preamble,  
its petition, prayed that it be enacted as hereinafter set  
forth, and it is expedient to grant the prayer of the said peti-  
tion : Therefore His Majesty, by and with the advice and con-  
5 sent of the Senate and House of Commons of Canada, enacts  
as follows :—

**1.** The agreement dated the eleventh day of February, one Agreement  
thousand nine hundred and two, made between the Rathbun in schedule  
Company of the first part and the Bay of Quinté Railway Com- confirmed.  
10 pany, hereafter called "the Company," of the second part, a  
copy of which agreement is set out in the schedule to this  
Act, is confirmed, and the parties thereto are hereby authorized  
to carry out the said agreement.

**2.** The Company may increase its capital stock and divide Increase of  
15 it into preferred and common stock as provided for in the said capital.  
agreement; provided that the total capital stock of the Com-  
pany shall not be increased under the provisions of this Act to  
a greater amount than two million five hundred thousand  
dollars.

**3.** The Company may construct and operate the following Extensions  
20 extensions of its railway, namely :— of railway.

(a.) A line of railway from a point on its line in or near  
Deseronto to any point on the northerly or westerly shore of  
the Bay of Quinté.

25 (b) A line from a point on the above mentioned line to the  
shore of the Bay of Quinté and thence across the said bay to  
Prince Edward county, thence through Prince Edward county  
to a point on Lake Ontario.

(c.) A line from a point on the last line above mentioned to  
30 a point in or near Picton.

**4.** The *Act respecting certain works constructed in or over* R.S.C., c. 92.  
*navigable waters*, chapter 92 of the Revised Statutes, and  
the amendments thereof, shall apply to the works and bridge  
carrying the said line across the Bay of Quinté.

**5.** The Company's lines of railway, branches and extensions Time for  
35 heretofore authorized and not constructed, and those hereby construction  
authorized shall be commenced within two years and com- limited.  
pleted within five years from the passing of this Act, other-  
wise the powers granted for the construction thereof shall  
40 cease and be null and void with respect to so much of the  
said lines as then remains uncompleted.

## SCHEDULE.

This agreement made the eleventh day of February, A.D. 1902, between the Rathbun Company, of the first part, and the Bay of Quinté Railway Company (hereinafter called the "Railway Company") of the second part.

Whereas the Rathbun Company are the holders of second mortgage bonds made by the Railway Company to the amount of \$830,500.00;

And whereas the authorized capital stock of the Railway Company is now the sum of \$1,250,000 of which the sum of \$144,500 has been issued and fully paid;

And whereas the Railway Company has requested the Rathbun Company to exchange its said second mortgage bonds for preference and common stock in the capital of the Company to be created and issued as hereinafter mentioned, and the Rathbun Company is willing to comply with such request upon the terms hereof:

Now this agreement witnesseth:—

1. The parties hereto will join in applying to the Parliament of Canada at its next session for an Act confirming this agreement and authorizing the parties to carry out the same:

2. The Railway Company will increase its capital stock to such sum as may be determined upon and authorized by the said Act, not less than \$1,500,000 and will divide the same into preferred and common stock in the proportions of one-third of preferred stock and two-thirds of common stock. The preferred stock to be preferred both as to capital and dividends and to bear non-cumulative dividends at the rate of six per cent per annum. The \$144,500 of stock now outstanding to form part of the common stock:

3. In exchange for the said second mortgage bonds to the said amount of \$830,500.00, the Railway Company will so soon as the said Act has been passed issue and deliver to the Rathbun Company \$325,000.00 par value of preferred stock, fully paid, and free from calls or other liability thereon, and \$505,500.00 par value of common stock, fully paid, and free from calls or other liability thereon, and the Rathbun Company will accept such stock in exchange for said bonds and will deliver to the Railway Company the said bonds which shall then be cancelled and the mortgage securing them shall be discharged.

In witness whereof the parties hereto have hereunto affixed their signatures and corporate seals.

## THE RATHBUN COMPANY.

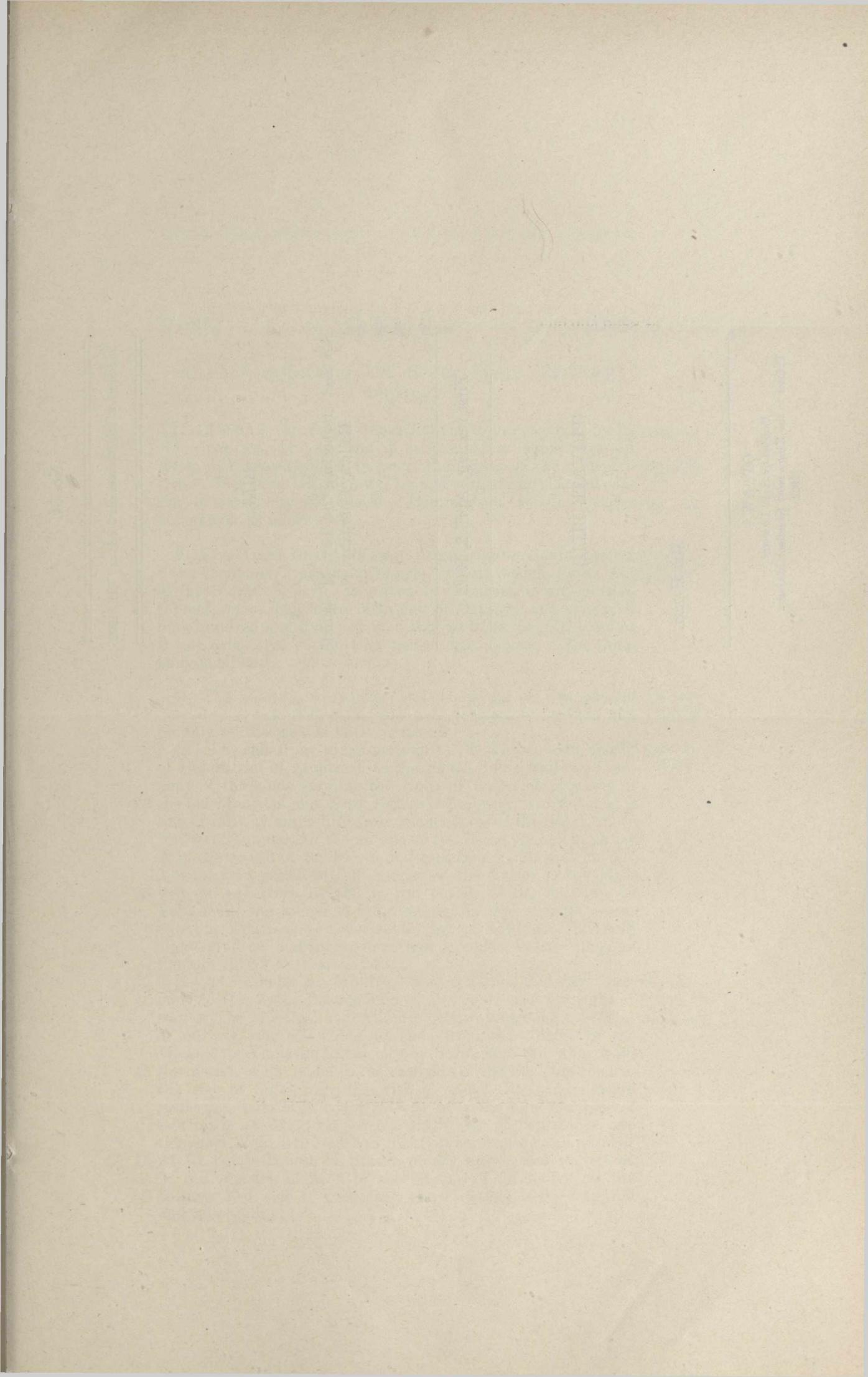
Witness  
C. F. BRISTOL.

[SEAL]  
Per E. W. RATHBUN,  
President & Gen'l Mgr.  
C. A. MILLENER,  
Secretary.

## THE BAY OF QUINTÉ RAILWAY COMPANY.

Witness  
C. F. BRISTOL,

[SEAL]  
Per E. W. RATHBUN,  
President.  
C. A. MILLINER,  
Secretary.



No. 84.

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2nd Session, 9th Parliament, 2 Edward VII., 1902

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BILL.

An Act respecting the Bay of Quinté  
Railway Company.

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First reading, April 2, 1902.

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(PRIVATE BILL.)

MR. HARTY.

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OTTAWA  
Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

An Act respecting the South Shore Railway  
Company.

**W**HEREAS the South Shore Railway Company has, by its Preamble,  
petition, prayed that it be enacted as hereinafter set  
forth, and it is expedient to grant the prayer of the said peti- Que., 1894,  
tion: Therefore His Majesty, by and with the advice and con- c. 72.  
5 sent of the Senate and House of Commons of Canada, declares 1896, c. 10.  
and enacts as follows:—

**1.** The South Shore Railway Company, hereinafter called Time for  
“the Company,” may complete the railway which, by its Act completion  
of incorporation, it is authorized to construct, or any portion extended.  
10 thereof, on or before the fifth day of October, one thousand  
nine hundred and five, provided that as to so much thereof as  
is not completed within that period, the powers of the Com-  
pany shall cease and determine.

**2.** The sales, conveyances and transfers in this section Sales and  
15 described are ratified, confirmed and declared to be valid and conveyances  
binding on the parties thereto, namely:— confirmed.

(a.) The sale from the Honourable J. R. Thibaudeau, sheriff Sheriff to  
of the district of Montreal, to the South Shore Railway Com- Company.  
pany of the lands forming the right of way and property of  
20 the old Montreal and Sorel Railway property, and forming a  
line of railway extending from the wharves of the South Shore  
Railway Company to the mouth of the River Richelieu on lot  
A of the parish of St. Pierre de Sorel, being cadastral lot No.  
1 of the said parish to the junction of the Grand Trunk Rail-  
25 way on cadastral lot 182 in the parish of St. Antoine de  
Longueuil, the whole as fully set out in the sheriff's deed,  
dated at Montreal on the seventh day of July, one thousand  
eight hundred and ninety-four, and recorded in the office of  
the said sheriff as number 347.

(b) The sale by the Montreal and Atlantic Railway Com- Montreal and  
30 pany to Hyacinthe Beauchemin of the lands used for right of Atlantic Ry.  
way of the Montreal and Atlantic Railway forming two lines Co. to H.  
of railway, one of which extends from the village of St. Beauchemin.  
Michael de Yamaska to the city of Sorel, and the other from  
35 the parish of St. Anne to the east side of the St. Ours road in  
the city of Sorel, together with a branch line, and certain  
lands and buildings, the whole as fully set out in a deed of  
sale made at Montreal on the sixth day of September, one  
thousand eight hundred and ninety-nine, bearing the number  
40 28172, before Ernest H. Stuart, notary public, and registered  
in the registry division of the county of Richelieu on the  
twenty-third day of December, one thousand eight hundred  
and ninety-nine.

H. Beauchemin to Company.

(c.) The sale by Hyacinthe Beauchemin to the South Shore Railway Company of the property described in the foregoing deed of sale, less certain properties situated in the city of Sorel, the whole as fully set out in another deed of sale made at Sorel on the twenty-fifth day of August, one thousand nine hundred before Alfred Guevremont, notary public, and bearing the number 3625. 5

Sheriff to R. Préfontaine.

(d.) The sale by Pierre Guevremont, sheriff of the district of Richelieu, to Raymond Préfontaine, of the Great Eastern Railway, running easterly from St. Michael de Yamaska to St. Gregoire station on the Grand Trunk Railway, a distance of about twenty-eight miles, together with certain buildings and property, the whole as fully set out in a deed of sale dated the second day of September one thousand eight hundred and ninety-nine and duly registered in the registry office of the county of Yamaska on the fifth day of September one thousand eight hundred and ninety-nine, as number 39397. 10 15

R. Préfontaine to Company.

(e.) The sale and transfer from the said Raymond Préfontaine to the South Shore Railway Company of the Great Eastern Railway Company's buildings and property above mentioned, the whole as fully set out in a deed of sale and transfer made at Montreal and dated the sixth day of December, one thousand eight hundred and ninety-nine, made before C. de Salaberry, notary public, and registered in the county of Yamaska, on the twenty-sixth day of December one thousand eight hundred and ninety-nine and in the registry office of the county of Nicolet on the sixth day of February, one thousand nine hundred, as number 39720. 20 25

Property vested.

3. The property acquired by the Company by virtue of the deeds hereinbefore mentioned is hereby vested in the Company and forms part of its railway. 30

Bond issue.

4. The Company may, subject to the provisions of its Act of incorporation and amending Act, issue bonds, debentures or other securities secured upon the lines of railway acquired by virtue of the deeds mentioned in paragraphs (a), (c) and (e) of section 2 and in section 3 of this Act, or which may be acquired by the Company by virtue of the powers granted to the Company by chapter 72 of the statutes of 1894 of the Legislature of the province of Quebec, and also upon any lands acquired by virtue of such deeds or powers. 35 40

Exchange of bonds and stock.

5. The Company may make such arrangements and regulations respecting conversion and exchange of its mortgage bonds and debentures and of its capital stock into and for preference stock, and for re-exchange and re-conversion of the same by the respective holders thereof as are deemed expedient. 45

No. 85.

2nd Session, 9th Parliament, 2 Edward VII

BILL.

An Act respecting the South Railway Company.

First reading, April 2, 1902.

(PRIVATE BILL.)

MR. GEORGE

OTTAWA

Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

An Act respecting the Red Deer Valley Railway and Coal Company.

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

- 1.** Notwithstanding anything contained in section 1 of chapter 77 of the statutes of 1900, the time limited for the expenditure of fifteen per cent of the capital stock of the Red Deer Valley Railway and Coal Company is extended for two years from the first day of July one thousand nine hundred and one, and the time limited for finishing and putting in operation the railway of the said company is extended for one year from the first day of July one thousand nine hundred and three, and if the said expenditure is not so made, or if the said railway is not so finished and put in operation, the powers conferred upon the said company by Parliament shall cease and be null and void with respect to so much of the said railway as then remains uncompleted. Time extended for construction, etc. 1900, c. 77, s. 1.
- 2.** Section 3 of the said Act is amended by striking out the words "to a point on the Red Deer river in township 32, range 21," and substituting therefor the words "to a point in township twenty-nine, range twenty-three." S. 3 amended.
- 3.** Section 4 of the said Act is repealed, and the following is substituted therefor :— New s. 4.
- 4.** If the construction of such extension is not commenced within two years from the completion of the railway to the said point in township twenty-nine, or if the said extension is not finished and put in operation within seven years from such completion, the powers of constructing the said extension shall cease and be null and void with respect to so much of the said extension as then remains uncompleted. Time for construction of extension extended.

No. 86.

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2nd Session, 9th Parliament, 2 Edward VII., 1902

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BILL.

An Act respecting the Red Deer Valley  
Railway and Coal Company.

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First reading, April 2, 1902.

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(PRIVATE BILL.)

MR. COWAN.

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OTTAWA

Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

An Act respecting the Quebec Southern Railway Company.

**W**HEREAS the Quebec Southern Railway Company has, by Preamble.  
its petition, prayed that it be enacted as hereinafter set  
forth, and it is expedient to grant the prayer of the said  
petition: Therefore His Majesty, by and with the advice and  
5 consent of the Senate and House of Commons of Canada,  
enacts as follows :—

1. Section 7 of chapter 76 of the statutes of 1900 is repealed, 1900, c. 76.  
and the following is substituted therefor :—

“7. At such meeting the subscribers for the capital stock New s. 7.  
10 assembled, who have paid all calls due on their shares, shall  
choose not less than five nor more than fifteen persons to Election of  
be directors of the Company, one or more of whom may be directors.  
paid directors.”

2. The Quebec Southern Railway Company, hereinafter Line of  
15 called “the Company,” may lay out, construct and operate a railway  
line of railway from a point in the parish of St. Robert in the  
district of Sorel, thence through the counties of Richelieu,  
Yamaska, Nicolet, Lotbinière and Levis, to a point in or near  
the town of Levis in the province of Quebec, a distance of  
20 about ninety miles.”

3. The Company may purchase or lease the whole or part Purchase or  
of any other railway now built or being built, and every such lease of  
railway, or part thereof, so purchased or leased shall be consi- other lines.  
dered as forming part of the line of railway authorized by  
25 this Act as if it had been built by the Company.

4. The Company may acquire, hold and dispose of the stock, Securities  
bonds or other securities of any other railway company with of other  
which the railway of the Company may connect. companies.

5. The Company may make such arrangements and regula- Exchange  
30 tions respecting conversion and exchange of its mortgage bonds of bonds  
and debentures, and of its capital stock into and for preference and stock.  
stock, and for re-exchange and re-conversion of the same by  
the respective holders thereof, as are deemed expedient.

No. 87.

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2nd Session, 9th Parliament, 2 Edward VII, 1902

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BILL.

An Act respecting the Quebec Southern  
Railway Company.

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First reading, April 2, 1902.

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(PRIVATE BILL.)

MR. GEOFFRION.

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OTTAWA

Printed by S. E. Dawson  
Printer to the King's most Excellent Majesty  
1902

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No. 88.]

**BILL.**

[1902.

An Act respecting the Medicine Hat Railway and  
Coal Company:

**W**HEREAS the Medicine Hat Railway and Coal Company  
has, by its petition, prayed that it be enacted as herein-  
after set forth, and it is expedient to grant the prayer of the said  
petition : Therefore His Majesty, by and with the advice and  
5 consent of the Senate and House of Commons of Canada,  
enacts as follows :—

1. The time limited by section 1 of chapter 54 of the  
statutes of 1897 for the completion of the railway of the  
Medicine Hat Railway and Coal Company is extended to the  
10 twenty-ninth day of June, one thousand nine hundred and  
seven, and if the said railway is not completed by the said date  
the powers of the said company shall cease and be null and  
void with respect to so much of the said railway as then  
remains uncompleted.

Preamble.

Time for  
completion  
extended.

1897, c. 54.

No. 88.

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2nd Session, 9th Parliament, 2 Edward VII., 1902

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BILL.

An Act respecting the Medicine Hat  
Railway and Coal Company.

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First reading, April 2, 1902.

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(PRIVATE BILL.)

MR. SCOTT.

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OTTAWA  
Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

An Act to incorporate the Canada Central Railway  
Company.

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

**1.** Thomas William Patterson, of the city of Vancouver ; Incorporation.  
John Millen, of the city of Duluth, in the state of Minnesota,  
one of the United States ; Ebenezer F. B. Johnston, of the city  
of Toronto, and B. W. Folger, of the city of Kingston, in the  
10 province of Ontario ; and Paul Weedner, of the city of Detroit,  
in the state of Michigan, one of the United States, together with  
such persons as become shareholders in the company, are incor-  
porated under the name of " The Canada Central Railway Com- Corporate  
pany," hereinafter called " the Company." name.

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

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

**4.** The head office of the Company shall be at the city of Head office.  
Winnipeg, in the province of Manitoba.

**5.** The annual meeting of the shareholders shall be held on Annual  
the second Tuesday in October in each year. meeting.

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

**7.** The Company may lay out, construct and operate the Lines of  
30 following lines of railway of the gauge of four feet eight and railway  
one-half inches :— described.

**1.** From a point at or near the mouth of the French River  
on the north coast of Lake Huron north-westerly to some  
point at or near Wahnapiatae Lake, thence northerly to some

point at or near the head waters of the Montreal River, in the district of Nipissing, thence north-westerly to some point on the Albany River, in the province of Ontario, thence north-westerly through the district of Keewatin and the province of Manitoba to some point on or near Lake Winnipeg, 5  
thence northerly and westerly by way of Prince Albert, in the district of Saskatchewan and Edmonton in the district of Alberta to Tête Jaune Cache, in the province of British Columbia, thence southerly in the vicinity of the North Thompson River, by way of Kamloops, to a point at or near 10  
Princeton, thence westerly to New Westminster, thence north-westerly to Vancouver;

(a.) with an extension of the said railway from some point at or near Tête Jaune Cache, westerly to Port Essington or Port Simpson or other suitable harbour on the Pacific coast; 15

(b.) with a branch line southerly from the said line of railway, in the province of Ontario, to the towns of Port Arthur and Fort William, on Lake Superior;

(c.) with a branch line from some point on the said line of railway between Kamloops and Princeton, south-easterly by 20  
way of Penticton to Grand Forks;

(d.) with a branch line from some point on the said line of railway at or near the North Thompson River to Ashcroft and Anderson Lake.

2. From some point on the south or east coast of Vancouver 25  
Island to Victoria.

Preference  
stock.

**S.** The Company may, under the authority of the ordinary shareholders given at a special general meeting duly called for that purpose, at which meeting shareholders representing at least two-thirds in value of the stock are present or represented by proxy, issue any portion of its capital stock as preferred stock, and such preferred stock shall have the special incidents and privileges defined by the following paragraphs, viz.:— 30

(a.) The profits of each year shall be first applied to pay a cumulative preferential dividend at a rate not exceeding six 35  
per cent per annum;

(b.) The residue of surplus profits applicable for dividend in each year shall be divided among the holders of the ordinary shares;

(c.) Nothing herein contained shall prejudice or limit the 40  
powers or discretion of the directors as to the time or mode of application and distribution of profits, or as to the setting aside of profits for a reserve fund and depreciation accounts;

(d.) The holders of the said preference stock shall also be 45  
entitled to the preferential payment of the amount paid up on their shares out of the assets available for the return of capital, in priority to any return of capital in respect of ordinary shares in the Company; and, subject thereto, the residue of such surplus assets shall belong to and be divided among the ordinary 50  
shareholders.

Rights of  
preference  
stock holders.

2. The holders of such preference stock shall have and enjoy the rights, privileges and qualifications of holders of capital stock for voting at all meetings of shareholders and for the purpose of becoming directors.

9. The Company may, for the purpose of its business :—
- (a.) construct, acquire and navigate vessels and ferries upon the Pacific Ocean and upon any of the rivers, lakes or other inland waters of Canada connecting with or adjacent to the Company's lines of railway, and carry on generally the business of transportation in connection with the said railways, ferries, and vessels ;
- (b.) construct, acquire, lease and sell wharfs, docks, elevators, warehouses and other works for the transportation of passengers or freight upon or across the said railway and the said rivers, ocean, lakes and streams ;
- (c.) acquire by lease, purchase or otherwise, any rights in letters patent, franchises, or patent rights for the purposes of the works and undertakings hereby authorized, and again dispose of such rights ;
- (d.) acquire lands, water powers and reservoirs and erect, use and manage works and manufacture machinery and plant for the generation, transmission and distribution of electric power and energy ;
- (e.) build and maintain power houses and stations for the development of electrical force and energy.
10. The Company may construct, maintain and operate works for the production of water power for sale and distribution as well as for the purposes of its own business, and for the purpose of utilizing such water power may construct, acquire, use, maintain and operate canals, water-courses, raceways, water powers and reservoirs, and, subject to the provisions of *The Railway Act* as to expropriation and compensation, may acquire lands for all such purposes and for power stations for generating electric power and for transmitting it to the users thereof in or adjacent to any of the rivers, lakes or streams along or near the Company's line of railway, and construct dams, wing-dams, sluices, conduits and buildings in connection therewith.
11. The Company may, from time to time, receive from any government or person in aid of the construction, equipment and maintenance of the said railways and of any line of steamships or ferries running in connection therewith or otherwise, grants of land, bonuses, loans or gifts of money, or securities for money, and may also purchase or lease from any government or person any lands, rights or privileges ; and the lands, leases and privileges so to be acquired by the Company, and held by the Company, for sale or otherwise for the purposes thereof, may be conveyed to trustees to be held, conveyed and otherwise disposed of by them, upon the trusts and for the purposes herein declared in reference to such lands, leases and privileges ; and all moneys arising from the sale or other disposition of such lands, leases and privileges, shall be held and applied in trust for the purposes following, that is to say : firstly, in payment of the expenses connected with the acquisition, purchase, survey, management and sale of the said lands ; secondly, in payment of the dividends and interest on and principal of bonds issued upon the land grant or any portion thereof, or upon the railway from time to time, payable in cash by the Company, provided such dividends, interest

Powers of  
Company.  
Vessels.

Transport-  
ation.

Docks, ware-  
houses, etc.

Patent rights.

Lands and  
plant.

Electric  
power.

Water  
powers.

Expropriation  
powers.

Aid to  
Company.

and principal have been made a charge upon such lands; and, thirdly, for the general purposes of the Company.

Telegraph and telephone line.

**12.** The Company may construct, equip, work and maintain a telegraph line and telephone line along the whole length of its railway, and may establish offices for the transmission of messages for the public and collect tolls for so doing; and for the purposes of operating such telegraph and telephone lines the Company may enter into a contract with any other company, or may lease the Company's lines or any part thereof. 5 10

Arrangements with telegraph or telephone companies.

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

Rates to be approved.

3. No rates or charges shall be demanded or taken from any person for the transmission of any message by telegraph or telephone, or for leasing or using the telegraphs or telephones of the Company, until such rates or charges have been approved of by the Governor in Council, and such rates and charges shall be subject to revision, from time to time, by the Governor in Council. 15 20

R.S.C., c. 32.

4. *The Electric Telegraph Companies Act* shall apply to the telegraphic business of the Company.

Bond issue limited.

**13.** The Company may issue bonds, debentures or other securities to the extent of twenty-five thousand dollars per mile [and stock to the extent of twenty thousand dollars per mile] of the railway and branches, and such bonds, debentures [stock] or other securities may be issued only in proportion to the length of railway constructed or under contract to be constructed. 25 30

Agreements with other companies.

**14.** The Company may enter into an agreement with the Canadian Pacific Railway Company, the Canadian Northern Railway Company, [or any other railway Company adjacent to or connecting with the line of the Company's railway] for conveying or leasing to such company the railway of the Company, in whole or in part, [or a part thereof to one company and another part or parts to another or other companies] or any rights or powers acquired under this Act, as also the franchises, surveys, plan, works, plant, material, machinery and other property to it belonging, or for an amalgamation with such companies [or any of them], on such terms and conditions as are agreed upon, and subject to such restrictions as to the directors seem fit; provided that such agreement has been first 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, and that such agreement has also received the sanction of the Governor in Council. 35 40 45 50

Approval of shareholders and Governor in Council.

Notice of application for sanction.

2. Such sanction shall not be signified until after notice of the proposed application therefor has been published in the manner and for the time set forth in section 239 of *The Railway Act*, and also for a like period in one newspaper in each of the counties or electoral districts through which the railway of the Company runs, and in which a newspaper is published. 55

3. A duplicate of the agreement referred to in subsection 1 of this section shall, within thirty days after its execution, be filed in the office of the Secretary of State of Canada, and notice thereof shall be given by the Company in *The Canada Gazette*, and the production of *The Canada Gazette* containing such notice shall be primâ facie evidence of the requirements of this Act having been complied with.

Agreement to  
be filed with  
Secretary of  
State.

No. 89.

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2nd Session, 9th Parliament, 2 Edward VII., 1902

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BILL.

An Act to incorporate the Canada Central  
Railway Company.

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First reading. April 3, 1902.

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(PRIVATE BILL.)

MR. SCOTT.

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OTTAWA  
Printed by S. E. Dawson  
Printer to the King's most Excellent Majesty  
1902

An Act to incorporate the British America Life  
Insurance Company.

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

**1.** Robert Bickerdike, Peter Lyall, Janvier A. Vaillancourt, Incorpora-  
Francis B. McNamee, Alphonse Turcotte, and D. A. Camp- tion.  
bell, all of Montreal, together with such persons as become  
10 shareholders in the company, are hereby incorporated under  
the name of "The British America Life Insurance Company," Corporate  
hereinafter called "the Company." name.

**2.** The persons named in section 1 of this Act, together with Provisional  
such persons, not exceeding six, as they associate with them, directors.  
15 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 Powers.  
stock for the undertaking, make calls on stock subscribed, and  
receive payments thereon, and shall deposit in a chartered  
20 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  
only of the Company, and may do generally what is necessary  
to organize the Company.

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

**4.** The head office of the Company shall be in the city of Head office.  
Montreal, and the directors may from time to time establish  
branches or agencies, either within Canada or elsewhere, in Branches.  
30 such manner as the directors from time to time appoint.

**5.** As soon as three hundred and fifty thousand dollars First meeting  
of the capital stock of the Company has been subscribed and of Company.  
twenty per cent of that amount paid into some chartered bank  
in Canada, the provisional directors shall call a general meet-  
35 ing of the shareholders, at some place to be named, in the city  
of Montreal, in the province of Quebec, at which general  
meeting the shareholders present or represented by proxy,  
who have paid not less than twenty per cent on the amount of Election of  
shares subscribed for by them, shall elect a board of directors. directors.

or near Fort Churchill, and also from some point on the said proposed line of railway near the Albany river in a north-easterly direction by the most feasible route to some point on James Bay, and also from some point on the said proposed line of railway south of Lake Nepigon, south-westerly to Port Arthur and Fort William, and the Company may lay out, construct and operate branch-lines of railway, not exceeding in any one case miles in length. 5

- Powers of Company. **8.** The Company may, for the purposes of its railway undertaking and the requirements of its business : 10
- Navigation. (a.) carry on the business of navigation on the navigable bays, lakes and rivers adjacent to its line of railway and branches; acquire and use steam and other vessels for the transportation of passengers and freight, and dispose thereof;
- Transportation. (b.) acquire, construct and operate docks and elevators ; 15
- Docks, etc. (c.) acquire water powers for the generation of electricity, and operate electricity works for the use and transmission of the power necessary for the operation of its railway and branches and tramways and utilize them for the purpose of heating and lighting, and dispose of the power not required for 20
- Water powers, its own undertaking.
- Electricity.
- Expropriation of land. **9.** If the Company requires land for wharves, docks and elevators, and if it cannot agree for the purchase thereof with the owner of such land, it may cause a map or plan and book of reference to be made of such land, and all the provisions of 25 sections 107 to 111, both inclusive, of *The Railway Act* shall apply to the subject matter of this section, and to the obtaining of such lands and determining the compensation therefor.
- Telegraph and telephone lines. **10.** The Company may construct and operate telegraph and telephone lines along its line of railway and branches, and 30 establish offices for the transmission of messages for the public and collect tolls therefor, and for the operation of its telegraph and telephone lines the Company may enter into agreements with any other Company, or may lease the Company's lines, or any part thereof, and may connect its lines with the lines of 35 any telegraph or telephone company.
- Arrangements with telegraph and telephone companies. **2.** The Company may make arrangements with any telegraph or telephone company for the exchange or transmission of messages, or for the working in whole or in part of the lines of the Company. 40
- Rates to be approved. **3.** No rates or charges shall be demanded or taken for the transmission of any message by telegraph or telephone, or for leasing or using the telegraphs or telephones of the Company until such rates or charges shall be approved of by the Governor in Council, and such rates or charges shall be subject to 45 revision from time to time by the Governor in Council.
- R.S.C., c. 132. **4.** *The Electric Telegraph Companies Act* shall apply to the telegraphic business of the Company.
- Bond issue on railway. **11.** The Company may issue bonds, debentures or other securities to the extent of twenty thousand dollars per mile of 50 the railway and branches, and such bonds, debentures or other securities may be issued only in proportion to the length of railway constructed, or under contract to be constructed.

12. The Company, having been first authorized by a resolution passed at a special general meeting of the shareholders duly called for the purpose, at which meeting shareholders representing at least two-thirds in value of the capital stock of the Company are present or represented by proxy, may from time to time issue bonds or debentures for the construction of any vessels or properties other than the railway which the Company is authorized to acquire, but the amount of such bonds and debentures shall not exceed the value of such vessels or properties.

Bond issue on other property.

13. For the purpose of securing each issue of such bonds, the Company may give a mortgage, not contrary to law or inconsistent with the provisions of this Act, in such form and containing such provisions as may be approved of by a resolution passed at the special general meeting of the shareholders mentioned in the last preceding section.

Mortgage to secure bonds.

2. Each of such mortgages shall be made to trustees, who shall be appointed for that purpose at such special general meeting, and may contain provisions determining the amount secured upon the vessels or class of vessels, or upon the properties, other than the railway, to which it relates, the rank and priority of the bonds thereby secured, the rights and remedies of the holders of such bonds, the manner of assuring application of the proceeds of such bonds for the purposes for which they were issued, the rate of interest which they shall bear, and the time and place of payment of the principal and interest, the creation of a sinking fund for the redemption of the said bonds, and all the conditions, stipulations and restrictions necessary for giving effect to the terms of the mortgage and the protection of the holders of such bonds.

Particulars of mortgage.

3. The Company may pledge the tolls and revenue of the vessels or class of vessels or properties, other than the railway, to which the mortgage relates, in the manner and to the extent therein specified, and the said mortgage shall create absolutely a first lien and charge upon the vessels or class of vessels, or properties, other than the railway, therein described, as well as upon the tolls, revenues and subsidies mortgaged; the whole for the benefit of the holders of the bonds with respect to which it is executed.

Power to bind tolls and revenue.

14. Each issue of the bonds to be secured by the mortgage mentioned in the next preceding section, shall entitle the holders of each of such issues to rank *pari passu*; and a duplicate of such mortgage shall be filed in the office of the Secretary of State of Canada.

How bond holders to rank.

15. The Company may enter into an agreement with the Canadian Pacific Railway Company, the Canadian Northern Railway Company, the Grand Trunk Railway Company of Canada or the Algoma Central and Hudson Bay Railway Company for conveying or leasing to such company the railway of the Company, in whole or in part, or any rights or powers acquired under this Act, as also franchises, surveys, plans, works, plant, material, machinery and other property to it belonging, or for an amalgamation with such company, on such terms and conditions as are agreed upon, and subject

Agreement with another company.

No. 90.

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2nd Session, 9th Parliament, 2 Edward VII., 1902

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BILL.

An Act to incorporate the British America  
Life Insurance Company.

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First reading, April 3, 1902.

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(PRIVATE BILL.)

MR. BICKERDIKE.

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OTTAWA

Printed by S. E. Dawson  
Printer to the King's most Excellent Majesty  
1902

No. 90.]

**BILL.**

[1902.

An Act to incorporate the British America Life  
Insurance Company.

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

**1.** Robert Bickerdike, Peter Lyall, Janvier A. Vaillancourt, Incorpora-  
Francis B. McNamee, Alphonse Turcotte, and D. A. Camp- tion.  
bell, all of Montreal, together with such persons as become  
10 shareholders in the company, are hereby incorporated under  
the name of "The British America Life Insurance Company," Corporate  
hereinafter called "the Company." name.

**2.** The persons named in section 1 of this Act, together with Provisional  
such persons, not exceeding six, as they associate with them, directors.  
15 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 Powers.  
stock for the undertaking, make calls on stock subscribed, and  
receive payments thereon, and shall deposit in a chartered  
20 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  
only of the Company, and may do generally what is necessary  
to organize the Company.

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

**4.** The head office of the Company shall be in the city of Head office.  
Montreal, and the directors may from time to time establish  
branches or agencies, either within Canada or elsewhere, in Branches.  
30 such manner as the directors from time to time appoint.

**5.** As soon as three hundred and fifty thousand dollars First meeting  
of the capital stock of the Company has been subscribed and of Company.  
twenty per cent of that amount paid into some chartered bank  
in Canada, the provisional directors shall call a general meet-  
35 ing of the shareholders, at some place to be named, in the city  
of Montreal, in the province of Quebec, at which general  
meeting the shareholders present or represented by proxy,  
who have paid not less than twenty per cent on the amount of Election of  
shares subscribed for by them, shall elect a board of directors. directors.

- Qualification.      **2.** No person shall be a 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.
- Calls on stock.      **6.** The shares of the capital stock subscribed for shall be paid by such instalments and at such times and places as the directors appoint; the first instalment shall not exceed twenty per cent, and no subsequent instalment shall exceed ten per cent, and not less than thirty days' notice of any call shall be given: Provided that the Company shall not commence the business of insurance until seventy thousand 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 further, that the amount so paid in by any shareholder shall not be less than ten per cent upon the amount subscribed by such shareholder.
- Commencement of business.      **7.** The affairs of the Company shall be managed by a board of not less than eleven nor more than twenty-five directors, of whom a majority shall be a quorum.
- Ten per cent to be paid in.      **8.** A general meeting of the Company shall be called once in each year after the organization of the Company and commencement of business, at its head office; and at such meeting a statement of the affairs of the Company shall be submitted by the directors.
- Number of directors.      **9.** The Company may effect contracts of life insurance with any person, and may grant, sell or purchase annuities, grant endowments, and generally carry on the business of life insurance in all its branches and forms.
- Annual meeting.      **10.** The Company may invest or deposit such portion of its funds in foreign securities as is necessary for the maintenance of any foreign branch.
- Business of life insurance.      **11.** The Company may acquire, alienate and dispose of any real estate required in part or wholly for the use and accommodation of the Company, but the annual value of such property in any province of Canada shall not exceed ten thousand dollars, except in the province of Quebec where it shall not exceed fifty thousand dollars.
- Foreign securities.      **12.** The directors may from time to time set apart such proportion 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 part from participating policies, and distinguishing such part from the profits derived from other sources; and the holders of participating policies shall be entitled to share in that portion of the profits so set apart which has been 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
- Real estate.      5
- Dividends.      10
- 35
- 45
- 50

undivided upon the declaration of a dividend shall never be less than one-fifth of the dividend declared.

13. 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 but he shall be entitled to receive a paid-up commuted policy for such sum as the directors ascertain and determine, such sum to be ascertained upon principles to be adopted by by-laws, or the directors may pay a sum as a cash surrender value in lieu of such paid-up commuted policy, provided he demand such paid-up commuted policy or such cash payment while the original policy is in force or within six months after his failure to pay a premium thereon.

Rights of certain policy holders.

14. The Company may agree to give to holders of participating policies the right to attend and vote in person at all general meetings of the Company, and if the Company so determines then all persons who are actual holders of policies from the Company, whether such persons are shareholders of the Company or not, and who are by the terms of their policies entitled to participate in profits and are referred to in this Act as holders of participating policies, shall be members of the Company and be entitled to attend and vote in person at all general meetings of the Company (except at those called for the purpose of increasing the capital stock of the Company, and shall not be entitled to vote by way of confirmation or against the confirmation of any by-law for the increase, issue, allotment or sale of capital stock of the Company); and every holder of a participating policy of the Company for a sum not less than one thousand dollars shall be entitled to one vote for each one thousand dollars in his policy.

Holders of participating policies.

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

Husband and father.

[CORRECTED COPY.]

No. 90.

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2nd Session, 9th Parliament, 2 Edward VII., 1902

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BILL.

An Act to incorporate the British America  
Life Insurance Company.

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First reading, April 3, 1902.

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(PRIVATE BILL.)

MR. BICKERDIKE.

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OTTAWA

Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

No. 91.]

**BILL.**

[1902.]

An Act respecting the Timagami Railway Company.

**W**HEREAS the Timagami Railway Company has, by its Preamble.  
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  
5 consent of the Senate and House of Commons of Canada,  
enacts as follows :—

**1.** Section 2 of chapter 84 of the statutes of 1900 is repealed. 1900, c. 84,  
s. 2 repealed.

**2.** The times limited for the commencement and completion Time for  
of the railway of the Timagami Railway Company are extended construction  
10 for two years and five years respectively from the passing of extended.  
this Act, and if the said railway is not commenced within the  
said two years, or if the railway is not finished and put in  
operation within five years from the passing of this Act, then  
the powers granted by Parliament for such construction shall  
15 cease and be null and void with respect to so much of the said  
railway as then remains uncompleted.

No. 91.

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2nd Session, 9th Parliament, 2 Edward VII., 1902

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BILL.

An Act respecting the Timagami Railway  
Company.

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First reading, April 3, 1902.

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(PRIVATE BILL.)

MR. MCCARTHY.

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OTTAWA  
Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

An Act to amend the Railway Act so as to promote the safety of railway employees.

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

1. *The Railway Act*, chapter 29 of the statutes of 1888, is 1888, c. 29, section added.  
5 amended by inserting the following section immediately after section 244:—

“244A. On and after the first day of January, 1904, no After Jan. 1, 1902, air brakes and automatic couplers compulsory.  
company shall—

10 “(a) use any locomotive that is not equipped with an air brake in proper working order, or run any train, a sufficient number of the cars of which are not so equipped with an air brake that the engine driver on the locomotive can control its speed without requiring the assistance of the hand brakes; or—

15 “(b) use on its lines any locomotives or cars not equipped with automatic couplers, in proper working order, so that such locomotives and cars can be coupled and uncoupled without it being necessary for men to go in between the ends of cars.

20 “2. All box freight cars built in Canada after the first day July, 1902, for use on Canadian railways shall be provided with the following attachments for the security of railway employees: After July 1, 1902, box freight cars to be provided with ladders, etc.

25 “(a) outside ladders, on opposite sides and ends of each car, projecting below the frame of the car and with one step or rung of the ladders below the frame, the ladders being placed close to the ends and sides to which they are attached;

“ (b) hand grips placed anglewise over the ladders of each car and so arranged as to assist persons climbing on to the roof by means of the ladders.

30 “All such attachments shall be subject to the approval of the Minister of Railways and Canals.

“3. Any company violating any of the provisions of this section shall be liable, on a summary conviction, to a fine of not less than dollars and not more than dollars.” Penalty.

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2nd Session, 9th Parliament, 2 Edward VII., 1902

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BILL.

An Act to amend the Railway Act so as  
to promote the safety of railway  
employees.

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First reading, April 3, 1902.

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MR. SMITH (Vancouver).

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OTTAWA

Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

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No 93.]

**BILL.**

[1902.

An Act respecting the Hudson's Bay and North-west  
Railways Company.

**W**HEREAS the Hudson's Bay and North-west Railways 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  
5 advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

1897, c. 46 ;  
1899, c. 70.

**1** The times limited for commencing and for finishing and putting in operation the railway of the Hudson's Bay and North-west Railways Company are extended for a further  
10 period of three years, and if the said railway is not so commenced, or is not so finished and put in operation, the powers conferred upon the said company by Parliament shall cease and be null and void with respect to so much of the said railway as then remains uncompleted.

Times  
extended.

No. 93.

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2nd Session, 9th Parliament, 2 Edward VII, 1902

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BILL.

An Act respecting the Hudson's Bay  
and North-west Railways Company.

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First reading, April 4, 1902.

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(PRIVATE BILL.)

MR. OLIVER.

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OTTAWA  
Printed by S. E. Dawson  
Printer to the King's most Excellent Majesty  
1902

An Act respecting the Calgary and Edmonton  
Railway Company.

**W**HEREAS the Calgary and Edmonton Railway Company Preamble.  
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  
5 and consent of the Senate and House of Commons of Canada, declares and enacts as follows:—

**1.** The power to construct and complete the extension of the railway of the Calgary and Edmonton Railway Company southerly to the International boundary line is revived and  
10 confirmed, and all the rights, powers, privileges and franchises of the Company with reference to such extension are declared to be in force. 1890, c. 84, s. 3 revived. Line of railway.

**2.** The said extension to the International boundary line shall be completed within five years from the passing of this  
15 Act, otherwise the powers hereby granted for the construction of such extension shall cease as to so much thereof as is not completed within that period. Time for construction extended.

**3.** The said company may lay out, construct and operate  
the following branch lines:— Branch lines.

20 (a.) From a point at or near the town of Strathcona in an easterly direction, keeping south of the North Saskatchewan River, to a point in township fifty-five, range eighteen, west of the fourth principal meridian.

(b.) From a point at or near the village of Wetaskiwin  
25 easterly, keeping south of Bittern Lake, to a point in township forty-seven, range sixteen, west of the fourth principal meridian.

(c.) From a point at or near the village of Lacombe running  
30 easterly, keeping south of Buffalo Lake, to a point in township forty, range eighteen, west of the fourth principal meridian, and all the powers conferred upon the said company shall be held and construed to apply to each of the said branch lines.

**4.** The said branch lines shall be completed within five  
35 years from the passing of this Act, otherwise the powers granted for their construction shall cease and be null and void as respects so much of the said branch lines respectively as then remains uncompleted. Time for construction limited.

No. 94.

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2nd Session, 9th Parliament, 2 Edward VII., 1902

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BILL.

An Act respecting the Calgary and  
Edmonton Railway Company.

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First reading, April 4, 1902.

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(PRIVATE BILL.)

MR. BARKER

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OTTAWA

Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

An Act respecting the Calgary and Edmonton  
Railway Company.

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

**W**HEREAS the Calgary and Edmonton Railway Company, Preamble.  
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  
5 His Majesty, by and with the advice and consent of the Senate  
and House of Commons of Canada, declares and enacts as  
follows:—

**1.** The power to construct and complete the extension of the 1890, c. 84,  
Company's railway southerly to the International boundary s. 3 revived.  
10 line is revived and confirmed, and all the rights, powers,  
privileges and franchises of the Company with reference to Line of  
such extension are declared to be in force. railway.

Provided that nothing herein contained shall in any way Land grants.  
revive or entitle the Company to any land grant as to the  
15 portion of railway hereby authorized to be constructed.

And provided further that the extension of the Company's Location  
railway to the International boundary line shall be located and of line.  
constructed west of range twenty-two west of the fourth principal  
meridian.

**2.** The said extension to the International boundary line Time for  
shall be [constructed southerly to a point within half a mile of construction  
the town site of Cardston within two years, and to the Inter- extended.  
national boundary line] within five years from the passing of  
this Act, otherwise the powers hereby granted for the construc-  
25 tion of such extension shall cease as to so much thereof as is  
not completed within that period.

**3.** The Company may lay out, construct and operate the Branch lines.  
following branch lines:—

(a.) From a point at or near the town of Strathcona in an  
30 easterly direction, keeping south of the North Saskatchewan  
River, to a point in township fifty-five, range eighteen, west of  
the fourth principal meridian.

(b.) From a point at or near the village of Wetaskiwin  
easterly, keeping south of Bittern Lake, to a point in town-  
35 ship forty-seven, range sixteen, west of the fourth principal  
meridian.

(c.) From a point at or near the village of Lacombe running  
easterly, keeping south of Buffalo Lake, to a point in township  
40 forty, range eighteen, west of the fourth principal meridian,  
and all the powers conferred upon the Company shall be held  
and construed to apply to each of the said branch lines, as far  
as applicable.

Time for  
construction  
limited.

4. The said branch lines shall [be constructed as follows :—  
At least forty miles by the first day of December, nineteen  
hundred and three, and the balance of construction of the  
said branch lines shall be completed by the first day of Decem-  
ber, nineteen hundred and five], otherwise the powers granted 5  
for their construction shall cease and be null and void as  
respects so much of the said branch lines respectively as then  
remains uncompleted.

No. 94.

2nd Session, 9th Parliament, 2 Edward VII, 1902

BILL.

An Act respecting the Calgary and  
Edmonton Railway Company.

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

(PRIVATE BILL.)

MR. BARKER.

OTTAWA

Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

## An Act to incorporate the Penny Bank.

**W**HEREAS savings associations for benevolent purposes Preamble.  
 have been carried on for a number of years in the city  
 of Toronto under the auspices of the St. Andrew's Church  
 Institute and the Fred. Victor Mission, under the names of  
 5 "The Saint Andrew's Church Institute Penny Savings Asso-  
 ciation," and "The Victor Five Cent Savings Association;"  
 and whereas, the persons hereinafter named have petitioned  
 for an Act incorporating a penny savings bank to take up and  
 carry on the work now being carried on by the said associa-  
 10 tions, and any kindred associations, and to carry on generally,  
 for benevolent purposes, the business of a penny savings bank,  
 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  
 15 follows:—

**1.** Oliver A. Howland, Joseph W. Flavelle, Chester Daniel Incorporation.  
 Massey, Joseph Easton McDougall, John I. Davidson, John  
 B. Kay, Cassimer S. Gzowski, Walter Barwick, James L.  
 Hughes, Zebulon Aiton Lash, John W. Langmuir, James H.  
 20 Plummer, Daniel R. Wilkie, Joseph Henderson, George P.  
 Reid, Henry S. Strathy, Edward Gurney, Reuben Millichamp,  
 James MacLennan, Hamilton Cassels, Daniel Edmund Thom-  
 son, Robert Jaffray, Bartle Edward Bull, John K. Macdonald,  
 Charles Moss, Frank D. Benjamin, Charles A. B. Brown,  
 25 Frederick Mowat, James W. Mallon, James A. Macdonald,  
 Edward R. Greig, William B. Rogers, Angus MacMurphy,  
 E. Havelock Walsh, Newton Wesley Rowell, George W.  
 Blaikie, Charles E. Clarke, George H. Muntz, John M.  
 Treble, Charles M. Sutherland, Harry D. Lockhart Gordon,  
 30 Duncan Coulson, Edward R. C. Clarkson, Frederick J. Camp-  
 bell and Henry M. Pellatt, together with such persons as  
 become members of the corporation by this Act created, are  
 incorporated under the name of "The Penny Bank," herein- Corporate  
 after called "the Bank," with power to carry on in the name.  
 35 province of Ontario the business of a savings bank, subject to  
 the restrictions and conditions herein declared.

**2.** Joseph W. Flavelle, Charles D. Massey, Joseph Easton First  
 McDougall, John I. Davidson, John B. Kay, Edward R. directors.  
 Greig, William B. Rogers, Charles M. Sutherland, E. Have-  
 40 lock Walsh, Bartle Edward Bull, Hamilton Cassels, George  
 W. Blaikie, Charles E. Clarke, John M. Treble, Frederick J.  
 Campbell and Harry D. Lockhart Gordon, shall be the first  
 board of directors, and shall hold office until their successors  
 are appointed as hereinafter provided.

Affairs to be managed by directors.

Number.

**3.** The affairs of the Bank shall be managed and administered by and under the authority of the board of directors, hereinafter called "the board," which shall consist of such number, from time to time, not less than nine, as the by-laws of the Bank prescribe, and the board shall be elected at the general meeting and appointed by the workers, associations as hereinafter provided. 5

Powers of directors.

**4.** The board may, from time to time, make by-laws not contrary to law, or to the provisions of this Act, relating to the conduct of the affairs of the Bank, including among others the following: the number of directors from time to time, their terms of service and their qualifications; the appointment, functions, duties and removal of all officers, agents and servants of the Bank; the security to be given by them and their remuneration the time and place for holding the annual meeting of the members of the Bank; the calling of meetings regular and special of the board, and of the members of the Bank; the quorum at such meetings; the requirements as to proxies; the procedure in all things at such meetings; the making of calls on subscribers to the guarantee fund hereinafter mentioned; 10 the organization and constitution of one or more associations of workers as hereinafter mentioned; the repayment of deposits or interest thereon, and the conduct in all other particulars of the affairs of the Bank; and every such by-law and every repeal, amendment or re-enactment thereof, unless in the meantime confirmed at a general meeting of the Bank duly called for that purpose, shall only have force until the next annual meeting of the Bank, and in default of confirmation thereat, shall at and from that time only, cease to have force, and if any by-law or part thereof be by resolution expressly disaffirmed, no new by-law of the same or like effect to that disaffirmed, shall have any force until confirmed at a general meeting of the Bank, provided, however, that the Bank may 15 either at the said general meeting, or at the annual meeting repeal, amend, vary or otherwise deal with any by-laws which have been passed by the directors, but no act done or right acquired under any by-law shall be prejudicially affected by any such want of confirmation, disaffirmance, repeal, amendment, variation or other dealing. 20 25 30 35

Members of Bank.

**5.** The members of the Bank shall consist of the persons who subscribe or pay to the guarantee fund hereinafter mentioned the sum of at least one hundred dollars, and at all meetings of such members each member shall have one vote for each one hundred dollars of his subscription or payment to the said fund, and members may vote by proxy. 40 45

Guarantee fund.

**6.** A guarantee fund shall be established of not less than fifty thousand dollars which shall consist of moneys paid to the Bank for the said fund, and of amounts subscribed therefor by an agreement of guarantee in the form in schedule A to this Act, or to the like effect, and when moneys have been so paid for the said fund, and subscriptions thereto have been made and accepted by the board to an amount in all, of not less than fifty thousand dollars, the board shall call a meeting of the members of the Bank to elect a board of directors in place of 50

Election of directors.

the first board constituted by this Act: Provided that the members of the first board shall be eligible for election.

7. The board may, from time to time, by by-law, constitute and organize one or more associations of voluntary workers in connection with the carrying on and administration of the business of the Bank, and may define the powers and duties of such associations and prescribe the number of directors to be elected by such associations, and the manner of election, and the filling of vacancies, and such other details in connection with such associations, and the organization and working thereof, as may be deemed expedient.

Associations  
of voluntary  
workers.

8. In each year after the election of the board as provided in section 6, a general meeting of the members of the Bank shall be held at such time and place as the board prescribes for the election of directors, who shall hold office until the next annual meeting, or until their successors are appointed, and for the transaction of all or any business which the members in general meeting may lawfully transact. Special meetings of the members may be called at any time as the by-laws may prescribe for the transaction of such business as may be covered by the notice calling the meeting.

Annual  
general  
meeting of  
members.

Special  
meetings.

9. Subject to the provisions of the by-laws, directors shall hold office until their successors are elected by the members or appointed by the workers' associations as the case may be: Provided that if the seat of a director elected by the members becomes vacant between annual meetings, such vacancy may be filled by the board.

Directors  
duration of  
office.

10. So soon as the board has been elected as above provided in section 6, the board may apply to the treasury board (constituted by section 9 of chapter 28 of the *Revised Statutes*, and amendments thereof) for a certificate authorizing the Bank to carry on business, and upon the issue of such certificate the Bank may carry on the business authorized by this Act.

Commence-  
ment of  
business.

11. The Bank may acquire the assets and assume the liabilities of "The Saint Andrew's Church Institute Penny Savings Association" and "The Victor Five Cent Savings Association" above mentioned, and kindred associations, and may take up and carry on the work of the said associations, and the trustees of the said associations, and any others holding the deposits or assets thereof, are hereby authorized and empowered to transfer and hand over the same to the Bank in pursuance of any agreement which may be entered into respecting the acquisition thereof, and upon such transfer being made, the transferors shall thereby be discharged from all liability in respect of the said deposits and assets.

Power to  
acquire assets  
of certain  
associations.

12. The Bank may receive deposits of money on such terms as may be prescribed, and such deposits may be received from any person of whatever age, status or condition of life, and whether such person is qualified by law to enter into contracts or not; provided always that no deposit shall be received which would make the amount at the credit of the account to

Moneys  
received on  
deposit.

which the deposit is offered exceed five hundred dollars, and no more than one account shall be kept with the same depositor.

Liability of  
Bank to  
depositors.

13. Any payment of the whole or part of any deposit, or of any interest thereon, made in good faith, and in accordance with the by-laws of the Bank, shall discharge the Bank from any claim by any person whatsoever in respect of the deposit or interest so paid, notwithstanding that the person making the deposit may have died or become insane, or otherwise incapacitated, and that there be or be not a person qualified to represent such person, or that such person cannot be found, or that some person other than the person to whom such payment is made may claim to be, or be entitled to such deposit or interest; provided always that upon the book or other paper given to the depositor representing the deposit, or in or on which the deposit is entered, there shall be printed a copy of this section. 5 10 15

Investment  
of funds.

14. The Bank may invest the moneys of the guarantee fund and moneys received on deposit, and other moneys belonging to or held by it, or lend such moneys upon the following securities and investments, that is to say:— 20

Government  
bonds, etc.

(a) Annuities, bonds, debentures, stocks or other securities of the government of the Dominion of Canada, or of any of the provinces of Canada;

Municipal  
bonds.

(b) Bonds or debentures of any municipal corporation of any city or town in Canada having, according to the then last preceding government official census, a population exceeding ten thousand inhabitants, or of the municipal corporation of any county or township in any province of Canada, having according to such census a population of over twenty thousand inhabitants; 25 30

Trust  
companies  
and bank  
stock.

(c) Shares in the capital stock of any incorporated trust company or of any bank doing business in Canada, and, subject to *The Bank Act*, such trust company or bank having, according to its then last preceding annual statement submitted to its shareholders, a reserve fund or rest amounting to at least twenty per cent of its capital, and whose stock is marketable above par; 35

Bonds of other  
companies.

(d.) The bonds or debentures secured by mortgage of any telegraph company, telephone company, electric lighting company, gas company, hydraulic or electric power company, electric street railway company, or electric or steam railway company incorporated under the laws of the Dominion of Canada, or of any province thereof, or of the late province of Canada, or of Upper Canada or Lower Canada, or of the province of New Brunswick, Nova Scotia or Prince Edward Island before confederation, or of the United Kingdom or of the United States, or any state thereof; provided that the income of such company, according to its then last preceding annual statement submitted to its shareholders, is at least five hundred thousand dollars per annum, and provided also that such company has paid regular dividends upon its ordinary or its preferred stock for the then preceding two years; 40 45 50

Proviso.

Securities  
allowed to  
trustees.

(e.) Any securities upon which trustees are by the law of Ontario authorized to invest trust moneys: Provided always 55

that no greater amount in all than twenty per cent of the total investments or loans of the Bank shall be at any time kept invested in or loaned upon the security of mortgages of freehold or leasehold real estate ;

5 (f.) The Bank may deposit moneys in any bank doing business in Canada to which *The Bank Act* applies. Deposit in banks.

15 **15.** The Bank may, from time to time, acquire and hold freehold or leasehold real estate, movable and immovable property for its actual use and occupation and the manage-  
10 ment of its business, and may sell and dispose thereof. Real property.

15 **16.** The Bank may purchase any lands or real or personal property offered for sale under execution or in insolvency, or under order or decree of the court as belonging to any debtor to the Bank, or offered for sale by a mortgagee or other in-  
15 cumbrancer having priority over a mortgage or other incumbrance held by the Bank in cases in which, under similar circumstances, an individual could so purchase and may acquire a title thereto, and may sell and dispose thereof at pleasure. Purchase of property under execution etc.

20 **17.** The Bank may acquire and hold an absolute title in or to land mortgaged to it, whether by obtaining a release of the equity of redemption in the mortgaged property or by procuring a foreclosure or by other means, whereby, as between individuals an equity of redemption can, by law, be barred ; or may purchase and acquire any mortgage or charge on such  
25 land. Title to lands.

30 **18.** The Bank shall not hold any real or immovable property, howsoever acquired, except such as is required for its own use, for any period exceeding seven years from the date of the acquisition thereof, or any extension of such period as  
30 hereinafter provided, but such property shall be absolutely sold or disposed of, so that the Bank shall no longer retain any interest therein, unless by way of security, provided that the Treasury Board may extend the time for the sale or disposal thereof for a further period or periods not to exceed five years,  
35 so that the whole period during which the Bank may so hold such property under the provisions of this section shall not exceed twelve years. Limitation of time for holding land.

40 **19.** Any real or immovable property, not within the exception aforesaid, held by the Bank for a longer period than authorized by the preceding section shall be liable to be forfeited to the Crown for the use of Canada, but no such forfeiture shall take effect until the expiration of at least six calendar months after notice in writing to the Bank by the  
45 the Minister of Finance and Receiver General of the intention of the Crown to claim such forfeiture, and the Bank may, notwithstanding such notice, before the forfeiture is effected, sell or dispose of such property free from liability to forfeiture. Forfeiture of land.

50 **20.** No profits shall at any time be divided among or paid to members of the Bank, nor shall the board or members of the workers' associations receive any remuneration for their  
services as such directors or members. No remuneration to members or board.

Corporation  
not to be  
deemed a  
bank under  
1890, c. 31.

**21.** The Bank shall not be deemed a bank within the meaning of *The Bank Act*. It shall not issue any bank note, or note intended to circulate as money, or as a substitute for money. The Bank shall not deal in, discount or lend money, or make advances upon the security of bills of exchange or promissory notes; and, save as above provided, it shall not directly or indirectly deal in the buying, selling or bartering of goods, wares or merchandise, or of lands, or engage or be engaged in any trade or business. 5

Limitation  
of powers.

Calls on  
subscribers to  
guarantee  
fund.

**22.** The board may, from time to time, make calls upon the members on account of their respective subscriptions to the guarantee fund for such amount as may be required for the payment of any losses which may arise from time to time, and of any expenses and disbursements for which the Bank may be liable, which losses, expenses and disbursements it may not otherwise be able to pay; and upon such calls being made the members shall respectively be liable to pay, and shall respectively pay the amounts thereof to the Bank, but not exceeding in all the respective amounts of their respective subscriptions to the guarantee fund remaining unpaid. 10 15 20

Liability of  
members.

**23.** Every member of the Bank shall only be liable to contribute, and shall contribute to the assets of the Bank in the event of the same being wound up during the time that he is a member, or within one year thereafter, for payment of the debts and liabilities of the Bank contracted before the time at which he ceases to be a member, and of the costs, charges and expenses of winding up the same, and for the adjustment of the rights of the contributories amongst themselves, such amount as may be required, not exceeding the amount of his subscription to the guarantee fund remaining unpaid. 25 30

How  
membership  
may cease.

**24.** Every member shall cease to be a member and all liability under his subscription to the guarantee fund shall determine subject to the provisions of the last preceding section :—

1. If he shall die before any proceeding shall have been commenced for the liquidation of the Bank. 35

2. If he becomes a lunatic or of unsound mind, and be so declared by competent authority.

3. If he shall procure another subscriber to the guarantee fund (to be approved and accepted by the Board) for an amount equal to or greater than the amount for which he himself is liable as subscriber to the said fund. 40

4. If he shall pay to the Bank the full amount for which he might become liable under his said subscription, provided, however, that if the member desires to continue his membership after such payment he shall be at liberty to do so upon notifying the Bank in writing, when making such payment, that such is his desire. 45

Amount of  
guarantee  
fund.

**25.** The guarantee fund shall at all times be maintained at the sum of at least fifty thousand dollars, and if at any time the said fund shall be and remain less than that sum for six consecutive months, the Bank shall cease to receive deposits and shall be wound up. 50

26. The Bank shall transmit on or before the first day of March in each year to the Minister of Finance and Receiver General, a statement in duplicate to the thirty-first day of December, inclusive, of the previous year verified by the oath of the president or one of the vice-presidents, and the manager setting out the amount of the guarantee fund, the amount due depositors, the assets and liabilities of the Bank, the amount and nature of the investments made by the Bank, and the average rate of interest derived therefrom, distinguishing the classes of securities, and such other information as to the nature and extent of the business of the Bank as the Minister of Finance and Receiver General requires, and in such form and in such detail as he may from time to time require and prescribe, but the Bank shall in no case be bound to disclose the name or personal affairs of any person who has any dealings with it.

Annual statement to be sent to Minister of Finance.

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

#### SCHEDULE A.

The Penny Bank incorporated by Statute of the Parliament of Canada in the year 1902.

#### GUARANTEE FUND.

##### *Subscribers' Agreement.*

We, the undersigned, do hereby respectively become subscribers to the Guarantee Fund of the Penny Bank pursuant to its Act of incorporation, to the respective amounts set opposite our respective signatures hereto, and we do hereby respectively agree with the said bank to pay from time to time such calls as may be made upon us respectively under the provisions of said Act, but not exceeding in all the respective amounts of our said subscriptions---

Signatures.	Addresses.	Amounts.

NOTE.—Subscriptions to the Guarantee Fund may be made upon one or more papers in the above form.

No. 95.

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2nd Session, 9th Parliament, 2 Edward VII., 1902

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BILL.

An Act to incorporate the Penny Bank.

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First reading, April 4, 1902.

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(PRIVATE BILL.)

MR. OSLER.

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OTTAWA

Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

An Act to incorporate the Manitoba and Keewatin  
Railway Company.

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

1. David W. Bole, Frederick W. Stobart, H. H. Chown, Incorporation.  
Robert J. Whitla, R. T. Riley, George D. Wood, D. C.  
Cameron and H. M. Howell, all of the city of Winnipeg, in  
the province of Manitoba, together with such persons as become  
10 shareholders in the Company, are incorporated under the name  
of the "Manitoba and Keewatin Railway Company," herein- Corporate  
after called "the Company." name.

2. The persons named in section 1 of this Act are consti- Provisional  
tuted provisional directors of the Company. directors.

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

4. The head office of the Company shall be in the city of Head office.  
20 Winnipeg, or in such other place in Canada as the Company  
determines by by-law.

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

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

7. The Company may lay out, construct and operate a rail- Line of  
way of the gauge of four feet eight and one-half inches from a railway  
30 point in or near the city of Winnipeg or in or near the town described.  
of Selkirk, in the province of Manitoba, northerly and easterly  
to the eastern boundary of the said province, thence easterly  
through the district of Keewatin to tide water on the west  
coast of Hudson's Bay or James Bay, at or near the mouth of  
35 the Severn River or of any of the rivers southerly therefrom  
within the said district, to be known as the main line; and  
may also build a branch from the main line to some point on

the eastern shore of Lake Winnipeg, and also a branch from the main line to a point of connection with the Canadian Pacific Railway in the Rainy River or Thunder Bay districts of the province of Ontario.

Powers of Company.	8. The Company may—	5
Roads, buildings, etc.	(a.) construct and operate, or aid in and subscribe towards the construction, operation, maintenance and improvement of stage or wagon roads, tramways, docks, piers, viaducts, flumes, ditches, mills, elevators or other buildings and works, which may be deemed necessary or convenient for the purposes of the Company, or as preparatory to the construction of its permanent railway facilities ;	10
Electricity.	(b.) erect, use and manage or aid or subscribe towards works, machinery and plant for the generation, transmission and distribution of electric power and energy ;	15
Water powers.	(c.) the Company may, for the purposes of its undertaking and along the line of its railway, acquire and utilize water powers, and dispose of surplus power, either directly or by converting it into electricity ;	
Vessels.	(d.) construct, acquire, charter, navigate and dispose of steam or other vessels ;	20
Carriers.	(e.) carry on the business of carriers, wharfingers, forwarding and transportation agents, and all other business incident thereto or connected therewith, and may, for all or any of the said purposes, acquire timber, lands, buildings, docks, works, vehicles, goods, wares or merchandise, and other property, real and personal ;	25
Lands, buildings, etc.	(f.) for the purposes of its undertaking, erect, build, use, maintain and operate elevators, docks, wharves, piers and moles to enclose spaces for the purpose of creating harbour facilities in water areas at its terminal points ;	30
Elevators, docks, etc.	(g.) establish and carry on fisheries and fishing industries in Hudson's Bay and waters tributary thereto, and other waters in the vicinity of or in connection with the said lines of railway aforesaid ;	35
Fishing industries.	(h.) establish shops or stores and purchase and vend general merchandise, clothing, provisions, stores, machinery, appliances and supplies, fish and mineral and other products, and improve, extend, manage, develop, lease, mortgage or dispose of the properties or business aforesaid, or the revenues or profits derived therefrom ;	40
Shops, machinery, etc.	(i.) acquire, use and dispose of franchises, letters patent, patent rights and inventions.	
Franchises and patent rights.		
Telegraph and telephone lines.	9. The Company may construct and operate telegraph and telephone lines along the whole length of its railway and branches, and establish offices for the transmission of messages for the public and collect tolls for so doing ; and for the purpose of operating such telegraph and telephone lines the Company may enter into a contract with any other company, or may lease the Company's lines, or any part thereof, and may connect its lines with the lines of any telegraph or telephone company.	45
Agreement with telegraph and telephone companies.	2. The Company may enter into an agreement with any telegraph or telephone company for the exchange and transmission of messages or for the working in whole or in part of the lines of the Company.	50
		55

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

Rates to be approved.

4. *The Electric Telegraph Companies Act* shall apply to the business of the Company.

R.S.C., c. 132.

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

Bond issue.

15 **11.** If the construction of the railway is not commenced, and fifteen per cent of the amount of the capital stock is not expended thereon, within three years from the passing of this Act, or if the railway is not finished and put in operation within seven years from the passing of this Act, the powers conferred upon the Company by Parliament shall cease and be null and void with respect to so much of the railway as then remains uncompleted.

Time for construction limited.

No. 96.

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2nd Session, 9th Parliament, 2 Edward VII., 1902

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BILL.

An Act to incorporate the Manitoba and  
Keewatin Railway Company.

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First reading, April 4, 1902.

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(PRIVATE BILL.)

MR. McCREARY.

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OTTAWA  
Printed by S. E. Dawson  
Printer to the King's most Excellent Majesty  
1902

An Act to incorporate the Dominion Railway and  
Power Company.

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

Preamble.

**1.** Charles D. Warren, Charles H. Ritchie, Robert Davies,  
Allan H. Royce, Hugh Sutherland, and Adam W. Ballantyne,  
all of the city of Toronto in the county of York, together  
with such persons as become shareholders in the company,  
are incorporated under the name of "The Dominion Railway  
and Power Company," hereinafter called "the Company."

Incorporation.

Corporate name.

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

Declaratory.

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

Provisional directors.

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

Capital stock.

**5.** The head office of the Company shall be at the city of  
Toronto.

Head office.

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

Annual meeting.

**7.** At the first meeting of shareholders, and at each annual  
meeting, the subscribers for the capital stock assembled who  
have paid all calls due on their shares shall choose not less  
than five nor more than twelve persons, as may be determined  
from time to time by by-law, to be directors of the Company,  
one or more of whom may be paid directors.

Election of directors.

**8.** The Company may lay out, construct and operate by  
electricity, or other motive power, and from time to time alter,  
remove and change, a double or single or partly double or  
single track, with iron or steel rails, with all the necessary  
branches, switches, side-tracks and turn-outs for the passage  
of cars, carriages, motors and other vehicles adapted thereto,  
from some point to be selected by the Company, at or near  
the town of Niagara Falls in the county of Welland in the

Line of railway described.

province of Ontario, to some point at or near the city of Toronto in the county of York, passing through or near the townships of Stamford, Thorold, Niagara, Grantham, Louth, Clinton, Grimsby, Salt Fleet, Barton, Ancaster, East and West Flamboro, Nelson, Trafalgar, Toronto, Etobicoke 5 and York, and in its course through the said townships passing through or touching at any or all of the various incorporated cities, towns or villages lying in its route, and the Company may construct and operate branches or extensions from the said main line, not exceeding in any one case thirty miles 10 in length.

Right to run  
on highways.

**9.** The said railway or any part thereof may be carried along and upon such public highways (including highways separating any of the said municipalities) as are authorized by the by-laws of the respective corporations having jurisdiction 15 over the same, and the Company may enter into any agreements with any municipal corporation or any road company as to the terms of occupancy of any street or highway or the crossing of any stream or river.

Electric and  
other power.

**10.** The Company may acquire lands and erect, use and 20 manage works, machinery and plant for the generation, transmission and distribution of electric power and energy and other motive power.

Water and  
steam power.

**11.** The Company may acquire and utilize water and steam power for the purpose of compressing air or generating elec- 25 tricity for lighting, heating and motor purposes, and may sell, dispose of and distribute the same either as water power or other motive power, or by converting it into electricity or other force for the distribution of light, heat or power, or for any purpose for which electricity or other motive power can 30 be used.

Hydraulic  
and electric  
power.

**12.** The Company may supply hydraulic, electric or other power for any purpose by means of cables, machinery or other appliances, and at such rates and upon such conditions as may be agreed upon, and the Company may contract with any 35 company which may have heretofore erected or may hereafter erect a bridge across the Niagara River for permission, upon such terms as may be agreed upon, to carry one or more wires for electric power or other purpose upon and over the said bridge towards the United States shore of the Niagara 40 River, and may connect the same with the wires of any electric light company or other company in the United States, and also contract with such company to work the said electric or other power jointly, or may acquire any contract of such a character heretofore made. 45

Works for  
production  
of power.

**13.** The Company may acquire, construct, maintain and operate works for the production, sale and distribution of electricity and electric power for the purpose of light, heat and power, or for any purpose for which electricity or other 50 motive power can be used, and may enter into any contract for supplying to the Company electric or other motive power, and may construct, maintain and operate lines of wires, poles,

tunnels, conduits, and other works in the manner and to the extent required for the purposes of the Company, and may conduct, store, sell and supply electricity and other motive power, and may with such lines of wires, poles, conduits, motors or other conductors or devices, conduct, convey, furnish or receive such electricity at any places through, over, along or across any public highways, bridges, railways, watercourses, or over such place, or over or under any waters, and may enter upon any lands on either side of such lines or conduits, and fell or remove any trees or limbs thereof or other obstructions necessary in the opinion of the engineer of the Company to guard the safety of such lines or conduits, and the Company may enter upon any private lands or place and survey and set off and take such parts thereof as are necessary for such lines of wire, poles or conduits, and in case of disagreement between the Company and any owner or occupier of lands which the Company may take for the purpose aforesaid, or in respect of any damage done by constructing the said lines, poles or conduits upon the same the provisions of *The Railway Act* shall apply.

14. The Company may erect poles, construct trenches or conduits, and do all other things necessary for the transmission of power, heat or light as fully and effectually as the circumstances of the case may require, provided they are so constructed as not to incommode the public use of such streets, highways and public places or to impede the access to any house or other building erected in the vicinity of the same, or to interrupt the navigation of any waters, but the Company shall be responsible for all unnecessary damage which it causes in carrying out or maintaining any of its said works.

15. The Company may construct an electric telegraph line and a telephone line for use in connection with its railway and works, and for the purpose of constructing, erecting and protecting the said telegraph and telephone lines the Company shall have all the powers conferred upon telegraph companies by *The Electric Telegraph Companies Act*.

16. The directors may make and issue as paid up and non-assessable shares of the capital stock of the Company in payment for any contract or any franchise, property, undertaking, privilege, right or power which may be assigned or transferred to it, or which it may acquire by virtue of this Act, or for such sums as they may deem expedient to engineers or contractors, or for right of way or material or plant, buildings or lands, or the construction or equipment of the works or any part thereof, or for services rendered in placing or assisting to place or guaranteeing the placing of any of the shares or other securities of the Company, or in or about the promotion of the Company or the conduct of its business.

17. The directors may issue bonds of the Company for the purpose of raising money for prosecuting its undertaking, but the whole amount of the issue of such bonds shall not exceed in all the sum of three million dollars, which shall, as therein provided, be a charge upon the works, franchises and plant of

the Company, and payable at such times and places and be sold at such price or prices as the directors determine, and the Company may, from time to time, for advances of money to be made thereon mortgage or pledge any bonds which, under the authority of this Act, it has power to issue for the construction of its undertaking, works or otherwise. 5

Stock in other companies.

**18.** The Company may take and hold stock in any corporation created for or engaged in the business of using or supplying water from the Niagara or Welland River, or of any corporation created for or engaged in the use of power, light or heat derived from such water, and may hold stock in any corporation which contracts to purchase, lease or use any power or property of the Company, and its stock may also be owned, held and voted upon by any such corporation having the right to acquire the same. 10 15

Rights of aliens.

**19.** Aliens and foreign corporations, as well as British subjects, whether resident in Canada or elsewhere, may be shareholders in the Company, and all such shareholders shall be entitled to vote on their shares equally with British subjects, and, corporations excepted, shall be eligible to hold office as directors or otherwise in the Company, and in all other ways shall enjoy all other rights and privileges as shareholders as they could do if British subjects. 20

Surveys etc.

1888, c. 29.

**20.** The Company may take and make the surveys and levels of the land through or under which the works of the Company are to pass or to be operated, together with the map or plan thereof, and of the course and direction of the said works, and of the lands intended to be passed over, through or under and taken therefor, so far as then ascertained, and also the book of reference for the works, and deposit the same as required by *The Railway Act* with respect to plans and surveys, by sections or portions less than the whole length of the said works and of such lengths as the Company may from time to time see fit; and upon such deposit as aforesaid of the map or plan and book of reference of each of such sections or portions of the said works all the sections of *The Railway Act* applicable thereto shall apply and extend to any and each of such sections or portions of the said works as fully and effectually as if the said surveys and levels had been taken and made of the lands through or under which the said works are or were to pass, together with the map or plan of the whole thereof and of their whole course and direction, and of the lands intended to be passed over and taken, as fully as if the book of reference for the whole of the said works had been taken, made, examined, certified and deposited according to the said sections of *The Railway Act*. 25 30 35 40 45

Parks etc.

**21.** The Company may purchase, lease or acquire by voluntary donation and hold for any estate in the same, and sell, lease, alienate or mortgage any lands intended and necessary or suitable for park or pleasure grounds, not exceeding one hundred acres in any one municipality, and the Company may improve and lay out such lands as parks or places of public resort, and make any agreements or arrange- 50

ments with the municipal corporation of the municipalities wherein such lands are situate with respect thereto; provided that nothing in this section contained shall be deemed to enable the Company to carry on the general business of a land company.

22. The Company may, at any point on or near to its line of railway, connect its tracks with the tracks of any other electric company operating an electric railway near the line of the Company, or along any portion of the proposed route thereof, and for that purpose may enter into an agreement with any of such companies with whose tracks such connection is made to construct all such works, turn-outs, switches and signals as may be necessary for the making and operating of such connection.

Connections with other electric railways.

23. The Company and any of the said companies mentioned in section 22 may, from time to time, enter into agreements for the following purposes:—

Agreements with other companies.

(a.) for the making, maintaining and operation of such connections and of the works necessary therefor;

(b.) for the interchange of passenger and freight traffic between the companies party to the agreement, for the use by either company of property, buildings, tracks, plant, material, rails, stock, machinery, appliances and facilities of the other; for the supply of motive power, heat and light by either company to the other, and generally for services to be rendered by either company to the other;

(c.) for the making of running arrangements and the conduct of the general traffic of the two companies;

(d.) for the purchase, leasing or hiring by the Company of the lands, tracks, structures, plant, rolling stock, rights, privileges, franchises, powers, property and appliances of any of the said companies or any portion thereof, upon such terms as to compensation or otherwise as may be agreed upon.

24. The Company may enter into an agreement with any such other company for conveying or leasing to such other company the railway of the Company, in whole or in part, or any rights or powers acquired under this Act, as also the franchise, surveys, plans, works, plant, material, machinery and other property to it belonging, or for an amalgamation with such company or any transmission power company on such terms and conditions as may be agreed upon, and subject to such restrictions as to the directors seem fit.

Agreement to sell or lease to another company.

25. Any agreement entered into under the powers conferred by paragraph (d.) of section 23, or by section 24, shall be approved of by two-thirds of the votes at a special general meeting of the shareholders of the Company 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, and that such agreement has also received the sanction of the Governor in Council.

Agreement to be approved.

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

Notice of application for sanction.

manner and for the time set forth in section 239 of *The Railway Act*, and also for a like period in one newspaper in each of the counties through which the railway of the Company runs and in which a newspaper is published.

Agreement to be filed with Secretary of State.

3. A duplicate of any agreement so entered into shall, within thirty days after its execution, be filed in the office of the Secretary of State of Canada, and notice thereof shall be given by the Company in *The Canada Gazette*, and the production of *The Canada Gazette* containing such notice shall be prima facie evidence of the requirements of this Act having been complied with.

Power to acquire shares in such companies.

26. The Company may from time to time acquire from the shareholders of any of the companies in section 22 referred to, or from any of them, any shares of the capital stock of such companies, as also the shares of any company incorporated for or engaged in any undertaking which the Company is authorized to carry on, and the directors may, by by-law, appoint any person to act for and represent the Company at any meeting of the shareholders of any company in which the Company holds stock, and every such person shall be deemed to hold such stock in his own right, and shall be eligible for election as a director in respect thereof.

R.S.C., c. 118.

27. Section 39 of *The Companies Clauses Act* shall not apply to the Company.

An Act to incorporate the Montreal Subway Company.

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

1. Robert Mackay, Robert Reford, Henry Miles, D. White, William Price, John Sharples, L. M. Jones, H. A. Hodge and Alfred Ernest Ames, together with all such persons as become shareholders in the company, are incorporated under the name of the "Montreal Subway Company," hereinafter called "the Company."
2. The undertaking of the Company is declared to be a work for the general advantage of Canada.
3. The persons named in section 1 of this Act are constituted the provisional directors of the Company, and in case of the death, resignation or inability of any of them to act, their successors shall be appointed by the remaining provisional directors.
4. The capital stock of the Company shall be five 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.
2. As soon as the said sum of five million dollars has been fully subscribed and paid up, the Company may increase its capital stock from time to time to an amount not exceeding in the whole ten million dollars, but no such increase shall be valid until a by-law providing therefor has been approved by the votes of shareholders representing in the aggregate two-thirds of the stock then issued, at a general meeting of shareholders specially called for considering such by-law.
5. The head office of the Company shall be in the city of Montreal, or at such place in Canada as the Company from time to time determines by by-law.
6. The annual meeting of the shareholders shall be held on the first Tuesday in February in each year.
7. At the first meeting of the shareholders, the subscribers for the capital stock present or represented by proxy, who have paid all calls due on their shares, shall elect not less than seven nor more than fifteen persons as directors of the Company.

Preamble.

Incorporation.

Corporate name.

Declaratory.

Provisional directors.

Capital stock.

Increase of capital.

Head office.

Annual meeting.

Election of directors.

Power to  
construct  
subways and  
branch  
railways.

8. The Company may lay out, construct and operate, on each side of the river St. Lawrence, approaches, subways and branch lines of railway, between such points as they select, or connecting with the lines of any railways coming to or near the city of Montreal and the lines of any railways coming within the towns or parishes on the south shore of the river St. Lawrence opposite the Island of Montreal; provided that such branches shall not be more than twenty miles from the entrance or approaches of the subway; and may lay out, construct and operate a subway under the bed of the said river to connect the said subways or railways on either side thereof, and such other works as are necessary for the convenient using of the said subway for the purpose of providing means of communication between the north and south shores of the said river, the said works may consist in part of a bridge or bridges and in part of a subway or subways; provided that in the construction of such subways or bridges the Company shall not cause any obstruction in, or in any way interfere with or impede, the free navigation of the River St. Lawrence.

Proviso.

Proviso.

Roads.

2. The Company may construct, on each side of the said river, such underground and ordinary roads as are necessary to connect the said subway with any main roads or highways.

Telegraph and  
telephone  
lines.

9. The Company may construct, maintain and operate telegraph and telephone lines, or wires, cables or other appliances for the transmission of electricity or electric energy for any and all purposes, throughout the whole length of the said subway and its approaches, and may acquire lands for stations, warehouses, elevators, buildings and sidings, in connection with the operations of the Company, and erect the buildings or works thereon, and make all contracts necessary to the working thereof.

Lands,  
buildings, etc.

Expropriation  
of lands.

10. The Company may acquire, by expropriation or otherwise, such lands on both sides of the said river as are necessary for the purpose of the Company, and the convenient using of the said subway; and the Company shall have all other powers appertaining to railway corporations in general, and the powers and privileges conferred on such corporations by *The Railway Act*, subject to the provisions contained in this Act.

Powers of  
railway  
companies.

Aid to  
Company.

11. The Company may receive from any government or person as aid in the construction of the said subway, terminals, buildings, branch railways and any other thing hereby authorized to be made, any loan of credit or guarantee of the Company's bonds or debentures, and any sums of money, or bonds or debentures, franchises, contracts or privileges, and any real or personal property, either as gifts, or by way of bonus, or in payment of stock, and legally dispose thereof, and may alienate the said lands or other property for the purposes of the Company in carrying out the provisions of this Act; and any person may subscribe for or otherwise acquire shares in the capital stock of the Company and dispose thereof.

Purchase  
of land.

12. Whenever it becomes necessary, for the purpose of procuring sufficient land for stations or gravel pits or other purposes, for constructing, maintaining and using the said sub-

way, to purchase more land than is required for such stations or gravel pits or other purposes, the Company may purchase, hold, use or enjoy such lands, and also the right of way thereto, if the same be separated from the said subway, in such  
 5 manner and for such purposes connected with the construction, maintenance or use of the said subway as it deems expedient, and may sell and convey any part thereof not permanently required for the use of the said subway.

**13.** As soon as ten per cent of the capital stock has been  
 10 subscribed, and ten per cent of the amount so subscribed has been paid in, the directors, under the authority of the holders of at least two-thirds in value of the subscribed stock of the Company, present at any annual meeting, or at any special  
 15 general meeting called for that purpose, may issue bonds, debentures or other securities instead of taking further subscriptions towards the capital stock, and such bonds, debentures or other securities shall be signed by the president of the Company, and countersigned by the secretary or treasurer, and shall have the common seal of the Company affixed thereto,  
 20 and shall not be for a less sum than five hundred dollars, and such bonds, debentures or other securities shall be in such form and payable at such time and places as the directors decide and such securities shall be a first charge on the lands, buildings, tolls, income and other property belonging to the  
 25 Company, without any necessity for the enregistration thereof.

Bonding powers.

**14.** The Company may, from time to time, issue interest bearing bonds, debentures or other securities upon the subway and its approaches, but the amount thereof outstanding at any one time shall not exceed the sum of five million dollars in  
 30 the aggregate, and the Company may also issue interest bearing bonds, debentures and other securities upon any lines of railway which it constructs in accordance with the provisions of this Act, not to exceed fifty thousand dollars per mile, and such bonds shall be secured by mortgage upon the subway  
 35 and approaches and the said railways, and the security to be provided in such mortgages may include tolls and revenue derived from the use of the subway and the other works of the Company, and may include all other assets, rights and benefits to which the Company is entitled. The said mort-  
 40 gages shall be registered with the Secretary of State of Canada, and may be in favour of any trustee, either in Canada or elsewhere, who may be selected by the directors.

Bond issue on subway.

Mortgage securing bonds to be registered.

**15.** Any railway company wishing to avail itself of the use of the said subway for carrying over its cars, may use the same  
 45 by applying to the directors of the Company, and submitting itself to the rules and regulations to be promulgated for such purposes, and the amount of compensation to be paid for such transportation shall be determined by an order of the Railway Committee of the Privy Council of Canada in the event of a  
 50 disagreement between the applicant and the Company.

Use of subway by railways.

**16.** The Company may enter into any arrangement with any railway coming within or near the Island of Montreal, or the towns or parishes on the south shore of the River St

Arrangements with railway companies.

Lawrence opposite the said island, for the purpose of making any branches to facilitate a connection between the railways of the Company and any of the said railways, and for the use of the subway and other property of the Company, and for passing the cars of any of the said railways, with their freight and passengers, through and along the subway and branch railways of the Company, and, generally, make any agreements with any of such railways touching the use by the Company or by any of such railways, or by both, of the cars or rolling stock or moveable property of either, or both, or touching any service to be rendered by the Company, or by any other of the said railways, to the others or other respectively, and the compensation therefor, and any such agreements shall be valid and binding on the parties thereto.

Power to amalgamate with another company.

17. The Company, under the authority of a special general meeting of the shareholders called for the purpose, expressed by a resolution concurred in by two-thirds of the shareholders present or represented by proxy at such meeting, may unite, amalgamate and consolidate its stock, property and franchises with the stock, property and franchises of any other company incorporated for a purpose similar to that of the Company, or with any railway company, and may enter into all contracts and agreements therewith necessary for such union and amalgamation, and such new corporation may consolidate or unite with any company owning lines of railway connecting with the said subway, its approaches or lines of railway, and every company under the legislative authority of Parliament may amalgamate, consolidate or unite with the Company, and such new corporation shall possess all the rights, powers, privileges and franchises, and be subject to all the disabilities and duties of each of such corporations so consolidated and united.

Time for construction limited.

18. The powers granted by this Act shall be valid only if the said subway and other works of the Company shall be *bona fide* commenced within ninety days after the plans and specifications thereof have been approved by the Railway Committee of the Privy Council and completed within five years from the commencement of the said subway and other works.

1888, c. 29.

19. *The Railway Act*, so far as applicable, shall apply to the Company and its undertaking in the same manner as if in the said Act the word "subway" was substituted for the word "railway."

BILL.

An Act to incorporate the Montreal Subway Company.

First reading, April 4, 1902.

(PRIVATE BILL.)

Mr. McCARRI

OTTAWA

Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

An Act respecting the Montreal and Southern  
Counties Railway Company.

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

Preamble.

1897, c. 56 ;  
1898, c. 78.

- 1.** Section 4 of chapter 56 of the statutes of 1897 is amended by striking out the words "except steam" in the second line thereof, and by adding to the said section the following subsection :—
- 10 "2. The Company may connect its railway with the rail-  
ways of the Grand Trunk Railway Company of Canada, the  
Canadian Pacific Railway Company, the Montreal Street  
Railway Company, the Montreal Park and Island Railway  
Company, the Montreal Terminal Railway Company, the  
15 Chateauguay and Northern Railway Company and the Great  
Northern Railway Company on the Island of Montreal ; also  
with the St. Lawrence and Adirondack Railway Company, the  
Canada Atlantic Railway Company, the Rutland Canadian  
Railway Company, the Rutland and Noyan Railway Company,  
20 the Rutland Railroad Company, the Vermont and Province  
Line Railway Company, the Quebec Southern Railway Com-  
pany, the South Shore Railway Company, the Montreal and  
Province Line Railway Company, the Delaware and Hudson  
Railway Company, the Central Vermont Railway Company,  
25 the Stanstead, Shefford and Chambly Railway Company and  
the St. Hyacinthe Electric Railway Company, the Intercolonial  
Railway and the companies mentioned in section 10 of chapter  
56 of the statutes of 1897 and in section 5 of chapter 78 of the  
statutes of 1898 ; and for the purpose of crossing the River St.  
30 Lawrence the Company may enter into arrangements with the  
Grand Trunk Railway Company of Canada, the Canadian  
Pacific Railway Company, the Richelieu and Ontario Naviga-  
tion Company and any bridge companies crossing the River St.  
Lawrence at or near the city of Montreal."
- 35 **2.** Section 10 of the said Act, as amended by section 5 of  
chapter 78 of the statutes of 1898, is amended by adding  
after the words "Napierville Junction Railway Company"  
the words "the Rutland and Noyan Railway Company, the  
Rutland Canadian Railway Company, the Rutland Railroad  
40 Company, the Vermont and Province Line Railway Company,

1897, c. 56.  
s. 4 amended.

Connections  
with other  
railways.

S.10 amended.

Agreements  
with other  
companies.

the Delaware and Hudson Railway Company, the Quebec Southern Railway Company and the St. Hyacinthe Electric Railway Company.”

Vessels,  
buildings, etc.

3. The Montreal and Southern Counties Railway Company may construct, purchase, charter, lease, maintain and operate steam, electric, gasoline, compressed air and other boats, vessels and power vehicles, and elevators, warehouses, docks, wharfs and other buildings, and dispose thereof. 5

Time for  
construction  
extended.

4. The times limited for the commencement and completion of the said company's undertaking are extended for two and five years respectively from the passing of this Act, and if not so commenced and completed the powers of constructing the said railway shall cease and be null and void with respect to so much of the said railway as then remains uncompleted. 10

No. 99.

2nd Session, 9th Parliament, 2 Edward VII., 1902

BILL.

An Act respecting the Montreal and Southern Counties Railway Company.

First reading, April 4, 1902.

(PRIVATE BILL.)

Mr. DEMERS,  
(St. John and Iberville.)

OTTAWA

Printed by S. E. DAWSON

Printer to the King's most Excellent Majesty  
1902

An Act to incorporate the Toronto and Niagara Power  
Company.

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

**1.** James Ross, of the city of Montreal, William Mackenzie, Incorpora-  
of the city of Toronto, Henry M. Pellatt, Frederick Nicholls tion.  
and Samuel George Beatty, of the city of Toronto, together  
10 with such persons as become shareholders in the company,  
are incorporated under the name of "The Toronto and Corporate  
Niagara Power Company," hereinafter called "the Company." name.

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

15 **3.** The persons named in section 1 of this Act are consti- Provisional  
tuted the first or provisional directors of the Company. directors.

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

20 **5.** The head office of the Company shall be at the city of Head office.  
Toronto.

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

25 **7.** At the first meeting of shareholders, and at each annual Election of  
meeting, the shareholders assembled who have paid all calls directors.  
due on their shares, shall choose not less than five nor more  
than seven persons as directors of the Company, the number  
to be determined by by-law, and a majority of the directors  
30 shall form a quorum, and one or more may be paid directors,  
and the directors may pass by-laws for the conduct of the  
affairs and business of the Company.

**8.** Aliens and foreign corporations may, equally with Aliens may be  
British subjects, become shareholders in the Company, and shareholders  
35 may vote upon their shares. No person shall be elected a and directors.  
director unless he is a shareholder owning stock absolutely in Qualification  
of directors.

his own right and not in arrear in respect of any call thereon ; and aliens shall have the same rights as British subjects of being directors.

- Motive power. **9.** The Company may acquire lands and erect, use and manage works, machinery and plant for the generation, transmission and distribution of electric and other power and energy. 5
- Water and steam power. **10.** The Company may acquire and utilize water and steam power for the purpose of compressing air or generating electricity, and may sell, dispose of and distribute the same either as water power or other power or by converting the same into electricity or other force for any purpose for which electricity or other power can be used. 10
- Hydraulic and electric power. **11.** The Company may supply hydraulic, electric or other power by means of cables, machinery or other appliances, and at such rates and upon such conditions as are agreed upon, and the Company may contract with any company or person having erected or having power to erect a bridge or viaduct across the Niagara River, for permission, upon such terms as are agreed upon, to carry one or more wires for electric power or other purpose upon and over the said bridge or viaduct towards the United States shore of the Niagara River, and connect the same with the wires of any electric or other company in the United States, for the purpose of enabling the Company to furnish and guarantee continuous power for the uses proposed to be served by the Company, and may contract with such company to work the said electric or other power jointly, or may acquire any existing contract of such character. 15  
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- Power to connect wires with U. S. companies. **12.** The Company may acquire, construct, maintain and operate works for the production, sale and distribution of electricity and power, for any purpose for which such electricity or power can be used, and may construct, maintain and operate lines of wire, poles, tunnels, conduits and other works in the manner and to the extent required for the corporate purposes of the Company, and may conduct, store, sell and supply electricity and other motive power, and may, with such lines of wire, poles, conduits, motors or other conductors or devices, conduct, convey, furnish or receive such electricity to or from any person, at any place, through, over, along or across any public highway, bridges, viaducts, railways, water courses, or over or under any waters, and may enter upon any lands on either side of such lines or conduits, and fell or remove any trees or limbs thereof, or other obstructions necessary, in the opinion of the engineer of the Company, to guard the safety of such lines or conduits, and the Company may enter upon any private property and survey, set off and take such parts thereof as are necessary for such lines of wire, poles or conduits, and in case of disagreement between the Company and any owner or occupier of lands which the Company may take for any of the purposes aforesaid or in respect of any damages done thereto by constructing the said lines, poles or conduits upon the same, the provisions of *The Railway Act* hereinafter incorporated, shall apply. 30  
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- Works for electric power. **12.** The Company may acquire, construct, maintain and operate works for the production, sale and distribution of electricity and power, for any purpose for which such electricity or power can be used, and may construct, maintain and operate lines of wire, poles, tunnels, conduits and other works in the manner and to the extent required for the corporate purposes of the Company, and may conduct, store, sell and supply electricity and other motive power, and may, with such lines of wire, poles, conduits, motors or other conductors or devices, conduct, convey, furnish or receive such electricity to or from any person, at any place, through, over, along or across any public highway, bridges, viaducts, railways, water courses, or over or under any waters, and may enter upon any lands on either side of such lines or conduits, and fell or remove any trees or limbs thereof, or other obstructions necessary, in the opinion of the engineer of the Company, to guard the safety of such lines or conduits, and the Company may enter upon any private property and survey, set off and take such parts thereof as are necessary for such lines of wire, poles or conduits, and in case of disagreement between the Company and any owner or occupier of lands which the Company may take for any of the purposes aforesaid or in respect of any damages done thereto by constructing the said lines, poles or conduits upon the same, the provisions of *The Railway Act* hereinafter incorporated, shall apply. 30  
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- Expropriation powers. **12.** The Company may acquire, construct, maintain and operate works for the production, sale and distribution of electricity and power, for any purpose for which such electricity or power can be used, and may construct, maintain and operate lines of wire, poles, tunnels, conduits and other works in the manner and to the extent required for the corporate purposes of the Company, and may conduct, store, sell and supply electricity and other motive power, and may, with such lines of wire, poles, conduits, motors or other conductors or devices, conduct, convey, furnish or receive such electricity to or from any person, at any place, through, over, along or across any public highway, bridges, viaducts, railways, water courses, or over or under any waters, and may enter upon any lands on either side of such lines or conduits, and fell or remove any trees or limbs thereof, or other obstructions necessary, in the opinion of the engineer of the Company, to guard the safety of such lines or conduits, and the Company may enter upon any private property and survey, set off and take such parts thereof as are necessary for such lines of wire, poles or conduits, and in case of disagreement between the Company and any owner or occupier of lands which the Company may take for any of the purposes aforesaid or in respect of any damages done thereto by constructing the said lines, poles or conduits upon the same, the provisions of *The Railway Act* hereinafter incorporated, shall apply. 30  
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**13.** The Company may erect poles, construct trenches or conduits and do all other things necessary for the transmission of power, heat or light as fully and effectually as the circumstances of the case may require, provided the same are so constructed as not to incommode the public use of streets, highways or public places or to impede the access to any house or other building erected in the vicinity thereof, or to interrupt the navigation of any waters, but the Company shall be responsible for all unnecessary damage which it causes in carrying out or maintaining any of its said works.

Works for conveying power.

Proviso.

**14.** The directors may make and issue as paid up and non-assessable stock, shares in the Company in payment for any contract, franchise, property, undertaking, privilege, right or power which may be assigned or transferred to it or which it may acquire by virtue of this Act, at such rate as they deem expedient, to engineers or contractors or for right of way, material, plant, buildings or lands, or the construction or equipment of the works or any part thereof, or for services rendered in placing or assisting to place or guaranteeing the placing of any of the shares or other securities of the Company or in or about the promotion of the Company or the conduct of its business.

Issue of paid up stock.

**15.** The directors may, from time to time, issue bonds of the Company for the purpose of raising money for prosecuting the said undertaking, but the whole amount of the issue of such bonds shall not exceed in all the sum of one million five hundred thousand dollars, which shall, as therein provided, be a charge upon the works, franchise, plant and undertaking of the Company, and be payable at such times and places and be sold at such price as the directors from time to time determine, and the Company may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which, under the authority of this Act, they have power to issue.

Bond issue.

**16.** The Company may take and hold stock in any corporation created for or engaged in the business of using or supplying water from the Niagara or Welland River, or of any corporation created for or engaged in the use of power, light or heat derived from such water or otherwise, and may hold stock in any corporation which contracts to purchase, lease or use any power or property of the Company, and its stock may also be owned, held and voted upon by any such corporation acquiring such stock.

Stock in other companies.

**17.** The Company may construct a telephone line and telegraph line in connection with and for the purpose only of its own works and business.

Telephone and telegraph line.

**18.** The Company may take and make the surveys and levels of the lands through or under which the works of the Company are to pass or to be operated, together with the map or plan thereof, and of the course and direction of the said works and of the lands intended to be passed through or under so far as then ascertained, and also the book of reference for

Surveys.

1888, c. 29. the works and deposit the same as required by *The Railway Act* with respect to plans and surveys, by sections or portions less than the whole length of the said works, and of such length as the Company from time to time sees fit; and upon such deposit as aforesaid of the map or plan and book of reference of any and each of such sections or portions of the said works all the sections of *The Railway Act* applicable thereto shall apply to each of such sections or portions of the said works as fully and effectually as if the said surveys and levels had been taken and made of the lands through or under which the whole of the said works are or were to pass, together with the map or plan of the whole thereof, and of their whole course and direction, and as fully as if the book of reference for the whole of the said works had been taken, made, examined, certified and deposited according to the said sections of *The Railway Act*.

Queen Victoria, etc., park. **19.** None of the works hereby authorized shall be constructed or the powers given by this Act exercised within the present limits of the Queen Victoria Niagara Falls Park except with the consent of the proper authorities.

Damage to Company's works. **20.** Every person is guilty of an indictable offence and liable to five years' imprisonment who—  
 (a.) wilfully destroys, injures or prejudicially interferes with any canal, raceway, ditch, lock, pier, inlet-pier, crib, bulk-head, dam, gate, sluice, reservoir, aqueduct, conduit, pipe, culvert, post, pole abutment, conductor, cable, wire, insulator or other work or machinery, building or property of the Company, or  
 (b.) wilfully does any act which shall injuriously affect the water or electricity of the Company, or the supply, transmission or regulation thereof.

Penalty. **2.** The magistrate investigating any such charge may, in his discretion (if the consequences have not been in any way serious) dispose of the matter summarily, without sending an offender for trial, by imposing a fine not exceeding two hundred dollars, and, in default of payment, by the committal of offender to prison for a term not exceeding one year, with or without hard labour.

Award of damages for injury. **3.** The court or magistrate at the trial of any person upon any charge under this section, upon the application of the Company or any person aggrieved, and immediately after the conviction of the offender, shall award a sum of money equal to three times the amount of damage done, by way of compensation or satisfaction for the injury suffered by the applicant, through or by means of the offence of which such person is so convicted, and the amount awarded for such satisfaction or compensation shall be deemed a judgment debt due to the person entitled to receive the same from the person so convicted, and the order for payment of such amount may be enforced in such and the same manner as in the case of any costs ordered to be paid under section 832 of *The Criminal Code*, 1892.

1888, c. 29. **21.** Sections 40 to 61, both inclusive, section 90, sections 93 to 98, both inclusive, and sections 136 to 169, both

inclusive, of *The Railway Act* shall apply to the Company and its undertakings in so far as the said sections are not inconsistent with the provisions of this Act, and subject to the following :—

- 5 (a.) Wherever in the said sections of *The Railway Act* the word “company” occurs, it shall mean the Company hereby incorporated. “Company” defined.
- (b.) Wherever in the said sections of *The Railway Act* the word “railway” occurs, it shall, unless the context otherwise “Railway” defined.
- 10 requires and in so far as it applies to the provisions of this Act, mean the works, conduits, lines, cables or other works authorized by this Act to be constructed.
- (c.) Wherever in the said sections of *The Railway Act* the word “land” occurs, it shall include any privilege or easement “Land” defined.
- 15 required by the Company for constructing the works authorized by this Act, or any portion thereof, over and along any land, without the necessity of acquiring a title in fee simple thereto.

**22.** Sections 9, 18 and 39 of *The Companies Clauses Act* R.S.C., c. 118. shall not apply to the Company.

No. 100.

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2nd Session, 9th Parliament, 2 Edward VII., 1902

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BILL.

An Act to incorporate the Toronto and  
Niagara Power Company.

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First reading, April 4, 1902.

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(PRIVATE BILL.)

MR. CAMPBELL.

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OTTAWA

Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

An Act to incorporate the Nepigon Railway  
Company.

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

- 1.** Paul Weidner, of the city of Detroit, in the state of Michigan, one of the United States; Franklin S. Wiley and James Whalen, of the town of Port Arthur, in the district of Thunder Bay; M. B. Lloyd, of the city of Minneapolis, in the state of Minnesota; Newton W. Rowell and James G. Shaw, of the city of Toronto, together with such persons as become shareholders in the company, are incorporated under the name of the "Nepigon Railway Company," hereinafter called "the Company."
- 2.** The persons named in section 1 of this Act are constituted provisional directors of the Company.
- 3.** The capital stock of the Company shall be one million dollars, and may be called up by the directors from time to time as they may deem necessary, but no one call shall exceed ten per cent on the shares subscribed.
- 4.** The head office of the Company shall be in the city of Toronto, in the county of York, in the province of Ontario, or at such other place in Ontario as the Company determines by by-law.
- 5.** The annual meeting of the shareholders shall be held in the month of May in each year.
- 6.** At such meeting the subscribers for the capital stock assembled who have paid all calls due on their shares, shall choose seven persons to be directors of the Company, one or more of whom may be paid 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 Nepigon Bay, at or near Nepigon station, in the district of Thunder Bay in the province of Ontario; thence in a north and north-westerly direction by way of Lake Nepigon, and by the most feasible route, crossing the Albany, Severn and Nelson rivers to a point on Hudson's Bay, at

Preamble.

Incorporation.

Corporate name.

Provisional directors.

Capital stock.

Head office.

Annual meeting.

Election of directors.

Line of railway described.

- Qualification. 2. No person shall be a 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.
- Calls on stock. 6. The shares of the capital stock subscribed for shall be 5 paid by such instalments and at such times and places as the directors appoint; the first instalment shall not exceed twenty per cent, and no subsequent instalment shall exceed ten per cent, and not less than thirty days' notice of any call shall be given: Provided that the Company shall not commence the 10 business of insurance until seventy thousand 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 further, that the amount so paid in by any shareholder shall not be less than ten per cent 15 upon the amount subscribed by such shareholder.
- Commencement of business. 7. The affairs of the Company shall be managed by a board of not less than eleven nor more than twenty-five directors, of whom a majority shall be a quorum.
- Ten per cent to be paid in. 8. A general meeting of the Company shall be called once 20 in each year after the organization of the Company and commencement of business, at its head office; and at such meeting a statement of the affairs of the Company shall be submitted by the directors.
- Number of directors. 9. The Company may effect contracts of life insurance with 25 any person, and may grant, sell or purchase annuities, grant endowments, and generally carry on the business of life insurance in all its branches and forms.
- Annual meeting. 10. The Company may invest or deposit such portion of its funds in foreign securities as is necessary for the maintenance 30 of any foreign branch.
- Business of life insurance. 11. The Company may acquire, alienate and dispose of any real estate required in part or wholly for the use and accommodation of the Company, but the annual value of such property in any province of Canada shall not exceed ten thousand 35 dollars, except in the province of Quebec where it shall not exceed fifty thousand dollars.
- Foreign securities. 12. The directors may from time to time set apart such proportion of the net profits as they deem safe and proper, for distribution as dividends or bonuses to shareholders and holders 40 of participating policies, ascertaining the part thereof which has been derived from participating policies and distinguishing such part from the profits derived from other sources; and the holders of participating policies shall be entitled to share in 45 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 50
- Real estate. Dividends.

undivided upon the declaration of a dividend shall never be less than one-fifth of the dividend declared.

13. 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 but he shall be entitled to receive a paid-up commuted policy for such sum as the directors ascertain and determine, such sum to be ascertained upon principles to be adopted by by-laws, or the directors may pay a sum as a cash surrender value in lieu of such paid-up commuted policy, provided he demand such paid-up commuted policy or such cash payment while the original policy is in force or within six months after his failure to pay a premium thereon.

Rights of certain policy-holders.

14. The Company may agree to give to holders of participating policies the right to attend and vote in person at all general meetings of the Company, and if the Company so determines then all persons who are actual holders of policies from the Company, whether such persons are shareholders of the Company or not, and who are by the terms of their policies entitled to participate in profits and are referred to in this Act as holders of participating policies, shall be members of the Company and be entitled to attend and vote in person at all general meetings of the Company (except at those called for the purpose of increasing the capital stock of the Company, and shall not be entitled to vote by way of confirmation or against the confirmation of any by-law for the increase, issue, allotment or sale of capital stock of the Company); and every holder of a participating policy of the Company for a sum not less than one thousand dollars shall be entitled to one vote for each one thousand dollars in his policy.

Holders of participating policies.

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

Husband and father.

Approval of  
shareholders  
and Governor  
in Council.

to such restrictions as to the directors seem fit; provided that such agreement has been first approved by two-thirds of the votes at a special general meeting of the shareholders duly called for the purpose of considering it—at which meeting shareholders representing at least two-thirds in value of the stock are present or represented by proxy—and that such agreement has also received the sanction of the Governor in Council. 5

Notice of  
application  
for sanction.

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

Agreement to  
be filed with  
Secretary of  
State.

3. A duplicate of the agreement referred to in subsection 1 of this section shall, within thirty days after its execution, be filed in the office of the Secretary of State of Canada, and notice thereof shall be given by the Company in *The Canada Gazette*, and the production of *The Canada Gazette* containing such notice shall be prima facie evidence of the requirements of this Act having been complied with. 15 20

No. 101.

2nd Session, 9th Parliament, 2 Edward VII., 1902

BILL

An Act to incorporate the Nepigon  
Railway Company.

First reading, April 4, 1902.

(PRIVATE BILL.)

Mr. CAMPBELL.

OTTAWA

Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

No. 101 ]

**BILL.**

[1902.

An Act to incorporate the Nepigon Railway Company.

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

Preamble.

**1.** Paul Weidner, of the city of Detroit, in the state of Michigan, one of the United States; Franklin S. Wiley and James Whalen, of the town of Port Arthur, in the district of Thunder Bay; M. B. Lloyd, of the city of Minneapolis, in the state of Minnesota; Newton W. Rowell and James G. Shaw, of the city of Toronto, together with such persons as become shareholders in the company, are incorporated under the name of the "Nepigon 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, and may be called up by the directors from time to time as they may deem necessary, but no one call shall exceed ten per cent on the shares subscribed.

Capital stock.

**4.** The head office of the Company shall be in the city of Toronto, in the county of York, in the province of Ontario, or at such other place in Ontario as the Company determines by by-law.

Head office.

**5.** The annual meeting of the shareholders shall be held in the month of May in each year.

Annual meeting.

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

Election of directors.

**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 Nepigon Bay, at or near Nepigon station, in the district of Thunder Bay in the province of Ontario; thence in a north and north-westerly direction by way of Lake Nepigon, and by the most feasible route, crossing the Albany, Severn and Nelson rivers to a point on Hudson's Bay, at

Line of railway described.

or near Fort Churchill, and also from some point on the said proposed line of railway near the Albany river in a north-easterly direction by the most feasible route to some point on James Bay, and also from some point on the said proposed line of railway south of Lake Nepigon, south-westerly to Port Arthur and Fort William, and the Company may lay out, construct and operate branch lines of railway, not exceeding in any one case miles in length. 5

Powers of Company.

**8.** The Company may, for the purposes of its railway undertaking and the requirements of its business: 10

Navigation.

(a.) carry on the business of navigation on the navigable bays, lakes and rivers adjacent to its line of railway and branches; acquire and use steam and other vessels for the transportation of passengers and freight, and dispose thereof;

Transportation.

Docks, etc.

(b.) acquire, construct and operate docks and elevators; 15

Water powers,

(c.) acquire water powers for the generation of electricity, and operate electricity works for the use and transmission of the power necessary for the operation of its railway and branches and tramways and utilize them for the purpose of heating and lighting, and dispose of the power not required for its own undertaking. 20

Electricity.

Expropriation of land.

**9.** If the Company requires land for wharves, docks and elevators, and if it cannot agree for the purchase thereof with the owner of such land, it may cause a map or plan and book of reference to be made of such land, and all the provisions of sections 107 to 111, both inclusive, of *The Railway Act* shall apply to the subject matter of this section, and to the obtaining of such lands and determining the compensation therefor. 25

Telegraph and telephone lines.

**10.** The Company may construct and operate telegraph and telephone lines along its line of railway and branches, and establish offices for the transmission of messages for the public and collect tolls therefor, and for the operation of its telegraph and telephone lines the Company may enter into agreements with any other Company, or may lease the Company's lines, or any part thereof, and may connect its lines with the lines of any telegraph or telephone company. 30 35

Arrangements with telegraph and telephone companies.

2. The Company may make arrangements with any telegraph or telephone company for the exchange or transmission of messages, or for the working in whole or in part of the lines of the Company. 40

Rates to be approved.

3. No rates or charges shall be demanded or taken for the transmission of any message by telegraph or telephone, or for leasing or using the telegraphs or telephones of the Company until such rates or charges shall be approved of by the Governor in Council, and such rates or charges shall be subject to revision from time to time by the Governor in Council. 45

R.S.C., c. 132.

4. *The Electric Telegraph Companies Act* shall apply to the telegraphic business of the Company.

Bond issue on railway.

**11.** The Company may issue bonds, debentures or other securities to the extent of twenty thousand dollars per mile of the railway and branches, and such bonds, debentures or other securities may be issued only in proportion to the length of railway constructed, or under contract to be constructed. 50

12. The Company, having been first authorized by a resolution passed at a special general meeting of the shareholders duly called for the purpose, at which meeting shareholders representing at least two-thirds in value of the capital stock of the Company are present or represented by proxy, may from time to time issue bonds or debentures for the construction of any vessels or properties other than the railway which the Company is authorized to acquire, but the amount of such bonds and debentures shall not exceed the value of such vessels or properties.

Bond issue on other property.

13. For the purpose of securing each issue of such bonds, the Company may give a mortgage, not contrary to law or inconsistent with the provisions of this Act, in such form and containing such provisions as may be approved of by a resolution passed at the special general meeting of the shareholders mentioned in the last preceding section.

Mortgage to secure bonds.

2. Each of such mortgages shall be made to trustees, who shall be appointed for that purpose at such special general meeting, and may contain provisions determining the amount secured upon the vessels or class of vessels, or upon the properties, other than the railway, to which it relates, the rank and priority of the bonds thereby secured, the rights and remedies of the holders of such bonds, the manner of assuring application of the proceeds of such bonds for the purposes for which they were issued, the rate of interest which they shall bear, and the time and place of payment of the principal and interest, the creation of a sinking fund for the redemption of the said bonds, and all the conditions, stipulations and restrictions necessary for giving effect to the terms of the mortgage and the protection of the holders of such bonds.

Particulars of mortgage.

3. The Company may pledge the tolls and revenue of the vessels or class of vessels or properties, other than the railway, to which the mortgage relates, in the manner and to the extent therein specified, and the said mortgage shall create absolutely a first lien and charge upon the vessels or class of vessels, or properties, other than the railway, therein described, as well as upon the tolls, revenues and subsidies mortgaged; the whole for the benefit of the holders of the bonds with respect to which it is executed.

Power to bind tolls and revenue.

14. Each issue of the bonds to be secured by the mortgage mentioned in the next preceding section, shall entitle the holders of each of such issues to rank *pari passu*; and a duplicate of such mortgage shall be filed in the office of the Secretary of State of Canada.

How bond holders to rank.

15. The Company may enter into an agreement with the Canadian Pacific Railway Company, the Canadian Northern Railway Company, the Grand Trunk Railway Company of Canada or the Algoma Central and Hudson Bay Railway Company for conveying or leasing to such company the railway of the Company, in whole or in part, or any rights or powers acquired under this Act, as also franchises, surveys, plans, works, plant, material, machinery and other property to it belonging, or for an amalgamation with such company, on such terms and conditions as are agreed upon, and subject

Agreement with another company.

A royal of  
shareholders  
and Governor  
in Council.

to such restrictions as to the directors seem fit; provided that such agreement has been first approved by two-thirds of the votes at a special general meeting of the shareholders duly called for the purpose of considering it—at which meeting shareholders representing at least two-thirds in value of the stock are present or represented by proxy—and that such agreement has also received the sanction of the Governor in council. 5

Notice of  
application  
for sanction.

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

Agreement to  
be filed with  
Secretary of  
State.

3. A duplicate of the agreement referred to in subsection 1 of this section shall, within thirty days after its execution, be filed in the office of the Secretary of State of Canada, and notice thereof shall be given by the Company in *The Canada Gazette*, and the production of *The Canada Gazette* containing such notice shall be prima facie evidence of the requirements of this Act having been complied with. 15 20

[CORRECTED COPY.]

No. 101.

2nd Session, 9th Parliament, 2 Edward VII, 1902

BILL

An Act to incorporate the Nepigon  
Railway Company.

First reading, April 4, 1902.

(PRIVATE BILL.)

MR. CAMPBELL.

OTTAWA

Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

An Act to incorporate the Gaspé and Western Railway Company.

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

Preamble.

- 1.** Alexander Colby, of the city of New York; Walter Barwick, of the city of Toronto; the Honourable J. B. R. Fiset, of the town of Rimouski; Onesiphore E. Talbot, of the city of Quebec; J. Auguste Ross, of Ste. Flavie station; Charles A. Gauvreau, of Isle Verte; Michael Connelly and J. L. Perrin, both of the city of Montreal, together with such persons as become shareholders in the company, are incorporated under the name of "The Gaspé and Western Railway Company," hereinafter called "the Company."
- 2.** The persons named in section 1 of this Act are constituted provisional directors of the Company.
- 3.** The capital stock of the Company shall be one million dollars, and may be called up by the directors from time to time as they deem necessary, but no one call shall exceed ten per cent on the shares subscribed.
- 4.** The head office of the Company shall be in the city of Montreal, in the province of Quebec.
- 5.** The annual meeting of the shareholders shall be held on the first Tuesday in February in each year.
- 6.** At such meeting the subscribers for the capital stock assembled, who have paid all calls due on their shares, shall choose five persons to be directors of the Company, one or more of whom may be paid directors.
- 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 Intercolonial Railway in or near Fraser-ville station, in the county of Temiscouata, in the province of Quebec, to a point at or near Gaspé Basin, in the county of Gaspé, in the said province, and passing through the counties of Temiscouata, Bonaventure and Gaspé.

Incorporation.

Corporate name.

Provisional directors.

Capital stock.

Head office.

Annual meeting.

Election of directors.

Line of railway described.

Power to  
construct  
narrow gauge  
and branch  
lines.

2. The Company may, with the approval of the Governor in Council, construct any portion thereof of narrow gauge, or may build branch lines, not exceeding ten miles in length of standard or narrow gauge, provided that the construction of such portions receives the sanction of the Governor in Council. 5

Notice of  
application  
for sanction.

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

Bond issue.

8. The Company may issue bonds, debentures or other securities to the extent of fifteen thousand dollars per mile of the railway and branches, and such bonds, debentures or other securities may be issued only in proportion to the length of 15 railway constructed, or under contract to be constructed; provided, however, that such bonds shall only be a lien upon the railway and its terminals, and shall not constitute a lien upon the wharves, elevators and warehouses, mines and mining rights, timber lands and lumbering establishments, electric 20 plants or steamers of the Company, and the Company may mortgage, lease or dispose of the said property, independent of the bonds issued upon the railway and its terminals.

Proviso.

Agreements  
with other  
companies.

9. The Company may enter into an agreement with the Baie des Chaleurs Railway Company and the Atlantic and 25 Lake Superior Railway Company, or either of them, for the lease or purchase of their lines of railway, or of either of them; as also the franchises, surveys, plans, works, plant, material, machinery and other property belonging to the said companies, or either of them, or for an amalgamation with such 30 company or companies, on such terms and conditions as are agreed upon, and subject to such restrictions as to the directors seem fit; provided that such agreement has been first approved by two-thirds of the votes at a special general meeting of the shareholders duly called for the purpose of consider- 35 ing it, at which meeting shareholders representing at least two-thirds in value of the stock are present or represented by proxy, and that such agreement has also received the sanction of the Governor in Council

Approval of  
shareholders  
and Governor  
in Council.

Notice of  
application  
for sanction.

2. Such sanction shall not be signified until after notice of 40 the proposed application therefor has been published in the manner and for the time set forth in section 239 of *The Railway Act*, and also for a like period in one newspaper in each of the counties through which the railway of the Company runs and in which a newspaper is published. 45

Agreement to  
be filed with  
Secretary of  
State.

3. A duplicate of the agreement referred to in subsection 1 of this section shall, within thirty days after its execution, be filed in the office of the Secretary of State of Canada, and notice thereof shall be given by the Company in *The Canada Gazette*, and the production of *The Canada Gazette* containing 50 such notice shall be prima facie evidence of the requirements of this Act having been complied with.

Aid to  
Company.

10. The Company may receive from any government or person grants of land, money or other property in aid of the construction of its undertaking.

11. The Company may, in connection with its under- Powers of  
taking,— Company.
- (a.) construct, operate and maintain wharves, docks, piers, Navigation.  
landing places, elevators and warehouses, and acquire and  
5 operate steamers, barges and ferries for the purpose of navi-  
gating the St. Lawrence River and Gulf; and may own and  
operate ocean steamers ;
- (b.) maintain and operate telegraph and telephone lines Telegraphs  
along the route of its railway or tramway ; and  
telephones.
- 10 (c.) acquire and operate mines, and exercise mining rights Mining.  
and privileges, and establish smelting and other works ;
- (d.) acquire and use water powers and operate electrical Water  
works for the use and transmission of electrical power for the powers.  
operation of its railway, and for other purposes ; Electricity.
- 15 (e.) carry on a lumbering, milling, transportation and for- Lumbering,  
warding business. etc.

No. 102.

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2nd Session, 9th Parliament, 2 Edward VII., 1902

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BILL.

An Act to incorporate the Gaspé and  
Western Railway Company.

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First reading, April 4, 1902.

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(PRIVATE BILL.)

MR. GAUVREAU.

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OTTAWA

Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

An Act to incorporate the Gaspé and Western Railway  
Company.

*(Reprinted as amended by the Sub-Committee of the Railway  
Committee.)*

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

**1.** Alexander Colby, of the city of New York, Walter Incorpora-  
Barwick, of the city of Toronto, J. F. Guité, of Maria, tion.  
Onesiphore E. Talbot, of St. Michel de Bellechasse, J. Auguste  
Ross, of Ste Flavie station, Charles A. Gauvreau, of Isle  
10 Verte, Michael Connolly, J. P. Mullarkey and J. L. Perron,  
all of the city of Montreal, and Alfred T. Carter, of Gaspé  
Basin, together with such persons as become shareholders in  
the company, are incorporated under the name of "The Gaspé  
and Western Railway Company," hereinafter called. "the  
15 Company."

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

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

**4.** The head office of the Company shall be in the city of Headoffice.  
Montreal, in the province of Quebec.

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

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

**7.** The Company may lay out, construct and operate a Line of  
railway of the gauge of four feet eight and one-half inches described.  
from a point on the Intercolonial Railway at or near Fraser-  
ville station, in the county of Temiscouata, in the province of

Quebec, to a point at or near Metapedia in the county of Bonaventure, passing through the counties of Temiscouata, Rimouski and Bonaventure, and from a point at or near Paspébiac in the said county of Bonaventure to a point at or near Gaspé Basin, in the county of Gaspé, in the said province. 5

Bond issue. 8. The Company may issue bonds, debentures or other securities to the extent of twenty thousand dollars per mile of the railway and branches, and such bonds, debentures or other securities may be issued only in proportion to the length of railway constructed, or under contract to be constructed. 10

Agreements with other companies. 9. The Company may enter into an agreement with the Baie des Chaleurs Railway Company and the Atlantic and Lake Superior Railway Company, or either of them, for the lease or purchase of their lines of railway, or of either of them; as also the franchises, surveys, plans, works, plant, material, machinery and other property belonging to the said companies, or either of them, or for an amalgamation with such company or companies, on such terms and conditions as are agreed upon, and subject to such restrictions as to the directors seem fit; provided that such agreement has been first approved by two-thirds of the votes at a special general meeting of the shareholders duly called for the purpose of considering it, at which meeting shareholders representing at least two-thirds in value of the stock are present or represented by proxy, and that such agreement has also received the sanction of the Governor in Council. 15 20 25

Approval of shareholders and Governor in Council. 2. Such sanction shall not be signified until after notice of the proposed application therefor has been published in the manner and for the time set forth in section 239 of *The Railway Act*, and also for a like period in one newspaper in each of the counties through which the railway of the Company runs and in which a newspaper is published. 30

Notice of application for sanction. 3. A duplicate of the agreement referred to in subsection 1 of this section shall, within thirty days after its execution, be filed in the office of the Secretary of State of Canada, and notice thereof shall be given by the Company in *The Canada Gazette*, and the production of *The Canada Gazette* containing such notice shall be prima facie evidence of the requirements of this Act having been complied with. 35

Agreement to be filed with Secretary of State. 4. In the event of the acquisition by lease of the line of the Baie des Chaleurs Railway Company or the line of the Atlantic and Lake Superior Railway Company or in the event of the purchase of the Baie des Chaleurs Railway Company's line, or the Atlantic and Lake Superior Railway Company's line by voluntary sale, the Company shall be bound to assume and pay by priority and privilege as against all other liens howsoever created, the overdue balances in settlement of claims for labour, boarding house claims, and material and supplies furnished in connection with the construction or operation of the said railway or railways, or either of them, and no prescription or statute of limitation shall be urged against the payment of the said claims by the Company, and no valid title shall pass to the Company until the said claims have been paid by the Company to the satisfaction of the Governor in Council. 40 45 50

Company to be liable for certain claims.

5. If the line of the Baie des Chaleurs Railway Company or the Atlantic and Lake Superior Railway Company, or either of them, be sold by judicial sale, the claims for labour, boarding house claims and material and supplies furnished in connection with the construction or operation of the said railways or either of them, will be entitled to be collocated by special privilege and preference so as to rank immediately after the costs of bringing the said railways to sale; but this section shall not be interpreted as giving any privilege or preference to any contractor other than those now existing. Provided, however, that if either of the said railways be sold at such judicial sale the Company, in the event of its becoming the purchaser of the said railways, or either of them, shall pay, in addition to the said purchase price, any sum necessary to satisfy in full any balance over and above the amount available out of the said purchase price for claims for labour, boarding house claims and materials and supplies furnished in connection with the construction or operation of the said railways, or either of them, and no prescription or statute of limitation shall be urged against the payment of such claims.

Preference of certain claims.

Proviso.

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

Powers of Company.

(a.) construct, operate and maintain wharfs, docks, piers, landing places, elevators and warehouses, and acquire and operate steamers, barges and ferries for the purpose of navigating the St. Lawrence River and Gulf; and may own and operate ocean steamers;

Navigation.

(b.) acquire and use water powers and operate electrical works for the use and transmission of electrical power.

Water powers.  
Electricity.

11. The construction of the section from Paspébiac to Gaspé Basin shall be commenced and completed as far as Port Daniel within one year from the first day of July, nineteen hundred and two, and the remainder of the said section shall be completed within four years from the passing of this Act, otherwise the powers granted by Parliament for such construction shall cease and be null and void with respect to so much thereof as then remains uncompleted.

Time for construction of Paspébiac and Gaspé section limited.

2. The said section shall be located, as far as practicable, within or near the limits of the parishes on the shore of the Baie des Chaleurs and of the Gulf of St. Lawrence, and such plans and locations must first be approved of by the Governor in Council.

Location of line.

12. The powers granted by this Act for the construction of a line of railway between Fraserville and Metapedia shall be suspended until the plans thereof have been approved of by the Governor in Council and a proclamation has been issued bringing such powers into force; provided, however, that the construction of the said line shall be commenced within two years and completed within four years from the date of such proclamation, otherwise the powers granted by Parliament for such construction shall cease and be null and void with respect to so much thereof as then remains uncompleted.

When line from Fraserville to Metapedia may be commenced.  
Time for construction limited.

Rights  
respecting  
lines acquired.

**13.** In the event of the purchase of the said lines, or either of them, by the Company, the Company shall, with respect to the said lines, have all the rights of operating, bonding and working them as if it had constructed the said lines, and the said lines shall be incorporated with and form part of the Company's through line from Fraserville to Gaspé Basin, notwithstanding anything contained in *The Railway Act*. 5

No. 102.

2nd Session, 9th Parliament, 2 Edward VII., 1902

BILL.

An Act to incorporate the Gaspé and  
Western Railway Company.

(Reprinted as amended by the Sub-Committee  
of the Railway Committee.)

(PRIVATE BILL.)

MR. GAUVREAU.

OTTAWA

Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

An Act respecting the Lake Champlain and St.  
Lawrence Ship Canal Company.

**W**HEREAS 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 :—

- 1.** Section 9 of c. 107 of the statutes of 1898, incorporating the Lake Champlain and St. Lawrence Ship Canal Company, is amended by adding thereto the following paragraph :—
- 10** (k.) Acquire, develop and use water powers, and erect, maintain and operate works and appurtenances for the use and transmission of power. S. 9 amended.  
Water powers.
- 15** **2.** Section 26 of the said Act is amended by striking out the words "the amount" in line seven of the said section, and by substituting therefor the words "such sums as are," and by striking out the words "and unimpaired" in line nine of the said section. S. 26 amended.  
Bond issue.
- 3.** Section 38 of the said Act is repealed. S. 38 repealed.
- 20** **4.** If the construction of the canal authorized by the said Act of incorporation is not commenced, and ten per cent of the amount of the subscribed capital stock of the said company is not expended thereon, within three years from the passing of this Act, or if the said canal is not completed within seven years of the passing of this Act, then the powers of constructing the said canal shall cease and be null and void with respect to so much thereof as then remains uncompleted. Time for  
construction  
extended.
- 25** **5.** Section 41 of the said Act is repealed. S. 41 repealed.

No. 103.

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2nd Session, 9th Parliament, 2 Edward VII., 1902

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BILL.

An Act respecting the Lake Champlain  
and St. Lawrence Ship Canal  
Company.

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First reading, April 4, 1902.

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(PRIVATE BILL.)

MR. GEOFFRION.

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OTTAWA

Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

An Act to amend and consolidate the law respecting  
Railways

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

SHORT TITLE.

1. This Act may be cited as "*The Railway Act, 1902.*" Short title.

INTERPRETATION.

- 5 **2.** In this Act, and in the special Act incorporating any railway company to which this Act, or any part thereof, applies, unless the context otherwise requires,— Interpretation.
- (a.) The expression "Board" means "The Board of Rail- way Commissioners for Canada"; "Board."
- 10 (b.) The expression "company" means a railway company, and includes any person having authority to construct or operate a railway; "Company."
- (c.) The expression "county" includes any county, union of counties, riding, or like division of a county in any province, or in the province of Quebec, any division thereof into separate municipalities; "County."
- 15 (d.) The expression "court" means a superior court of the province or district; "Court."
- (e.) The expression "department" means the Department of Railways and Canals; "Department."
- 20 (f.) The expression "deputy" means the Deputy of the Minister of Railways and Canals; "Deputy."
- (g.) The expression "goods" includes things of every kind that may be conveyed upon the railway, or upon steam vessels or, other vessels connected with the railway; "Goods."
- 25 (h.) The expression "highway" includes any public road, street, lane or other public way or communication; "Highway."
- (i.) The expression "inspecting engineer" means an engineer who is directed by the Board, or by the Minister, to examine any railway or works, and includes two or more engineers when two or more are so directed; "Inspecting engineer."
- 30 (j.) The expression "judge" means a judge of a superior court; "Judge."
- (k.) The expression "justice" means a justice of the peace acting for the district, county, riding, division, city or place where the matter requiring the cognizance of a justice arises, and who is not interested in the matter; and when any matter is authorized or required to be done by two justices, the "Justice."
- 35

- expression "two justices" shall be understood to mean two justices assembled and acting together ;
- "Lands." (l.) The expression "lands" means the lands, the acquiring, taking or using of which is incident to the exercise of the powers given by this or the special Act, and includes real property, messuages, lands, tenements and hereditaments of any tenure ; 5
- "Lease." (m.) The expression "lease" includes an agreement for a lease ;
- "Minster." (n.) The expression "Minister" means the Minister of Railways and Canals ; 10
- "Near." (o.) A railway shall be deemed to come "near" to another when some part of the one is within one mile of some part of the other ;
- "Owner." (p.) The expression "owner", when under the provisions of this Act or the special Act, any notice is required to be given to the owner of any lands, or when any Act is authorized or required to be done with the consent of the owner, means any person who, under the provisions of this Act, or the special Act or any Act, incorporated therewith, would be enabled to sell and convey lands to the company ; 15 20
- "Plan." (q.) The expression "plan" means a ground plan of the lands and property taken or intended to be taken ;
- "Railway." (r.) The expression "railway" means any railway which the company has authority to construct or operate, and includes all stations, depots, wharfs, rolling stock, equipment, property and works connected therewith, and also any railway bridge or other structure which the company is authorized to construct under a special Act ; 55-56, V., c. 27, s. 1. 25
- "Sheriff." (s.) The expression "sheriff" means the sheriff of the district, county, riding, division, city or place within which are situated any lands in relation to which any matter is required to be done by a sheriff, and includes an under sheriff or other lawful deputy of the sheriff ; 30
- "Siding." (t.) The expression "siding" shall mean any line of rails connecting with the main line, constructed wholly on the Company's property, used for switching of trains, storage of cars and similar purposes and not for transportation of traffic. 35
- "Special Act." (u.) The expression "Special Act" means any Act under which the Company has authority to construct or operate a railway, or which is enacted with special reference to such railway, and includes all such Acts ; 40
- "Toll." (v.) The expression "toll" includes any rate or charge made for the conveyance of any passenger, goods or rolling stock or for the collection, loading, unloading or delivery of goods, or for warehousing or wharfage, or other services incidental to the business of a carrier ; 45
- "Traffic." (w.) The expression "traffic" includes passengers and all goods conveyed by railway and also all rolling stock ;
- "Undertaking." (x.) The expression "the undertaking" means the railways and works, of whatsoever description, which the company has authority to construct or operate ; 50
- "Undue preference." (y.) The expression "undue preference" includes an undue preference, or an undue or unreasonable prejudice or disadvantage, in any respect, in favour of or against any person or particular class of persons, or any particular description of traffic ; 55

(z.) The expression "working expenditure" means and includes all expenses of maintenance of the railway, and of the stations, buildings, works and conveniences belonging thereto, and of the rolling and other stock and movable plant used in the working thereof, and also, all such tolls rents or annual sums as are paid in respect of property leased to or held by the Company, apart from the rent of any leased line, or in respect of the hire of engines, cars or rolling stock let to the Company; also all rent charges or interest on the purchase of money of lands belonging to the Company, purchased but not paid for, or not fully paid for; and also all expenses of or incidental to working the railway, and the traffic thereon, including stores and consumable articles; also rates, taxes, insurance and compensation for accidents or losses; also, all salaries and wages of persons employed in and about the working of the railway and traffic; and all office and management expenses, including directors fees, agency, legal and other like expenses; and generally all such charges, if any, not above otherwise specified, as in all cases of English railway companies are usually carried to the debit of revenue as distinguished from capital account;

(aa.) When any matter arises in respect of any lands which are not situated wholly in any one district, county, riding, division, city or place, and which are the property of one and the same person, the expressions "clerk of the peace," "justice," and "sheriff" respectively mean any clerk of the peace, justice or sheriff for any district, county, riding, division, city or place within which any portion of such lands is situated; and the expressions "clerk of the peace" and "sheriff" respectively include the like persons as in other cases.

#### APPLICATION OF THE ACT.

3. This Act, subject to any express provisions of the special Act, and to the exception hereinafter mentioned, applies to all persons, companies and railways within the legislative authority of the Parliament of Canada, except Government railways. 51 V., c. 29, s. 3.

4. In addition, all the provisions of this Act relating to any subject or matter within the legislative authority of the Parliament of Canada, and for greater certainty but not so as to restrict the generality of the foregoing terms, all provisions relating to railway crossings and junctions, offences and penalties and statistics apply to all persons, companies and railways whether otherwise within the legislative authority of Parliament or not. 51 V., c. 29, s. 4.

5. The provisions of this Act, from section sixty-one to section one hundred and eighteen both inclusive, do not apply to every company and railway within the legislative authority of the Parliament of Canada, but apply to—

(a.) Every company whose authority to construct or operate any railway is derived primarily from the Parliament of Canada, and to every railway constructed or to be constructed under the authority of any Act passed by the Parliament of Canada;

(b.) Every company and railway to which such provisions are made applicable, as hereinafter provided ;

To form part  
of special  
Act.

2. Such provisions shall, in so far as they are applicable to the undertaking, and unless they are expressly varied or excepted therefrom by the special Act, be incorporated with the special Act, from part thereof, and be construed therewith as forming one Act ; 5

Sections may  
be excepted in  
special Act.

3. Any of such provisions may be excepted from incorporation with the special Act, by enacting, in such special Act, that the sections of this Act proposed to be excepted, referring to them by the numbers which they bear respectively, shall not be incorporated with such special Act, which shall thereupon be construed accordingly. 51 V., c. 29, s. 5 Am. 10

Application  
to certain  
electric  
railways and  
to street  
railways and  
tramways.

6. All electric railways (as distinguished from electric street railways) passing through or over the Queen Victoria Niagara Falls Park, or through or over the property of the province of Ontario lying upon or along the Niagara River and known as the Chain Reserve, and street railways and tramways, while hereby declared to be subject to such of the provisions of this Act as are referred to in section four, shall not by reason only of the fact of crossing or connecting with one or other of the lines of railway mentioned in section three hundred and fifty-nine, be taken or considered to be works for the general advantage of Canada, nor to be subject to any other of the provisions of this Act. 63-64 V., c. 23, s. 1 Am. 20 25

As to  
exceptions  
now in force.

7. If in any special Act it is provided that any provision of any general railway Act in force at the time of the passing of the special Act is excepted from incorporation therewith, or if the application of any such provision is extended, limited or qualified, the corresponding provision of this Act shall be excepted, extended, limited or qualified, in like manner. 51 V., c. 29, s. 6. 30

SECTIONS WHICH MAY BE MADE APPLICABLE TO ANY RAILWAY  
WITHIN THE LEGISLATIVE AUTHORITY OF PARLIAMENT.

Method of  
application to  
companies  
not at present  
affected.

8. Any company within the legislative authority of the Parliament of Canada, to which the provisions of sections sixty-one to one hundred and eighteen both inclusive of this Act are not, or are not all, clearly and without question applicable, may from time to time apply to the Governor in Council for an order to make the same, with or without exceptions or qualifications, applicable to such company ; and the Governor in Council, upon proof that notice of such application has been inserted for four weeks in the *Canada Gazette*, may order and declare that the provisions of sections sixty-one to one hundred and eighteen both inclusive of this Act, with such exceptions and qualifications as to the Governor in Council appear just, shall thereafter apply to such company and its railway ; and such order shall be published in the *Canada Gazette*, and a copy thereof be laid before Parliament within fourteen days after the next meeting thereof. 51 V., c. 29, s. 7, Am. 35 40 45

## BOARD OF RAILWAY COMMISSIONERS.

9. The Railway Committee of the Privy Council is hereby abolished and, in lieu thereof, there shall be a Court of Record, to be known as 'The Board of Railway Commissioners for Canada,' which shall consist of three members to be appointed 5 by the Governor in Council. Each Commissioner shall hold office during good behaviour for a period of ten years from the date of his appointment, but may be removed at any time by the Governor General on address of the Senate and House of Commons; and shall cease to hold office upon reaching the 10 age of years. Each Commissioner on the expiration of his term of office shall be eligible for re-appointment. One of such Commissioners shall be appointed, by the Governor in Council, Chairman of the Board, and shall be entitled to hold the office of Chairman so long as he continues 15 a member of the Board; and another of the Commissioners shall be appointed by the Governor in Council Deputy Chairman of the Board.

Constitution of Board of Railway Commissioners.

Term of office.

Removal.

Age limit.

Chairman and Deputy.

10. In case of the absence of the Chairman, or of his inability to act, the Deputy Chairman may act as Chairman 20 in his stead; and all regulations and orders signed by the Deputy Chairman shall have the like force and effect as if signed by the Chairman. Whenever the Deputy Chairman appears to have acted for and instead of the Chairman, it shall be conclusively presumed that he so acted in the absence or 25 disability of the Chairman within the meaning of this section.

Power of Deputy Chairman.

11. Two members of the Board, of whom the Chairman or Deputy Chairman shall be one, shall constitute a quorum.

Quorum.

12. No Commissioner shall be disqualified to act as Chairman, Deputy Chairman or Commissioner, by reason of interest, 30 or of kindred or affinity to any person interested in any matter before the Board; but whenever any Commissioner is interested or of kin or affinity to any person interested in any matter coming or being before the Board, the Governor in Council may in his discretion, and either upon the application 35 of such Commissioner or otherwise, appoint some disinterested person to act as such Commissioner *pro hac vice*.

Interest, kindred or affinity not a disqualification.

Appointments *pro hac vice*.

13. Each Commissioner shall during his term of office reside in Canada, in such part thereof as may, from time to time, be designated or allowed by the Governor in Council.

Residence.

40 14. There shall be a Secretary of the Board, who shall be appointed by the Governor in Council and hold office during pleasure, and who shall reside in the city of Ottawa. It shall be the duty of the Secretary to attend all Sessions of the Board, to have the custody and care of all records and documents 45 belonging thereto, or filed in his office, and to obey all rules and directions which, from time to time, may be made or given by the Board touching his duties or the governance of his office.

Secretary.

Duties of secretary.

15. The Governor in Council, upon the recommendation of the Minister, shall provide, within the city of Ottawa, a suitable

Offices at Ottawa.

place in which the Sessions of the Board may be held, and also a suitable office for the Secretary, and all necessary furnishings, stationery and equipment for the establishment, conduct and maintenance of the same, and the performance of the duties of the Board.

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Staff and  
assistants.

**16.** Subject to the approval of the Governor in Council, the Board may appoint or employ such and so many stenographers, clerks, and other officers or assistants, as may at any time be required, and at such salary or remuneration as is recommended by the Board, and approved by the Governor in Council; and the Board may, at will, dismiss any such employee.

Sessions of  
Board outside  
of Ottawa.

**17.** Whenever special circumstances render it expedient to hold Sessions without the city of Ottawa, the Board may, subject to the approval of the Minister, hold Session in any part of Canada.

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Salaries.

**18.** The Chairman shall be paid an annual salary of—dollars, and the other two Commissioners shall be paid each the annual salary of—dollars. The Secretary shall receive a salary to be from time to time fixed by the Governor in Council, not less than—dollars and not more than—dollars, annually. The Commissioners and Secretary shall each be paid their actual and reasonable travelling expenses necessarily incurred in attending to the duties of their office. All such salaries and expenses shall be paid monthly out of the Consolidated Revenue Fund.

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Travelling  
expenses.

Payment for  
services.

**19.** Whenever the Board appoints or directs any person to perform any service required or authorized by this Act, such person shall be paid therefor such sum for services and expenses as the Board may, in each case, direct, subject to the approval of the Governor in Council.

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Regulations  
and orders of  
the Board.

**20.** Every regulation, and all orders made by the Board, shall be drawn up by the Secretary pursuant to the direction of the Board, and shall be signed by the Chairman, and filed in the office of the Secretary.

Record books

**21.** The Secretary shall keep in his office a suitable book or books of record, in which he shall transcribe a true copy of every regulation and order of the Board, as and when the same shall have been signed by the Chairman, and such entry, as transcribed and appearing on such book of record, shall constitute and be, and in all courts be deemed and taken to be, an original record of the regulation or order.

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Evidence.

Certified  
copies of  
regulations  
or orders.

**22.** Upon application of any person, and on payment of such fees as the Board may prescribe, the Secretary shall make and certify and deliver to such applicant a true copy of any regulation or order of the Board entered of record as aforesaid. Such certificate shall be in such form and so executed as will accord with the facts and comply, as far as possible, with any law of the province in which it may be proposed to use the same, making a certified copy of such record evidence thereof.

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23. Any document purporting to be certified by the secretary as being a true copy of a regulation or order of the Board, of record in his office, shall in all courts, and for all purposes, be *prima facie* evidence of such regulation or order, without proof of the signature of such secretary.

Evidence.

24. Every document purporting to be signed by the chairman and secretary of the Board, or by either of them, or by the minister or inspecting engineer, shall, without proof of any such signature, be *prima facie* evidence in all courts, and shall be sufficient notice, to the company and all parties interested, if served therewith in the manner herein provided for service of notice, that such document was duly executed and issued by the Board, minister or inspecting engineer as the case may be; and if such document purports to be a copy of any regulation, order, direction or decision, made or given by the Board, or the Minister or inspecting engineer, shall be *prima facie* evidence in all courts of such regulation, order, direction or decision, and when served on the company, or any person, in the manner in section twenty-six provided for service of notice, shall be sufficient notice to the company or such person of such regulation, order, direction or decision from the time of such service.

What constitutes *prima facie* evidence.

25. Any document purporting to be certified by the Minister as being a copy of any plan, profile, book of reference or any other document deposited in the department, or of any portion thereof, shall, without proof of signature of the minister, be in all courts *prima facie* evidence of such original document, and that the same is so deposited, and is signed, certified, attested or executed by the persons by whom and in the manner in which, the same purports to be signed, certified, attested or executed, as shown or appearing from such certified copy, and also, if such certificate states the time such original was so deposited, that the same was deposited at the time so stated.

Certified plan, etc., *prima facie* evidence.

26. Any notice required to be given to the company or to any company, municipality, corporation, co-partnership, firm or individual shall be sufficiently given if the same be delivered,—

Method of giving notices.

(a.) in the case of any railway company, to the president, vice-president, managing director or secretary or superintendent of the company, or left at the head office of the company;

To railway companies.

(b.) and, in the case of any municipality, or civic or municipal corporation, if the same be delivered to the mayor, warden, reeve, secretary, treasurer, chamberlain or other principal officer thereof;

To municipalities &amp;c.

(c.) and, in the case of any other company or body corporate, if the same be delivered to the president, vice-president, manager or secretary, or is left at the head office of such company;

To other companies.

(d.) and, in the case of any firm or co-partnership, if the same be delivered to any member of such firm or co-partnership, or left at the last place of abode of any such member with any adult member of his household, or at the office or place of business of the firm with a clerk employed therein;

To firms.

To individuals.

(e.) and, in the case of any individual, if the same be delivered to him, or left at his last place of abode with any adult member of his household, or at his office or place of business with a clerk in his employ ;

Service by publication in certain cases.

(f.) or, as to any company or person, such notice may, when the Board so directs or allows, be served by publication thereof for any period, not less than three weeks, which the Board may specify, in the *Canada Gazette*, and also, if the Board so require, in any other newspaper or newspapers designated by the Board. But such service by publication shall not be allowed unless and until the Board is satisfied that other service cannot be made in the manner by this section provided, or that the Company or person to be served is seeking to evade service :

Proviso.

Provided that such notice is sufficient in substance, is given in sufficient time, and, in the case of the Board, is signed by the secretary or chairman, and in the case of the Minister, inspecting engineer, commissioner or other officer or person required or authorized to give such notice, is signed by such minister, inspecting engineer, commissioner, officer or other person as the case may be.

Duty of company on receipt of notice or order.

**27.** Every company shall, as soon as possible after the receipt of any order or notice of the Board, or the Minister, or the inspecting engineer, give cognizance thereof to each of its officers and servants, by delivering a copy to him, or by posting up a copy thereof in some place where his work or his duties, or some of them, are to be performed. 51 V., c. 29, s. 25.

Service of orders, reports or other documents.

**28.** Any order, report or other document may, unless in any case otherwise provided, be served upon the Company in like manner as notice may be given.

Publication of regulations and orders.

**29.** Publication for three weeks in the *Canada Gazette* shall be sufficient notice to the Company, and to all persons, and to the public generally, of any regulation made by the Board under the provisions of section forty-eight or otherwise, and when any such regulation is so published all courts shall take judicial notice of the making and publication thereof.

Judicial notice.

Notice of application.

**30.** Except in any case where it is otherwise provided, ten days' notice of any application to the Board, or of any hearing decision or order by the Board, shall be sufficient, unless in any case the Board directs longer notice. And the Board may in any case, or as to any party, and when the circumstances in the discretion of the Board appear to so warrant or require, allow a notice for any period less than ten days which the Board may authorize, to be as good and sufficient notice as if given for ten days or longer.

Board may vary length of time.

Procedure in urgent cases when no notice given.

**31.** When the Board is authorized to hear an application, complaint or dispute, or make any order, upon notice to the parties interested, it may, upon the ground of urgency, or for other reason appearing to the Board to be sufficient, notwithstanding any want of, or insufficiency in, such notice, make the

like order or decision in the matter as if due notice had been given to all parties; and such order or decision shall be as valid and take effect in all respects as if made on due notice; but any person entitled to notice and not notified may, at any time within ten days after receiving notice of such order or decision, or within such further time as the Board may allow, apply to the Board to vary, amend or rescind such order or decision, and the Board shall thereupon, on such notice to other parties interested as they may in their discretion think desirable, hear such application, and either amend alter or rescind such order or decision, or dismiss the application as may seem to them just and right.

Rehearing on application made within ten days after notice served.

**32.** All regulations and orders made by the Railway Committee of the Privy Council, under the provisions of "The Railway Act" and amending Acts, and in force at the time of the passage of this Act, shall continue in force until repealed, rescinded, changed or varied under the provisions of this Act; and the Board shall have the like powers to repeal, rescind, change or vary the same, as in the case of regulations or of orders which the Board may make under this Act.

Regulations and orders of Railway Committee continue in force until repealed.

**33.** Notwithstanding the repeal by this Act of the said "The Railway Act," and amending Acts, all orders of the Railway Committee of the Privy Council in force at the time of the passage hereof, may be made rules or orders of the Exchequer Court of Canada, or of any Superior Court of any province in Canada, and may be enforced in all respects, as near as may be, in the same manner as provided by this Act in the case of similar orders by the Board; and all penalties, forfeitures and liabilities attaching, under this Act, to the violation of any regulation, or disobedience to any order of the Board, shall apply and attach to any violation of, or disobedience to, any regulation or order of the Railway Committee of the Privy Council occurring after the passage of this Act, in all respects as near as may be, as though the same were a regulation or order of the Board.

Existing orders of Railway Committee may be made rules of court.

Penalties under this Act apply to violations hereafter.

**34.** Any decision or order made by the Board under this Act may be made an order of the Exchequer Court of Canada, or a rule, order or decree of any Superior Court of any province of Canada, and shall be enforced in like manner as any rule, order or decree of such court.

Decisions or orders of Board may be made rules of court.

(2) To make such decision or order a rule, order or decree of such court, the usual practice and procedure of the court in such matters may be followed; or, in lieu thereof, the secretary may sign a copy of such decision or order, upon which shall be made the following indorsement signed by the chairman:—

Practice.

Alternative method.

"To move to make the within a rule (*order or decree, as the case may be*) of the Exchequer Court of Canada (*or, as the case may be*).

Dated this                      day of                      A.D. 19  
A. B.

Chairman of the Board of Railway Commissioners for Canada.

And the secretary may forward such copy, so endorsed, to the registrar, or other proper officer of the court, who shall, on receipt thereof, enter the same as of record, and the same shall thereupon become and be such rule, order or decree of the court.

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May review or rescind previous decisions or orders.

**35.** The Board may review and rescind or vary any decision or order previously made by it; and if such decision or order has been made a rule, order or decree of any court, the order amending, varying or rescinding the same, shall be made a rule, order or decree of the same court.

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Contingent orders.

**36.** In and by any order of the Board it may be provided that the same, or any specified portion or terms thereof, shall only come into force, either at a future fixed time, or upon the happening of any specified contingency, event or condition precedent, or upon the performance to the satisfaction of the Board, or any agent or person named by the Board, of any terms which the Board may consider it necessary or proper to impose upon any party or parties interested; and in any order of the Board, it may be provided that the whole, or any portion thereof, shall have force for a limited time only, or until the happening of any specified event. And the Board may in any case, instead of making an order final in the first instance make an *interim* order, and reserve further order and direction to be made, either upon an adjourned hearing of the matter, or upon further application by either party and notice and hearing.

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Subject to terms.

Limited as to time.

Interim orders.

May grant partial or other relief than that applied for.

**37.** Upon any application made under section forty-nine the Board may make an order granting the whole, or part only, of such application, or may grant such further, or other relief, in addition to, or substitution for, that applied for, as to the Board may seem just and proper, as fully in all respects as if such application had been for such partial, other, or further relief.

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Interim ex parte orders.

**38.** Whenever, in the discretion of the Board, the special circumstances of any case seem to so require, the Board may make an *interim ex parte* order authorizing, requiring or forbidding anything to be done which the Board would be empowered on application, notice and hearing to authorize, require or forbid. No such interim order, shall, however, be made for any longer time than to the Board shall seem necessary to enable the matter of the application to be heard upon notice and determined by the Board.

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Proviso.

May make and vary rules governing procedure and practice.

**39.** The Board may from time to time make, or having made, may, from time to time, vary, amend or rescind rules governing, so far as shall be consistent with the provisions of this Act, the practice and procedure to be followed in all matters coming before the Board. The Board may, at all times, make or allow, on such terms as the Board may impose, any amendments in any proceeding before it.

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Amendments

Presumption of jurisdiction to make order.

**40.** No order of the Board need show upon its face that any proceeding or notice was had or given, or any circumstance existed, necessary to give it jurisdiction to make such order.

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41. In determining any question of fact, the Board shall not be concluded by the finding or judgment of any other court, made or given by such court, in any suit, prosecution or proceeding, involving the determination of such fact, but such finding or judgment shall, in proceedings before the Board, be *prima facie* evidence only. Judgments of other courts on questions of fact not binding upon Board.
2. The pendency of any suit, prosecution or proceeding, in any other court, involving questions of fact, shall not deprive the Board of jurisdiction to hear and determine the same questions of fact. Jurisdiction of Board not affected by collateral suits.
3. The finding or determination of the Board upon any question of fact within its jurisdiction to hear and determine shall be binding and conclusive in all courts, in any suit, prosecution or proceeding instituted or taken after such finding or determination by the Board. Finding of Board on questions of fact conclusive.
42. The Board, the Minister, any inspecting engineer, and every commissioner or person appointed under this Act, shall have the like power to summon witnesses and enforce their attendance, and to compel them to give evidence, and produce the books, papers or things which they are required to produce, as is vested in any court in civil cases. 51 V., c. 29, s. 15 Am. Witnesses, power to summon. Production.
43. Every person summoned to attend before the Board or the Minister, or before any such engineer, commissioner or person, shall receive the like fees and allowances for so doing as if summoned to attend before a court of civil jurisdiction in the province in which he is required to appear. 51 V., c. 29, s. 16. Witness fees.
44. The Board may appoint or direct any person to make an inquiry and report upon any application, complaint or dispute pending before such Board, or any matter or thing connected therewith or incident thereto. 51 V., c. 29, s. 12. Board may order inquiries.
45. The Board may, if it thinks fit, at the instance of any party to the proceedings before it, and upon such security being given as it directs, state a case, in writing, for the opinion of the Supreme Court of Canada upon any question which in the opinion of the Board is a question of law. 51 V., c. 29, s. 19. May state case for opinion of Supreme Court of Canada.
2. The Supreme Court of Canada shall hear and determine the question or questions of law arising thereon and remit the matter to the Board with the opinion of the court thereon. 51 V., c. 29, s. 20. Action thereon.
46. Subject to the provisions of subsection two of this section there shall be no appeal from any order of the Board; and no such order shall be removed or quashed, or varied or questioned, reviewed or restrained on certiorari or by any other process or proceeding, in any court. Order of Board final.
2. Provided always that the Governor in Council may, at any time, in his discretion, either upon petition of any party, person or company interested, or of his own motion and without any petition or application therefor, vary, change or rescind any order, decision or regulation of the Board, whether such order or decision be made *inter partes* or otherwise, and whether such regulation be general or limited in its scope and application. Saving right of review in Governor in Council.

Costs.	<b>47.</b> The costs of and incidental to any proceeding before the Board shall be in the discretion of the Board, and may be fixed in any case at a sum certain, or may be taxed and allowed by the secretary according to any scale prescribed by the Board, as the Board may in its discretion order.	5
Board may make regulations respecting—	<b>48.</b> The Board may—	
Speed of trains.	(a.) regulate and limit the rate of speed at which railway trains and locomotives may be run in any city, town or village, or in any class of cities, towns or villages described in any regulation; limiting, if the Board thinks fit, the rate of speed within certain described portions of any city, town or village, and allowing another rate of speed in other portions thereof, —which rate of speed shall not in any case exceed six miles an hour, unless the track is properly fenced;	10
Use of steam whistle.	(b.) Make regulations with respect to the use of the steam whistle within any city, town or village, or any portion thereof;	15
Passing from car to car.	(c.) Make regulations with respect to the method and means of passing from one car to another, either inside or overhead, and for the safety of railway employees while passing from one car to another, and for the coupling of cars; 51 V., c. 29, s. 10 Am.	20
Coupling of cars.	(d.) Make regulations, requiring proper shelter to be provided for motormen and other employees operating electric and other railway cars; 57-58 V., c. 53, s. 1.	25
Shelter for employees.	(e.) Make regulations requiring the use, on any engine, of such nettings, screens, grates and other devices, and the use, on any engine or car, of such appliances and precautions, as, in the opinion of the Board, may be necessary and most suitable to lessen or prevent danger from fire;	30
Devices on engines to avoid fires.	(f.) Provide penalties to which every person who offends against any regulation made under this section shall be liable, which shall not exceed fifty dollars for each offence and shall be recoverable on summary conviction; 51 V., c. 29, s. 10. (1) Am.	35
Penalties.	2. The imposition of such penalties shall not lessen or affect any other liability which any person may have incurred. 51, V., c. 29, s. 10. (2).	
Other liabilities not affected.		
Powers of Board.	<b>49.</b> The Board shall have power to inquire into, hear and determine any application by or on behalf of any party interested;	40
Neglect of duties under any act, regulation or order.	(a.) Complaining that the Company, or any person, has failed to do any act, matter or thing required to be done by this Act, or the special Act, or by any regulation, order or direction made thereunder, by the Governor in Council, the Board, the Minister, or any inspecting engineer, or has done any act, matter or thing contrary to, or in violation of, this Act, or the special Act, or any such regulation, order, or direction;	45
Violations.	(b.) Requesting the Board to make any order, or give any direction, sanction or approval, which by law they are authorized to make or give:	50
Giving orders, directions or approval.	And the Board upon any such application may inquire and determine as to the facts, and their finding upon any such matter of fact shall be conclusive and binding in all courts;	55
Findings conclusive.		

- and the Board upon such application may order and require any company or person to do forthwith, or within or at any specified time, and in any manner prescribed by the Board, so far as is not inconsistent with this Act, any act, matter or thing which such company or person is or may be required to do under this Act, or the special Act, and may forbid the doing or continuing of any act, matter or thing which is contrary to this Act, or the special Act.
2. The decision of the Board as to whether any company or person is, or is not, a party interested within the meaning of this section, shall be binding and conclusive upon all companies and persons, and in all courts. Sub. for 51 V., c. 29, s. 11.
- 50.** The Board of its own motion may, and upon request to do by the minister shall, inquire into any matter or thing in reference to which it may make order, or authorize or require anything to be done, and may, of its own motion or upon such request, make any order touching any matter or thing or the Company, or any company or person, which it could make upon application or complaint of any person or company or party interested.
- 51.** The Board, the Minister, inspecting engineer, commissioner for inquiry into any accident or casualty, or person appointed to make any inquiry or report may :—
- (a.) Enter into and inspect any place or building being the property or under the control of any company, the entry or inspection of which appears to it or him requisite ;
- (b.) Inspect any works, rolling stock or property of the Company ;
- (c.) Require the attendance of all such persons as it or he thinks fit to call before it or him, and examine, and require answers or returns to such inquiries as it or he thinks fit to make ;
- (d.) Require the production of all books, papers, plans, specifications, drawings and documents, relating to the matter before it or him ;
- (e.) Administer oaths, affirmations or declarations. 51 V., c. 29, s. 13.
- 52.** Whenever, after due notice of application therefor, the Board decides that it is necessary, in the interest of any municipality, that means of drainage should be provided, or lines of water pipes or other pipes should be laid, or streets, highways, roads, or passages for foot passengers or vehicles, or both, be made, either temporarily or permanently, through, along, upon, over or under, any works or lands of the Company, it may, after hearing the parties, direct how, and on what terms, such drainage may be effected, or water pipes or other pipes laid, or streets, highways, roads or passageways made ; and thereupon such municipality may construct the works necessary to carry out such direction, but only under the supervision of such official as the Board appoints, or, at its option, if communicated to the Board upon the hearing, the company may be required by the Board to construct such works, and carry out such directions, under the like supervi-

Mandatory order.

Injunction order.

Decision whether party is interested conclusive.

Board may act upon its own motion.

Powers respecting inquiries into accidents or casualties.

Entry.

Inspection.

Attendance of witnesses and replies.

Production of documents, &amp;c.

Oaths.

Powers respecting drains, pipes, streets and ways upon or across company's lands.

Terms.

Construction under supervision of officer of Board.

Cost of construction.

sion; and the cost of constructing such works, the cost of supervision, and the continued maintenance of the same, shall be paid by such municipality, unless the Board direct that the Company shall bear such proportion as the Board decides. 51 V., c. 29, s. 14. Am.

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Changes in works so constructed.

2. The Board, having made order, or given direction, under subsection one of this section, may, upon the application of the municipality or company, from time to time, and either before or after such works are constructed, make further order and give further direction requiring any change in or addition to such works; and all the provisions of said subsection one as to the imposition of terms by the Board, the supervision of the work, the option to the Company to construct the same, and the apportionment of the cost thereof shall apply to such changes or additions and the order or directions therefor.

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Protection of crossings at rail level.

3. The Board may, at any time, and from time to time, as it deems expedient, order that any such street, highway, road or passage, if the same is constructed, or to be constructed, at rail level, shall be protected by watchmen, or watchmen and gates, or otherwise as the Board requires, and that such protection shall be furnished and maintained by the municipality, or Company, as the Board directs. The Municipality shall bear and pay the whole cost of such protection, except in so far as the Board otherwise orders. When from any reason, arising from the circumstances of the case it appears to the Board right so to do, it may order the Company to pay the whole or any part of such cost.

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Cost of protection.

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Drainage proceedings under Provincial Acts.

53. Whenever proceedings for the drainage of lands have been taken by any landowner, under the provisions of an Act of the legislature of any province in that behalf, and it appears to the Board that an outlet for such drainage works is required over, across or under the lands of the Company, the Board may, upon the application of the landowner or engineer in charge of the works, or of the clerk of the municipality, and, on due notice to and hearing the parties, order the company to construct and provide upon its lands all necessary means of drainage, as in such order specified, upon the landowner first complying with such terms, as to payment or security, if any, for the payment of the whole, or so much of the cost of construction and maintenance of the said drainage works, as the Board in such order provides. 63-64 V., c. 23, s. 2 part.

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Terms.

Security.

Costs.

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Powers respecting inquiries concerning drains, crossings, etc.

54. Whenever any application is made under the last preceding section, or under section fifty-two of this Act, the Board may, if it thinks proper, direct an inquiry to be made in the locality in question by a person appointed under section forty-four of this Act, and may authorize such person to hear the parties and take evidence under oath, and may also, if it thinks proper, act on his report without further hearing of the parties. 63-64 V., c. 23, s. 2 part.

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INSPECTING ENGINEER.

Duties of company respecting Inspecting Engineers.

55. Every company, and the officers and directors thereof, shall afford to any inspecting engineer such information as is within their knowledge and power, in all matters inquired

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into by him, and shall submit to such inspecting engineer all plans, specifications, drawings and documents relating to the construction, repair or state of repair, of the railway or any portion thereof. 51 V., c. 29, s. 26.

- 5 **56.** Every such inspecting engineer shall have the right, while engaged in the business of such inspection, to travel without charge on any of the ordinary trains running on the railway, and to use the telegraph wires and machinery in the offices of, or under the control of, any such company. 51, V.,  
 10 c. 29, s. 27.

Inspecting Engineers may travel free.

Use telegraph wires, etc.

- 57.** The operators, or officers, employed in the telegraph offices of, or under the control of, the company, shall, without unnecessary delay, obey all orders of any such inspecting engineer for transmitting messages; and every such operator  
 15 or officer, who neglects or refuses so to do, shall, for every such offence, be liable, on summary conviction, to a penalty of forty dollars. 51 V., c. 29, s. 28.

Transmission of telegrams.

Penalty upon failure.

- 58.** The production of instructions in writing, signed by the chairman of the Board, and the secretary thereof, or by  
 20 either of them, or by the Minister, shall be sufficient evidence of the authority of such inspecting engineer. 51 V., c. 29, s. 29.

Proof of Engineer's authority.

- 59.** Every person who wilfully obstructs any inspecting engineer in the execution of his duty, is liable, on summary  
 25 conviction, to a penalty not exceeding forty dollars; and in default of payment thereof forthwith, or within such time as the convicting justice or justices of the peace appoint, to imprisonment with or without hard labour for any term not exceeding three months. 51 V., c. 29, s. 30.

Penalty for obstructing Inspecting Engineers.

#### INCORPORATION.

- 60.** Every company incorporated under a special Act shall be a body corporate, under the name declared in the special Act, and shall be vested with all such powers, privileges and immunities as are necessary to carry into effect the intention and objects of this Act, and of the special Act, and which are  
 40 incident to such corporation, or are expressed or included in "The Interpretation Act." 51 V., c. 29, s. 31.

Companies to have corporate powers.

#### OFFICES OF COMPANY.

- 61.** The Head Office of the Company shall be in the place designated in the special Act, but the Company may, by by-law, from time to time, change the location of its head office to any  
 45 place in Canada. The board of directors may establish one or more offices in other places in Canada or elsewhere. 51 V., c. 29, s. 32, Am.

Head office.

Change of location.

Offices.

#### PROVISIONAL DIRECTORS AND THEIR POWERS.

- 62.** The persons mentioned by name as such in the special Act are hereby constituted provisional directors of the Com-

Provisional directors.

Majority quorum. pany, and of such provisional directors a majority shall be a quorum, and the said provisional directors shall hold office as such until the first election of directors, and may forthwith open stock books and procure subscriptions of stock for the undertaking, and receive payments on account of stock subscribed, and cause plans and surveys to be made, and deposit, in any chartered bank of Canada moneys received by them on account of stock subscribed, which moneys shall not be withdrawn, except for the purposes of the undertaking, or upon the dissolution of the Company for any cause whatsoever. 10 51 V., c. 29, s. 33.

Allotment of stock. **63.** If more than the whole stock has been subscribed, the provisional directors shall allocate and apportion the authorized stock among the subscribers as they deem most advantageous and conducive to the furtherance of the undertaking. 15 51 V., c. 29, s. 34.

## CAPITAL.

Capital stock and shares. **64.** The capital stock of the Company, the amount of which shall be stated in the special Act, shall be divided into shares of one hundred dollars each; and the money so raised shall be applied, in the first place, to the payment of all fees, expenses and disbursements for procuring the passing of the special Act, and for making the surveys, plans and estimates of the works authorized by the special Act; and all the remainder of such money shall be applied to the making, equipping, completing and maintaining of the said railway, and other purposes of the undertaking. 20 51 V., c. 29, s. 35.

Application of proceeds.

First meeting of shareholders. **65.** So soon as twenty-five per cent of the capital has been subscribed, and ten per cent of the amount subscribed has been paid into some chartered bank in Canada, the provisional directors shall call a meeting of the shareholders of the Company at the place where the head office is situate, at such time as they think proper, giving the notice prescribed by section seventy of this Act, at which meeting the shareholders who have paid at least ten per cent on the amount of stock subscribed for by them shall, from the shareholders possessing the 35 qualifications hereinafter mentioned, elect the number of directors prescribed by the special Act. 51 V., c. 29, s. 36.

Notice thereof.

Election of directors.

Increase of capital stock. **66.** The original capital stock of any company may, with the approval of the Governor in Council, be increased, from time to time, to any amount, if such increase is sanctioned by a vote, in person or by proxy, of the shareholders who hold at least two-thirds in amount of the subscribed stock of the Company, at a meeting expressly called by the directors for that purpose by a notice in writing to each shareholder, delivered to him personally, or properly directed to him and deposited in the post office at least twenty days previously to such meeting, stating the time, place and object of such meeting, and the amount of the proposed increase; and the proceedings of such meeting shall be entered in the minutes of the proceedings of the Company, and thereupon the capital stock may, with such approval, be increased to the amount sanctioned by such vote. 45 51 V., c. 29, s. 37.

Notice of meetings and object.

Entry on minutes.

67. Municipal corporations in any province in Canada duly empowered so to do by the laws of the province, and subject to the limitations and restrictions in such laws prescribed, may subscribe for any number of shares in the capital stock of the company; and the mayor, warden, reeve or other head officer of any such corporation holding stock to the amount of twenty thousand dollars or upwards, shall be *ex officio* one of the directors of the Company in addition to the number of directors authorized by the special Act, unless in such special Act provision is made for the representation of such corporation on the Board thereof. 51 V., c. 29, s. 38.

Municipal corporation may take stock.

Representation on directorate.

68. The directors of the company elected by the shareholders may make and issue, as paid up stock, shares in the Company, whether subscribed for or not, and may allot and hand over such stock in payment for right of way, plant, rolling stock or materials of any kind, and also for the services of contractors and engineers; and such issue and allotment of stock shall be binding on the Company, and such stock shall not be assessable for calls. 51 V., c. 29, s. 39.

Paid up stock may be issued for certain purposes.

#### MEETINGS OF SHAREHOLDERS.

69. A general meeting of the shareholders for the election of directors and for the transaction of other business connected with or incident to the undertaking, to be called "the annual meeting," shall be held annually on the day mentioned in the special Act; and other general meetings, to be called "special meetings," may be called at any time by the directors, or by shareholders representing at least one-fourth in value of the subscribed stock, if the directors, having been requested by such shareholders to convene such special meeting, for twenty-one days thereafter fail to call such meeting:

2. All general meetings, whether annual or special, shall be held at the head office of the company. 51 V., c. 29, s. 40.

Annual meetings.

Special meetings.

Held at head office.

70. At least four weeks public notice of any meeting shall be given by advertisement published in the *Canada Gazette*, and in at least one newspaper published in the place where the head office is situate, in which notice shall be specified the place and the day and the hour of meeting; all such notices shall be published weekly, and a copy of such *Gazette* containing such notice shall, on production thereof, be evidence of the sufficiency of such notice. 51 V., c. 29, s. 41.

Notice of meetings.

Evidence.

71. Any business connected with or incident to the undertaking may be transacted at an annual meeting, excepting such business, as by this Act or the special Act, is required to be transacted at a special meeting; but no special meeting shall enter upon any business not set forth in the notice upon which it is convened. 51 V., c. 29, s. 42.

What business may be transacted.

72. The number of votes to which each shareholder shall be entitled, on every occasion when the votes of the shareholders are to be given, shall be in the proportion of the number of shares held by him, and on which all calls due have been paid. 51 V., c. 29, s. 43.

Voting.

Calls in arrear.

- Voting by proxy. **73.** Every shareholder, whether resident in Canada or elsewhere, may vote by proxy, if he sees fit, and if such proxy produces from his constituent an appointment in writing, in the words or to the effect following, that is to say:—
- Form of proxy. I, \_\_\_\_\_ of \_\_\_\_\_, one of the 5  
shareholders of the \_\_\_\_\_, do hereby appoint  
\_\_\_\_\_ of \_\_\_\_\_, to be my  
proxy, and in my absence, to vote or give my assent to any  
business, matter or thing relating to the undertaking of the  
said \_\_\_\_\_ that is mentioned or proposed at any 10  
meeting of the shareholders of the said company, in such  
manner as he, the said \_\_\_\_\_ thinks proper.  
In witness whereof, I have hereunto set my hand and seal  
the \_\_\_\_\_ day of \_\_\_\_\_ in the year  
51 V., c. 29, s. 44. 15
- Validity of vote by proxy. **74.** The votes by proxy shall be as valid as if the constituents had voted in person; and every matter or thing proposed or considered at any meeting of the shareholders shall be determined by the majority of votes and proxies then present and given; and all decisions and acts of any such 20  
Majority vote binding. majority shall bind the Company and be deemed the decisions and acts of the Company. 51 V., c. 29, s. 45.
- PRESIDENT AND DIRECTORS.
- Board of directors. **75.** A board of directors of the Company to manage its affairs, the number of whom shall be stated in the special Act, and a majority of whom shall form a quorum, shall be chosen 25  
Majority quorum. at the annual meeting; and if such election is not held on the day appointed therefor, the directors shall cause such election to be held at a special meeting duly called for that purpose within as short a delay as possible after the day so appointed. 30  
51 V., c. 29, s. 46.
- Votes at adjourned meeting. **76.** No person shall vote on such subsequent day, except those who would have been entitled to vote if the election had been held on the day when it should have been held. 51 V., c. 29, s. 47.
- Vacancies in directorate. **77.** Vacancies in the board of directors shall be filled in 35  
the manner prescribed by the by-laws. 51 V., c. 29, s. 48.
- Qualifications of directors. **78.** No person shall be a director unless he is a shareholder, owning twenty shares of stock absolutely in his own right, and has paid all calls due thereon, and is qualified to vote for directors at the election at which he is chosen. 51. V., 40  
c. 29, s. 49.
- Term of office. **79.** The directors appointed at the last election, or those appointed in their stead in case of vacancy, shall remain in office until the next ensuing election of directors. 51, V., 45  
c. 29, s. 50.
- Vacancies by death, etc., how filled. **80.** In case of the death, absence or resignation of any of the directors, others may, unless otherwise prescribed by the

by-laws, be appointed in their stead by the surviving directors ; but if such appointment is not made, such death, absence or resignation, shall not invalidate the acts of the remaining directors. 51 V., c. 29, s. 51.

5 **81.** The directors shall, at their first or at some other meeting after the election elect one of their number to be the president of the Company, who shall always, when present, be the chairman of and preside at all meetings of the directors, and shall hold his office until he ceases to be a director, unless  
10 otherwise provided by law, or until another president has been elected in his stead ; and they may, in like manner, elect a vice-president, who shall act as chairman in the absence of the president. 51, V., c. 29, s. 52 Am. ;—61 V., c. 22, s. 3.

President.

Vice-president.

15 **82.** The directors, at any meeting at which not less than a quorum are present, shall be competent to use and exercise all and any of the powers vested in the directors. 51 V., c. 29, s. 53.

Acts of quorum are binding.

20 **83.** The act of a majority of a quorum of the directors present at any meeting regularly held, shall be deemed the act of the directors. 51 V., c. 29, s. 54.

Acts of majority of quorum are binding.

**84.** No director shall have more than one vote, except the chairman, who shall, in case of a division of equal numbers, have the casting vote. 51 V., c. 29, s. 55.

Votes of directors.

25 **85.** The directors shall be subject to the examination and control of the shareholders at their annual meetings, and shall be subject to all by-laws of the Company, and to the orders and directions from time to time made or given at the annual or special meetings ; but such orders and directions shall not be contrary to any express directions or provisions of this Act  
30 or of the special Act. 51 V., c. 29, s. 56.

Directors subject to shareholders and by-laws.

Proviso.

**86.** No person who holds any office, place or employment in, or who is concerned or interested in any contract under or with the Company, or is surety for any contractor, shall be capable of being chosen a director, or of holding the office of  
35 director, nor shall any person who is a director of the Company enter into, or be directly or indirectly, for his own use and benefit, interested in any contract with the Company, other than a contract which relates to the purchase of land necessary for the railway, or be or become a partner of or surety for any  
40 contractor with the Company. 51, V., c. 29, s. 57.

Disability of officers, contractors and sureties.

**87.** The directors may make by-laws or pass resolutions, from time to time, for the following purposes :—

Directors may make by-laws respecting :—

45 (a.) for the management and disposition of the stock, property, business and affairs of the company, not inconsistent with the laws of Canada ;

Stock, property and business of company.

(b.) for the appointment of all officers, servants and artificers and for prescribing their respective duties and the compensation to be made therefor ;

Appointment of officers and servants

50 (c.) for the retirement of such of said officers and servants, on such terms as to an annual allowance or otherwise, as in each

Retirement of officers, etc.

case the directors, in the interest of the company's service and under the circumstances, consider just and reasonable. 59 V., c. 9, s. 1.

Appointment of officers and security to be given.

**88.** The directors shall, from time to time, appoint such officers as they deem requisite, and shall take sufficient security, by one or more bonds, or by the guarantee of any society or joint stock company incorporated and empowered to grant guarantees, bonds, covenants or policies for the integrity and faithful accounting of persons occupying positions of trust, or for other like purposes, as they deem expedient, from the managers and officers, for the time being, for the safe keeping and accounting for by them respectively of the moneys raised by virtue of this Act and the special Act, and for the faithful execution of their duties, as the directors think proper. V., c. 29, s. 59.

Powers of vice president.

**89.** In case of the absence or illness of the president, the vice-president shall have all the rights and powers of the president, and may sign all notes, bills, debentures and other instruments, and perform all acts which, by the regulations and by-laws of the company, or by the special Act, are required to be signed, performed and done by the president. 51 V., c. 29, s. 60.

Absence of president may be entered on minutes.

**90.** The directors may, at any meeting of directors, require the secretary to enter such absence or illness among the proceedings of such meeting; and a certificate thereof, signed by the secretary, shall be delivered to any person requiring the same, on payment to the treasurer of one dollar, and such certificate shall be taken and considered as *prima facie* evidence of such absence or illness, at and during the period in the said certificate mentioned, in all proceedings in courts of justice or otherwise. 51 V., c. 29, s. 61.

Evidence.

Annual accounts.

**91.** The directors shall cause to be kept and, annually, on the thirtieth day of June, to be made up and balanced, a true, exact and particular account of the moneys collected and received by the company or by the directors or managers thereof, or otherwise for the use of the company, and of the charges and expenses attending the erecting, making, supporting, maintaining and carrying on of the undertaking, and of all other receipts and expenditures of the company or the directors. V., c. 29, s. 62.

#### CALLS.

Calls upon shareholders.

Notice of call.

**92.** The directors may, from time to time, make such calls of money upon the respective shareholders, in respect of the amount of capital respectively subscribed or owing by them, as they deem necessary; and at least thirty days notice shall be given of each call, and no call shall exceed the amount prescribed in the special Act, or be made at a less interval than two months from the previous call, nor shall a greater amount be called in, in any one year, than the amount prescribed in the special Act; but nothing herein contained shall prevent the directors from making more than one call by one

resolution of the board : Provided, that the intervals between such calls, the notices of each call, and the other provisions of this Act and of the special Act, in respect of calls, are duly observed and given. 51 V., c. 29, s. 63.

- 5 **93.** All notices of calls upon the shareholders of the company shall be published as provided by section seventy of this Act, and a copy of the *Gazette* therein mentioned shall, on production thereof, be evidence of the sufficiency of such notice. 51 V., c. 29, s. 64. Publication of notice of call.
- 10 **94.** Every shareholder shall be liable to pay the amount of the calls so made in respect of the shares held by him, to the persons and at the times and places, from time to time appointed by the company or the directors. 51 V., c. 29, s. 65. Payment of calls.
- 15 **95.** If, on or before the day appointed for payment of any call, any shareholder does not pay the amount of such call, he shall be liable to pay interest for the same, at the rate of five per centum per annum, the day appointed for the payment thereof to the time of the actual payment. 51 V., c. 29, s. 66 Am. Overdue calls bear interest.
- 20 **96.** If, at the time appointed for the payment of any call, any shareholder fails to pay the amount of the call, he may be sued for the same in any court of competent jurisdiction, and the same shall be recoverable, with lawful interest from the day on which the call became payable. 51 V., c. 29, s. 67. Failure to pay call. Action thereon.
- 25 **97.** In any action or suit to recover any money due upon any call, it shall not be necessary to set forth the special matter, but it shall be sufficient to declare that the defendant is the holder of one share or more, stating the number of shares, and is indebted in the sum of money to which the calls in  
30 arrear amount, in respect of one call or more, upon one share or more, stating the number and amount of each of such calls, whereby an action has accrued to the company. 51 V., c. 29, s. 68. Material allegation in suits for calls.

#### DIVIDENDS AND INTEREST.

- 35 **98.** At the annual meeting of the shareholders of the company, a dividend may be declared out of the net profits of the undertaking. 51 V., c. 29, s. 69. Declaration of dividends.
- 40 **99.** Such dividend shall be at and after the rate of so much per share upon the several shares held by the shareholders in the stock of the company, as such meeting thinks fit to appoint or determine. 51 V., c. 29, s. 70. Rate.
- 45 **100.** No dividend shall be declared whereby the capital of the company is in any degree reduced or impaired, or be paid out of such capital, nor shall any dividend be paid, in respect of any share after a day appointed for payment of any call for money in respect thereof, until such call has been paid ; but the directors may, in their discretion, until the railway is completed and opened to the public, pay interest at any rate Dividend not to impair capital, etc.

Interest may be paid on calls pending opening of road.

not exceeding five per centum per annum, on all sums called up in respect of the shares, from the respective days on which the same have been paid; and such interest shall accrue and be paid at such times and places as the directors appoint for that purpose. 51 V., c. 29, s. 71 Am.

5

No interest on calls in arrear.

**101.** No interest shall accrue to any shareholder in respect of any share upon which any call is in arrear, or in respect to any other share held by such shareholder while such call remains unpaid. 51 V., c. 29, s. 72.

#### SHARES.

Shares may be transferred.

**102.** Shares in the company may, by the holders thereof, be sold and transferred by instrument in writing, made in duplicate—one part of which shall be delivered to the directors, to be filed and kept for the use of the company, and an entry whereof shall be made in a book to be kept for that purpose and no interest or dividend on the shares transferred shall be paid to the purchaser until such duplicate is so delivered, filed and entered. 51 V., c. 29, s. 73.

15

Form of transfers.

**103.** Transfers, except in the case of fully paid up shares, shall be in the form following or to the like effect, varying the names and descriptions of the contracting parties as the case requires, that is to say:—

I, A. B., in consideration of the sum of \_\_\_\_\_ paid to me by C. D., hereby sell and transfer to him \_\_\_\_\_ share (or shares) of the stock of the \_\_\_\_\_, to hold to him, the said C. D., his executors, administrators and assigns (or 25 successors and assigns, as the case may be), subject to the same rules and orders and on the same conditions that I held the same immediately before the execution hereof. And I, the said C. D., do hereby agree to accept of the said A. B. share (or shares) subject to the same rules, orders and condi- 30 tions.

Witness our hands this \_\_\_\_\_ day of \_\_\_\_\_ in the year 19 \_\_\_\_\_

As to paid up shares.

**2.** In the case of fully paid shares the transfer may be in such form as is prescribed by by-law of the company. 51 V., c. 29, s. 74. Am.

35

Stock personal property.

**104.** The stock of the company shall be personal property; but no shares shall be transferable until all previous calls thereon have been fully paid up, or until the said shares have been declared forfeited for the non-payment of calls thereon; and no transfer of less than a whole share shall be valid. 51 V., 40 c. 29, s. 75.

Restrictions on transfers.

Transmission of stock other than by transfer.

**105.** If any share in the capital stock of the company is transmitted by the death, bankruptcy or last will, donation or testament, or by the intestacy of any shareholder, or by any lawful means other than the transfer hereinbefore mentioned, 45 the person to whom such share is transmitted shall deposit in the office of the company a statement in writing, signed by him, which shall declare the manner of such transmission, together with a duly certified copy or probate of such will, donation or testament, or sufficient extracts therefrom, and 50

such other documents and proofs as are necessary ; and without such proof the person to whom the share is so transmitted, as aforesaid, shall not be entitled to receive any part of the profits of the company, or to vote in respect of any such share as the holder thereof. 51 V., c. 29, s. 76.

106. The company shall not be bound to see to the execution of any trust, whether express, implied or constructive, to which any share or security issued by it is subject, and whether or not the company has had notice of the trust ; and it may  
10 treat the registered holder as the absolute owner of any such share or security, and accordingly, shall not be bound to recognize any claim on the part of any other person whomsoever, with respect to any such share or security, or the dividend or interest payable thereon : Provided, that nothing herein  
15 contained shall prevent a person equitably interested in any such share or security from procuring the intervention of the court to protect his rights. 55-56 V.; c. 27, s. 2.

Company not bound to see to execution of trusts.

107. The certificate of proprietorship of any share shall be admitted in all courts as *prima facie* evidence of the title of  
20 any shareholder, his executors, administrators or assigns, or successors and assigns, as the case may be, to the share therein specified. 51 V., c. 29, s. 79.

Certificate of stock *prima facie* evidence of title.

108. The want of such certificate shall not prevent the holder of any share from disposing thereof. 51 V c. 29, s. 79.

Sale without certificate.

25 109. Every person who neglects or refuses to pay a ratable share of the calls as aforesaid, for the space of two months after the time appointed for the payment thereof, shall forfeit to the company, for the benefit thereof, his shares in the company, and all the profit and benefit thereof. 51 V., c. 29, s. 80.

Forfeiture of stock for non-payment of calls.

30 110. No advantage shall be taken of the forfeiture unless the shares are declared to be forfeited at a general meeting of the company, assembled at any time after such forfeiture has been incurred. 51 V., c. 29, s. 81.

Method of forfeiture.

35 111. Every such forfeiture shall be an indemnification to and for every shareholder so forfeiting, against all actions, suits or prosecutions whatsoever commenced or prosecuted for any breach of contract between such shareholder and the other shareholders with regard to carrying on the undertaking. 51 V., c. 29, s. 82 Am.

Effect of forfeiture on liability.

40 112. The directors may sell, either by public auction or private sale, and in such manner and on such terms as to them seem meet, any shares so declared to be forfeited, or any unissued shares, or may pledge such shares for the payment of loans or advances made or to be made thereon, or for the pay-  
45 ment of any sums of money borrowed by or advanced to the company : Provided that authority for such purpose and for the issue of the stock be first given at a special general meeting of the shareholders called for the purpose. 51 V., c. 29, s. 83.

Sale of forfeited or unissued shares.

Authority necessary.

Certificate of treasurer to be evidence of forfeiture and of title in purchaser.

**113.** A certificate of the treasurer of the company that the forfeiture of the shares was declared, shall be sufficient evidence of the fact, and of their purchase by the purchaser; and such certificate, with the receipt of the treasurer for the price of such shares, shall constitute a good title to the shares; and the certificate shall be, by the said treasurer, registered in the name and with the place of abode and occupation of the purchaser, and shall be entered in the books required to be kept by the by-laws of the company; and such purchaser shall thereupon be deemed the holder of such shares, and shall not be bound to see to the application of the purchase money,—and his title to such shares shall not be affected by any irregularity in the proceedings in reference to such sale; and any shareholder may purchase any share so sold. 51 V., c. 29, s. 84. 5 10

Interest on advance made by shareholder to company.

**114.** Any shareholder who is willing to advance the amount of his shares, or any part of the money due upon his shares, beyond the sums actually called for, may pay the same to the company,—and upon the principal moneys so paid in advance, or so much thereof as, from time to time, exceeds the amount of the calls then made upon the shares in respect to which such advance is made, the company may pay such interest, at the lawful rate of interest for the time being, as the shareholders, who pay such sum in advance, and the company agree upon; but such interest shall not be paid out of the capital subscribed. 51 V., c. 29, s. 85. 15 20 25

No interest to be paid out of capital.

Limit of shareholder's liability to creditors of the company.

**115.** Every shareholder shall be individually liable to the creditors of the company for the debts and liabilities of the company, to an amount equal to the amount unpaid on the stock held by him, and until the whole amount of his stock has been paid up, but no such shareholder shall be liable to an action in respect of his said liability until an execution at the suit of the creditor against the company has been returned unsatisfied in whole or in part. 51 V., c. 29, s. 86. 30

Aliens have equal rights as shareholders.

**116.** All shareholders in the company, whether British subjects or aliens, or residents in Canada or elsewhere, shall have equal rights to hold stock in the company, and to vote on the same, and shall be eligible to office in the Company. 51 V., c. 29, s. 87. 35

Record of shareholders.

**117.** A true and perfect account of the names and places of abode of the several shareholders shall be entered in a book, which shall be kept for that purpose, and which shall be open to the inspection of the shareholders. 51 V., c. 29, s. 88. 40

#### LIMITATION OF TIME.

Time for construction limited.

**118.** If the construction of the railway is not commenced and fifteen per cent. on the amount of the capital stock is not expended thereon within two years after the passing of the Act authorizing the construction of the railway, or if the railway is not finished and put in operation within five years from the passing of such Act, then the powers granted by such Act or by this Act shall cease and be null and void as respects so much of the railway as then remains uncompleted. 51 V., c. 50 29, s. 89 Am. 54

## INSOLVENT COMPANIES.

**119.** Where a company is unable to meet its engagements with its creditors, the directors may prepare a scheme of arrangement between the company and its creditors (with or without provisions for settling and defining any rights of shareholders of the company as among themselves, and for raising, if necessary, additional share and loan capital, or either of them) and may file it in the Exchequer Court of Canada (hereinafter to and including section one hundred and thirty-four called the 'court') with a declaration in writing, under the common seal of the company, to the effect that the company is unable to meet its engagements with its creditors, and with an affidavit of the truth of such declaration made by the president and directors, or by a majority of the president and directors of the company, to the best of their respective judgment and belief. 1 Edw. VII., c. 31, s. 1.

Directors of insolvent railway company may file scheme of arrangement in Exchequer Court.

**120.** After the filing of the scheme, the court may, on the application of the company on summons or motion in a summary way, restrain any action against the company on such terms as the court thinks fit. 1 Edw. VII., c. 31, s. 2.

Effect of filing.

**121.** Notice of the filing of the scheme shall be published in the *Canada Gazette*. 1 Edw. VII., c. 31, s. 3.

Notice of filing.

**122.** After such publication of notice, no execution, attachment, or other process against the property of the company shall be available without leave of the court, to be obtained on summons or motion in a summary way. 1 Edw. VII., c. 31, s. 4.

Effect of notice.

**123.** The scheme shall be deemed to be assented to by the holders of mortgages or bonds issued under the authority of the Railway Act or any amendment thereto, or under the authority of any special Act relating to the company, when it is assented to in writing by three-fourths in value of the holders of such mortgages or bonds, and shall be deemed to be assented to by the holders of debenture stock of the company when it is assented to in writing by three-fourths in value of the holders of such stock. 1 Edw. VII., c. 31, s. 5.

Assent of bondholders.

**124.** Where any rent charge or other payment is charged on the receipts of, or is payable by, the company in consideration of the purchase of the undertaking of another company, the scheme shall be deemed to be assented to by the holders of such rent charge or other payment when it is assented to in writing by three-fourths in value of such holders. 1 Edw. VII., c. 31, s. 6.

Assent of holders of rent charges, etc.

**125.** The scheme shall be deemed to be assented to by the guaranteed or preference shareholders of the company when it is assented to in writing as follows:—If there is only one class of guaranteed or preference shareholders, then by three-fourths in value of that class; and if there are more classes of guaranteed or preference shareholders than one, then by three-fourths in value of each such class. 1 Edw. VII., c. 31, s. 7.

Assent of guaranteed or preference shareholders.

Assent of  
ordinary  
shareholders.

**126.** The scheme shall be deemed to be assented to by the ordinary shareholders of the company when it is assented to by a special general meeting of the company specially called for that purpose. 1 Edw. VII., c. 31, s. 8.

Assent of  
lessors if  
company is  
lessee of  
railway.

**127.** Where the company is lessee of a railway, the scheme shall be deemed to be assented to by the leasing company when it is assented to as follows:—

(a) In writing by three-fourths in value of the holders of mortgages, bonds and debenture stock of the leasing company; 10

(b) If there is only one class of guaranteed or preference shareholders of the leasing company, then in writing by three-fourths in value of that class, and if there are more classes of guaranteed or preference shareholders in the leasing company than one, then in writing by three-fourths in value of each such class; 15

(c) By the ordinary shareholders of the leasing company at a special general meeting of that company specially called for that purpose. 1 Edw. VII., c. 31, s. 9.

When assent  
may be  
disposed with.

**128.** The assent to the scheme of any class of holders of 20 mortgages, bonds or debenture stock, or of any class of holders of a rent charge or other payment as aforesaid or of any class of guaranteed or preference shareholders, or of a leasing company, shall not be requisite in case the scheme does not prejudicially affect any right or interest of such class or company. 1 Edw. 25 VII., c. 31, s. 10.

Application  
for  
confirmation  
of scheme.

**129.** If, at any time within three months after the filing of the scheme, or within such extended time as the court, from time to time, thinks fit to allow, the directors of the company consider the scheme to be assented to as by this Act 30 required, they may apply to the court by petition in a summary way for confirmation of the scheme.

Notice of  
application.

2. Notice of any such application when intended shall be published in the *Canada Gazette*. 1 Edw. VII., c. 31, s. 11.

Confirmation  
by court.

**130.** After hearing the directors, and any creditors, share- 35 holders, or other persons whom the court thinks entitled to be heard on the application, the court, if satisfied that the scheme has been, within three months after the filing of it, or such extended time as the court had allowed, assented to as required by this Act, and that no sufficient objection to the 40 scheme has been established, may confirm the scheme. 1 Edw. VII., c. 31, s. 12.

Enrollment in  
court.

**131.** The scheme when confirmed shall be enrolled in the court, and thenceforth it shall be binding and effectual to all intents, and the provisions thereof shall, against and in favour 45 of the company and all persons assenting thereto or bound thereby, have the like effect as if they had been enacted by Parliament. 1 Edw. VII., c. 31, s. 13.

Notice of  
confirmation  
and  
enrollment.

**132.** Notice of the confirmation and enrolment of the scheme shall be published in the *Canada Gazette*. 1 Edw. VII., c. 31, 50 s 14.

**133.** The company shall at all times keep at its principal or head office printed copies of the scheme when confirmed and enrolled and shall sell such copies to all persons desiring to buy them at a reasonable price, not exceeding ten cents for each copy.

Copies of scheme to be obtainable.

2. If the company fails to comply with this provision it shall be liable to a penalty not exceeding one hundred dollars, and to a further penalty not exceeding twenty dollars for every day during which such failure continues after the first penalty is incurred. 1 Edw. VII., c. 31, s. 15.

Penalty for non-compliance.

**134.** The judge of the court may make general rules for the regulation of the practice and procedure of the court under the last preceding fifteen sections of this Act, which rules shall have force and effect when they are approved by the Governor in Council. 1 Edw. VII., c. 31, s. 16.

Rules regulating practice and procedure.

#### GENERAL POWERS.

**135.** The company may for the purposes of the undertaking, subject to the provisions in this and the special Act contained:—

Powers of the Company in respect of the undertaking.

(a.) Enter into and upon any lands of His Majesty without previous license therefor, or into and upon the lands of any person whomsoever, lying in the intended route or line of the railway; and make surveys, examinations or other necessary arrangements on such lands for fixing the site of the railway, and set out and ascertain such parts of the lands as are necessary and proper for the railway;

Entry for certain purposes.

(b.) receive, take and hold, all voluntary grants and donations of lands or other property or any bonus of money or debenture, or other benefit of any sort, made to it for the purpose of aiding in the construction, maintenance and accommodation of the railway; but the same shall be held and used for the purpose of such grants and donations only;

To receive grants and bonuses.

(c.) purchase, take and hold of and from any person, any lands or other property necessary for the construction, maintenance, accommodation and use of the railway, and also alienate, sell or dispose of, any lands or property of the company which for any reason have become not necessary for the purposes of the railway;

To purchase.

To sell unnecessary lands.

(d.) make, carry or place the railway across or upon the lands of any person on the located line of the railway; 63-64 V., c. 23, s. 3.

To carry railway across lands.

(e.) cross, intersect, join and unite the railway with any other railway at any point on its route, and upon the lands of such other railway, with the necessary conveniences for the purposes of such connection;

To cross and connect with other railways.

(f.) make, complete, operate, alter and maintain the railway with one or more sets of rails or tracks, to be worked by the force and power of steam, or of electricity, or of the atmosphere, or of animals, or by mechanical power, or by any combination of them;

To make, operate and maintain railways.

Motive power.

(g.) erect and maintain all necessary and convenient buildings, stations, depots, wharfs, and fixtures, and construct, purchase and acquire stationary or locomotive engines and rolling stock and other apparatus necessary for the accommodation and use of the passengers, freight and business of the railway;

To construct buildings, equipment, etc.

- To make branch railways. (h.) make branch railways if required and provided for by this or the special Act, and manage the same, and for that purpose exercise all the powers, privileges and authority necessary therefor, in as full and ample a manner as for the railway ; 5
- To transport passengers and freight. (i.) take, transport, carry and convey persons and goods on the railway, regulate the time and manner in which the same shall be transported, and the tolls to be paid therefor, and receive such tolls ;
- To do other necessary acts, including :— (j.) do all other acts necessary for making, maintaining, altering, repairing or using the railway, including those following :— 10
- Removal of trees. (k.) fell or remove any trees which stand within one hundred feet from either side of the railway, or which are liable to fall across the railway track ; 15
- Construction of embankments, bridges, drains, fences, etc. (l.) make or construct in, upon, across, under or over any railway, tramway, river, stream, watercourse, canal, or highway, which it intersects or touches, temporary or permanent inclined planes, tunnels, embankments, aqueducts, bridges, roadways, passages, conduits, drains, piers, arches, cuttings and fences ; 20
- Diversion of highways and waterways. (m.) divert or alter, as well temporarily as permanently, the course of any such river, stream, watercourse or highway, or raise or sink the level thereof, in order the more conveniently to carry the same over, under or by the side of the railway ; 25
- Construction of drains. (n.) make drains or conduits into, through or under any lands adjoining the railway, for the purpose of conveying water from or to the railway ;
- Diversion of drains, pipes, and wires. (o.) divert or alter the position of any water-pipe, gas-pipe, sewer or drain, or any telegraph, telephone or electric light wire or pole ; 30
- Construction of telegraph and telephone lines. (p.) construct or acquire electric, telegraph and telephone lines for the purposes of its undertaking ;
- Alteration and substitution. (q.) from time to time alter, repair or discontinue the before mentioned works, or any of them, and substitute others in their stead. 51 V., c. 29, s. 90 Am. 35
- Company to restore, as far as possible, works diverted. **136.** The company shall restore, as nearly as possible, to its former state, any river, stream, watercourse, highway, water-pipe, gas-pipe, sewer or drain, or any telegraph, telephone or electric light wire or pole, which it diverts or alters, or it shall put the same in such a state as not materially to impair its usefulness. 51 V., c. 29, s. 91. 40
- Compensation for damage. **137.** The company shall, in the exercise of the powers by this or the special Act granted, do as little damage as possible, and shall make full compensation, in the manner herein and in the special Act provided, to all parties interested, for all damage by them sustained by reason of the exercise of such powers. 51 V., c. 29, s. 92. 45
- Powers may be exercised in U. S. **138.** Any company operating a railway from any point in Canada to any point on the international boundary line may exercise, beyond such boundary, the powers which it may exercise in Canada, in so far as they are permitted by the laws in force there. 53 V., c. 28, s. 1—part. 50

**139.** Any company which has obtained from the Crown, by way of subsidy or bonus, in respect of the construction or operation of its railway, a right to any land or to an interest in land, has, and from the time of obtaining such right has had, as incident to the exercise of its corporate powers, authority to acquire, sell or otherwise dispose of the same, or any part or parts thereof, and each company may convey the same, or any part or parts thereof, to any other company which has entered into any undertaking for the construction or operation, in whole or in part, of the railway in respect of which such land or interest in land was given; and thereafter such other company shall have, in respect of such land or interest in land, the same authority as that of the company which has so conveyed it; and as to any lands given to the company by any corporation or other party, as aid towards, or as consideration in whole or in part for, the construction or operation of the company's railway, either generally or with respect to the adoption of any particular route, or on any other account, the authority of the company, and of any other company to which it may convey its right in any of the said lands, shall be the same as if such lands had been obtained by the company from the Crown, as aforesaid. 55-56 V., c. 27, s. 3.

Powers with respect to Crown lands obtained by way of subsidy.

**140.** When any company has power by any Act of the Parliament of Canada to construct and maintain lines of telegraph or telephone, or lines for the conveyance of light, heat, power or electricity, such company may, with the consent of the municipal council or other authority having jurisdiction over any highway, square or other public place, enter thereon for the purpose of exercising the said power, and, as often as the company thinks proper, may break up and open any highway, square, or other public place, subject, however, to the following provisions:—

Powers of Company respecting telegraph and telephone lines.

Consent of municipality.

Opening and breaking up highways, etc.

(a.) The company shall not interfere with the public right of travel, or in any way obstruct the entrance to any door or gateway, or free access to any building;

Provisoos—no interference with travel.

(b.) The company shall not permit any wire to be less than twenty-two feet above such highway or public place, nor, without the consent of the municipal council, erect more than one line of poles along any highway;

Height of wires.

One line of poles.

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

Description of poles.

(d.) The company shall not be entitled to damages on account of its poles or wires being cut by direction of the officer in charge of the fire brigade at any fire, if in the opinion of such officer, it is advisable that such poles or wires be cut;

Cutting poles or wires in case of fire.

(e.) The company shall not cut down or mutilate any shade, fruit or ornamental tree, without the approval of the corporation of the municipality in which it is situate, and then only so far as it may be necessary;

No injury to trees.

(f.) The opening up of any street, square, or other public place for the erection of poles, or for carrying wires under ground, shall be subject to the direction and approval of such person as the municipal council appoints, and shall be done in such manner as the said council directs; the council may also designate the places where such poles shall be erected; and

Supervision of municipality.

Surface of street to be restored.	such street, square, or other public place shall, without any unnecessary delay, be restored, as far as possible, to its former condition, by and at the expense of the company ;	
Future legislation as to placing wires underground.	(g.) In case efficient means are devised for carrying telegraph or telephone wires under ground, no Act of Parliament requiring the company to adopt such means, and abrogating the right given by this section to carry lines on poles, shall be deemed an infringement of the privileges granted by this Act, and the company shall not be entitled to damages therefor ;	5
Workmen to wear badges.	(h.) Every person employed upon the work of erecting or repairing any line or instrument of the company shall have conspicuously attached to his dress a badge, on which are legibly inscribed the name of the company and a number by which he can be readily identified ;	10
Private rights not affected.	(i.) Nothing herein contained shall be deemed to authorize the company to enter upon any private property for the purpose of erecting, maintaining or repairing any of its works, without the previous assent of the owner or occupant of the property for the time being ;	15
Temporary removal of wires or poles.	(j.) If for the purpose of removing buildings, or in the exercise of the public right of travel, it is necessary that the said wires or poles be temporarily removed, by cutting or otherwise the company shall, at its own expense, upon reasonable notice in writing from any person requiring it, remove such wires and poles ; and in default of the company so doing such person may remove such wires and poles at the expense of the company. The said notice may be given either at any office of the company, or to any agent or officer of the company in the municipality wherein are the wires or poles required to be removed, or, in the case of a municipality wherein there is no such agent or officer, then either at the head office, or to any agent or officer of the company in the nearest or any adjoining municipality to that in which such wires or poles are ;	20 25 30
Notice to Company.	(k.) The company shall be responsible for all damage which it causes to ornamental shade or fruit trees, and otherwise for all unnecessary damage which it causes in carrying out or maintaining any of its said works ;	35
Liability for damage.	2. This section shall not apply to any company incorporated or chartered under any Act of the Parliament of Canada passed prior to the first day of January, one thousand eight hundred and ninety-nine. 62-63 V., c. 37, s. 1.	40
Application of section.		

## POWER TO BORROW MONEY.

Issue of bonds authorized.	<b>141.</b> The directors of the company, under the authority of the shareholders, to them given at any special meeting, called for the purpose in the manner provided by section seventy of this Act, or at any annual meeting for which like notice of intention to apply for such authority has been given as is required in the case of a special meeting and at which meeting, whether annual or special, shareholders representing at least two-thirds in value of the subscribed stock of the company, and who have paid all calls due thereon, are present in person or represented by proxy, may, subject to the provisions in this Act and the special Act contained, issue bonds, debentures or other securities, signed by the president or other presiding	45 50
Procedure.		

officer and countersigned by the secretary, which counter-  
signature and the signature to the coupons attached to the  
same may be engraved; and such bonds, debentures or other  
securities may be made payable at such times and in such  
5 manner, and at such place or places in Canada or elsewhere,  
and may bear such rate of interest, not exceeding five per cent  
per annum, as the directors think proper:

When and  
where  
payable.

Interest.

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

Disposal of  
bonds.

3. No such bond, debenture or other security shall be for  
a less sum than one hundred dollars:

Amount  
of bonds, etc.

4. The power of issuing bonds conferred upon the com-  
pany hereby, or under the special Act, shall not be construed  
as being exhausted by such issue; but such power may be  
exercised from time to time, upon the bonds constituting such  
issue being withdrawn or paid off and duly cancelled; and the  
20 limit to the amount of bonds, debentures or other securities  
fixed in the special Act shall not be exceeded. 51 V., c. 29,  
s. 93, Am. by 55-56 V., c. 27, s. 4, Am.

Extent of  
borrowing  
power.

**142.** The company may secure such bonds, debentures or  
other securities, by a mortgage deed creating such mortgages,  
25 charges and incumbrances upon the whole of such property,  
assets, rents and revenues of the company, present or future,  
or both, as are described in the said deed; but such rents and  
revenues shall be subject, in the first instance, to the payment  
of any penalty then or thereafter imposed upon the company  
30 for non-compliance with the requirements of this Act, and next  
to the payment of the working expenditure of the railway:

Mortgage to  
secure bonds.

Penalties,  
first charge.

2. By the said deed the company may grant to the holders  
of such bonds, debentures, or other securities, or the trustees  
named in such deed, all and every the powers, rights and re-  
35 medies granted by this Act in respect of the said bonds, debentures  
or other securities, and all other powers, rights and reme-  
dies, not inconsistent with this Act, or may restrict the said  
holders in the exercise of any power, privilege or remedy  
granted by this Act, as the case may be; and all the powers,  
40 rights and remedies, so provided for in such mortgage deed,  
shall be valid and binding and available to the said holders in  
maner and form as therein provided:

Powers which  
may be  
granted in  
mortgage.

3. Every such mortgage deed shall, within thirty days  
from the execution thereof, be deposited in the office of the  
45 Secretary of State of Canada—of which deposit notice shall be  
given by the company in the *Canada Gazette*, but no such  
mortgage deed shall have effect as against any purchaser for  
value without notice, whose title accrues, or execution creditor  
whose execution is levied, before such deed is deposited and  
50 notice given as above required, whether such deed is so depo-  
sited within such thirty days or afterwards. 51 V., c. 29, s.  
94, Am.

Deposit of  
mortgage.

Notice.

Rights of  
purchaser for  
value without  
notice.

**143.** The bonds, debentures, or other securities, hereby  
authorized to be issued shall be taken and considered to be  
55 the first preferential claim and charge upon the company, and

Bonds to be a  
first charge.

- the franchise, undertaking, tolls and income, rents and revenues, and real and personal property thereof, at any time acquired, save and except as provided for in the next preceding section :
- Exception. 2. Each holder of the said bonds, debentures, or other securities, shall be deemed to be a mortgagee or incumbrancer upon the said securities *pro rata* with all the other holders ; and no proceedings authorized by law or by this Act shall be taken to enforce payment of the said bonds, debentures or other securities, or of the interest thereon, except through the trustee or trustees appointed by or under such mortgage deed. 51 V., c. 29, s. 95. 5 10
- Holder of bonds a mortgagee.
- Rights of bondholders in default by Company. **144.** If the company makes default in paying the principal of, or interest on, any of the bonds, debentures or other securities, hereby authorized, at the time when the same, by the terms of the bond, debenture or other security, becomes due and payable, then at the next annual general meeting of the company, and at all subsequent meetings, all holders of bonds, debentures or other securities, so being and remaining in default, shall in respect thereof, have and possess, the same rights and privileges and qualifications for being elected directors, and for voting at general meetings, as would attach to them as shareholders if they held fully paid up shares of the company to a corresponding amount :— 15 20
- Limitations affecting such rights. 2. The rights given by this section shall not be exercised by any such holder, unless it is so provided by the mortgage deed, nor unless the bond, debenture or other security, in respect of which he claims to exercise such rights has been registered in his name, in the same manner as the shares of the company are registered, at least ten days before he attempts to exercise the right of voting thereon ; and the company shall be bound on demand to register such bonds, debentures or other securities, and thereafter any transfers thereof in the same manner as shares or transfers of shares :— 25 30
- Registration.
- Other rights not affected. 3. The exercise of the rights given by this section shall not take away, limit or restrain, any other of the rights or remedies to which the holders of the said bonds, debentures or other securities, are entitled under the provisions of such mortgage deed. 51, V., c. 29., s. 96. 35
- Transfer of bonds. **145.** All bonds, debentures or other securities, hereby authorized, may be made payable to bearer, and shall, in that case, be transferable by delivery until registration thereof, as hereinbefore provided, and, while so registered, they shall be transferable, by written transfers, registered in the same manner as in the case of the transfer of shares. 51 V., c. 29, s. 97. 40 45
- Promissory notes and bills. **146.** The company may become party to promissory notes and bills of exchange for sums not less than one hundred dollars ; and every such note or bill made, drawn, accepted or indorsed, by the president or vice-president of the company, or other officer authorized by the by-laws of the company, and countersigned by the secretary, shall be binding on the company ; and every such note or bill of exchange so made, drawn accepted or indorsed shall be presumed to have been 50

made, drawn, accepted or indorsed with proper authority, until the contrary is shown; and in no case shall it be necessary to have the seal of the company affixed to such promissory note or bill of exchange, nor shall the president or vice-president or secretary or other officer so authorized be individually responsible for the same, unless such promissory note or bill of exchange has been issued without proper authority; but nothing in this section shall be construed to authorize the company to issue any note or bill payable to bearer, or intended to be circulated as money or as the note or bill of a bank. 51 V., c. 29, s. 98.

No seal necessary.

Notes not to be payable to bearer.

POWER TO TAKE OR USE LANDS, ETC., DEFINED AND LIMITED.

147. No company shall take possession of, use or occupy any lands vested in His Majesty, without the consent of the Governor in Council; but with such consent, any such company may, upon such terms as the Governor in Council prescribes, take and appropriate, for the use of its railway and works, but not alienate, so much of the lands of the Crown lying on the route of the railway as have not been granted or sold, and as is necessary for such railway, as also so much of the public beach, or of land so vested covered with the waters of any lake, river, stream or canal, or of their respective beds, as is necessary for making and completing and using its said railway and works; and whenever any such lands are vested in His Majesty for any special purpose, or subject to any trust, the compensation money which the company pays therefor shall be held or applied by the Governor in Council for the like purpose or trust. 51, V., c. 29, s. 99.

Crown lands.

May not alienate.

Lands held by Crown in trust.

2. The extent of the public beach, or of the land covered with the waters of any river or lake in Canada, taken for the railway, shall not exceed the quantity hereinafter limited in the case of lands which may be taken without the consent of the owner. 51 V., c. 29, s. 105 Am.

Public beach and lands covered with water.

148. Whenever it is necessary for such company to occupy any part of the lands belonging to His Majesty reserved for naval or military purposes, it shall first apply for and obtain the license and consent of His Majesty, under the hand and seal of the Governor General, and having obtained such license and consent, it may, at any time or times, enter into and enjoy any of the said lands for the purposes of the railway; but in the case of any such naval or military reserves, no such license or consent shall be given, except upon a report first made thereupon by the naval or military authorities in which such lands are for the time being vested, approving of such license and consent being so given. 51 V., c. 29, s. 100.

Naval or military lands.

149. No company shall take possession of, or occupy, any portion of any Indian reserve or lands, without the consent of the Governor in Council; and when, with such consent, any portion of any such reserve or lands is taken possession of, used or occupied by any company, or when the same is injuriously affected by the construction of any railway, compensation shall be made therefor as in other cases. 51 V., c. 29, s. 101.

Indian lands.

Lands of other companies.	<b>150.</b> A company may, for the purposes of obtaining a right of way over or through lands owned or occupied by any other company, and for obtaining the use of the tracks, stations or station grounds of another company, or for the purpose of constructing and operating its railway, take possession of, use or occupy any lands belonging to any other railway company, and use and enjoy such right of way, tracks, stations or station grounds, subject always to the approval of the Board first obtained, and to any order or direction which the Board may at any time make in regard to the exercise enjoyment or restriction of such powers or privileges.	5 10
Powers of Board on application.	2. Such approval may be given upon application and notice, and after hearing, the Board may make such order, give such directions, and impose such conditions or duties upon either party, as to it may appear just or desirable in the public interest; and in case the parties fail to agree as to the same, the Board may, by order, fix the amount of compensation to be paid in respect of the powers and privileges so granted, and how, when, and in what proportion, the cost of making or maintaining any work or repairs, incident or necessary to such use and enjoyment, or required to carry out the order or direction of the Board in respect thereto, shall be paid or borne by the parties. 51 V., c. 29, s. 102 Am.	15 20
Compensation		
Costs.		
Extent of land which may be taken.	<b>151.</b> The lands which may be taken without the consent of the owner thereof shall not exceed one hundred feet in breadth, except in places where the railway is raised more than five feet higher, or cut more than five feet deeper than the surface of the line, when such additional width may be taken as shall suffice to accommodate the slope. Where stations, depots or fixtures are intended to be erected, or goods to be delivered, the lands which may be taken without the consent of the owner shall not be more than three thousand feet in length by five hundred feet in breadth, including the width of the right of way, except where more ample space for the accommodation of the public, or of the traffic on the railway, or for protection against snow drifts is required—in which cases such greater quantity of land, or land covered with water, may be taken, as the minister authorizes, under the provisions of section one hundred and fifty three and following sections. 51 V., c. 29, s. 103 Am.	25 30 35 40
Station and terminal grounds.		
Exception.		
Extra lands to be shown on plan.	<b>152.</b> The places at which such extra breadth is to be taken shall be shown on the plan. 51 V., c. 29, s. 104 part.	
Proceedings for obtaining more ample space.	<b>153.</b> Whenever any company requires, at any place on the line of its railway, more ample space for the convenient accommodation of the public, or of the traffic on the railway, or for protection against snow drifts, than it then possesses or can take without the consent of the owners thereof, the company may cause a plan and book of reference to be made of the additional lands required at such place for the purposes aforesaid, specifying therein definitely and in detail the purpose for which each portion of such lands are so required. 51 V., c. 29, s. 106 Am.	45 50

**154.** The company may transmit the plan and book of reference to the minister with an application on behalf of the company, referring to such plan and book of reference and stating that certain lands shown therein are necessary for such purpose, and that no other land suitable for such purpose can be acquired at such place, on reasonable terms and with less injury to private rights, and requesting the minister to authorize the taking thereof for such purpose under this Act. 51 V., c. 29, s. 107 Am.

Application  
to the  
Minister.

**155.** Such application shall be supported by affidavit to the satisfaction of the Minister, and the correctness of the plan and book of reference, and the truth of the allegations in such application, shall be certified by the president, or one of the directors of the company, or by its general manager, and also by its engineer, and such plan and book of reference, application and certificate, shall be made and transmitted to the minister in duplicate. 59 V., c. 9, s. 3 Am.

Affidavit and  
certificate in  
support.

**156.** The Minister shall appoint a time and place for hearing the matter, and at least ten days notice of such application and hearing shall be given to the owner or possessor of such property, and the Minister shall hear the matter and inquire into the correctness of the plan and book of reference and the truth of the allegations of such application, and, if he is satisfied thereof, he shall grant a certificate to that effect, declaring it to be necessary in the public interest that the land shown on said plan and book of reference, or such portion thereof as may in such certificate be specified as authorized by him to be acquired, should be acquired by the company. Such certificate shall be made by the Minister in duplicate, whereof one shall be annexed to one duplicate set of the said plan, book of reference and application, and delivered to the company, and the other duplicate certificate shall be annexed to the other duplicate set of plan, book of reference and application, which together with the said affidavit, shall be kept on file in the department.

Appointment  
of time and  
place for  
hearing.

Notice.

Certificate of  
Minister.

Application  
certificate,  
etc., to be  
filed.

**157.** The duplicate set of plan, book of reference, application and certificate of the Minister delivered as aforesaid to the Company, or a copy of the duplicate set of the same on file in the department, certified by the Minister as being a true copy thereof, shall be deposited in the office of the registrar of deeds for the county or district in which the lands lie.

Duplicate  
set to be  
delivered to  
company, and  
registered.

**158.** Thereupon the company may, without the consent of the owners, take the land so authorized by the Minister to be taken, and the Company, and all persons who could not otherwise convey the same to the Company, shall have, with respect to any such land, all the powers granted by this Act to companies and persons who could not otherwise convey the same, with respect to lands which may be taken without the consent of the owners thereof; and all the provisions of law at any time applicable to the taking of land by the Company and its valuation, and the compensation therefor, shall apply to the lands mentioned in such certificate. 51 V., c. 29, s. 111 Am.

Powers of  
the company  
upon  
compliance  
with  
aforegoing.

Use of lands adjoining right of way during construction or repair of railway.

**159.** The Company, either for the purpose of constructing or repairing its railway, or for the purpose of carrying out the requirements of the Board, or in the exercise of the powers conferred upon it by the Board, may enter upon any land which is not more than six hundred feet distant from the centre of the located line of the railway, and may occupy the said land as long as is necessary for the purposes aforesaid; and all the provisions of law at any time applicable to the taking of land by the Company, and its valuation, and the compensation therefor, shall apply to the case of any land so required; but before entering upon any land for the purposes aforesaid, the company, shall, in case the consent of the owner is not obtained, pay into the office of one of the superior courts for the Province in which the land is situated, such sum with interest thereon for six months, as is, after two clear days notice to the owner of the land, or to the person empowered to convey the same, or interested therein, fixed by a judge of any one of such superior courts; such deposit shall be retained to answer any compensation which may be awarded the person entitled thereto, and may upon order of a judge of such court, be paid out to such person in satisfaction *pro tanto* of such award—The surplus, if any, thereafter remaining shall by order of the judge, be repaid to the Company, and any deficiency therein to satisfy such award shall be forthwith paid by the company to the person entitled to compensation under such award. 51 V., c. 29, s. 112 Am.

Deposit where consent of owner not obtained.

Compensation.

Obtaining materials for construction or maintenance of railway.

**160.** Whenever stone, gravel, earth, sand or water is required for the construction or maintenance of any railway, or any part thereof, the company, may, if it cannot agree with the owner of the land on which the same is situated, for the purchase thereof, cause a land surveyor, duly licensed to act as such in the Province, district, or county, or an engineer, to make a plan and description of the property so required, and it shall serve a copy thereof, with its notice of arbitration, as in the case of acquiring the roadway, and all the provisions of this Act respecting expropriation of lands, as to the service of the notice of arbitration, compensation, deeds of sale, payment of money into court, the right to sell, and the right to convey, and the persons from whom land may be taken, or who may sell, shall apply to the subject matter of this section, and to the obtaining of materials as aforesaid; and such proceedings may be had by the company, either for the right to the fee simple in the land from which the material is taken, or for the right to take material for any time it thinks necessary, and the notice of arbitration, if arbitration is resorted to, shall state the interest and powers required. 51 V., c. 29, s. 113 Am.

Branch lines to ballast pits etc., water supply, etc.

**161.** Whenever any stone, gravel, earth, sand or water is so taken at a distance from the line of the railway, the company may lay down the necessary branch lines, water pipes or conduits and tracks, over or through any lands intervening between the railway and the land on which such material or water is found, provided the distance is not more than six miles; and all the provisions of this Act, except such as relate to the filing of plans and publication of notice, shall apply, and the powers thereby granted may be used and exercised to obtain

the right of way from the railway to the land on which such materials are situated; and such right may be acquired for a term of years or permanently, as the company thinks proper; and the powers in this and the next preceding section contained may, at all times, be exercised and used in all respects, after the railway is constructed, for the purpose of repairing and maintaining the railway. 51 V., c. 29, s. 114.

**162.** Whenever for the purpose of procuring sufficient land for stations or gravel pits, or for constructing, maintaining and using the railway, any land may be taken under the compulsory provisions of this Act, and by purchasing the whole of any lot or parcel of land over which the railway is to run, or of which any part may be taken under the said provisions, the company can obtain the same at a more reasonable price or to greater advantage than by purchasing the roadway line only, or only such part as aforesaid, the company may purchase, hold, use or enjoy the whole of such lot or parcel, and also the right of way thereto, if the same is separated from its railway, and may sell and convey the same, or any part thereof from time to time as it deems expedient; but the compulsory provisions of this Act shall not apply to the taking of any portion of such lot or parcel not necessary for the purposes aforesaid. 51 V., c. 29, s. 115.

Company may in certain cases purchase whole of any lot of land traversed.  
Compulsory provisions not applicable.

**163.** Every company may, on and after the first day of November, in each year, enter into and upon any lands of His Majesty, or into and upon the lands of any person whomsoever, lying along the route or line of its railway, and may erect and maintain snow fences thereon, subject to the payment of such land damages, if any, as are thereafter established, in the manner provided by law with respect to such railway, to have been actually suffered; but every snow fence so erected shall be removed on or before the first day of April then next following. 51 V., c. 29, s. 116.

Erection of snow fences.  
Compensation.  
Removal.

POWERS RESPECTING LOCATION OF LINE, DEVIATIONS AND CHANGES DEFINED AND LIMITED.

**164.** Except in accordance with the provisions of section one hundred and sixty-seven or one hundred and seventy-three, no deviation shall be made from the located line of railway, or from the places assigned thereto in the plan and book of reference sanctioned by the Minister under the provisions of section one hundred and seventy. 63-64 V., c. 23, s. 4.

What deviation allowed from located line.

**165.** The railway may be made, carried or placed across or upon the lands of any person on the located line, although the name of such person has not been entered in the book of reference, through error or any other cause, or although some other person is erroneously mentioned as the owner of or entitled to convey, or is interested in such lands. 63-64 V., c. 23, s. 5.

Certain errors in documents filed not to affect construction.

**166.** No company shall, without the authority of the Board, locate the line of its proposed railway, or of any branch thereof so as to obstruct or interfere with, or injuriously affect the

Mines to be protected.

	working of, or the access or adit to any mine then open or for opening which preparations are, at the time of such location, being lawfully and openly made. 51 V., c. 29, s. 119.	
Company not entitled to minerals, &c., in lands.	2. The company shall not be entitled to any mines, ores, metals, minerals, or mineral oils, situate in or under any lands hereafter purchased by them, or taken by them under any compulsory powers given them by this Act, except only such parts thereof as shall be necessary to be dug or carried away or used in the construction of the works; unless the same shall have been expressly purchased and named and described in the deed of conveyance as being intended to be conveyed thereby;	5
Exceptions.		10
Mining under or within 120 feet of railways.	3. If the owner, lessee, or occupier of any mines, ores, metals, minerals or mineral oils, lying in or under the railway, or any of the works connected therewith, or within one hundred and twenty feet therefrom, be desirous of working the same, he shall give notice in writing to the company of his intention so to do thirty days before the commencement of the working. Upon receipt of such notice it shall be lawful for the company to cause the mines, and location and character of the proposed mining works, to be inspected and enquired into by any person appointed by them for that purpose, and it shall be the duty of such owner, occupier or lessee to furnish and give to such inspector, on his application, all necessary and reasonable information and details as to the extent and character of the proposed mining works, so far as the same are liable to affect the railway, or works connected therewith, and all reasonable facilities for making such inspection and inquiry. If it appears to the company that the proposed mining operations are likely to damage or interfere with the company's undertaking, the company may agree with such owner, lessee or occupier, as to the manner in which such mining works shall be constructed and operated, and the means to be adopted to avoid damage thereby to the undertaking of the company, and the compensation to be paid by the company to such owner, lessee or occupier, in respect of any limitation, restriction or condition imposed, under such agreement, upon the construction or operation of such mining works. In case the parties fail to so agree, the company may, within thirty days from receiving the notice aforesaid, apply to the Board, and upon notice and hearing the Board may make such order as shall, to it, appear just and proper, as well in the public interest as in regard to the parties, and either forbidding or allowing, in whole or in part, the construction and operation of the proposed mining works, subject to such inspection as the board may see fit to require, and to such terms, conditions and restrictions as the Board may impose. And the Board shall, either in and by such order, or in and by any subsequent order to be made on application and notice, fix and order payment by the company of the compensation to be by them paid to such owner, lessee or occupier, for and by reason of any loss or prejudice, as well past as prospective, which such owner, lessee or occupier, may suffer for or by reason of the limitations, restrictions or prohibitions imposed upon him by order of the Board in respect of the construction or operation of such mining works, and for any such ores, metals, minerals or mineral oils, not the property of the company, which cannot be obtained or mined by reason of making or maintaining the railway.	15
Notice to company.		20
Inspection.		25
Agreement respecting operation.		30
Compensation to mine owner for restrictions.		35
Failure to agree, powers of Board.		40
May forbid or restrict operations.		45
May fix compensation.		50
		55

167. Any company which desires at any time to change the location of its line of railway in any particular part, for the purpose of lessening a curve, reducing a gradient or otherwise benefitting such railway, or for any other purpose of public advantage, may, with the approval of the Board, make such change; and all the provisions of this Act shall refer as fully to the part of such line of railway so at any time changed or proposed to be changed, as to the original line; but no company shall extend its line of railway beyond the termini mentioned in the special Act. 51 V., c. 29, s. 120.

Change of location in constructed line.

168. Any company may, for the purpose of connecting any city, town, village, manufactory or mine, or any quarry of stone or slate, or any well or spring, with the main line of the railway of the company, or with any branch thereof, or with any railway worked or leased by the company, or for the purpose of giving increased facilities to business, or for the purpose of transporting the products of any such manufactory, mine, quarry, well or spring, build, make and construct, and work and use, branch lines of railway, not exceeding in any one case six miles in length; but such company shall not proceed to locate or build any branch line of more than one quarter of a mile in length, under this section, until public notice has been given, for six weeks, in some newspaper published in the county or counties through or in which such branch line is to be made, or if there should be no newspaper published in such county, then in the *Canada Gazette*, that it is the intention of the company to apply to the Board to sanction the building of such branch line, and the appropriation of the necessary lands for that purpose, under the compulsory powers vested in such company by this Act, or by any other Act in its behalf; nor unless the company has, prior to the first publication of such notice, deposited in the registry office of any city, county or part of a county, in which the line or any part thereof is to be constructed a plan, profile and book of reference indicating the location of the line and furnishing the like particulars required in the case of a plan, profile and book of reference under section one hundred and sixty-nine of this Act; nor until the company has submitted a duplicate of the same to, and such plan, profile and book of reference have been approved by, the Board, after the expiration of the said notice; and the order of the Board, approving such plan, profile and book of reference shall limit the time, which shall not exceed two years from the date of such order within which the company may construct such branch line

Power to construct branch lines for certain purposes.

Not to exceed 6 miles.

Publication of notice of application to Board.

Deposit of plan, &c., showing location.

Submission of duplicate plan, etc., to Board for approval.

Limit of time for construction.

2. A certified copy of such order together with such duplicate shall be deposited in the department and the company shall also deposit a certified copy of such order in each office of a registrar of deeds in which the plan, profile and book of reference is required to be deposited.

Deposit of certified copies.

3. The Board, upon application and on such notice to parties interested as it may require or allow, may correct any omission, mis-statement or erroneous description of lands or of the owner or occupier thereof in such plan or book of reference, or may make any amendment in or addition to such plan, profile or book of reference, by order specifying definitely the corrections, amendments or additions so made, and a certified

Correction of errors in plans, etc.

copy of such order shall be filed in the department, and deposited in the office of the registrar of deeds with the plan profile and book of reference so amended. 51 V., c. 29, s. 121 Am.

Company's powers as to authorized branches.

4. Every such company may, for any such purpose, exercise all the powers given to it with respect to its main line, under this and the special Act ; and except as otherwise provided in sub-section five of this section, each and every provision of such Acts which is applicable to such extension shall extend and apply to every such branch line of railway. 51 V., c. 29, s. 122 Am. 5 10

Non-application of certain sections.

5. Sections one hundred and seventy to one hundred and seventy-four both inclusive of this Act shall not apply to lands taken under the provisions of this section.

PLANS AND SURVEYS.

Plans, profiles and books of reference.

169. The company shall make, and in sections if it so desires, plans of the line of railway, showing the right of way, with lengths of sections in miles, the names of terminal points, the station grounds, property lines, owner's names, the areas and length and width of lands taken, in figures, (every change of width being given), and the bearings, also all open drains, water courses and public highways crossed or affected, and profiles showing the grades, curves, public highway crossings, open drains and water courses ; and a book of reference shall also be made describing the lots giving numbers, areas, length and width, and names of owners and occupiers, and any other information required by the Minister for the proper understanding of the plan and profile. 63-64 V., c. 23, s. 6 part. 15 20 25

Sanction by Minister.

170. Such plan and profile and book of reference shall be submitted to the Minister who, if satisfied therewith, may certify thereon his sanction of the same, and by such sanction shall be deemed to have approved the location only of the railway as shown in such plan, profile and book of reference. 63-64 V., c. 23, s. 6 part, Am. 30

Approved location only.

Deposit of plans, &c., and copies.

171. The plan, profile and book of reference, so sanctioned, shall be deposited in the department ; and the Company shall also deposit copies thereof, or of such parts thereof as relate to each district or county through which the railway is to pass, duly certified as copies by the Minister. in the offices of the registrars of deeds for such districts or counties respectively. 63-64 V., c. 23, s. 6 part. 35

Error in plans, &c., how corrected.

172. Any omission, mis-statement or erroneous description of such lands, or of the owners or occupiers thereof, in any plan or book of reference, may, after ten days notice has been given to the owners of such lands, be corrected by the Minister or two justices, on application made to him or them for that purpose ; and if it appears to him or them that such omission, mis-statement or erroneous description arose from mistake, the Minister or such justices, shall certify the same accordingly. 51 V., c. 29, s. 123 Am. 40 45

Notice.

Certificate.

Further procedure.

2. The certificate shall state the particulars of any such omission, and the manner thereof, and shall be deposited in the department, and copies thereof, certified as such by the Minister, shall be deposited with the registrars of deeds of the 50

districts or counties respectively in which such lands are situate, and shall be kept by them together with the other documents to which it relates; and thereupon such plan or book of reference shall be deemed to be corrected according to such certificate. 63-64 V., c. 23, s. 7, Am.

173. If any alterations are required in the location of the line of railway as sanctioned as aforesaid, a plan and profile of the section of railway proposed to be altered, prepared on the same scale as the original plan and profile, and a book of reference, shall be submitted for the approval of, and may be sanctioned by the Board; and the same, when so sanctioned, shall be deposited in the department, and copies thereof, or of extracts therefrom, certified by the Minister, shall, so far as they relate to the several districts or counties affected by such alterations, be deposited with the registrars of deeds of such districts and counties. 51 V., c. 29, s. 130; as am. 63-64 V., c. 23, s. 8, part.

Alterations in location of line of railway as sanctioned.

174. The Company shall not commence the construction of the railway until the provisions of sections one hundred and seventy, and one hundred and seventy-one are fully complied with; nor shall work be commenced on any alteration of the located line (other than as provided for in section one hundred and sixty-seven) until the provisions of section one hundred and seventy-three are fully complied with. 51 V., c. 29, s. 131; as am. 63-64 V., c. 23, s. 8, part.

Works not to be commenced until certain provisions of this act complied with.

175. Every registrar of deeds shall receive, and preserve in his office, all plans, profiles, books of reference, certified copies thereof, and other documents, required by this Act to be deposited with him, and shall endorse thereon the day, hour and minute when the same were so deposited, and all persons may resort to the same, and may make extracts therefrom, and copies thereof, as occasion requires, paying the registrar therefor at the rate of ten cents for each hundred words, so copied or extracted, and ten cents for each copy made of any plan or profile. The registrar shall, at the request of any person, make and certify copies of any such plan, profile, book of reference, or document, so deposited in his office, or of such portions thereof as may be required, on being paid therefor at the rate of ten cents for each hundred words copied, and such additional sum, for any copy of plan or profile furnished by him, as is reasonable and customary in like cases, together with fifty cents for each certificate given by him. For any breach of the duties by this section imposed upon such registrar, he shall be liable on summary conviction to a penalty of ten dollars, and also to an action for damages to a person injured by such breach.

Duties of registrars with respect to plans, etc.

Extracts and copies.

Fees.

Certified copies.

Fees.

Penalty for breach of duty.

2. Such certificate of the Registrar shall set forth that the document, a copy of which, or of any portion of which, is certified by him, is deposited in his office, and state the time when it was so deposited, and that he has carefully compared the copy certified with the document on file, and that the same is a true copy of such original. And such certified copy shall in all courts be evidence that such original document was so deposited at the time stated and certified, and shall be

What certificate of registrar must state.

Evidence

*prima facie* proof of the original so deposited, and that the same was signed, certified, attested, or otherwise executed, by the persons, by whom, and in the manner in which, the same purports to be signed, certified, attested or executed, as shown or appearing by such certified copy, and in the case of a plan, that such plan is prepared according to a scale, and in manner and form, sanctioned by the Minister. 51 V., c. 29, s.s. 132 and 133 Am. 5

Plan and profile of completed line must be filed.

**176.** A plan and profile of the completed railway, and of the land taken or obtained for the use thereof, shall, within six months after completion of the undertaking, or within such extended or renewed period as the Minister at any time directs, be made and filed in the department, and plans of the parts thereof, located in different districts and counties, prepared on such a scale, and in such manner and form, and signed, or authenticated in such manner, as the Minister may from time to time, by general regulation or in any individual case, sanction or require, shall be filed in the registry offices for the districts and counties in which such parts are respectively situate; and every company which fails or neglects to file such plans and profiles in the department, or to file such plans in such registry office, within the said period, shall incur a penalty of two hundred dollars, and a like penalty for each and every month during which such failure or neglect continues. 51 V., c. 29, s. 134, Am. 62-63 V., c. 37, s. 2 Am. 10 15 20 25

Penalty for neglect.

General provisions respecting plans, etc.

**177.** All plans and profiles required by law to be deposited by the Company in the department, shall be drawn to such scale, with such detail, upon such materials, and of such character, as the Minister may, either by general regulation, or, in any case, require or sanction, and shall be certified and signed by the President or Engineer of the Company; and any book of reference, required to be so deposited, shall be prepared to the satisfaction of the Minister. Unless and until such plan, profile and book of reference is so made satisfactory to the Minister, he may refuse to sanction the same, or to allow the same to be deposited in the department within the meaning of this Act. 30 35

Must be signed.

Minister may decline to allow deposit of plans unsatisfactorily prepared.

Further plans as Minister may require.

2. In addition to such plans, profiles and books of reference, the company shall, with all reasonable expedition, prepare and deposit in the department, any other, or further plans, profiles, or books of reference of any portion of the railway, or of any siding, station or works thereof, which the Minister may from time to time order or require. Sub. for 51 V., c. 29, s. 135. 40 45

#### LANDS AND THEIR VALUATION.

Authority to certain persons to sell and convey lands to the company.

**178.** All tenants in tail or for life, *grevés de substitution* guardians, curators, executors, administrators, trustees and all persons whomsoever, not only for and on behalf of themselves, their heirs and successors, but also on behalf of those whom they represent, whether infants, issue unborn, lunatics, idiots, *femmes-covert* or other persons, seized, possessed of or interested in any lands, may contract and sell and convey to the Company all or any part thereof. 51 V., c. 29, s. 136. 50

- 179.** In all cases in which such persons have no right in law to sell or convey the rights of property of the said land, such persons shall obtain from a judge, after due notice to the persons interested, the right to sell the said land; and the said judge shall give such orders as are necessary to secure the investment of the purchase money, in such a manner as he deems necessary, in accordance with the law of the Province, to secure the interests of the owner of the said land. 51 V., c. 29, s. 137. Order of judge requisite.
- 10 **180.** The powers, by the last two preeceedings sections conferred upon rectors in possession of glebe lands in the Province of Ontario, ecclesiastical and other corporations, trustees of land for church or school purposes, executors appointed by wills under which they are not invested with  
15 any power over the real property of the testator, administrators of persons dying intestate, but at their death seized of real property, shall only extend and be exercised with respect to any of such lands actually required for the use and occupation of the company. 51 V., c. 29, s. 138. Limitation of powers to sell and convey in certain cases.
- 20 **181.** Any contract, agreement, sale, conveyance and assurance, so made hereunder shall be valid and effectual in law, to all intents and purposes whatsoever, and shall vest in the company receiving the same, the fee simple in the lands in such deed described, freed and discharged from all trusts, restrictions and limitations whatsoever; and the person so conveying is hereby indemnified for what he does by virtue of or in pursuance of this Act. 51 V., c. 29, s. 139. Effect of conveyance under preceding sections.  
Indemnity to persons acting in pursuance of this Act.
- 182.** The company shall not be responsible for the disposition of any purchase money for lands taken by it for its purposes, if paid to the owner of the land, or into court for his benefit. 51 V., c. 29, s. 140. Responsibility as to purchase money.
- 183.** Any contract or agreement made by any person authorized by this Act to convey lands, and made before the deposit of the plan and book of reference, and before the setting  
35 out and ascertaining of the lands required for the railway, shall be binding at the price agreed upon for the same lands, if they are afterwards so set out and ascertained within one year from the date of the contract or agreement, and although such land has, in the meantime become the property of a third  
40 person; and possession of the land may be taken, and the agreement and price may be dealt with, as if such price had been fixed by an award of arbitrators as hereinafter provided, and the agreement shall be in the place of an award. 51 V., c. 29, s. 141. Contracts made before deposit of plans, etc.
- 45 **184.** All persons who cannot, in common course of law, sell or alienate any lands so set out and ascertained, shall agree upon a fixed annual rent as an equivalent, and not upon a principal sum, to be paid for the lands; and if the amount of the rent is not fixed by agreement, it shall be fixed and all  
50 proceedings shall be regulated, in the manner herein prescribed. 51 V., c. 29, s. 142 Am. Rental shall be fixed when parties cannot sell.

Lien for  
payment  
of rent.

**185.** For the payment of such annual rent and every other annual rent, agreed upon or ascertained, and to be paid for the purchase of any lands, or for any part of the purchase money of any lands, which the vendor agrees to leave unpaid, the railway, and the tolls thereon, shall be liable and chargeable in preference to all other claims and demands thereon whatsoever, except as to the charges for working expenditure and penalties mentioned in section one hundred and forty-two of this Act, upon the deed creating such charge and liability being duly registered in the registry office of the proper district, county or registration division. 51 V., c. 29, s. 143 Am. 5 10

Expropriation  
proceedings  
after deposit  
of plan, etc.

**186.** After the expiration of ten days from the deposit of the plan and book of reference in the office of the registrar of deeds, and after notice thereof has been given in at least one newspaper, if there is any, published in each of the districts and counties through which the railway is intended to pass, application may be made to the owners of lands, or to persons empowered to convey lands, or interested in lands, which may suffer damage from the taking of materials, or the exercise of any of the powers granted for the railway; and, thereupon, agreements and contracts may be made with such persons, touching the said lands or the compensation to be paid for the same, or for the damages, or as to the mode in which such compensation shall be ascertained, as seems expedient to both parties; and in case of disagreement between them, or any of them, all questions which arise between them shall be settled as hereinafter provided. 51 V., c. 29, s. 144. 15 20 25

Notice.  
Application  
to owners.

Agreements  
authorized.

Disagree-  
ments.

Filing plan -  
deemed  
general notice.

**187.** The deposit of a plan and book of reference, and the notice of such deposit, shall be deemed a general notice to all parties of the lands which will be required for the railway and works; and the date of such deposit shall be the date with reference to which such compensation or damages shall be ascertained. 51 V., c. 29, s. 145. 30

Date for  
purposes of  
valuation.

What notice  
must contain.

**188.** The notice served upon the party shall contain:—  
(a.) A description of the lands to be taken, or of the powers intended to be exercised with regard to any lands, and describing the lands; 35  
(b.) A declaration of readiness to pay some certain sum or rent, as the case may be, as compensation for such lands or for such damages; 40  
(c.) The name of a person to be appointed as the arbitrator of the company, if its offer is not accepted. 51 V., c. 29, s. 146.

Must be  
accompanied  
by certificate.

**189.** Such notice shall be accompanied by the certificate of a sworn surveyor for the Province in which the lands are situated, or an engineer, who is a disinterested person and is not the arbitrator named in the notice, which certificate shall state;

Contents of  
certificate.

(a.) That the land, if the notice related to the taking of land shown on the said plan, is required for the railway;  
(b.) That he knows the land, or the amount of damage likely to arise from the exercise of the powers; and 50  
(c.) That the sum so offered is, in his opinion, a fair compensation for the land and damages aforesaid. 51 V., c. 29, s. 147, Am.

- 190.** If the opposite party is absent from the district or county in which the lands lie, or is unknown, an application for service by advertisement may be made to a judge. 51 V., c. 29, s. 148. Service by publication.
- 191.** The application for service by advertisement shall be accompanied by such certificate as aforesaid, and by an affidavit of some officer of the company, that the opposite party is so absent, or that, after diligent inquiry, the person on whom the notice ought to be served cannot be ascertained; and the judge shall order a notice as aforesaid, but without such certificate, to be inserted, three times in the course of one month, in a newspaper published in the district or county, or if there is no newspaper published therein, then in a newspaper published in some adjacent district or county. 51 V., c. 29 s. 149. Procedure on service by publication.
- 192.** If within ten days after the service of such notice, or within one month after the first publication thereof, the opposite party does not give notice to the company that he accepts the sum offered by it, or does not give notice to it of the name of a person whom he appoints as arbitrator, the judge shall, on the application of the company, appoint a person to be sole arbitrator for determining the compensation to be paid as aforesaid. 51 V., c. 29, s. 150. Failure to accept after service of notice.  
Company's arbitrator.
- 193.** If the opposite party, within the time aforesaid, gives notice to the company of the name of his arbitrator, then the two arbitrators shall jointly appoint a third, or if they cannot agree upon a third, the judge shall, on the application of the party, or the company, after notice of at least six clear days having been given to the other party, appoint a third arbitrator. 51 V., c. 29, s. 151. Arbitrator for opposite party.  
Third arbitrator.
- 194.** The arbitrators, or the sole arbitrator, as the case may be, shall be sworn before a justice of the peace for the district or county in which the lands lie, faithfully and impartially to perform the duties of their or his office, and shall proceed to ascertain such compensation in such way as they or he, or a majority of them, deem best; and the award of such arbitrators, or of any two of them, or of the sole arbitrator, shall be final and conclusive, except as hereinafter provided; but no such award shall be made, nor any official act be done, by such majority, except at a meeting held at a time and place of which the other arbitrator has had at least two clear days notice, or to which some meeting at which the third arbitrator was present had been adjourned; and no notice to either of the parties shall be necessary, but each party shall be held sufficiently notified through the arbitrator appointed by him, or whose appointment he required. 51 V., c. 29, s. 152. Call of arbitrators.  
Duties.  
Award.  
Procedure.  
No notice to parties.
- 195.** The arbitrators shall, in respect of lands taken or to be taken, fix the compensation to be paid for the taking of such lands, and for all inconvenience, loss or damages, which the owner thereof may suffer in consequence of such taking, and shall, in respect of other compulsory powers proposed to be exercised by the company, fix such compensation for the loss incurred, or damage which the owner may sustain, by Compensation for lands and damage.  
For exercise of other compulsory powers.

Shall take into consideration the increased value of lands. reason of the exercise of such powers—And, in deciding upon such compensation in respect of lands taken, the arbitrators shall take into consideration the increased value, by reason of the passage or construction of the railway, that will be given any portion of the lands through or over which the railway will pass, or proximate to the lands taken, which will remain to the person to be compensated after the lands taken are acquired by the company, and shall set off such increased value *pro tanto* against the inconvenience loss or damage sustained, or that might be sustained, by reason of such taking of land by the company. But in no case, when lands are taken, shall the compensation awarded be less than the arbitrators shall deem the market value of the lands taken was at the time the location of the railway, was approved by the Minister, or would then have been, had the construction of such railway near or through such land not then been generally or publicly anticipated. Sub. for 51 V., c. 29, s. 153.

Set off against damages.

But market value of lands must at least be awarded.

Costs where award exceeds or is less than company's offer.

Arbitrators may take evidence under oath.

Stenographers

Depositions transmitted to clerk of the superior court.

Time within which award is to be made.

**196.** If by an award of arbitrators made under this Act, the sum awarded exceeds the sum offered by the company, the costs of the arbitration shall be borne by the company; but if otherwise, they shall be borne by the opposite party, and be deducted from the compensation, and in either case the amount of such costs, if not agreed upon, may be taxed by the judge. 51 V., c. 29, s. 154.

**197.** The arbitrators, or a majority of them, or the sole arbitrator, shall examine on oath or solemn affirmation the parties or such witnesses as appear before them or him, and shall administer such oath or affirmation. 51 V., c. 29, s. 155, (1).

2. The arbitrators shall take down in writing the evidence brought before them, unless either party requires that it be taken by means of stenography; in which case a stenographer shall be named by the arbitrators, unless the parties agree upon one, and shall be sworn before the arbitrators, or before any one of them before entering upon his duties; and the expense of such stenographer, if not determined by agreement between the parties, shall be taxed by the court or judge, and shall, in any case, form part of the costs of the arbitration; and after making their award the arbitrators shall forthwith deliver or transmit by registered letter, at the request of either party in writing, the depositions, together with the exhibits referred to therein, and all papers connected with the reference, except the award, to the clerk of the superior court in the province in which the lands are situated, to be filed with the records of the said court. 54-55 V., c. 51, s. 1.

**198.** A majority of the arbitrators, at the first meeting after their appointment, or the sole arbitrator, shall fix a day on or before which the award shall be made, and if the same is not made on or before such day, or some other day to which the time for making it has been prolonged, either by the consent of the parties, or by resolution of the arbitrators, then the sum offered by the company, as aforesaid, shall be the compensation to be paid by the company. 51 V., c. 29, s. 156.

199. If the sole arbitrator appointed by the judge, or any arbitrator appointed by the two arbitrators, dies before the award has been made, or is disqualified, or refuses or fails to act within a reasonable time, then, in the case of the sole arbitrator, the judge, upon the application of either party, and upon being satisfied by affidavit or otherwise of such death, disqualification, refusal or failure, may appoint another arbitrator in the place of such sole arbitrator; and in the case of any arbitrator appointed by one of the parties, the company and party respectively may each appoint an arbitrator in the place of its or his arbitrator so deceased or not acting, and in the case of the third arbitrator appointed by the two arbitrators, the provisions of section one hundred and ninety-three shall apply; but no recommencement or repetition of the previous proceedings shall be required in any case. 51 V., c. 29, s. 157.

Vacancies in office of arbitrator.

No recommencement of proceedings.

200. In any case where the notice given improperly describes the land or material intended to be taken, or if the company decides not to take the land or material mentioned in the notice, it may abandon the notice and all proceedings thereunder, but shall be liable to the person notified for all damages or costs incurred by him in consequence of such notice and abandonment—such costs to be taxed in the same manner as costs after an award; and the company may give to the same or any other person notice for other land or material or for land or material otherwise described notwithstanding the abandonment of the former notice. 51 V., c. 29, s. 158.

Company may abandon proceedings.

Damages and costs in such event.

201. The person offered or appointed as valuator, or as sole arbitrator, shall not be disqualified because he is professionally employed by either party, or has previously expressed an opinion as to the amount of compensation, or because he is related or of kin to any shareholder of the company, if he is not himself personally interested in the amount of the compensation; and no cause of disqualification shall be urged against any arbitrator appointed by the judge after his appointment, but the objection shall be made before the appointment and its validity or invalidity shall be summarily determined by the judge. 51 V., c. 29, s. 159.

When arbitrator interested in compensation.

Time for taking objection.

202. No cause of disqualification shall be urged against any arbitrator appointed by the Company or by the opposite party after the appointment of a third arbitrator; and the validity or invalidity of any cause of disqualification urged against any such arbitrator, before the appointment of a third arbitrator, shall be summarily determined by the judge, on the application of either party, after two clear days' notice to the other, and if the cause is determined to be valid, the appointment shall be null and void, and the party offering the person so adjudged to be disqualified shall be held not to have appointed an arbitrator. 51, V., c. 29, s. 160.

Proceedings upon application for disqualification.

203. No award shall be invalidated by reason of any want of form or other technical objection, if the requirements of this Act have been substantially complied with, and if the award states clearly the sum awarded, and the lands or other

Award not invalidated for want of form.

property, right or thing for which such sum is to be the compensation ; and the person to whom the sum is to be paid need not be named in the award ;

Appeal from  
award.

2. Any party to the arbitration may within one month after receiving a written notice from any one of the arbitrators or the sole arbitrator, as the case may be, of the making of the award, appeal therefrom upon any question of law or fact to a superior court of the Province in which such lands are situate ; and upon the hearing of the appeal the court shall, if the same is a question of fact, decide the same upon the evidence taken before the arbitrators, as in a case of original jurisdiction ;

Practice and  
proceedings  
on appeal.

3. Upon such appeal the practice and proceedings shall be, as nearly as may be, the same as upon an appeal from the decision of an inferior court to the said court, subject to any general rules or orders from time to time made by the judges of the said superior court, in respect to such appeals, which orders may amongst other things provide that any such appeal may be heard and determined by a single judge ;

Other  
remedies not  
affected.

4. The rights of appeal hereby given shall not affect the existing law or practice in any Province as to setting aside awards. 51 V., c. 29, s. 161 Am.

When  
possession  
may be taken  
by company.

**204.** Upon payment or legal tender of the compensation or annual rent, so awarded or agreed upon, to the person entitled to receive the same, or upon the payment into court of the amount of such compensation, in the manner hereinafter mentioned, the award or agreement shall vest in the company the power forthwith to take possession of the lands. or to exercise the right, or to do the thing for which such compensation or annual rent has been awarded or agreed upon ; and if any resistance or forcible opposition is made by any person to its so doing, the judge may, on proof to his satisfaction of such award or agreement, issue his warrant to the sheriff of the district or county, or to a baliff as he deems most suitable, to put down such resistance or opposition, and to put the Company in possession ; and the sheriff or bailiff shall take with him sufficient assistance for such purpose, and shall put down such resistance or opposition and put the Company in possession. 51 V., c. 29, s. 162.

Where  
forcible  
resistance  
is offered.

Warrant for  
immediate  
possession in  
certain cases.

**205.** Such warrant may also be granted by the judge without such award or agreement, on affidavit to his satisfaction that the immediate possession of the lands, or of the power to do the thing mentioned in the notice, is necessary to carry on some part of the railway with which the company is ready forthwith to proceed. 51 V., c. 29, s. 163.

Procedure  
upon  
application  
for such  
warrant.

**206.** The judge shall not grant any warrant under the next preceding section, unless ten days previous notice of the time and place when and where the application for such warrant is to be made has been served upon the owner of the land or the person empowered to convey the land, or interested in the land sought to be taken, or which may suffer damage from the taking of materials sought to be taken, or the exercise of the powers sought to be exercised, or the doing of the thing sought to be done, by the company ; and unless the company

gives security to his satisfaction, by deposit, in a chartered bank designated by him, to the credit of the company and such person or party jointly, of a sum larger than his estimate of the probable compensation, and not less than fifty per cent  
 5 above the amount mentioned in the notice served under section one hundred and eighty-eight. 51 V., c. 29, s. 164.

Deposit of  
compensation.

**207.** The costs of any such application to, and of any such hearing before, the judge, shall be borne by the company, unless the compensation awarded is not more than the company  
 10 had offered to pay; and no part of such deposit or of any interest thereon shall be repaid, or paid to such company, or paid to such owner or party, without an order from the judge, which he may make in accordance with the terms of the award. 51 V., c. 29, s. 165.

Costs of  
application.

Payment.

**208.** The compensation for any lands which may be taken without the consent of the proprietor, shall stand in the stead of such lands; and any claim to or incumbrance upon the said lands, or any portion thereof, shall as against the company, be converted into a claim to the compensation or to a like proportion thereof; and the company shall be responsible accordingly,  
 20 whenever it has paid such compensation or any part thereof, to a person not entitled to receive the same, saving always its recourse against such person. 51 V. c. 29, s. 166.

Compensation  
to stand in  
place of the  
land.

Incumbrances

**209.** If the company has reason to fear any claims or  
 25 incumbrances, or if any person to whom the compensation or annual rent, or any part thereof, is payable, refuses to execute the proper conveyance and guarantee, or if the person entitled to claim the same cannot be found, or is unknown to the company, or if, for any other reason, the company deems it  
 30 advisable, for the company may, if the lands are situated elsewhere than in the Province of Quebec, pay such compensation into the office of the clerk or prothonotary of the court, with the interest thereon for six months, and may deliver to such clerk or prothonotary an authentic copy of the conveyance, or of the  
 35 award or agreement, if there is no conveyance; and such award or agreement shall thereafter be deemed to be the title of the company to the land therein mentioned. 51 V., c. 29, s. 167.

Payment of  
compensation  
into court in  
certain cases.

**210.** A notice in such form and for such time as the court  
 40 appoints, shall be inserted in a newspaper, if there is any, published in the county, in which the lands are situated, or if there is no newspaper published in the county, then in the official gazette of the province, if any, and also in a newspaper published in the nearest county thereto in which a newspaper is published,  
 45 which shall state that the title of the company, that is, the conveyance, agreement or award, is under this Act, and shall call upon all persons entitled to the lands, or to any part thereof, or representing or being the husbands of any persons so entitled, to file their claims to the compensation or  
 40 any part thereof; and all such claims shall be received and adjudicated upon by the court, and the said proceedings shall forever bar all claims to the lands or any part thereof, including dower, as well as all mortgages or incumbrances upon the

Notice of  
payment into  
court.

Proceedings.

Effect of  
adjudication.

same; and the court shall make such order for the distribution, payment or investment of the compensation, and for the securing of the rights of all persons interested, as to right and justice and to law appertains. 51 V., c. 29, s. 168.

5

Costs upon  
payment into  
court.

**211.** The costs of the proceedings, in whole or in part, including the proper allowances to witnesses, shall be paid by the company, or by any other person, as the court orders; and if such order of distribution is obtained in less than six months from the payment of the compensation into court, the court shall direct a proportionate part of the interest to be returned to the company, and if from any error, fault, or neglect of the company, it is not obtained until after the six months have expired, the court shall order the company to pay to the proper claimants the interest for such further period as is right. 51 V., c. 29, s. 169.

Interest.

Proceedings  
in like cases  
in Province of  
Quebec.

**212.** If the lands so taken are situated in the Province of Quebec, and if the company has reason to fear any claim, mortgage, hypothec, or incumbrance, or if any person to whom the compensation or annual rent, or any part thereof, is payable, refuses to execute the proper conveyance and guarantee, or if the person entitled to claim the compensation or rent cannot be found, or is unknown to the company, or if, for any other reason, the company deems it advisable, the company may pay such compensation into the hands of the prothonotary of the Superior Court for the district in which the lands are situate, with the interest thereon for six months, and may deliver to the said prothonotary an authentic copy of the conveyance, or of the award, if there is no conveyance, and such award shall thereafter be deemed to be the title of the company to the lands therein mentioned, and proceedings shall thereupon be had for the confirmation of the title of the company, in like manner as in other cases of confirmation of title, except that, in addition to the usual contents of the notice, the prothonotary shall state that the title of the company (that is, the conveyance or award) is under this Act, and shall call upon all persons entitled to the lands, or any part thereof, or representing or being the husband of any person so entitled, to file their claims to the compensation or any part thereof; and all such claims shall be received and adjudicated upon by the court. 51 V., c. 29, s. 170.

Confirmation  
of title.

Notice.

Effect of  
confirmation.

**213.** Such judgement of confirmation shall forever bar all claims to the land, or any part thereof, including dower not yet open, as well as any mortgage, hypothec or incumbrance upon the same; and the court shall make such order for the distribution, payment or investment of the compensation, and for the security of the rights of all persons interested, as to right and justice and to law appertains. 51 V., c. 29, s. 171.

Costs on  
proceedings.

**214.** The costs of the proceedings, in whole or in part, shall be paid by the company, or by any other person, as the court orders, and if judgment of confirmation is obtained in less than six months from the payment of the compensation to the prothonotary, the court shall direct a proportionate part of the interest to be returned to the company; and if from any

Interest.

error, fault or neglect of the company, it is not obtained until after six months have expired, the court shall order the company to pay the prothonotary the interest for such further period as is right. 51 V., c. 29, s. 172.

## CROSSINGS AND JUNCTIONS.

- 5 **215.** The railway of any company shall not be crossed, intersected, joined or united by or with any other railway, nor shall any railway be intersected or crossed by any street railway, electric railway or tramway, whether constructed under Dominion or Provincial or Municipal authority, or otherwise, unless the  
10 place and mode of the proposed crossing, intersection or junction therefor; and in the case of crossing by street railways, electric railways or tramways respectively, the Board shall have the same powers, in all respects, as to the protection of  
15 such crossing, and otherwise, as are given the Board by this Act in regard to one railway crossing another. 56 V., c. 27, s. 1, Am.
- Crossings and junction subject to approval of board.  
Street railways, etc.
- 216.** The Board, upon such application, may appoint a time and place for hearing, and upon notice given the parties, may  
20 make such orders, and give such directions respecting the proposed crossing, intersection, junction or union, and the works to be executed, and the measures to be taken by the respective companies, as to it appear necessary or expedient to secure the public safety. 51 V., c. 29, s. 174, Am.
- Hearing of application for crossings, etc.
- 25 **217.** The Board may, on the application of any company whose railway, at rail level, crosses or is crossed by the railway of any other company, direct such companies to adopt and put in use at such crossing, within a reasonable time, to be fixed by the Board, such an interlocking switch and signal system  
30 or device as in the opinion of such Board renders it safe to permit engines and trains to pass over such crossing without being brought to a stop. 51 V., c. 29, s. 175.
- Safety devices on rail-level crossings.
- 218.** The companies may agree with each other as to the compensation to be paid by one to the other in respect of any  
35 crossing, intersection, junction or union, or the proportion to be borne by each of the costs of executing any work, or taking any measure, or the carrying out of any order of the Board; but if they fail so to agree, the amount of such compensation, or the proportion of such costs so to be borne by each, shall  
40 be determined by the Board. 51 V., c. 29, s. 176.
- Agreement between companies as to expense of works ordered.
- 219.** Every railway company incorporated by any Act of the Legislature of any Province which crosses, intersects, joins or unites with any railway within the legislative authority of the Parliament of Canada, or which is crossed, or intersected  
45 by, or joined or united with any such railway, shall, in respect of such crossing, intersection, junction and union, and all matters preliminary or incident thereto, be deemed to be, and be, within the legislative authority of the Parliament of Canada, and subject in respect thereof to the provisions of this Act.  
50 51 V., c. 29, s. 177.
- Legislative authority of Parliament respecting crossings, etc.

## NAVIGABLE WATERS.

Navigation  
not to be  
impeded.

**220.** No company shall cause any obstruction in, or impede the free navigation of, any river, stream or canal, to or across or along which its railway is carried. 51 V., c. 29, s. 178.

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Bridges over  
navigable  
waters subject  
to approval of  
Governor in  
Council.

**221.** The Governor in Council may, from time to time, by order, provide as to the size and character of the openings which shall be left between the abutments or piers of any bridge or viaduct by which any railway is, or is proposed to be, carried over any navigable water or canal, and as to the clear height above the surface of the water at which such bridge or viaduct shall be constructed; and may require that any specified portion or portions, of such navigable water, or the whole or any part of the width of such canal, shall be crossed only by a bridge or bridges of such length and character as the Governor in Council shall direct; and if any such bridge is a draw or swing bridge, may ordain when, under what conditions and circumstances, and subject to what precautions, the same shall be opened or closed. Sub. for 51 V., c. 29, s. 179.

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Bridges to be  
properly  
floored.

**222.** No company shall run its trains over any canal, or over any navigable water, without having first laid, and without maintaining, such proper flooring under and on both sides of its railway track over such canal or water, as is deemed by the Minister sufficient to prevent anything falling from the railway into such canal or water, or upon the boats or vessels or craft, or persons who navigate such canal or water. 51 V., c. 29, s. 180 Am.

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Plan and site  
of bridges to  
be submitted  
to Minister for  
approval of  
Council.

**223.** No company shall construct any wharf, bridge, pier or other work, upon or over any navigable water or canal, or upon the beach or bed or lands covered with the waters thereof until it has first submitted the plan and proposed site of such work to the Minister, and the Governor in Council, upon the report of the Minister, has approved the same; and no deviation from such approved site or plan shall be made without the consent of the Governor in Council upon recommendation of the Minister. 51 V., c. 29, s. 181 Am.

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Construction  
or substitution  
of particular  
form of  
bridge.

**224.** The Governor in Council may, upon the report of the Minister, authorize or require any company to construct fixed and permanent bridges or swing, draw or movable bridges, or to substitute any of such bridges for existing bridges on the line of its railway, within such time as the Governor in Council directs; and for every day after the period so fixed during which the company fails to comply with the directions of the Governor in Council, it shall forfeit and pay to His Majesty the sum of two hundred dollars; and no company shall substitute any swing, draw or movable bridge for any fixed or permanent bridge already built and constructed without the previous consent of the Governor in Council. 51 V., c. 29, s. 182.

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Penalty for  
non-compliance  
with  
order.

## HIGHWAY CROSSINGS.

- 225.** The railway shall not be carried along an existing highway but shall merely cross the same in the line of the railway, unless leave therefor has been obtained from the Board; and no obstruction of such highway with the works shall be made without turning the highway so as to leave an open and good passage for carriages, and, on completion of the works, restoring the highway to as good condition, as nearly as possible, as it was originally; and every company which violates the provisions of this section shall incur a penalty of not less than forty dollars for each such violation; but in any case, the rail itself, if it does not, when the works are completed, rise above or sink below the surface of the road more than one inch, shall not be deemed an obstruction. 51 V., c. 29, s. 183. Am.
- Railway on highway.  
No obstruction permitted.  
Restoration of highway.  
Penalties.  
Rail levels permitted.
- 226.** Whenever any railway crosses any highway, without being carried over it by a bridge, or under it by a tunnel or bridge whether the level of the highway remains undisturbed or is raised or lowered to conform to the grade of the railway, the top of the rail shall not, when the crossing is completed, rise above or sink below the level of the highway more than one inch. 51 V., c. 29, s. 184.
- Variation of inch between rail and level of highway permitted.
- 227.** The span of every bridge erected for carrying the railway over or across any highway shall, at all times, be and be continued of the open and clear breadth and space, under such span of not less than twenty feet, and of a height, from the surface of such highway to the centre of such span, of not less than twelve feet; and the descent of the highway passing under any such bridge shall not exceed one foot in twenty feet. 51 V., c. 29, s. 185 Am.
- Bridges over highways.  
Breadth.  
Height from surface.  
Grade of subways.
- 228.** Every bridge and tunnel, by which any street or highway is carried over or under any railway, shall be so constructed, and from time to time, as and when necessary reconstructed, or altered, and shall, at all times, be so maintained, as to afford safe and adequate facilities for all traffic passing over or through such bridge or tunnel.
- Bridges and tunnels must be safe.
- 229.** The inclination of the ascent or descent, as the case may be, of any approach by which any roadway is carried over or under any railway, or across it, at rail level, shall not be greater than one foot of rise or fall for every twenty feet of the horizontal length of such approach, unless the Board directs otherwise; and a good and sufficient fence shall be made on each side of such approach, and of the bridge connected with it,—which fence shall be at least four feet six inches in height from the surface of the approach or bridge; and, in respect to railways, which, on the nineteenth day of April one thousand eight hundred and eighty-four, were under construction or already constructed, the Board shall determine the proportion in which the cost of providing such fencing for such approach shall be borne by the company or municipality or person interested. 51 V., c. 29, s. 186 Am.
- Inclination of highway.  
Fencing approaches.  
Proportion of costs of fencing.

Protection at highway crossings, etc. **230.** Whenever any portion of a railway is constructed or authorized or proposed to be constructed, upon or along or across any street or other public highway, at rail level or otherwise, the company, before constructing or using the same, or, in the case of railways already constructed, within such 5 times as the Board directs, shall submit a plan and profile of such portion of railway for the approval of the Board ; and the Board, if it appears to it expedient or necessary for the public safety, may, from time to time, authorize or require the company to which such railway belongs, within such time as the 10 said Board directs, to protect such street or highway by a watchman, or by a watchman and gates, or other protection— or to carry such street or highway either over or under the said railway by means of a bridge or arch, instead of crossing 15 the same at rail level—or to divert such street or highway either temporarily or permanently—or to execute such other works, and take such other measures, as, under the circumstances, of the case, appear to the Board best adapted for removing or diminishing the danger or obstruction arising or little to arise from the position of the railway ; and all the pro- 20 visions of law at any such time applicable to the taking of land by such company, and to its valuation and conveyance to the company, and to the compensation therefore, shall apply to the case of any land required for the proper carrying out of the requirements of the Board under this section. 51 V., c. 25 29, s. 187, Am.

Plans and profiles to be submitted to board.

Gates, etc.

Overhead bridges and subways.

Expropriation sections apply.

Orders respecting railways upon or crossing highways. **231.** The Board may, from time to time, order or give direction respecting any of the works, matters or things in the last preceding six sections mentioned, requiring such works to be constructed, re-constructed, altered and maintained, and 30 such matters and things to be done, in such form and manner, as appears to the Board desirable or necessary, to comply with the requirements of this Act ;

Apportionment of cost. 2. The Board may subject to the provisions of the next following section, apportion the cost, consequent on carrying 35 out such order, and require the same to be borne and paid, in whole or in part, by any company or person interested or affected by such order, as to the Board shall appear just. Sub. for 51 V., c. 29, s. 188.

Existing highways. **232.** In the case of any highway or street, existing at the 40 time the railway was constructed along or across the same, it shall be the duty of the company to construct, re-construct, alter and maintain all works, and do every act, matter or thing requisite to comply with the provisions of this Act contained in sections two hundred and twenty-five to sub-section one of 45 section two hundred and thirty-one inclusive, and, except as in section two hundred and twenty-nine is otherwise provided, the company shall bear the whole cost thereof.

Company to bear cost of works.

Penalties for violation of preceding sections. **233.** Every company who shall erect or maintain any bridge or any approach in violation of sections two hundred and 50 twenty-seven or two hundred and twenty-eight, shall incur a penalty of fifty dollars for each offence, and any company which violates section two hundred and twenty-nine, or fails to comply with any order of the Board made under the provisions of the

last three preceding sections, shall be liable, for each offence, to a penalty of fifty dollars ; provided, however, that the Board may, upon proper cause shown, extend the time within which it has directed any work to be done under the provisions of section two hundred and thirty. Sub. for 51 V., c. 29, s. 189.

**234.** Signboards, stretching over every highway crossed at rail level by any railway, shall be erected and maintained at each crossing, at such height as to leave sixteen feet from the highway to the lower edge of the sign board, and shall have the words " railway crossing " painted on each side of the sign board, in letters at least six inches in length, and, in the Province of Quebec, such words shall be in both the English and the French languages ; and every company which neglects to comply with the requirements of this section shall incur a penalty not exceeding forty dollars 51 V., c. 29, s. 190 Am.

**235.** Whenever that portion of any railway which crosses or is constructed upon or along any turnpike road, street or other public highway at rail level is out of repair, the chief officer of the municipality, or other local division having jurisdiction over such highway, may serve a notice upon the company in the usual manner, requiring the repair to be forthwith made ; and, if the company does not forthwith make the same, such officer may transmit a copy of the notice so served to the Minister ; and thereupon the Minister shall with all possible despatch appoint a day for an examination into the matter ; and shall, by mail, give notice to such chief officer and to the company of the day so fixed. 51 V., c. 29, s. 206.

**236.** Upon the day so named the said portion of the railway shall be examined by the engineer directed by the Minister to make such examination, and any certificate under his hand shall be final on the subject so in dispute between the parties ; and if the inspecting engineer determines that any repairs are required, he shall specify the nature thereof in his certificate, and direct the company to make the same ; and the company shall thereupon, with all possible despatch, comply with the requirements of such certificate. 51 V., c. 29, s. 207.

**237.** In case of default the proper authority in the municipality or other local division within whose jurisdiction the said portion of the railway is situate, may make such repairs, and may recover all costs, expenses and outlays in the premises, by action against the Company in any court of competent jurisdiction, as money paid to the Company's use ; but neither this section, nor any proceeding had thereunder, shall at all affect any liability otherwise attaching to such Company in the premises. 51 V., c. 29, s. 208.

#### FARM CROSSINGS.

**238.** Every company shall make crossings for persons across whose lands the railway is carried, convenient and proper for the crossing of the railway by farmer's implements, carts and other vehicles, loaded or unloaded, and by the horses, cattle or other live stock of such person, provided the same, while

Restrictions upon use. so crossing, are being taken led or driven by some competent person, using all proper and reasonable means and care to avoid danger or interruption to the trains passing over the railway, and damage or injury to such property in his charge. 51 V., c. 29, s. 191, Am.

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## BRIDGES—TUNNELS.

- 239.** Every bridge, tunnel or other erection or structure, over, through or under which any railway, now or hereafter, passes, shall be so constructed, and, if need be, re-constructed, or altered, and shall be so maintained, as to afford, at all times, an open and clear headway of at least seven feet between the top of the highest freight car used on the railway and the lowest beams, members, or portions of that part of such bridge, tunnel, erection or structure, which is directly over the space liable to be traversed by such car in passing thereunder: 15
- Headway respecting bridges and tunnels.
2. If, in any case, it shall be, or become, necessary, in order to comply with the provisions of this section, to raise, re-construct or alter any bridge, tunnel, erection or structure, and the same is not owned by the Company, and the municipality or other owner of the same refuses to consent to such necessary changes, it shall be the duty of the Company to apply to the the Board, and upon notice to all parties interested, the Board shall hear the matter, and may make such order, allowing such raising, re-construction or alteration, upon such terms and conditions as to the Board shall appear just and proper and 25 in the public interest.
- Powers of Board where owners refuse to permit compliances.
3. The Governor in Council, upon the recommendation of the Board, may exempt from the operation of this section any bridge, tunnel, erection or structure, over, through or under which no trains are run, except such as are so equipped with 30 with air brakes, or efficient brakes of such character. as to render it unnecessary that any brakesman should, in the discharge of his duty, go upon the top of such train, while it is in motion ; and the Governor in Council, having granted such exemption, may, at any time, revoke or withdraw the same. 35
- Governor in Council may exempt certain bridges, etc.
4. Every company shall incur a penalty not exceeding fifty dollars for each day of wilful neglect omission or refusal to obey the provisions of this section. 51 V., c. 29, s. 192, Am.
- Penalty.
- 240.** When any Company has power under a special Act to construct, maintain and use a bridge for railway purposes, 40 or for railway and general traffic purposes such power shall be exercised subject to the following provisions :—
- Power to construct bridges subject to following.
- (a.) The company shall not commence the construction of the bridge until it has first submitted to the Governor in Council plans of such bridge, and of all intended works there- 45 unto appertaining, nor until such plans and the site of such bridge have been approved by the Governor in Council, and such conditions as he thinks fit for the public good to impose, touching the said bridge and works have been complied with, nor shall such plans be altered, or any deviation therefrom be 50 allowed, except by the Governor in Council, and upon such conditions as he shall impose.
- Plans.
- (b.) So soon as the said bridge is completed and ready for traffic, all trains and cars of all railways, tramways and electric
- Approval.
- Alterations.

- railways connecting therewith, then constructed or thereafter to be constructed, and also the trains and cars of all companies whose lines connect with the line of any company so connecting with the said bridge and approaches, shall have and be entitled to the same and equal rights and privileges in the passage of the said bridge, so that no discrimination or preference in the passage of the said bridge and approaches, or in the tariff rates for transportation, shall be made in favour of or against any railway tramway, or electric railway whose trains or cars pass over the said bridge.
- (c.) If the said bridge is constructed or arranged for the use of foot passengers and carriages, or either, as well as for railway purposes, then the toll to be charged for the passage of such foot passengers and carriages shall, before being imposed, be first submitted to and approved, and may be amended and modified from time to time, by the Governor in Council; but the company may, at any time, reduce the said tolls; and a notice showing the tolls authorized to be charged shall, at all times be posted up in a conspicuous place on the said bridge.
- (d.) In case of any disagreement as to the rights of any company whose trains or cars cross, or business passes over, the said bridge, or as to traffic rates to be charged in respect thereof, the same shall be determined by the Board.
- (e.) Any issue of bonds, debentures or other securities in respect of the said bridge, may be secured by a mortgage, and such mortgage may contain provisions that all tolls and revenues derived from the use of the said bridge by other corporations or persons shall be specially charged and pledged as security for such bonds, and may also provide that the company pay to the trustees of such mortgage similar rates and tolls to those fixed for the use of the bridge by similar corporations, which rates and tolls shall also be charged as security for such bonds.
- (f.) The bridge shall be commenced within two years and completed within five years from the passing of the special Act, otherwise the powers granted shall cease and be null and void as respects so much of the said bridge as then remains uncompleted. 62-63 V., c. 37, s. 3.
2. The provisions of this section shall be construed to be in addition to, and not in substitution for, or limitation of, any other provisions of this Act applicable to such company.

Equal rights to other railways.

Discrimination prohibited.

Foot passengers, etc., tolls must be approved.

Tolls must be posted.

Powers of Board upon management.

Bond issues, how secured.

Pledge of tolls.

Limit of time for construction.

Provisions to be considered additional.

- 241.** No company shall run its trains on any bridge unless such bridge is constructed and maintained with safeguards approved by the Minister. 51 V., c. 29, s. 193.

Approved safeguards.

#### FENCES—GATES—CATTLE GUARDS.

- 242.** The company shall erect and maintain a good and sufficient fence, of a minimum height of four feet six inches at all points on both sides of the railway, with proper gates at all farm crossings, which shall be at least as high as such fences and of sufficient width and strength for the purposes thereof, and have proper fastenings, and such gates may be either swing, sliding or hurdle gates. The company shall also

Railway fences.

Gates.

- Cattle guards. erect and maintain cattle guards at all highway crossings, suitable and sufficient to prevent cattle and other animals from getting on the railway. A hurdle gate has proper fastenings within the meaning of this section if it is fifteen inches longer than the opening, and is securely supported at each end by two upright and suitable posts. 51 V., c. 29, s. 194 (1 and 2) Am. 5
- Hurdle gates.
- Fences may be dispensed with in certain cases, but company remains liable. 2. The company shall not be required to erect or maintain such fence along any part of the railway so remote from any settlement, highway, or habitation, that cattle, horses, sheep or pigs are not liable to feed, pasture, stray or wander, near the railway at such place, but, notwithstanding this subsection, the company shall be liable for any animal killed or injured to the same extent and in all respects as if this subsection were not in force. 10
- Neglect to maintain fences. 3. If the company omits or neglects to erect or maintain such good and sufficient fence as in subsection one provided, and if, in consequence of such omission or neglect, any such animal gets upon the railway from an adjoining place where, under the circumstances, it might properly be, then the company shall be liable to the owner of every such animal for all damages in respect of it caused by the company's trains, cars or engines, and whether such animal got on the railway at such part thereof as mentioned in subsection two or otherwise. And no animal allowed by law to run at large shall be held to be improperly in a place adjoining the railway merely for the reason that the owner or occupant of such place has not permitted it to be there. 53 V., c. 28, s. 2 Am. 15
- Liability of company. 20
- Animals lawfully at large. 25
- Fencing before operation. **243.** If the land through or by which the railway passes is occupied at the time of the construction of the railway opposite thereto, the company shall make such fences, gates and cattle guards as they lay their rails. 51 V., c. 29, s. 195. 30
- When company's liability ceases. **244.** After such fences, gates and guards have been properly constructed, and while they are duly maintained, no such liability shall accrue for any such damages, unless the same are caused wilfully or negligently by the company or by its employees. 51 V., c. 29, s. 196. 35
- Negligence.
- Fences in vicinities of crossings. **245.** At every public road crossing at rail level of the railway, the fence on both sides of the crossing and on both sides of the track shall be turned in to the cattle guard so as to allow the safe passage of trains. 55-56 V., c. 27, s. 6. 40
- Land owners must close gates at farm crossings. **246.** The persons for whose use farm crossings are furnished shall keep the gates at each side of the railway closed when not in use; and no person, any of whose cattle are killed by any train, owing to the non-observance of this section, shall have any right of action against any company in respect to the same being so killed. 51 V., c. 29, s. 198. 45
- Leaving gates open. **247.** Every person who wilfully leaves any such gate open without some person being at or near it to prevent animals from passing through it on to the railway, or who takes down any part of a railway fence, or turns any horse, cattle or other animal, upon or within the inclosure of such railway, except for the purpose of, and while, taking the same across the rail- 50
- Taking down fences.
- Putting cattle on railways.

way in the manner provided by section two hundred and thirty-eight of this Act, or who without the consent of the company, or except as authorized by the Act rides, leads or drives any horse or other animal, or suffers any 5 such horse or animal to enter, upon such railway and within the fences and guards is liable on summary conviction, to a penalty of twenty dollars for each offence, and is also liable to the railway company for any damage to the property of the company or for which the company is responsible 10 by reason of such gate being so left open, or by reason of such fence being so taken down, or by the turning, riding, leading, driving or suffering to enter, upon or within the inclosure of such railway in violation of this section of any horse, cattle or other animal: and no person, any of whose cattle are killed 15 by any train owing to the non-observance of this section shall have any right of action against any company in respect to the same being so killed. Every person violating the provisions of this section shall in addition to the penalty herein provided be liable to pay any person injured by reason of such 20 violation all damages sustained thereby. 51 V., c. 29, ss. 199 and 272 Am.

Permitting animals to get on railways,

Penalties for so doing.

No recourse against company.

Additional damages.

#### INSPECTION OF RAILWAY BEFORE OPENING.

**248.** No railway or portion of any railway shall be opened for the conveyance of passengers or goods, other than goods belonging to the company, until one month after notice in 25 writing of the intention to open the same is given to the Minister by the company to which the railway belongs, and until ten days after notice in writing is given to the Minister by the company, of the time when the railway, or portion of railway, will be, in the opinion of the company, sufficiently completed for the safe 30 conveyance of passengers, and ready for inspection. 51 V., c. 29, s. 200 Am.

Notice of intention to open railways.

Notice of completion of railway.

**249.** If any railway or portion of railway is open without such notices, the company to which such railway belongs shall forfeit to His Majesty the sum of two hundred dollars for 35 every day during which the same continues open, until the said notices have been duly given and have expired. 51 V., c. 29, s. 201.

Penalty for opening without notice.

**250.** The Minister upon receiving such notification shall direct one or more engineers to examine the railway or por- 40 tion thereof proposed to be opened, including all bridges, culverts, tunnels, road crossings and other works and appliances connected therewith, and also all engines and other rolling stock intended to be used thereon; and if the inspecting engineer reports in writing to the Minister, that, in his opinion, 45 the opening of the same would be attended with danger to the public using the same, by reason of the incompleteness of the works or permanent way, or of the insufficiency of the construction or equipment of such railway or portion thereof, together with the grounds of such opinion, the Minister, with 50 the sanction of the Governor in Council, shall notify the company that he refuses his permission for the opening of such road, and, together with such notice, shall serve upon the

Inspection after notification.

Where opening reported dangerous.

Notice to company.

Service of report.

company, a copy of the report of such engineer or engineers on which such refusal is based. 51 V., c. 29, subs. 202 and 204 Am.

When safe, Minister may authorize opening.

**251.** If thereafter, upon the further inspection and report 5  
by such engineer or engineers, or any other engineer directed  
by the Minister to make an examination of the railway, it  
shall appear to the satisfaction of the Minister that such rail-  
way, or portion thereof, may be opened without danger to the  
public, he shall serve upon, or give to, the company his 10  
written permission for the opening of such railway, or portion  
thereof.

Opening without authority.

**252.** If any railway or portion thereof is opened without  
such permission of the Minister therefor first obtained, the  
company to whom the same belongs, shall forfeit to His 15  
Majesty the sum of two hundred dollars for each day on which  
the same is or continues open without such permission. 51  
V., c. 29, s. 203 Am.

Penalty.

#### INSPECTION OF RAILWAY OUT OF REPAIR—REPAIRS.

Where railway out of repair.

**253.** Whenever the Minister receives information that any  
railway, or any portion thereof, is dangerous to the public using 20  
the same, from want of renewal or repair, or insufficient or  
erroneous construction, or from any other cause, or whenever  
circumstances arise which, in his opinion, render it expedient,  
he may direct one or more engineers to examine the railway,  
or any portion thereof, including the rolling stock, road-bed, 25  
tracks, bridges, tunnels, viaducts, culverts or other works or  
structures thereof, or appliances used thereon; and upon the  
report of the inspecting engineer may, by written order,  
require any repairs, renewal, reconstruction, alteration or new  
work and materials to be made, done, or furnished by the 30  
company upon, in addition to, or substitution for, any portion  
of the railway, including as aforesaid, which may, from such  
report, appear to him necessary or proper, and may order that  
until such repairs, renewals, reconstruction, alteration, and  
work and materials are made, done and furnished to his satis- 35  
faction, no such portion of the railway, including as aforesaid  
in respect of which such order is made to apply, shall be  
used, or used otherwise than subject to such restrictions, con-  
ditions and terms as the Minister may in such order impose.  
And the Minister may by such order, condemn, and thereby 40  
forbid further use of, any engine or rolling stock which, from  
such report, he may consider unfit to repair or use further.  
If such order forbids or limits the running of trains over any  
part of the railway, it shall be made only with the approval  
of the Governor in Council first obtained, which approval may 45  
be given *ex parte*, or upon notice and hearing. In all other  
cases such order may be made either with or without such  
approval first obtained. When any such order is made with-  
out such approval being first obtained upon notice and  
hearing, the company may apply to the Governor in Council 50  
to vary or rescind the same, but, until so varied or rescinded,  
such order shall have full force and effect, and the company  
and all persons shall be bound under the penalties hereinafter

Inspection.

Minister may order repairs, etc.

May enjoin use of portions of railways pending repairs.

Or of equipment.

Order of Minister enjoining operation of railways must be approved.

But hold good though not approved until rescinded.

- provided, to obey the same. If, after notice of any such order made by the Minister, the company shall use any engine or rolling stock as such, after the same has been so condemned by the Minister, or shall disobey or fail to comply with any order of the Minister made under this section, the company shall, for each act of disobedience, forfeit to His Majesty the sum of two thousand dollars; and any person wilfully and knowingly aiding or abetting any such violation, shall be guilty of an offence, and on conviction thereof shall be liable to a penalty of not less than twenty, nor more than two hundred dollars—subject, however, to the provision as to such penalty, that no prosecution therefor shall be instituted without the authority of the Minister first obtained. Sub. 51 V., c. 29, s. 205. Am.
- Penalty for non-compliance.
- Aiding and abetting.
- Prosecution must be authorized.
- 15 **254.** If in the opinion of any inspecting engineer, it is dangerous for trains or vehicles to pass over any railway, or any portion thereof until alterations, substitutions or repairs are made thereon, or that any particular car, rolling stock or locomotive should be run or used, the said engineer may, by notice, forthwith, either forbid the running of any train or vehicle over such railway or portion of railway, or require that the same be run only at such times, under such conditions, and with such precautions, as he, by notice specifies, and he may forbid the running or using of any such car, rolling stock or locomotive, by delivering or causing to be delivered to the president, managing director, or secretary or superintendent of the company owning, running or using such railway, or to any officer having the management or control of the running of trains on such railway, a notice in writing to that effect, with his reasons therefor, in which he shall distinctly point out the defects or the nature of the danger to be apprehended; and for every act of non-compliance therewith such company shall forfeit to His Majesty the sum of two thousand dollars. 51 V., c. 29, s. 210. Am.
- Inspecting engineer may in case of danger issue prohibitions.
- Procedure.
- Reasons and defects must be stated.
- Penalty.
- 35 **255.** The inspecting engineer shall forthwith report the same to the Minister who, with the sanction of the Governor in Council, may either confirm, modify or disallow the act or order of such engineer; and notice of such confirmation, modification or disallowance, shall be duly given to the company affected thereby. 51 V., c. 29, s. 211.
- Report of inspecting engineer.
- Action thereon.
- Notice.

PROOFS OF PROCEEDINGS AT MEETINGS—NOTICES.

- 256.** Copies of the minutes of proceedings and resolutions of the shareholders of the company, at any annual or special meeting, and of the minutes of proceedings and resolutions of the directors, at their meetings, extracted from the minute book, kept by the secretary of the company, and by him certified to be true copies extracted from such minute books, shall be evidence of such proceedings and resolutions in any court. 51 V., c. 29, s. 212.
- Certified copies of minutes, etc.
- Evidence.
- 50 **257.** All notices given by the secretary of the company by order of the directors shall be deemed notices by the directors of the company. 51 V., c. 29, s. 213.
- Notices by secretary valid.

## BY-LAWS, RULES AND REGULATIONS.

Company's by-laws respecting —	<b>258.</b> The company may, subject to the provisions and restrictions in this and in the special Act contained, make by-laws, rules or regulations for the following purposes, that is to say :—	5
Speed.	(a.) For regulating the mode by which, and the speed at which, any rolling stock using the railway is to be moved ;	
Timetables.	(b.) For regulating the hours of the arrival and departure of any trains ;	10
Loads.	(c.) For regulating the loading or unloading of such cars, and the weights which they are respectively to carry ;	
Freight regulations.	(d.) For regulating the receipt and delivery of goods and other things which are to be conveyed upon such cars.	15
Nuisances.	(e.) For preventing the smoking of tobacco, and the commission of any nuisance in or upon such cars, or in any of the stations or premises occupied by the company ;	
Traffic and operation.	(f.) For regulating the travelling upon, or the using or working of, the railway ;	20
Conduct.	(g.) For regulating the conduct of the officers, servants and employees of the company ; and—	
Management.	(h.) For providing for the due management of the affairs of the company. 51 V., c. 29, s. 214, Am.	
Penalty for violation of by-laws.	<b>259.</b> The company may, for the better enforcing the observance of any such by-law, rule or regulation, thereby prescribe a penalty not exceeding forty dollars for any violation thereof. 51 V., c. 29, s. 215.	25
Essentials to validity of by-law.	<b>260.</b> All by-laws, rules and regulations of the company shall be reduced to writing, be signed by the chairman or person presiding at the meeting at which they are adopted, have affixed thereto the common seal of the company, and be kept in the office of the company. 51 V., c. 29, s. 216.	30
Must be approved by Governor in Council.	<b>261.</b> All such by-laws, rules and regulations shall be submitted to the Governor in Council for approval. The Governor in Council, having first obtained the report of the Board thereon, may sanction them or any of them, or any part thereof, and may, from time to time, rescind the sanction of any such by-law, rule or regulation, or of any part thereof. Except when so sanctioned no by-law, rule or regulation shall have any force or effect. 63-64 V., c. 23, s. 9, Am.	35
Board to report.		40
Publication of by-laws, etc.	<b>262.</b> A printed copy of so much of any by-law, rule or regulation, as affects any person, other than the shareholders, or the officers, servants or employees of the company, shall be openly affixed, and kept affixed, to a conspicuous part of every station belonging to the company, and so as to give public notice thereof to the persons interested therein or affected thereby ; and in the Province of Quebec, such notice shall be published both in the English and French languages. 51 V., c. 29, s. 218.	45
Publication of by-laws, etc., affecting employees.	<b>263.</b> A printed copy of so much of any by-law, rule or regulation as relates to the conduct of or affects the officers,	50

servants or employees of the company, shall be given to every officer, servant and employee of the company thereby affected; and in the Province of Quebec the same shall be published both in the English and French languages. 51 V., c. 29, s. 219.

- 5 **264.** Such by-laws, rules and regulations when so approved shall be binding upon, and observed by, all persons, and shall be sufficient to justify all persons acting thereunder. 51 V., c. 29, s. 220. By-laws, etc., binding when approved.
- 10 **265.** If the violation or non-observance of any such by-law, rule or regulation, is attended with danger or annoyance to the public, or hindrance to the company in the lawful use of the railway, the company may summarily interfere to obviate or remove such danger, annoyance or hindrance, and without prejudice to any penalty incurred by the violation of such Summary interference in certain cases.
- 15 by-law, rule or regulation. 51 V., c. 29, s. 221.
- 266.** A copy of any by-law, rule or regulation, certified as correct by the president or secretary of the company shall be evidence thereof in any court. 51 V., c. 29, s. 222. Evidence.

## TOLLS.

- 20 **267.** Subject to the provisions and restrictions in this and the special Act contained, the company may, by by-laws or the directors, if thereunto authorized by the by-laws, may, from time to time, fix and regulate the tolls to be demanded and taken for all passengers and goods transported upon the railway, or in steam vessels belonging to the company, and Regulation of tolls.
- 25 the persons to whom, the place where, and the manner in which such tolls shall be paid. 51 V., c. 29, s.s. 223 and 231.
- 268.** Such tolls may be fixed either for the whole or for any particular portions of the railway; but all such tolls shall always, under substantially similar circumstances and conditions be charged equally to all persons, and at the same rate, whether per ton, per mile or otherwise, in respect of all passengers and goods and cars of the same description and conveyed or propelled by a like car or engine, passing only over the same portion of the line of railway; and no reduction or Discrimination prohibited.
- 30 advance in any such tolls shall be made, either directly or indirectly, in favour of or against any particular company or person travelling upon or using the railway. 51 V., c. 29, s. 224. Am.
- 40 **269.** The tolls fixed for large quantities or long distances may be proportionately less than the tolls fixed for small quantities or short distances, if such tolls are, under substantially similar circumstances charged equally to all persons; but in respect of quantity no special toll or rate shall be given or fixed for any quantity less than one car of at least the Proportionate decrease in tolls in certain cases.
- 45 minimum weight approved by the board under section two hundred and seventy-one. 51 V., c. 29, s. 225. Am. No special rate for less than carload.
- 270.** In fixing or regulating the tolls or rates to be demanded and taken for goods, that classification shall be adopted Freight classification.

Uniformity.	and conformed to which the Board may, from time to time, prescribe or authorize. The Board shall aim to have such classification uniform throughout Canada, as far as may be without undue prejudice to any company, person, or the interests of the public. The company may, from time to time, 5
Change of classification.	with the approval of the Board, and shall, when so directed by the Board, place any goods, specified by the Board, in any stated class, or remove them from any one class to any other higher or lower specified class. The Board, upon the applica- 10
"Commodity class."	time, as to any company or companies, and the tolls or rates to be taken by such company or companies, authorize or require any goods to be put or classed in a special class, to be known as "commodity class," instead of in the ordinary class.
Minimum weights for carload.	<b>271.</b> All minimum weights for car-loads shall, before going 15 into force, be submitted to and approved by the Board ; and no change therein shall be made without the approval of the Board ; and the Board may, in any case, or by general regula- tion, fix minimum weights for car-loads, and may, from time 20 to time, regulate, revise, amend or alter any such minimum weights, whether the same were, in the first instance, fixed by the company or were fixed or approved by the Board.
No tolls to be levied until tariff approved.	<b>272.</b> Except as in this Act otherwise provided, no tolls shall be levied or taken, until a tariff of such tolls, and the by-law fixing or authorizing the same, has been submitted to and 25 approved by the Board. Such tariff shall be in such form, and give such information, particulars and details, as the
Form of tariff.	Board may require, and shall show fully and exactly the classification on which the same is based, and such classification shall be submitted to the Board together with such tariff. 30
Ordinary traffic.	As to all goods not in the commodity class, the tariff shall fix and specify, clearly and definitely, a single toll to be taken for each class to and from each point on the company's line at which such goods are taken or delivered. As to all goods in the commodity class, the tariff submitted for approval, shall 35
Commodity traffic.	fix both a maximum toll, and a minimum toll to and from each point to which such commodity class applies or extends. The Board may approve such tariff, in whole or in part, and 40
Board may approve tariff and may revise, etc.	upon application of the company or of any persons interested, or of its own motion, may revise, regulate, alter or amend such tariff, from time to time, and change goods from the ordinary 45
Change of class.	to the commodity class, or from the commodity to the ordinary class, and may alter the maximum and minimum tolls, or either of them, in the commodity class, or increase or lower 50
Alteration of tolls.	any tolls in the ordinary class. The Board may approve or require that specified goods shall be classed in the commodity 55
Classification may apply to stated points only.	class for certain localities, routes, destinations or purposes only, and shall for all other localities, routes, destinations or purposes be classed in the ordinary class. Before any tariff is approved, the Board shall cause to be published, in at least 50 two consecutive weekly issues of the <i>Canada Gazette</i> , notice of the time and place at which the Board will hear all objec- 55
Notice of application for approval.	tions to such tariff, or to the approval thereof ; and when the company applies for such approval they shall, before such publication, deposit in the office of the secretary of the Board

- a copy of such tariff, and such published notice shall state that the tariff referred to in such notice is open to inspection at such office. Before any amendment is made in any approved tariff, the Board shall require like published notice of hearing
- 5 to be given, stating therein, with such detail as the Board may require, the nature and extent of the proposed changes, unless from urgency, or the trivial nature of the proposed changes, or other reason, the Board may allow notice, or such notice as aforesaid, to be dispensed with. No tariff or amendment
- 10 thereto shall be in force until the same is approved by the Board; and the Board may rescind any tariff, or portion, or amendment thereof, and fix a date at which such tariff, or portion, or amendment thereof, shall cease to be in force. And upon such previous notice to the company as the Board
- 15 may in any case deem reasonable, and as the circumstances may admit of, such tariff, or portion, or amendment thereof, shall cease to be in force accordingly. Upon approval of any tariff or amendment thereof, notice shall forthwith be given in the *Canada Gazette* of such approval, and such notice shall
- 20 state the date on which such approved or amended tariff shall go into force, and give such particulars as to such amended tariff as the Board may deem reasonable or require.
2. A copy of the tariff, and of any amendment thereto, as approved and in force at the time, shall be kept at each station
- 25 of the company where goods or passengers are received or delivered, and shall be open, at all times, to the inspection of any person interested.
3. The Company shall, as to all goods in the commodity class, prepare a working tariff, and may, from time to time,
- 30 prepare amendments thereof, showing clearly, definitely, and in detail, the actual tolls to be taken in respect of such goods; and shall, before any such toll is levied or taken, file such working tariff and amendments in the office of the Secretary of the Board; and such working tariff, and any amendment
- 35 thereof, shall be prepared in such form and with such particulars and details as the Board may, from time to time, require; and such working tariff, and any amendment thereof, shall come into force at any time therein specified, provided that such working tariff and amendments are, at the time so
- 40 specified, on file in the office of the said Secretary, and shall continue in force from time to time, as amended by the Company by amendments filed as aforesaid, or until rescinded by the Board. The Board may at any time, on notice to the
- 45 Company, regulate, revise, amend or alter such working tariff; and the company shall, before receiving any goods for carriage thereunder, deposit a copy of the working tariff then in force in all stations where such goods are received for transport, and such copies shall be kept there, open at all
- 50 times to the inspection of any person interested; and the Company shall, as soon as possible, deposit, and keep on deposit in each station where, such goods are delivered, a like copy which shall at all times be open to the inspection of any person interested.
- 55 **273.** In all cases, a fraction of a mile in the distance over which goods or passengers are transported on the railway shall be considered as a whole mile; and for a fraction of a

Notice of application for amendment.

Board may dispense with, in certain cases.

Rescission of tariffs by board.

Notice of approval of tariff.

Public inspection of tariffs at stations.

Commodity traffic.

Working tariff to be filed.

Form of working tariff.

When tariff shall come into force.

Board may revise.

Public inspection of working tariffs at receipt and delivery stations.

Fraction of mile considered one mile.

Fraction of a quarter of ton considered whole quarter.	ton in the weight of any goods, a proportion of the tolls shall be demanded and taken, according to the number of quarters of a ton contained therein, and, in estimating such number of quarter tons, the fraction, if any, of a quarter of a ton shall be deemed and considered a whole quarter of a ton. 51 V., c. 5 29, s. 229 Am.	
Freight classification to be posted in all places where tolls collected.	<p><b>274.</b> The Company shall, from time to time, cause to be printed and posted up in its offices, and in every place where the tolls are to be collected in some conspicuous position a printed board or paper exhibiting the classification of goods at the time in force, in such form and with such detail as the Board may, by regulation, from time to time, prescribe. And the Board may, by regulation from time to time, require the Company to print and post up in like manner and place the rates or tolls, approved, authorized or allowed to be taken, or any of them, in such form and with such detail, as the Board may require; and for any violation of this section, or of any regulation of the Board made thereunder, the Company shall be liable to a penalty not exceeding fifty dollars. 51 V., c. 29, s. 230 Am.</p>	10 15 20
Posting of tolls when required.		
Penalty for violation.		
Unjust discrimination prohibited.	<p><b>275.</b> No company, in fixing any toll or rate, shall make any unjust discrimination between different localities. The Board shall not approve or allow any tariff fixing any toll or rate, nor shall any company levy or take any toll or rate, which for passengers or for the like description of goods, carried under substantially similar circumstances and conditions in the same direction, is greater for a shorter than for a longer distance, the shorter being included in such longer distance, unless the Board is satisfied that, owing to competition, it is in the general interest to allow such toll or rate. And upon the application of any company, and on being satisfied that it is in the general interest so to do the Board may by regulation declare that any specified cities, towns, districts or places in Canada are competitive points within the meaning of this Act, and may from time to time, rescind or alter such regulation; and the company may make a tariff, herein termed the "special tariff," of tolls or through rates to any such declared competitive point, and may amend the same from time to time as necessary, and thereby specify in detail and fix such tolls or rates to such competitive point at any figure necessary to meet competition less than that provided in the ordinary tariff. And upon and after filing such special tariff in the office of the secretary of the Board, the company may levy or take the toll or rate specified and provided therein, and upon and after so filing any amendment thereof may levy and take the toll or rate specified in such special tariff as last amended by such amendment so filed; and such special tariff and amendments shall be in such form and contain such particulars and detail as the Board may by general regulation or in any case require. The Board may, at any time, disallow such special tariff or amendment thereof, or may, at any time, and from time to time, regulate, revise, amend or alter the same, and upon notice to the company, the company shall, in case the tariff is disallowed, levy and take thereafter and until a new special tariff is filed with the Secretary of the Board, only the tolls or rates to such</p>	25 30 35 40 45 50 55
Long and short haul.		
Board may fix competitive points.		
Special tariffs allowed between competitive points.		
Filing of special tariff.		
Amendments thereto.		
Disallowance of special tariff by board.		
Effect of disallowance.		

competitive points provided by and under the ordinary tariff, including the working tariff in the case of goods in the commodity class, or, in the event of said tariff being amended by the Board, shall levy or take only the tolls or rates to such point as authorized by such amendment unless and until a further amendment is filed with the Secretary. And the company shall, without delay, place in each station where goods are received for such competitive point, and at such point, a copy of such special tariff and all amendments thereto, at the time in force which shall be kept there while in force and for sixty days thereafter, and be open at all times to the inspection of any person interested. The questions whether or not in any case goods are carried under substantially similar circumstances and conditions, and whether there has, in any case, been unjust discrimination by the company within the meaning of this Act, shall be deemed questions of fact, and shall be determinable by the board.

Effect of amendment by Board.

Public inspection of special tariffs at receiving stations.

Certain questions deemed questions of fact determinable by Board.

2. Whenever any "special tariff" has been mailed by the company, at the point of shipment, by registered letter addressed to the secretary of the board at Ottawa, it shall, for the purposes of this section, be deemed and taken to be filed in the office of such secretary from the time of such mailing.

Mailing deemed equivalent to filing.

3. Provided always however that when any "special tariff", or amendment thereof, is filed with the Secretary of the Board under this section, the Board may order that such special tariff or amendment, or the same as amended by the Board shall, as to the whole or any specified part thereof, continue in force, and shall not be amended by the company, until changed by and with the approval of the Board first obtained. And provided further, that no toll fixed by any special tariff, or amendment thereof, shall be increased, unless the amendment by which such increase is proposed to be made is first approved by the Board.

Board may enjoin amendment of special tariff.

Special tariff may not be increased without approval.

**276.** No toll, through rate or charge shall, directly or indirectly, be levied or taken by the company beyond or in excess of the toll, rate or charge approved or sanctioned by the Board, or other than is authorized or provided by this Act; and in respect of any goods classed in the ordinary class, no greater, or less, or other toll, shall be levied or taken by the company, than the toll authorized and provided by the tariff and amendments thereof, if any, at the time in force; and in respect of such goods in the commodity class, no toll or through rate shall, directly or indirectly, be taken above the maximum or below the minimum toll authorized and provided by the tariff and amendments thereof, if any, at the time in force, or greater, or less, or other than the toll or rate specified and provided in the working tariff then in force and on file in the office of the secretary of the Board. For each violation of this section or for any failure to comply with any provisions of the last preceding section, the company shall be liable to a penalty of not more than two hundred dollars nor less than fifty dollars for each offence; and shall also be liable at the suit of any person injured to three times the damages proved to have been suffered by the plaintiff.

Company shall not levy tolls in excess of these authorized.

Ordinary traffic; no other toll than authorized.

Commodity traffic; no toll outside authorized maximum and minimum.

Or other than specified in working tariff.

Penalties.

Treble damages.

Decisions in anticipation in certain cases.

**277.** The Board may, not only determine what are, but by regulation may declare what shall be deemed to be, substantially similar circumstances and conditions, or unjust discrimination, or undue preference, within the meaning of this Act; and every such regulation shall have the force of law; and every Company having notice thereof shall be bound thereby as if such regulation were expressly enacted by this Act: but the Board may, at any time amend or rescind such regulation. 5

Traffic from Canada through a foreign country into Canada.

**278.** No goods or passengers shall be carried from a point in Canada into a foreign country and thence again into Canada 10 by any continuous carriage or shipment, either under any arrangement or agreement expressed or implied between a Canadian company or companies and foreign company or companies, or, where the whole route, including the foreign portion thereof, is under the control, in respect of such carriage, of any 15

Must be at through rate approve by Board.

company or companies within the legislative authority of the Parliament of Canada, except under a through rate, and unless and until a tariff specifying such through rate has been first submitted to and approved by the Board; and such tariff shall be in such form, and contain such particulars and details, as 20

Form of tariff.

the Board may require, and shall show the proportion of such through rate which each company, whether Canadian or foreign, receives, and the Board may, at any time, rescind such tariff, and, if the whole route is under control in respect of such carriage, of a company or companies subject to the legislative 25 authority of the Parliament of Canada, the Board may, from time to time, regulate, revise, amend or alter such tariff. A copy of every such tariff shall at all times while it is in force, be kept at each station or point in Canada where the traffic is received for carriage, and also at the last station or point in 30

Board may rescind tariff, and, in some cases, revise it.

Public inspection of tariff at certain stations.

Canada to which it is so carried, which copy shall at all times be open to the inspection of any person interested. Any company within the jurisdiction of the Parliament of Canada, violating any provision of this section, shall, for each offence, be subject to a penalty not to exceed two hundred dollars, and 35

Penalty.

Damages.

shall also be answerable in damages for any loss, injury or prejudice suffered by any person in consequence of such failure to comply with the provisions of this section; and any goods carried from Canada through a foreign country into Canada, in violation of this section, shall, before being admitted into 40

Duties collectable on freight carried in violation.

Canada, be subject to customs duties as if such goods were of foreign production and coming into Canada for the first time, and, in case such goods are of a kind which would not otherwise be subject to customs duties hereunder, shall be subject to a customs duty of thirty per centum of the value thereof; 45

What constitutes "continuous carriage."

and any law to the contrary is hereby repealed or amended in so far as is necessary to give effect to this section. No break of bulk, stoppage or interruption in transit, unless made in good faith, for some necessary purpose, and without any intent to evade this section, and no change of cars, of time schedule, 50 or other means or device, made or resorted to with the intent to evade this section, shall have effect to prevent the carriage of goods from being continuous within the meaning of this Act; and the Board may inquire into and determine in any case, whether this section has been violated. 55

279. In case any goods or passengers are carried from any point in Canada to any point in a foreign country, the board may, from time to time, fix and determine the rate or charge which shall be made for or in respect of so much of the carriage of such goods or passengers as occurs in Canada; and no such goods or passengers shall be so carried under any through rate, unless and until a tariff of such through rate has been submitted to and approved by the Board, and the Board may at any time cancel such approval. Such tariff shall be in such form, and give such particulars and details as the Board may require; and the Board shall be informed of the proportion of the through rate received by the Canadian company or companies for so much of the carriage of such goods or passengers as occurs in Canada. A copy of such tariff shall, at all times while it is in force, be kept at each station or point in Canada where such goods or passengers are received thereunder, and shall be at all times open to the inspection of any person interested.
280. No goods or passengers shall be carried from a point in a foreign country to a point in Canada, at a through rate, under any contract or agreement, express or implied, to which any company under the legislative authority of the Parliament of Canada is a party unless and until the tariff of such through rate has been submitted to and approved by the Board; and the Board may, at any time, rescind such approval. Such tariff may be for class or commodity, and shall be in such form, and give such particulars and detail as the board may require; and a copy thereof shall, at all times, while it is in force, be kept at each station or point in Canada to which such tariff extends, and shall there be open to the inspection of any person interested; provided, however, that when any such tariff of through rates has been and continues so approved by the board, the companies who are parties to such approved tariff may agree upon and adopt an amended tariff of such through rates between any points and in respect of any passengers or goods covered by such approved tariff, and may fix thereby any through rate which is not in any case greater than that for the like passengers and goods between the same points fixed by such approved tariff, and shall forthwith file such amendments in the office of the secretary of the Board, in such form and with such information, particulars and details as the board may require, and may, from time to time, in like manner make further like amendments decreasing the through rate on any goods or passengers or increasing the same to any point short of exceeding the rate fixed by such approved tariff; and, unless and until, and except in so far as the same is disallowed by the Board, the through rates provided by such tariff as last amended by amendment filed with the Board as aforesaid, and no other through rates shall be the rates to be levied and taken. Provided further, however, that no goods or passengers shall be carried in Canada on any through rate under any such amended tariff, unless and until a copy of such amended tariff is deposited and kept in each station or point in Canada covered by such amended tariff and is there open to the inspection of any person interested. The Board
- Traffic from Canada to foreign countries.
- Through rates must be approved.
- Form of tariff.
- Proportion of receipts for Canadian carriage.
- Public inspection of tariff at certain stations.
- Traffic from foreign countries into Canada.
- Through rates must be approved.
- Form of tariff.
- Public inspection at certain stations.
- Amendments may be made in tariff not exceeding maximum approved.
- Form of amendments.
- Further amendments.
- Public inspection of amendments at certain stations.

Detrimental rates.	shall not allow any through rate hereunder, which in the opinion of the board is detrimental to the interests of Canada.	
Contracts restrictive of carrier's liability.	<p><b>281.</b> Except in so far as is otherwise expressly provided in any case by this act, or by the special act, no contract, by-law, regulation or notice, made or given by the company, whereby it is sought to lessen, impair or restrict its liability as a common carrier, shall have such effect, unless, before the making or giving thereof, permission shall have been given by the Board for the making and form of such contract or notice, or unless the Board has approved such by-law or regulation; and except in so far as so authorized by the Board, no provision in any such contract, notice, by-law or regulation whereby the liability of the company as a common carrier is expressed to be limited, or is sought to be limited, lessened or impaired, shall have any force or effect. The Board may at any time on notice to the company rescind or withdraw such approval or permission.</p>	5
Approval of Board requisite.		10
Withdrawal of approval.		15
Enforcing payment of tolls.	<p><b>282.</b> In case of denial or neglect of payment on demand of any lawful tolls, or any part thereof, the same shall be recoverable in any court of competent jurisdiction; or the agents or servants of the company may seize the goods for or in respect whereof such tolls are payable and may detain the same until payment thereof, and in the meantime the said goods shall be at the risk of the owners thereof. 51 V., c. 29, s. 234.</p>	20
Detention of goods.		25
Owner's risk.		
Sale of goods to recover tolls.	<p><b>283.</b> If the tolls are not paid within six weeks the company may sell the whole or any part of such goods and out of the money arising from such sale retain the tolls payable and all reasonable charges and expenses of such seizure, detention and sale, and shall deliver the surplus, if any, or such of the goods as remain unsold, to the person entitled thereto. 51 V., c. 29, s. 235.</p>	30
Unclaimed goods.		35
Sale upon certain conditions.	<p><b>284.</b> If any goods remain in the possession of the company unclaimed for the space of twelve months, the company may thereafter and on giving public notice thereof by advertisement for six weeks in the <i>Official Gazette</i> of the province in which such goods are, and in such other newspapers as it deems necessary, sell such goods by public auction, at a time and place which shall be mentioned in such advertisement, and, out of the proceeds thereof, pay such tolls and all reasonable charges for storing, advertising and selling such goods; and the balance of the proceeds, if any, shall be kept by the company for a further period of three months, to be paid over to any person entitled thereto. 51 V., c. 29, s. 236.</p>	40
Application of proceeds.		45
Unclaimed balance of proceeds payable to Receiver General.	<p><b>285.</b> In default of such balance being claimed before the expiration of the period last aforesaid, the same shall be paid over to the Minister of Finance and Receiver General for the public uses of Canada, until claimed by the person entitled thereto. 51 V., c. 29, s. 237.</p>	45

## TRAFFIC ARRANGEMENTS.

286. The directors of any company may, at any time, make and enter into any agreement or arrangement with any other company, either in Canada or elsewhere, for the regulation and interchange of traffic passing to and from the company's railways, and for the working of the traffic over the said railways respectively, or for either of those objects separately, and for the division and apportionment of tolls, rates and charges in respect of such traffic and generally in relation to the management and working of the railways, or any of them, or any part thereof, and of any railway or railways in connection therewith for any term not exceeding twenty-one years, and to provide either by proxy or otherwise, for the appointment of a joint committee for the better carrying into effect any such agreement or arrangement with such powers and functions as are considered necessary or expedient,—subject to the consent of two thirds of the stockholders voting in person or by proxy, and also to the approval of the Governor in Council upon recommendation of the Board. 51 V., c. 29, s. 238 Am.
2. Neither the making, after the passage of this Act, of any such arrangement or agreement, nor anything therein contained, nor any approval or sanction thereof by the Board, shall restrict limit or affect any power the Board would, if no such arrangement or agreement were made, have possessed to regulate vary or control any rate toll, or charge. And no such arrangement or agreement or approval or sanction thereof shall be held to warrant justify or excuse any undue preference or unjust discrimination. In respect of any such arrangement or agreement made before the passage of this Act under and pursuant to the provisions of the Railway Act, nothing in any such arrangement or agreement contained, nor any approval or sanction thereof by the Governor in Council, shall restrict limit or affect any power the Board would, if no such arrangement or agreement were made, have possessed to regulate vary or control any rate, toll or charge, except that when any company not within the jurisdiction of the Parliament of Canada is a party to such arrangement or agreement so made and approved, such power of the Board shall, in respect to rates, tolls or charges provided for or covered by such arrangement or agreement, be limited or affected in like manner and to the same extent as similar powers of the Governor in Council were limited or affected by such agreement and not further or otherwise; but nothing herein shall be construed as a declaration that any powers of the Governor in Council were so limited.
287. Before such approval is given, notice of the application therefor shall be published in the *Canada Gazette* for at least two months previously to the time therein named for the making of such application; and such notice shall state a time when the application is to be made, and that all persons interested may then and there appear and be heard on such application. 51 V., c. 29, s. 239.
288. Every company shall according to its powers, afford all reasonable facilities to any other railway company for the receiving and forwarding and delivery of traffic upon and from
- Arrangements for interchange of traffic.
- Tolls.
- Limit of term.
- Confirmation by grds vote.
- Approval of Governor in Council.
- Arrangements not to affect powers of Board respecting tolls.
- Nor provisions respecting undue preference.
- Traffic arrangements made before the passing of this Act.
- Notice of application to Governor in Council.
- Forwarding facilities to be mutually afforded.

the several railways belonging to or worked by such companies respectively and for the return of cars and other rolling stock and shall furnish like facilities to every other carrier of passengers or goods by land or by water, and such reasonable facilities shall include the due and reasonable receiving by every company of through traffic at the request of any carrier thereof, or of any company or person interested therein, at any station, wharf or place where the company accepts or delivers traffic, or at which it is reasonable it should accept or deliver traffic, and the due and reasonable forwarding and delivering of such traffic to the point of destination at a through rate, or toll over its own line of railway, and any other railway line with which it has immediate connection, but only when the company is reasonably able to fix such rate; and no such company shall make or give any undue or unreasonable preference or advantage to or in favor of any particular person or company, or any particular description of traffic in any respect whatsoever,—nor shall any such company subject any particular person or company or any particular description of traffic to any undue or unreasonable prejudice or disadvantage in any respect whatsoever; and every company which has or works a railway forming part of a continuous line of railway with, or which intersects, any other railway, or which has any terminus, station or wharf near to any terminus, station or wharf of any other railway, shall afford all due and reasonable facilities for receiving and forwarding by its railway all the traffic arriving by such other railway without any unreasonable delay, and without any such preference or advantage or prejudice or disadvantage as aforesaid, and so that no obstruction is offered to the public desirous of using such railways as a continuous line of communication, and so that all reasonable accommodation, by means of the railways of the several companies, is, at all times, afforded to the public in that behalf; and any agreement made between any two or more companies contrary to this section shall be unlawful and null and void. 51 V., c. 29, s. 240, am. by 61 V., c. 22, s. 1, and 1 Ed. VII, c. 32.

Through traffic.

Undue preferences and advantages prohibited.

No unreasonable disadvantage.

Agreements in violation void.

Tariff of through rates between Canadian companies.

Approval by Board.

Board may grant and fix through rate should companies refuse.

Apportionment of through rate.

**289.** Two or more Canadian companies may agree upon a tariff of through rates, and shall submit such tariff to the Board for approval; and the Board may approve the whole, or any part thereof and may at any time upon the application of any person interested or of its own motion regulate revise amend alter or rescind the same and such tariff shall be in such form and give such particulars and details as the Board may require.

2. If the company fail to give a satisfactory through rate to any other company or to any person requiring traffic to be forwarded, or if such companies, and any person interested in obtaining such through rate, fail to agree as to such rate, or as to the route, or if such companies fail to agree among themselves as to the apportionment of such rate, or as to the route, the Board, on the application of any company or person interested, may hear and determine the matter, and may determine the route, and fix and grant such through rate, and apportion the same among the companies as may seem to the Board just and reasonable.

3. If the rate and route be agreed on, and the only failure to agree is as to the apportionment of the rate, the rate shall

come into force at once, and the decision of the Board as to the apportionment thereof shall in such case be retrospective.

4. In determining whether any and what through rate should in any case be granted, or any question of route, the board shall consider whether the granting of the rate is a due and reasonable facility in the interest of the public, and is just to the companies interested; and whether, having regard to the circumstances, the route proposed is a reasonable one, and in apportioning the through rate, shall take into consideration all the circumstances of the case, including any special expenses incurred in respect of the construction, maintenance or working of the route, or any part of the route, as well as any special charges which any company may have been entitled to make in respect thereof.
5. The Board shall not in any case compel the company to accept lower mileage rates than the mileage rates which such company may, for the time being, legally be charging for like traffic, carried by a like mode of transit, on any other line of communication between the same points being the points of arrival and departure of the through route, provided such last mentioned rates are, in the opinion of the Board, just and reasonable.
6. When any company use, maintain or work, or are party to an arrangement for using, maintaining or working steam vessels, for the purpose of carrying on communication between any towns or ports, the provisions of this section shall apply to such steam vessels, and the traffic carried thereby, and the provisions of this section shall apply to traffic by sea in any vessel belonging to, or chartered or worked by, any railway company, or in which any railway company procures merchandise to be carried, in the same manner and to the like extent, as they apply to the land traffic of the railway company.
7. If it shall appear to the Board that any company or person interested in the forwarding of such traffic, refused or neglected, without reason, to agree to any proposed through rate, or to the route, or to the apportionment, the Board, in any order made by them, may order the company, or persons so refusing or neglecting, to pay such costs to the other parties to the hearing, or any of them as the Board may think fit.
8. When any through rate is agreed on fixed or given, under the provisions of this section, a tariff thereof shall, before the goods or passengers are forwarded thereunder, be deposited in the station where such goods or passengers are received for transport, and be kept there open to the inspection of any persons interested, and a copy thereof shall, as soon as possible, except in any case where such through rate has been fixed by the Board, be forwarded to the Board for its approval.
290. Subject to the provisions in the last preceding section contained, the Board shall have full power to decide that any proposed through rate is just and reasonable, notwithstanding that a less amount may be allotted to any forwarding company out of such through rate than the toll such company would otherwise be entitled to charge, and to allow and apportion such through rate accordingly.

What Board shall consider in granting through rates.

And what in apportioning such rate.

Minimum mileage rates under certain circumstances.

Section applies to steam vessels operated by company.

And to traffic by sea.

Costs against company upon unreasonable refusal.

Public inspection of through tariff at receiving stations.

Tariff to be sent to Board for approval.

Power of Board to decide whether rate just, not affected by certain facts.

Burden of proof respecting unjust discrimination, etc., is upon the company.

**291.** Whenever it is shown that any railway company charged, or by any tariff proposes to charge, one person, or class of persons, or the persons in any district, lower tolls or rates for the same or similar goods, or lower tolls or rates or charges for the same or similar services, than they charge to other persons, or class of persons, or to the persons in another district, or make any difference in treatment in respect of such person or persons, the burthen of proving that such lower toll, rate or charge or difference in treatment, does not amount to an undue preference or an unjust discrimination shall lie on the company. 5 10

What Board may consider in determining unjust discrimination.

2. In deciding whether a lower toll, rate or charge, or difference in treatment, does or does not amount to undue preference or an unjust discrimination, the Board, in determining whether to approve or allow the same, may, so far as they think reasonable, in addition to any other considerations affecting the case, take into consideration whether such lower toll, rate or charge, or difference in treatment, is necessary for the purpose of securing, in the interests of the public, the traffic in respect to which it is made, and whether the inequality cannot be removed without unduly reducing the higher tolls, rates or charges. Provided, that no company shall make, nor shall the Board sanction, any difference in the tolls, rates or charges made for, or any difference in the treatment, of Canadian and foreign goods, in respect of the same or similar services, whereby Canadian goods may be prejudiced or discriminated against. 15 20 25

No discrimination allowed against Canadian goods.

Apportionment of through rate by land and water.

3. In any case in which the toll charged by a company for a carriage, partly on a railway and partly on a steamship, or line of steamships, is expressed in a single sum, the Board, for the purpose of determining whether a toll charged or proposed to be charged is discriminatory or contrary in any way to the provisions of this Act, may definitely determine, what portion of such single sum is to be properly assumed as having been charged in respect of the railway transportation, and may decide accordingly. 61 V., c. 22, s. 2. 30 35

Refusal by employees of company to receive or deliver freight.

**292.** Every officer, servant or agent of any company, having the superintendence of the traffic at any station, or depot thereof, who refuses or neglects to receive, convey or deliver at any station, or depot, of the company, for which they are destined, any passenger or goods brought, conveyed or delivered to him, or such company, for conveyance over or along its railway from that of any other company, intersecting or being near to such first mentioned railway, or by any carrier of passengers or goods by land or bywater, or who in any way whatsoever wilfully violates the provisions of section two hundred and eighty-eight of this Act, and the company first mentioned, are, for each such refusal, neglect or violation, severally liable to a penalty not exceeding two hundred dollars, which may be recovered on the complaint of any company or person aggrieved by such neglect, refusal or violation, and when recovered, such penalty shall belong to the complainant; and in addition to such penalty, the company or person aggrieved, may recover from the company in default, by suit in any Court of the Province in which such default occurred, having civil jurisdiction to the amount claimed all damages 40 45 50 55

Violations of Sec. 283.

Penalties.

Damages.

sustained by reason or such neglect, refusal or violation, and if such neglect refusal or violation was wilful, shall be entitled to so recover three times the actual amount of such damage, and in any case, the party succeeding in such action shall be 5 entitled to costs of suit.

Treble damages where violation wilful.

293. Every company which grants any facilities to any incorporated express company or person, shall grant equal facilities, on equal terms and conditions, to any other incorporated 10 express company which demands the same. 51 V., c. 29, s. 242.

Equal facilities to express companies.

#### STATIONS—PROVISIONS AS TO.

294. Upon any railway or any portion of any railway, the construction of which is authorized by any Act of Parliament of Canada, which shall be passed subsequent to the 15 day of one thousand nine hundred and the company shall, when ordered so to do by the Board, erect, maintain and operate, at any point or points, a station or stations, with such accommodation and facilities in connection therewith, as are required by the Board.

Board may order erection of stations at stated points.

20 2. The location of each station to be erected on any railway, the construction of which is authorized by any Act of the Parliament of Canada passed subsequent to the first day of June one thousand eight hundred and ninety nine, shall be subject to the approval of the Board, before the company proceeds to erect such station; and the company shall erect and 25 maintain a station as so located, with such usual and ordinary facilities as are ordered, unless and except in so far as the Board from time to time otherwise orders. 63-64 V., c. 23, s. 10.

Location of stations to be erected must be approved.

Erection of station as located.

30 295. In the case of a railway not subject to the legislative authority of the Parliament of Canada, but subsidized after the eighteenth day of July in the year of Our Lord one thousand nine hundred, in money or in land, under the authority of an Act of that Parliament, the payment and acceptance of 35 such subsidy shall be taken to be subject to the covenant or condition, (whether expressed or not in any agreement relating to such subsidy), that the company, for the time being owning or operating such railway, shall, when thereto directed by order of the Board, maintain and operate a station, with 40 such accommodation or facilities in connection therewith, as are defined by the Board, at such point or points on the railway as are designated in such order. 63-64, V., c. 23, s. 11.

Stations on railways not subject to authority of Parliament, but subsidized by Parliament.

#### WORKING OF THE RAILWAY.

296. Every company shall provide and caused to be used on all trains the best and most efficient obtainable apparatus, 45 appliances and means—  
 (a) to provide immediate communication between the conductor while in any car of the train, and the engine driver;  
 (b) to check at will the speed of the train, and bring the same safely to a standstill, as expeditiously as possible, and 50 except under circumstances of sudden danger or emergency,

Train equipment to be provided.

Communication with engine driver.

Brakes.

On trains carrying passengers the brakes must—	without causing undue discomfort to passengers, if any, on the train, including a system of brakes which can be instantly applied, at the will of the engine driver, to the wheels of the engine, and of so many of the cars comprising the train as shall suffice to stop the train in the quickest and best manner possible : and on all trains carrying passengers such system of brakes shall comply with the following requirements ;	5
Be continuous and instantaneous.	(i.) The brakes shall be continuous and must be instantaneous in action, and capable of being applied at will by the engine driver or any brakeman ;	10
Be self-applying in case of accident.	(ii.) The brake must be self-applying in the event of any failure in the continuity of its action :	
Be attached to all cars.	(iii.) The brake must be capable of being applied to every car of the train whether carrying passengers or not ;	
Be durable, etc.	(iv.) The materials of the brake must be of a durable character and easily maintained and kept in order ;	15
Couplers.	(c) to securely couple and connect the cars comprising the train, and to attach the engine to such train, and to disconnect at will the cars from the engine, and from each other by power of the engine or otherwise ;	20
Car seats.	(d) to securely place and fix the seats or chairs in passenger cars ;	
Ventilation.	(e) to maintain in all passenger cars, while in use, proper warmth and ventilation, with, at the same time, as little danger or risk from fire as is possible :	25
Alteration and substitution of new apparatus as ordered by Minister.	And shall alter such apparatus, appliances and means or supply new apparatus, appliances and means, for said purposes, either in substitution for, or addition to, those in use, as the Minister may, in the case of any company, from time to time, by order specify and require ; but any order of the Minister made hereunder shall be such as to allow full compliance with any regulations of the Board made under section forty-eight.	30
Penalty for non-compliance.	2. Every railway company which fails to comply with any of the provisions of this section, shall forfeit to His Majesty, a sum not exceeding two hundred dollars, for every day during which such default continues, and shall, as well, be liable to pay to all such persons as are injured by reason of the non-compliance with these provisions, or to their representatives, such damages as they are legally entitled to, notwithstanding any agreement to the contrary with regard to any such person : provided however that no proceedings shall be instituted to enforce or recover any forfeiture to His Majesty hereunder without the consent of the Minister first obtained. Sub. for 51 V., c. 29, s. 243.	35
Damages.		
Agreements to contrary invalid.		40
Consent to prosecution.		
Power of Board respecting train equipment.	297. The board, upon the application of any person interested, or of its own motion, may from time to time, inquire and determine whether the company has, in any respect, failed to comply with the provisions of the last preceding section, and may, by order, require the company to furnish any apparatus or appliance which, in the opinion of the Board, is necessary to comply with the provisions of said section ; and the Board may, upon the application of the company, by order declare and allow that any apparatus or appliance specified in such order shall, when used upon the train in the manner and under circumstances in such order specified, be deemed sufficient compliance with the provisions of such section respecting	45 50 55

such apparatus or appliances, but the Board shall not, by such order, allow any exception to, or modification of, the requirements of such section, unless fully satisfied that the same can be allowed without danger to the public, or to passengers or  
5 to the employees of the company.

Limitation upon power.

**298.** Every locomotive engine shall be equipped and maintained with a bell of at least thirty pounds weight and with a steam whistle. 51 V., c. 29, s. 244.

Bell and whistle on locomotive.

**299.** No baggage, freight, merchandise or lumber cars shall  
10 be placed in rear of passenger car. 51 V., c. 29, s. 245.

Position of passenger cars.

2. Every officer or servant of any company, or any person employed by it, who directs, or knowingly permits, any baggage, freight, merchandise or lumber car, to be placed in the rear of a passenger car, is guilty of a misdemeanour. 51  
15 V., c. 29, s. 291.

Penalty for violation.

**300.** All regular trains shall be started and run, as near as practicable, at regular hours, fixed by public notice. 51  
V., c. 29, s. 246 part.

Regularity in train time.

**301.** The Company shall furnish, at the place of starting,  
20 and at the junction of the railway with other railways, and at all stopping places established for such purpose, adequate and suitable accommodation for the reception of all such passengers and goods, as are offered for transportation a reasonable time previously to the time fixed for the departure of the  
25 train on which the Company should convey the same—and shall furnish adequate and suitable accommodation for the transportation and delivery of all passengers and goods so offered, or which the Company had reasonable grounds for believing were likely to be so offered—and shall, without  
30 delay, and with due care and diligence, receive, transport and deliver all passengers and goods so offered for transportation, and shall furnish and use all proper appliances, accommodation and means necessary therefor.

Accommodation for passengers, and freight at stations.

Train accommodation.

Duties respecting transportation.

2. Such passengers and goods shall be taken, transported  
35 to and from, and discharged at such places, on the due payment of the toll, freight or fare lawfully payable therefor.

Repayment of tolls.

3. Every person aggrieved by any neglect or refusal in the premises shall have an action therefor against the Company, from which action the company shall not be relieved by  
40 any notice, condition or declaration, if the damage arises from any negligence or omission of the company or of its servant. 51 V., c. 29, s. 246 part Am.

Right of action on default.

Condition against negligence invalid.

**302.** Every servant of the company employed in a passenger train or at a station for passengers, shall wear upon his  
45 hat or cap a badge, which shall indicate his office, and he shall not, without such badge, be entitled to demand or receive from any passenger any fare or ticket, or to exercise any of the powers of his office, or to interfere with any passenger or his baggage or property. 51 V., c. 29, s. 247.

Passenger stations and train employees to wear badges.

50 **303.** Every passenger who refuses to pay his fare may, by the conductor of the train and the train servants of the Com-

Expulsion on refusal to pay fare.

pany, be put out of the train, with his baggage, at any usual stopping place, or near any dwelling house, as the conductor elects, the conductor first stopping the train and using no unnecessary force. 51 V., c. 29, s. 248.

No claim for injuries in certain cases.

**304.** No person injured while on the platform of a car, or on any baggage, wood or freight car, in violation of the printed regulations posted up at the time, shall have any claim in respect of the injury, if room inside of the passenger cars, sufficient for the proper accommodation of the passengers, was furnished at the time. 51 V., c. 29, s. 249. 5 10

Baggage checks.

**305.** Checks shall be affixed by an agent or servant to every parcel of baggage having a handle, loop or suitable means for attaching a check thereupon, delivered to such agent or servant for transport, and a duplicate of such check shall be given to the passenger delivering the same. 51 V., c. 29, s. 250 15 Am.

Penalty for refusing to check baggage.

**306.** If such check is refused on demand the company shall pay to such passenger the sum of eight dollars, which shall be recoverable in a civil action; and no fare or toll shall be collected or received from such passenger, and if he has paid his fare, the same shall be refunded by the conductor in charge of the train. 51 V., c. 29, s. 251. 20

Owner may be a witness.

**307.** Any passenger who produces such check may himself be a witness in any action or suit brought by him against the company to prove the contents and value of his baggage not delivered to him. 51 V., c. 29, s. 252. 25

Transportation of dangerous goods.

**308.** No passenger shall carry, or require the company to carry upon its railway, aquafortis or oil of vitriol, gunpowder, nitro-glycerine, or any other goods which, in the judgment of the company, are of a dangerous nature; and every person who sends by the railway any such goods without at the time of so sending the same, distinctly marking their nature on the outside of the package containing the same, and otherwise giving notice in writing to the station master or other servant of the company with whom the same are left, or who carries or takes upon any railway train such material as is mentioned above, for the purpose of having the same carried by the said railway train shall forfeit to the company the sum of five hundred dollars for every such offence. 51 V., c. 29, s. 253. 30 35

Nature must be marked on outside.

Notice.

Penalty.

Company may refuse to carry.

**309.** The company may refuse to take any package or parcel which it suspects to contain goods of a dangerous nature, or may require the same to be opened to ascertain the fact; and the company shall not carry any such goods of a dangerous nature, except in cars specially designated for that purpose, on each side of each of which shall plainly appear in large letters the words 'dangerous explosives'; and for each neglect to comply with the provisions of this section, the company shall incur a penalty of five hundred dollars. 51 V., c. 29, s. 254. 40 45

Carriage of such goods.

Penalty.

Trains to stop at swing bridges.

**310.** When a railway passes any draw or swing bridge over a navigable water or canal which is subject to be opened 50

for the purposes of navigation, the trains shall, in every case, be stopped at least one minute, to ascertain from the bridge-tender that the said bridge is closed and in perfect order for passing, and in default of so stopping for the full period of one  
 5 minute, the company shall incur a penalty of four hundred dollars. 51 V., c. 29, s. 255 Am.

2. Wherever there is adopted or in use on any railway at  
 any such bridge, an interlocking switch and signal system, or  
 other device which, in the opinion of the Board, renders it safe  
 10 to permit engines and trains to pass over such bridge without  
 being brought to a stop, the said Board may, by an order in  
 writing, give permission for engines and trains to pass over  
 such bridge without stopping, under such regulations, as to  
 speed and other matters, as the said Board deems proper; and  
 15 the said Board may at any time modify or revoke such order.  
 55-56 V., c. 27, s. 7.

Where safety devices installed Board may otherwise order.

**311.** The bell with which the engine is furnished shall be rung, or (except within the limits of cities or incorporated towns) the whistle sounded, at the distance of at least eighty  
 20 rods from every place at which the railway crosses any highway, and be kept ringing, or be sounded at short intervals, until the engine has crossed such highway; and the company shall, for each neglect to comply with the provisions of this section, incur a penalty of eight dollars, and shall also be liable  
 25 for all damage sustained by any person by reason of such neglect; and a moiety of such penalty and damages shall be chargeable to and collected by the company from the engineer who has charge of such engine, and who neglects to ring the bell or sound the whistle as aforesaid. 51 V., c. 29, s. 256 Am.

Use of bell and whistle.

Penalty for non-compliance.

Damages.

Collectable in part from engineer in default.

**312.** A person shall be stationed at every point where two main lines of railway cross each other at rail level, and no train shall proceed over such crossing until signal has been made to the conductor or engineer thereof that the way is clear; provided always, that in the case of an electric street railway car  
 35 crossing an electric street railway track, it shall be the duty of the conductor, before crossing, to go forward and see that the track to be crossed is clear, before giving the signal to the motorman, that the way is clear and to proceed.

Watchman at rail-level crossings.

Electric street railway crossings.

2. Every main track of a branch line is a main line within  
 40 the meaning of this section, which shall apply, whether the said lines be owned by different companies or by the same company. 56 V., c. 27, s. 2, part.

Application of section.

**313.** Every locomotive or railway engine, or train of cars, on any railway, shall, before it proceeds over any such crossing  
 45 as in the next preceding section mentioned, be stopped for the space of at least one minute; but whenever there is in use, at any such crossing, an interlocking switch and signal system, or other device which, in the opinion of the Board, renders it safe to permit engines and trains to pass over such crossing  
 50 without being brought to a stop, the Board may, by an order in writing, give permission for engines and trains to pass over such crossing without stopping, under such regulations as to speed and other matters as the Board deems proper. 56 V., c. 27, s. 2, part.

Stoppage of trains at rail-level crossings.

Where safety devices are installed Board may otherwise order.

Rate of speed  
in unfenced  
portions of  
cities, etc.

**314.** No locomotive or railway engine shall pass in or through any thickly peopled portion of any city, town or village, at a speed greater than six miles an hour, unless the track is fenced in the manner prescribed by this Act. 55-56 V., c. 27, s. 8.

5

Trains, or  
cars moving  
reversely in  
cities, etc.

**315.** Whenever in any city, town or village, any locomotive engine is propelling its tender, or any car placed between the engine and a point towards which the same is moving, the Company shall station on the then foremost part of the train, or of the tender, if that is in front, a person who shall warn persons standing on, or crossing, the track of such railway, of the approach of such train or engine and tender; and for every violation of any of the provisions of this section, or of any of the three sections next preceding, the company shall incur a penalty of one hundred dollars. 55-56 V., c. 27, s. 9.

15

Train must  
not stand on  
rail-level  
crossings more  
than five  
minutes.

**316.** Whenever any railway crosses any public highway at rail level, the company shall not, nor shall its officers servants or agents, wilfully permit any engine, tender or car, or any portion thereof, to stand on any part of such highway, for a longer period than five minutes at one time.

20

Penalty.

2. In every case of a violation of this section, every such officer, servant or agent who has under or subject to his control, management or direction, any engine, tender or car which, or any portion of which, is allowed to stand on such highway, longer than the time specified in this section, is liable on summary conviction to a penalty not exceeding fifty dollars, and such company is also liable for each such violation, to a like penalty: provided always that if such alleged violation is in the opinion of the court excusable, the action for the penalty may be dismissed but without costs. 51 V., c. 29, s. 30 261 Am.

Where  
violation  
excusable.

Application of  
section.

**317.** This section shall apply to every railway and railway company within the legislative authority or jurisdiction of the Parliament of Canada.

Interpreta-  
tion.

"Packing."

2. In this section the expression "packing" means a packing of wood or metal, or some equally substantial and solid material, of not less than two inches in thickness, and which, where by this section any space is required to be filled in, shall extend to within one and a-half inches of the crown of the rails in use on any such railway, shall be neatly fitted so as to come against the web of such rails, and shall be well and solidly fastened to the ties on which such rails are laid.

Packing of  
frogs, etc.

3. The spaces behind and in front of every railway frog or crossing, and between the fixed rails of every switch where such spaces are less than four inches in width, shall be filled with packing up to the under side of the head of the rail.

Packing of  
wing-rails, etc.

4. The spaces between any wing rail and any railway frog, and between any guard rail and the track rail alongside of it, shall be filled with packing at their splayed ends, so that the whole splay shall be so filled where the width of the space between the rails is less than four inches; such packing not to reach higher than to the under side of the head of the rail: provided however, that the Minister may allow such filling to

be left out, from the month of December to the month of April in each year both months included. Exception in latter cases.

- 5 The oil cups or other appliances, used for oiling the valves of every locomotive in use upon any railway shall be such that no employee shall be required to go outside the cab of the locomotive, while the same is in motion for the purpose of oiling such valves. 51 V., c. 29, s. 262 Am. Oil cups.

#### TRAINS OVERDUE.

318. Every company, upon whose road there is a telegraph line in operation, shall have a blackboard put upon the outside of the station house, over the platform of the station, in some conspicuous place at each station of such company at which there is a telegraph office; and when any passenger train is overdue at any such station, according to the time table for such company, the station master or person in charge at such station, shall write, or cause to be written, with white chalk on such blackboard, a notice in English and French in the Province of Quebec, and in English in the other Provinces, stating, to the best of his knowledge and belief, the time when such overdue train may be expected to reach such station; and if, when that time has come, the train has not reached the station, the station master or person in charge of the station shall write, or cause to be written on the blackboard in like manner, a fresh notice stating, to the best of his knowledge and belief, the time when such overdue train may then be expected to reach such station. Overdue trains. Notice at stations. Time when expected to be stated.

2. Every such company, station master or person in charge at any such station, is, on summary conviction, liable to a penalty not exceeding five dollars for every wilful neglect, omission or refusal to obey the provisions of this section. Penalty for omission.

- 30 3. Every such company shall have a printed copy of this section posted up in a conspicuous place at each of its stations at which there is a telegraph office. 51 V., c. 29, s. 263 Am. Section to be posted.

#### CARRIAGE OF MAILS, NAVAL AND MILITARY FORCES, &C.

319. His Majesty's mail, His Majesty's naval or military forces or militia, and all artillery, ammunition, provisions or other stores for their use, and all policemen, constables or others travelling on His Majesty's service, shall at all times, when required by the Postmaster General of Canada, the Commander of the Forces, or any person having the superintendence and command of any police force respectively, and with the whole resources of the company if required, be carried on the railway, on such terms and conditions and under such regulations as the Governor in Council makes. 51 V., c. 29, s. 264. Carriage of mails, troops with equipment, etc.

#### TELEGRAPH LINES.

320. The company shall, when required so to do by the Governor in Council, or any person authorized by him, place any electric telegraph and telephone lines, and the apparatus and operators it has, at the exclusive use of the Government Government may have exclusive use of telegraph wires, etc.

Compensation. of Canada, receiving thereafter reasonable compensation for such service. 51 V., c. 29, s. 265.

Government may erect wires on right of way. **321.** The Governor in Council may, at any time, cause a line or lines of electric, telegraph or telephone to be constructed along the line of the railway, for the use of the Government of Canada, and for that purpose may enter upon and occupy so much of the lands of the company as is necessary for the purpose. 51 V., c. 29, s. 266. 5

ACCIDENTS, COMMISSIONS TO INVESTIGATE.

Notice of accident. **322.** Every company shall, as soon as possible, and within forty-eight hours at the furthest, after the occurrence upon the railway belonging to such company, of any accident attended with serious personal injury to any person using the same, or whereby any bridge, culvert, viaduct, or tunnel on or of the railway has been broken or so damaged as to be impassable or unfit for immediate use, give notice thereof to the Minister; and every company which omits to give such notice shall forfeit to His Majesty the sum of two hundred dollars for every day during which the omission to give the same continues. 51 V., c. 29, s. 267. 10 15

Penalty for omission.

Commissioners to investigate accidents. **323.** The Governor in Council, on the recommendation of the Minister, may appoint such person or persons as he thinks fit to be a commissioner or commissioners for inquiring into the causes of, and the circumstances connected with, any accident or casualty to life or property occurring on any railway, and into all particulars relating thereto; and such commissioner or commissioners shall receive such remuneration for his or their services as the Governor in Council determines. 51 V., c. 29, s. 268. 20 25

Remuneration.

Report. **324.** The commissioner or commissioners shall report fully, in writing, to the Minister, his or their doings and opinions on the matters respecting which he or they are appointed to inquire. 51 V., c. 29, s. 269. 30

Payment of fees, etc. **325.** The remuneration of the commissioners and the fees and allowances to the witnesses shall be paid out of any moneys provided by Parliament for unforeseen expenses. 51 V., c. 29, s. 270. 35

CATTLE AT LARGE.

Cattle not allowed at large near railway. **326.** No horses, sheep, swine or other cattle shall be permitted to be at large upon any highway, within half a mile of the intersection of such highway with any railway at rail level, unless such cattle are in charge of some competent person or persons, to prevent their loitering or stopping on such highway at such intersection. 40

May be impounded. 2. All cattle found at large contrary to the provisions of this section may, by any person who finds the same at large, be impounded in the pound nearest to the place where the same are so found, and the pound-keeper with whom the same are impounded shall detain the same in the like manner, and sub- 45

ject to like regulations as to the care and disposal thereof, as in the case of cattle impounded for trespass on private property.

3. If the cattle of any person, which are at large contrary to the provisions of this section, are killed or injured by any train, he shall not have any right of action against any company in respect of the same being so killed or injured. 51 V., c. 29, s. 271. Right of action negatived.

NO PERSON TO WALK ON TRACK, &C.—EXCEPTIONS.

**327.** Every person not connected with the railway, or employed by the company, who walks along the track thereof, except where the same is laid across or along a highway, is liable on summary conviction to a penalty not exceeding ten dollars. Walking on track prohibited.

2. Every person who wilfully breaks down, injures, weakens or destroys any gate, fence, erection, building or structure of a company, or removes, obliterates, defaces or destroys any printed or written notice, direction, order, by-law or regulation of a company, or any section of, or extract from this Act or any other Act of Parliament, which a company or any of its officers or agents have caused to be posted, attached or affixed to or upon any fence, post, gate, building or erection of the company, or any car upon any railway, shall be liable on summary conviction to a penalty not exceeding fifty dollars, or, in default of payment, to imprisonment for a term not exceeding two months. Destruction of fences, bridges, etc.  
Defacing notices, etc.  
Penalty.

3. Every person who enters upon any railway train without the knowledge or consent of an officer or servant of the company with intent fraudulently to be carried upon the said railway without paying fare thereon, or who wilfully obstructs or impedes any officer or agent of the company in the execution of his duty upon any train, railway, or upon any of the premises of the company, or who, not being an employee of the company, wilfully trespasses by entering upon any of the stations, cars or buildings of the company in order to occupy the same for his own purposes, shall be liable to the like penalty or imprisonment, and shall be liable to be proceeded against and dealt with in like manner, as mentioned in subsection two of this section in regard to the offences therein mentioned. Fraudulently attempting to travel without paying fare.  
Obstructing railway authorities.  
Trespassing.  
Penalties.

4. Any person charged with an offence under this section shall be a competent witness on his own behalf. 51 V., c. 29, s. 273 Am.; 62-63 V., c. 37, s. 4. Witnesses.

**328.** If the Board orders any company to erect, at or near, or in lieu of, any level crossing of a turnpike road or other public highway, a foot bridge, or foot bridges, over its railway, for the purpose of enabling persons, passing on foot along such turnpike road or public highway, to cross the railway by means of such bridge or bridges, from and after the completion of such foot bridge or foot bridges so required to be erected, and while the company keeps the same in good and sufficient repair, such level crossing shall not be used by foot passengers on the said turnpike road or public highway, except during the time when the same is used for the passage of carriages, carts, horses or cattle along the said road. Board may order foot-bridges erected at level crossings.  
Subsequent use of highway crossing.

Penalty for non-compliance.

2. Every person who offends against the provisions of this section is liable, on summary conviction to a penalty not exceeding ten dollars. 51 V., c. 29, s. 274.

WEEDS ON COMPANY'S LAND TO BE CUT DOWN.

Company to remove weeds.

**329.** Every company shall cause all thistles and other noxious weeds growing on the land adjoining the railway and belonging to such company to be cut down early in July in each year, or to be rooted out. 5

Penalty.

2. Every company which fails to comply with this section shall incur a penalty of two dollars for every day during which such company neglects to do anything which it is so required to do; and the mayor, reeve or chief officer of the municipality of the township, county or district in which the land or ground lies, or any justice of the peace therein, may cause all things to be done which the said company is so required to do, and for that purpose may enter, by himself and his assistants or workmen, upon such lands, and may recover the expenses and charges incurred in so doing, and the said penalty, with costs, in any court of competent jurisdiction, and such penalty shall be paid to the proper officer of the municipality. 51 V., c. 29, s. 275. 10 15 20

On default municipal officers may perform.

Costs.

COMPANY MAY NOT PURCHASE RAILWAY SECURITIES.

Company not to purchase stock in other companies.

**330.** No company shall, either directly, or indirectly, employ any of its funds in the purchase of its own stock, or in the acquisition of any shares, bonds or other securities issued by any other railway company in Canada; but this shall not affect the powers or rights which any company in Canada now has or possesses by virtue of any special Act to acquire, have or hold the shares, bonds or other securities of any railway company in the United States of America or Canada; nor shall it interfere with the right conferred on the Northern Railway Company of Canada, or the Hamilton and North-western Railway Company, to acquire stock in the Northern and Pacific Junction Railway Company, under the Acts relating to the said first named companies, respectively, passed by the Parliament of Canada in the forty-seventh year of the reign of Her Majesty Queen Victoria. 51, V., c. 29, s. 276. 25 30 35

Penalty upon directors.

**331.** Every director of a railway company, who knowingly permits the funds of any each such company to be applied in violation of the next preceding section, shall incur a penalty of one thousand dollars for such violation, which penalty shall be recoverable on information filed in the name of the Attorney General of Canada: and a moiety thereof shall belong to His Majesty, and the other moiety thereof shall belong to the informer; and the acquisition of each share, bond or other security, or interest, as aforesaid, shall be deemed a separate violation of the provisions aforesaid. 51 V., c. 29, s. 277. 40 45

SALE OF RAILWAY TO PURCHASER NOT HAVING CORPORATE  
POWERS.

**332.** If, at any time, any railway or any section of any railway is sold under the provisions of any deed or mortgage thereof, or at the instance of the holders of any mortgage, bonds or debentures, for the payment of which any charge has been created thereon, or under any other lawful proceeding, and is purchased by any person or corporation which has not any corporate powers authorizing the holding and operating thereof by such purchaser, the purchaser thereof shall transmit to the Minister, within ten days from the date of such purchase, a notice in writing stating the fact that such purchase has been made, describing the termini and line of route of the railway purchased, and specifying the charter or act of incorporation under which the same had been constructed and operated, including a copy of any writing, preliminary to a conveyance of such railway, which has been made as evidence of such sales; and immediately upon the execution of any deed of conveyance of such railway, the purchaser shall also transmit to the Minister a duplicate or an authenticated copy of such deed, and shall furnish to the Minister, on request, any further details or information which he requires. 51 V., c. 29, s. 278.

Sale of railway to non-corporate purchasers.

Notice to minister.

Copy of agreement and conveyance to be sent.

Further information.

**333.** Until the purchaser has given notice to the Minister in manner and form as provided by the next preceding section, the purchaser shall not run or operate the railway so purchased, or take, exact, or receive any tolls whatsoever in respect of any traffic carried thereon; but after the said conditions have been complied with, the purchaser may continue, until the end of the then next session of the Parliament of Canada, to operate such railway and to take and receive such tolls thereon as the company previously owning and operating the same was authorized to take, and shall be subject, in so far as they can be made applicable, to the terms and conditions of the charter or act of incorporation of the said company, until he has received a letter of license from the Minister—which letter the Minister is hereby authorized to grant—defining the terms and conditions on which such railway shall be run by such purchaser during said period. 51 V., c. 29, s. 279.

No operation of railways until Sec. 332 complied with.

Rights upon compliance.

But Minister may limit rights.

**334.** Such purchaser shall apply to the Parliament of Canada at the next following session thereof after the purchase of such railway, for an act of incorporation or other legislative authority, to hold, operate and run such railway; and if such application is made to Parliament and is unsuccessful, the Minister may extend the license to such railway until the end of the then next following session of Parliament, and no longer; and if during such extended period the purchaser does not obtain such act of incorporation or other legislative authority, such railway shall be closed or otherwise dealt with by the Minister as is determined by the Board. 51 V., c. 29, s. 280.

Application for corporate powers.

One extension allowed.

Closing of road.

## RAILWAY CONSTABLES.

Appointment  
of railway  
constables.

**335.** Any two justices of the peace, or a stipendiary or police magistrate, in the Province of Ontario, Nova Scotia, New Brunswick, British Columbia, Prince Edward Island, or Manitoba or the District of Keewatin, and any Judge of the Court of Queen's Bench or Superior Court, or clerk of the peace, or Clerk of the Crown, or Judge of the sessions of the peace, in the Province of Quebec, and any Judge of the Supreme Court, or two justices of the peace, in the North-west Territories, and any commissioner of a Parish Court in the Province of New Brunswick, on the application of the directors of any company whose railway passes within the local jurisdiction of such justices of the peace, magistrate, commissioner, judge, clerk, or judge of the sessions of the peace, as the case may be, or on the application of any clerk or agent of such company thereto authorized by such directors, may, in their or his discretion, appoint any persons recommended for that purpose by such directors, clerk or agent, to act as constables on and along such railway; and every person so appointed shall take an oath or make a solemn declaration in the form or to the effect following, that is to say:—

Oath to be  
taken.

Form of oath.

“I, A.B., having been appointed a constable to act upon and along (here name the railway), under the provisions of “The Railway Act,” do swear that I will well and truly serve our Sovereign Lord the King in the said office of constable, without favor or affection, malice or ill-will, and that I will, to the best of my power, cause the peace to be kept, and prevent all offences against the peace; and that, while I continue to hold the said office, I will, to the best of my skill and knowledge, discharge the duties thereof faithfully, according to law. So help me God. 51 V., c. 29, s. 281.”

Administra-  
tion of oath.

**336.** Such oath or declaration shall be administered in either of the Provinces of Ontario, Nova Scotia, New Brunswick, British Columbia, Prince Edward Island or Manitoba, or in the District of Keewatin, by any one justice of the peace, and in the Province of Quebec by any such judge, clerk, or judge of the sessions of the peace, and in the North-west Territories by any such judge or by any one justice of the peace; and every constable so appointed, who has taken such oath or made such declaration, may act as a constable for the preservation of the peace, and for the security of persons and property against felonies and other unlawful acts on such railway, and on any of the works belonging thereto, and on and about any trains, roads, wharfs, quays, landing places, warehouses, lands and premises belonging to such company, whether the same are in the county, city, town, parish, district or other local jurisdiction within which he was appointed, or in any other place through which such railway passes or in which the same terminates, or through or to which any railway passes which is worked or leased by such company, and in all places not more than a quarter of a mile distant from such railway, and shall have all such powers, protections and privileges for the apprehending of offenders, as well by night as by day, and for doing all things for the prevention,

Powers of  
constable.

Protection.

discovery and prosecution of felonies and other offences, and for keeping the peace, which any constable duly appointed has within his constablewick. 51 V., c. 29, s. 282.

**337.** Any such constable may take such persons as are 5  
punishable by summary conviction for any offence against the provisions of this Act, or of any of the Acts or by-laws affecting the railway, before any justice or justices appointed for any county, city, town, parish, district or other local jurisdiction within which such railway passes; and every such 10  
justice may deal with all such cases, as though the offence had been committed and the persons taken within the limits of his own local jurisdiction. 51 V., c. 29 s. 283.

Arrest of offenders.

**338.** Any county court judge, or stipendiary police ma- 15  
gistrate, in either of the Provinces of Ontario, Nova Scotia, New Brunswick, British Columbia, Prince Edward Island, or Manitoba, or in the District of Keewatin, and any judge of the Court of Queen's Bench or Superior Court, or judge of the sessions of the peace, in the Province of Quebec, and any 20  
Judge of the Supreme Court in the North-west Territories, may dismiss any such constable who is acting within their several jurisdictions; and the directors of such Company, or any clerk or agent of such Company thereto authorized by such directors, may dismiss any such constable who is acting on such railway; and upon every such dismissal, all powers, 25  
protections and privileges which belonged to any such person by reason of such appointment, shall wholly cease; and no person so dismissed shall be again appointed or act as constable for such railway, without the consent of the authority by whom he was dismissed. 51 V., c. 29, s. 284 Am.

Dismissal of constables.

By courts.

By authorized officers of Company.

May not be reappointed without consent.

**339.** Every such Company shall cause to be recorded in 30  
the office of the clerk of the peace, for every county, city, town, parish, district or other local jurisdiction wherein such railway passes, the name and designation of every constable so appointed at its instance, the date of his appointment, and the 35  
authority making it, and also the fact of every dismissal of any such constable, the date thereof, and the authority making the same, within one week after the date of such appointment or dismissal, as the case may be; and such clerk of the peace shall keep such record in such form as the Minister, 40  
from time to time, directs, in a book which shall be open to public inspection, charging such fee as the Minister. from time to time authorizes. 51 V., c. 29, s. 285.

Record of appointment of constables.

And of dismissals.

**340.** Every such constable who is guilty of any neglect or 45  
breach of duty in his office of constable, shall be liable, on summary conviction thereof, within any county, city, district or other local jurisdiction wherein such railway passes, to a penalty not exceeding eighty dollars, or to imprisonment, with or without hard labour, for a term not exceeding two months. Such penalty may be deducted from any salary due to such 50  
offender, if such constable is in receipt of a salary from the company. 51 V., c. 29, s. 286.

Neglect of duty by constable.

Penalty.

## LIMITATIONS OF ACTIONS FOR DAMAGES—GENERAL ISSUE.

Limitation of action for damages. **341.** All actions or suits for indemnity for any damages or injury sustained by reason of the railway shall be commenced within one year next after the time when such supposed damage is sustained, or if there is continuation of damage within one year next after the doing or committing of such damage ceases, and not afterwards; and the defendants may plead the general issue and give this Act and the special Act and the special matter in evidence at any trial to be had thereupon, and may prove that the same was done in pursuance of and by the authority of this Act or of the special Act. 51 V., c. 10 29, s. 287. 5

Pleadings.

Proof.

Certain actions excepted. 2. Nothing in this section shall apply to any action brought against the Company upon any breach of contract or for any wrong or default committed by it in its capacity as common carrier nor to any action against the company for damages under sections two hundred and seventy-six and two hundred and ninety-two and two or either of such sections or for the taking of any toll or rate contrary to law. 15

## COMPANY NOT RELIEVED FROM LEGAL LIABILITY BY INSPECTION OR ANYTHING DONE HEREUNDER.

Inspection, etc., not to relieve Company from liability. **342.** No inspection had under this Act, and nothing in this Act contained, and nothing done or ordered or omitted to be done or ordered, under or by virtue of the provisions of this Act, shall relieve, or be construed to relieve, any company of or from any liability or responsibility resting upon it by law, either towards His Majesty or towards any person, or the wife or husband, parent or child, executor or administrator, tutor or curator, heir or personal representative of any person, for anything done or omitted to be done by such company, or for any wrongful act, neglect or default, misfeasance, malfeasance or nonfeasance, of such company, or in any manner or way to lessen such liability or responsibility, or in any way to weaken or diminish the liability or responsibility of any such company, under the laws in force in the province in which such liability or responsibility arises. 51 V., c. 29, s. 288. 20 25 30

## OFFENCES AND PENALTIES.

Liability of Company, directors, etc., in certain cases. **343.** Every company, director or officer doing, causing or permitting to be done, any matter, act or thing contrary to the provisions of this or the special Act, or to the orders or directions of the Governor in Council, or of the Board or Minister made hereunder, or omitting to do any matter, act or thing required to be done on the part of any such Company, director or officer, is liable to any person injured thereby for the full amount of damages sustained by such Act or mission; and if no other penalty is, in this or the special Act, provided for any such act or omission, is liable, for each offence, to a penalty of not less than twenty dollars, and not more than five thousand dollars, in the discretion of the Court before which the same is recoverable. 35 40 45

Damages.

Penalty.

2. The Board may summon, require the attendance of, and examine under oath, any officer, servant or agent of the company, or any other person, as to any matters included in such return, or which were required by notice aforesaid to be returned to the Board, and as to any matter or thing which, in the opinion of the Board, is relevant to such return, or to any inquiry which the Board deems it expedient to make in connection with any of the matters in this section aforesaid; and for such purposes may require the production to the Board of any books or documents in control of the company, or such officer, servant, agent or person.
3. If any company, or officer, servant, or agent thereof wilfully or negligently refuses to make such return when, and as thereunto, required by the Board, or fails to make any such return to the utmost of its, or his, knowledge or means of knowledge, the company, and every such officer, servant or agent, so in default, shall severally be liable, on conviction, to a penalty not exceeding one thousand dollars, and in addition, each such officer, servant or agent, so convicted shall be liable to imprisonment in the common jail of the county in which such conviction is made, for any period not exceeding twelve months.
4. If the company, or any officer, servant, or agent thereof, wilfully or negligently makes any false return, or any false statement in any such return, the company, and any such officer, servant or agent, shall be severally liable on conviction to a penalty not exceeding one thousand dollars, and such officer, servant or agent shall also on such conviction, be liable to imprisonment for any period not exceeding twelve months, in the common jail of the county where such conviction is had.
5. Any information furnished to the Board by any such return, or any evidence taken by the Board in connection therewith, shall not be open to the public, or published, but shall be for the information of the Board only; and if any official or servant of the Board, or any person having access to or knowledge of, any such return or evidence shall, without the authority of the Board first obtained, publish or make known any information, having obtained the same, or knowing the same to have been derived, from such return or evidence, he shall be liable, on conviction, to a penalty not exceeding five hundred dollars for each offence, and to imprisonment not exceeding six months in the common jail in the county where such conviction is had.
6. The Governor in Council may nevertheless require the Board to communicate to him in Council any or all information obtained by it in manner aforesaid.
7. The Board may authorize any part of such information to be made public when, and in so far as there may appear to the Board to be good and sufficient reasons for so doing; but if the information so proposed to be made public by the Board, is of such character that the company would, in the opinion of the Board, be likely to object to the publication thereof, the Board shall not authorize such information to be published without notice to the company and hearing any objection which the company may make to such publication.

Powers of Board respecting returns.

Or inquiries respecting same.

Production of documents.

Refusal to make returns.

Penalties.

Making false returns to Board.

Information privileged.

Penalty for employees of Board divulging.

Governor in Council may examine returns, etc.

Board may make information public, on notice to company, etc.

CERTAIN RAILWAYS DECLARED WORKS FOR GENERAL ADVANTAGE OF CANADA.

Certain works declared to be for general advantage of Canada.

**359.** Subject to the provisions of section six of this Act, every railway or branch line, now or hereafter connecting with, or crossing, any railway which has been declared by the Parliament of Canada to be a work for the general advantage of Canada, is hereby declared to be a work for the general advantage of Canada. 5

Certain Acts of Legislatures to remain in force where consistent.

**360.** Every such railway and branch line shall hereafter be subject to the legislative authority of the Parliament of Canada ; but the provisions of any Act of the Legislature of any Province of Canada, passed prior to the twenty-fifth day of May, one thousand eight hundred and eighty-three, relating to any such railway or branch line, and in force at that date, shall remain in force so far as they are consistent with any Act of the Parliament of Canada passed after that date. 10  
51 V., c. 29, s. 307. 15

Certain Acts may be confirmed.

**361.** The Governor General may, at any time and from time to time, by proclamation or proclamations, confirm any one or more of the Acts of the Legislature of any Province of Canada, passed before the passing of this Act, relating to any railway which, by any Act of the Parliament of Canada, has been declared to be work for the general advantage of Canada, and from and after the date of any such proclamation the Act or Acts, thereby declared to be confirmed shall be confirmed, ratified and made as valid and effectual as if the same had been duly enacted by the Parliament of Canada. All acts, matters and things which have been or may hereafter be done under any Act which may be so confirmed by proclamation and which might lawfully have been done if such Act or Acts which shall be so confirmed by proclamation had been within the competence of the respective legislatures by which the same were adopted, shall be ratified and confirmed and made as good and valid, as if such Act or Acts had, at the several dates at which the same purport respectively to have come into force been enacted by the Parliament of Canada. 51 V., c. 29, s. 308. 20  
25  
30  
35

Substitution for repealed Acts.

**362.** This Act shall be substituted for the several Acts repealed thereby, and any reference in any unrepealed Act to any section or provision in any such repealed Act, shall after the passage of this Act be deemed to be a reference to the similar section or corresponding provision of this Act. 40

Repealed Acts.

**363.** The following Acts of the Parliament of Canada are hereby repealed :—

- Chapter twenty-nine of 51 Victoria ;—the whole.
- Chapter twenty-eight of 53 Victoria ;—the whole.
- Chapter fifty-one of 54-55 Victoria ;—the whole. 45
- Chapter twenty-seven of 55-56 Victoria ;—the whole.
- Chapter twenty-seven of 56 Victoria ;—the whole.
- Chapter fifty-three of 57-58 Victoria ;—the whole.
- Chapter nine of 59 Victoria ;—the whole except section two.
- Chapter twenty-two of 61 Victoria.—the whole. 50

Chapter thirty-seven of 62-63 Victoria ;—the whole.  
 Chapter twenty-three of 63-64 Victoria ;—the whole.  
 Chapter thirty-one of 1 Edward VII ;—the whole.  
 Chapter thirty-two of 1 Edward VII ;—the whole.

- 5 **364.** This Act shall come into force on the      day of  
 in the year of Our Lord one thousand nine hundred and  
 But, in order to allow time for the preparation and approval  
 of tolls and rates, tolls and rates may be levied and taken  
 under the law as it stood immediately before the coming into  
 10 force of this Act, until one month after this Act comes into  
 force, or until such later date as the Board may by order fix  
 and allow.
- Date when  
Acts comes  
into force.
- Tolls not  
affected until  
one month  
later.

## SCHEDULE ONE.

Form of yearly returns to the Minister of Railways and Canals, required from railway companies under "The Railway Act, 1902."

RETURNS made by the (*corporate name of the Company*) in pursuance of "The Railway Act, 1902," for the period included between the (*insert the day to which the last returns extend, or the date of the commencement of operations as the case may be*), to the last day of June, in the year 19.

## LOCATION AND GENERAL DESCRIPTION OF RAILWAY,

*Showing the county or counties through which the railway runs, the terminal points, connections, if any, and giving a general description of the line and the country through which it passes.*

Statement containing copies of all contracts made by the Company, for the construction of any part of the railway.

RETURNS of the Capital Account of the said Railway, and the Revenue and Expenditure, &c.

## No. 1.—CAPITAL ACCOUNT.

	Author- ized.	Sub- scribed.	Paid up.	*Rate of Interest or Dividend.
	\$ cts.	\$ cts.	\$ cts.	\$ cts.
Total amount of ordinary share capital .....				
" of preference share capital .....				
" " .....				
" " .....				
" of ordinary bonds .....				
" " .....				
" " .....				
" " .....				
" of Government loans .....				
" " bonuses .....				
" " subscription to shares .....				
" " subscription to bonds .....				
" of municipal loans .....				
" " bonuses .....				
" " subscription to shares .....				
" " subscription to bonds .....				
" from other sources .....				
Total capital .....				

\* State whether dividend is cumulative or not.

This statement must agree with the totals shown in the report of the company, a copy of which is to be transmitted also. If there are more issues of preference shares or bonds than one, state them, and the amount of each class.

If any floating debt exists it must be stated, so as to make the total agree with the published report.

2. This section shall only apply to companies and directors and officers of companies within the legislative authority of the Parliament of Canada. 51 V., c. 29, s. 289. Limit of application of section.
344. Every person who is intoxicated while he is in charge of a locomotive engine, or acting as the conductor of a car or train of cars, is guilty of a misdemeanor. 51 V., c. 29, s. 292. Intoxication of conductors and drivers a misdemeanour.
345. Every person who sells, gives or barter any spirituous or intoxicating liquor to or with any servant or employee of any Company, while on duty, is liable on summary conviction to a penalty not exceeding fifty dollars, or to imprisonment with or without hard labour for a period not exceeding one month, or to both. 51 V., c. 29, s. 293. Selling liquor to railway employees on duty prohibited. Penalty.
346. Every officer or servant of, and every person employed by the company, who wilfully or negligently violates any by-law, rule or regulation of the company lawfully made and in force, or any order or notice of the Board, or of the Minister or of an inspecting engineer, of which a copy has been delivered to him, or which has been posted up or open to his inspection in some place where his work or his duties, or any of them, are to be performed, if such violation causes injury to any person or to any property, or exposes any person or any property to the risk of such injury, or renders such risk greater than it would have been without such violation, although no actual injury occurs, is guilty of a misdemeanour, and shall, in the discretion of the court before which the conviction is had, and according as such court considers the offence proved to be more or less grave, or the injury or risk of injury to person or property to be more or less great, be punished by fine or imprisonment, or both; but no such fine shall exceed four hundred dollars, and no such imprisonment shall exceed the term of five years. 51 V., c. 29, s. 294. Violation by employees, of by-laws, etc., punishable in certain cases. Penalty.
347. The company may, in all cases under the next preceding section, pay the amount of the penalty and costs, and recover the same from the offender or deduct it from his salary or pay. 51 V., c. 29, s. 295. Recovery of penalty from employees.
348. Every person who wilfully or negligently violates any by-law, rule or regulation of the company is liable, on summary conviction, for each offence, to a penalty not exceeding the amount therein prescribed, or if no amount is so prescribed, to a penalty not exceeding twenty dollars; but no such person shall be convicted of any such offence, unless at the time of the commission thereof a printed copy of such by-law, rule or regulation was openly affixed to a conspicuous part of the station at which the offender entered the train or at or near which the offence was committed. 51 V., c. 29, s. 296. Violation of by-laws, etc., by other persons. Penalty. Proviso as to posting by-law, etc.
349. Every person who,—  
 (a.) bores, pierces, cuts, opens or otherwise injures any cask, box or package, which contains wine, spirits or other liquors, or any case, box, sack, wrapper, package or roll of goods, in, on or about any car, wagon, boat, vessel, warehouse, station house, wharf, quay or premises of, or which belong to any

Damaging freight with intent to steal contents.

company, with intent feloniously to steal or otherwise unlawfully to obtain or to injure the contents, or any part thereof, or,—

Drinking or wasting liquor. (b.) unlawfully drinks or wilfully spills or allows to run to waste any such liquors, or any part thereof,— 5

Penalties. is liable, on summary conviction, to a penalty not exceeding twenty dollars over and above the value of the goods or liquors so taken or destroyed, or to imprisonment, with or without hard labour, for a term not exceeding one month, or to both. 10  
51 V., c. 29, s. 297.

Each day's violation of this Act, or order hereunder, a distinct offence. **350.** When the violation of, or failure to comply with, any provisions of this Act, or any regulation or order or direction of the Board, or the Minister, or the Governor in Council, or of any inspecting engineer, is made an offence subject to penalty, by this Act, or by any regulation made under this Act, each day's continuance of such violation, or failure, to comply, shall constitute a new and distinct offence. 15

## STATISTICS.

Interpretation. **351.** In the following sections of this Act down to section three hundred and fifty-seven inclusive, unless the context otherwise requires, the expression "company" means a company constructing or operating a line of railway in Canada, whether otherwise within the legislative authority of the Parliament of Canada or not, and includes any individual or individuals not incorporated, who are owners or lessees of a railway in Canada, or parties to an agreement for working a railway in Canada. 51 V., c. 29, s. 298. 20

"Company."

Annual returns to be prepared. **352.** Every company shall annually prepare returns in accordance with the forms contained in schedule one to this Act, of its capital, traffic and working expenditure, and of all information required, as indicated in the said form, to be furnished to the Minister; and such returns shall be dated and signed by, and attested upon the oath of the secretary, or some other chief officer of the company, and of the president, or in his absence, of the vice-president or manager of the company. 35

Form and attestation.

Period included. 2. Such returns shall be made for the period included from the date to which the then last yearly returns made by the company extended, or from the commencement of the operation of the railway, if no such returns have been previously made, and, in either case, down to the last day of June, in the then current year. 40

Duplicate for Minister. 3. A duplicate copy of such returns, dated, signed and attested in manner aforesaid, shall be forwarded by such company to the Minister within three months after the first day of July in each year. 45

Other returns when required. 4. The company shall also, in addition to the information required to be furnished to the Minister, as indicated in the said schedule one, furnish such other information and returns as are, from time to time required by the Minister.

Penalty for non-compliance. 5. Every company, which makes default in forwarding such returns in accordance with the provisions of this section, shall incur a penalty not exceeding ten dollars for every day during which such default continues. 50

6. The Minister shall lay before both Houses of Parliament, within twenty-one days from the commencement of each session thereof, the returns made and forwarded to him in pursuance of this section. 51 V., c. 29, s. 299. Returns to be submitted to Parliament.
- 5 **353.** Every company shall, weekly, prepare returns of its traffic for the next preceding seven days, in accordance with the form contained in schedule two to this Act, and a copy of such returns, signed by the officer of the company responsible for the correctness of such returns, shall be forwarded by the company to the Minister, within seven days from the day in each week up to which the said returns have been prepared; and another copy of each of said returns, signed by the same officer, shall be posted up by the company within the same delay, and kept posted up for seven days, in some conspicuous place in the most public room in the head office of the company in Canada, and so that the same can be perused by all persons; and free access thereto shall be allowed to all persons during the usual hours of business at such office, on each day of the said seven days not being a Sunday or holiday : Weekly returns of traffic.
- 10 **2.** Every company which makes default in forwarding the weekly returns to the Minister, or which fails to post up and keep posted up a copy thereof as aforesaid, and to allow free access thereto as aforesaid, shall incur a penalty not exceeding ten dollars for every day during which such default continues. Posting same.
- 15 51 V., c. 29, s. 300. Public inspection.
- 20 **3.** Every person who, knowing the same to be false in any particular, signs any return required by this or the next preceding section, is guilty of a misdemeanour. 51 V., c. 29, s. 301. Penalty.
- 25 **354.** Every company shall, within one month after the first days of January and July, in each and every year, make to the Minister, under the oath of the president, secretary or superintendent of the company, a true and particular return of all accidents and casualties, whether to life or property, which have occurred on the railway of the company during the half year next preceding each of the said periods respectively, setting forth :— Making false returns a misdemeanour.
- 30 (a.) The causes and natures of such accidents and casualties. Semi-annual returns of accidents.
- 35 (b.) The points at which they occurred, and whether by night or by day. Causes and nature.
- 40 (c.) The full extent thereof, and all the particulars of the same. Locality and time.
- 45 And shall also, at the same time, return a true copy of the existing by-laws of the company, and of its rules and regulations for the management of the company and of its railway. Extent and particulars.
- 51 V., c. 29, s. 302. Copies of by-laws.
- 355.** The Minister may order and direct, from time to time, the form in which such returns shall be made up, and may order and direct any company to make up and deliver to the Minister, from time to time, in addition to the said periodical returns, returns of serious accidents occurring in the course of the public traffic upon the railway belonging to such company, whether attended with personal injury or not, in such form Minutes may prescribe form of returns.
- 50 Returns of serious accidents.

and manner as the Minister deems necessary and requires for his information with a view to public safety. 51 V., c. 29, s. 303.

Penalty for non-compliance.

**356.** If the returns required under the two sections next preceding, so verified, are not delivered within the respective 5 times in the said sections prescribed, or within fourteen days after the same have been so required by the Minister, every company which makes default in so doing shall forfeit to His Majesty the sum of one hundred dollars for every day during which the company neglects to deliver the same. 51 V., c. 29, 10 s. 304.

Returns are privileged communications.

**357.** All returns made in pursuance of any of the provisions of the seven sections of this act next preceding shall be privileged communications, and shall not be evidence in any court whatsoever, except in any prosecution under sub-section 15 three of section three hundred and fifty-three, or for perjury in making the said oath or for forgery of said return or any part thereof. 51 V., c. 29, s. 305. Am.

Exceptions.

Returns to Board, of assets and liabilities.

**358.** The Board may from time to time, by notice served upon the Company, or any officer, servant or agent of the 20 company, require it, or such officer, servant or agent to furnish the Board, at or within any time stated in such notice, a written statement or statements showing in so far, and with such detail and particulars, as the Board requires, the assets and liabilities of the company—the amount of its stock issued and 25 outstanding—the date at which any such stock was so issued—the amount and nature of the consideration received by the company for such issue, and, in case the whole of such consideration was not paid to the company in cash, the nature of the service rendered to or property received by the company for which 30 any stock was issued—the gross earnings or receipts or expenditure by the company during any periods specified by the Board, and the purposes for which such expenditure was made—the amount and nature of any bonus, gift, or subsidy, 35 received by the company from any source whatsoever, and the source from which and the time when, and the circumstances under which, the same was so received or given—the 40 bonds issued at any time by the company, and what portion of the same are outstanding and what portion, if any, have been redeemed,—the amount and nature of the consideration received by the company for the issue of such bonds —the character and extent of any liabilities outstanding, chargeable upon the property or undertaking of the Company, or any part thereof, and the consideration received by the 45 company for any such liabilities, and the circumstances under which the same were created—the cost of construction of the company's railway or of any part thereof,—the amount and nature of the consideration paid or given by the company for any property acquired by it,—the particulars of any lease, contract or arrangement entered into between the company and 50 any other company or person,—and generally, the extent, nature, value and particulars of the property, earnings, and business of the company.

Of stock issued and outstanding, etc.

Of earnings and expenditure.

Of bonuses.

Of lands.

Of secured liabilities.

Of cost of construction.

Of cost of acquirements.

Of leases and contracts.

Generally.

No. 2.—LOANS OR BONUSES FROM GOVERNMENTS OR MUNICIPALITIES.

From what Source.	Amount of Loan Granted.	Amount of Bonus Granted.	Amount of Subscription to Shares.	Amount of Subscription to Bonds.	Rate of Interest.	Date of Repayment.
	\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.
Governments. . . . .						
Total . . . . .						
Municipalities. . . . .						
Total . . . . .						

No. 3.—BONDS OR OTHER SECURITIES NEGOTIATED BY THE COMPANY.

Amounts.	Rate of Interest.	Date of Sale.	Prices Realized.
\$ cts.	\$ cts.	\$ cts.	\$ cts.

No. 4.—SALES OF LAND MADE BY THE COMPANY.

Acres Sold.	Price per Acre.	Amount.
	\$ cts.	\$ cts.

No. 5.—FLOATING DEBT.

Amount.	Rate of Interest.	Remarks.
\$ cts.	\$ cts.	

No. 6.—CHARACTERISTICS OF ROAD, &c.

OWNED.	Miles.
*Length of main line from..... to .....	
" branch from..... to .....	
" "..... to .....	
" "..... to .....	
" "..... to .....	
LEASED.	
Length of railway from..... to .....	
" "..... to .....	
" "..... to .....	
" "..... to .....	
Total mileage worked. ....	
Length of road laid with iron rails.....	
" " steel rails.....	
" of sidings.....	
" of double track (if any).....	
Weight of rail per yard, main line, iron.....	Lb.
" " " steel.....	
" " branches, iron.....	
" " " steel.....	
Number of engine houses and shops.....	
" of engines owned by Company.....	
" " hired.....	
" of first-class passenger cars owned by Company.....	
" " " hired.....	
" of second-class and emigrant cars owned by Company.....	
" " " hired.....	
" baggage, mail and express cars owned by Company.....	
" " " hired.....	
Number of cattle and box freight cars owned by Company.....	
" " " hired.....	
" of platform cars owned by Company.....	
" " " hired.....	
" of coal cars owned by Company.....	
" " " hired.....	
" of ties to mile, main line.....	
" " branches.....	
Nature of fastenings used to secure joint of rail.....	
Number of grain elevators.....	
†Capacity of " at.....	
" " ".....	
" " ".....	
Number of level road crossings at which watchmen are employed.....	
" " without watchmen.....	
" of overhead bridges.....	
Height of " above rail level.....	
Number of level crossings of other railways.....	
" of junctions with other railways.....	
" " branch lines.....	
Radius of sharpest curve.....	
Number of feet per mile of heaviest gradient.....	
Gauge of railway.....	

\* If the line, or any portion of it, is under construction, the length being constructed to be given.

† State where these are situated, and the capacity of each.

No. 7.—ACTUAL COST OF RAILWAY AND ROLLING STOCK.

	\$	cts.
1. Cost of land and land damages.....		
2. Cost in connection with the administration of the Land Grant in aid, if any. ....		
3. Cost of grading, masonry and bridging, station buildings, &c. ....		
4. Cost of rolling stock of all kinds, including workshops.....		
Total.....		
The above total to show the real cash cost of construction and rolling stock.		

No. 8.—OPERATIONS OF THE YEAR AND NUMBER OF MILES RUN.

1. Miles run by passenger trains.....	
2. " freight trains.....	
3. " mixed trains.....	
4. Total miles run by trains.....	
5. " " engines.....	
6. Total number of passengers carried.....	
7. " tons of freight (of 2,000 lbs.) carried.....	
8. Average rate of speed of passenger trains.....	
9. " " freight trains.....	
10. Average weight of passenger trains in motion.....	
11. " " freight trains in motion.....	

No. 9.—DESCRIPTION OF FREIGHT CARRIED.

	Weight in Tons.
1. Flour in barrels, No.....	
2. Grain in bushels, No.....	
3. Live stock, No.....	
4. Lumber of all kinds, excepting firewood, ft.....	
5. Firewood, number of cords of 128 cubic ft.....	
6. Manufactured goods.....	
7. All other articles.....	
Total weight carried. ....	

No. 10.—EARNINGS OF THE RAILWAY.

	\$ cts.
1. From passenger traffic.....	
2. From freight traffic.....	
3. From mails and express freight.....	
4. From other sources.....	
Total.....	

No. 11.—GENERAL TARIFF OF TOLLS ESTABLISHED BY THE COMPANY.

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No. 12.—SPECIAL RATES OF TOLLS ESTABLISHED BY THE COMPANY.

No. 13, A.—OPERATING EXPENSES—MAINTENANCE OF LINE, BUILDINGS, &C.

	\$	cts.
1. Wages, &c., of labour employed on track, including sidings.....		
2. Cost of iron rails and fastenings .....		
3. " steel " .....		
4. Ballasting.....		
5. Repairs of bridges and culverts.....		
6. " and renewals of buildings.....		
7. " of fencing.....		
8. Clearing snow.....		
9. Engineering superintendence.....		
Total .....		

No. 13, B.—OPERATING EXPENSES—WORKING AND REPAIRS OF ENGINES.

	\$	cts.
1. Wages of engineers, firemen and cleaners.....		
2. Cost of coal for fuel .....		
" wood " .....		
3. Repairs of engines and tenders .....		
4. Oil, tallow, waste, &c., for engines.....		
5. Pumping engines .....		
6. Repairs of tools and machinery.....		
7. Superintendence .....		
Total.....		

No. 13, C.—WORKING AND REPAIRS OF CARS.

	\$	cts.
1. Wages and material for repairs of passenger cars.....		
2. " " " freight cars and snow ploughs.....		
3. Superintendence.....		
Total.....		

No. 13, D.—OPERATING EXPENSES—GENERAL AND OPERATING CHARGES.

	\$ cts.
1. Office expenses, including directors, auditors, management, traveling expenses, stationery, &c .....	
2. Station agents, clerks, porters, &c .....	
3. Conductors, baggagemen and brakemen .....	
4. Compensation for personal injuries .....	
5. Loss or damage to freight .....	
6. Cattle killed .....	
7. Cost of ferries and ferry-boats .....	
8. Cost of foreign agencies .....	
9. Small stores, including lights, lamps and signals .....	
10. All other charges .....	
11. ....	
12. ....	
13. ....	
Total .....	

Blanks are left for any other items of expenditure not included above.

No. 14.—SUMMARY OF OPERATING EXPENSES.

	\$ cts.
A. Maintenance of line, buildings, &c. ....	
B. Cost of working and repairs to engines .....	
C. " " " cars .....	
D. " general operating expenses .....	
Total cost of operating railway .....	

The above statement to include the full cost of operating the railway, and the total to correspond with the published return of the Company.

No. 15.—ACCIDENTS.

Cause of Accident.	PASSENGERS.		EMPLOYEES.		OTHERS.		TOTAL.	
	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.
Fell from cars or engines.....								
Jumping on or off trains or engines when in motion....								
Walking, standing, lying, sitting or being on track.....								
At work on or near the track, making up trains.....								
Putting arms or heads out of windows.....								
Coupling cars.....								
Collisions, or by trains thrown from track.....								
Explosions.....								
Striking bridges.....								
Total.....								

The following is a Statement of the date of each Accident, the place where it occurred, the train, the cause of the Accident, the extent of the injury to each person injured, and the name of such person.

Date.	Name and Place.	Nature of Accident or Cause.

No. 16.—NAMES AND RESIDENCES OF DIRECTORS AND OFFICERS OF THE COMPANY.

Names of Directors.	Residence.
President.....	
Secretary and Treasurer.....	
General Manager.....	
Engineer.....	
Superintendent.....	

The following is the official name and address of the Company :—

--

SCHEDULE TWO.

.....Railway of Canada.

RETURN of Traffic for the week ending 19  
and the corresponding week, 19 .

Date.	Passengers.	Freight and Live Stock.	Mails and Sundries.	Total.	Miles Open.
19	.....	.....	.....	.....	.....
19	.....	.....	.....	.....	.....

Increase.....

Decrease.....

Aggregate Traffic from..... 19....

Date.	Passengers.	Freight and Live Stock.	Mails and Sundries.	Total.	Miles Open.
19	.....	.....	.....	.....	.....
19	.....	.....	.....	.....	.....

No. 104.

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2nd Session, 9th Parliament, 2 Edward VII., 1902

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BILL.

An Act to amend and consolidate the law  
respecting Railways.

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First reading, April 9, 1902.

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MR. BLAIR.

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OTTAWA  
Printed by S. E. Dawson  
Printer to the King's most Excellent Majesty  
1902

An Act to amend the Bills of Exchange Act, 1890.

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

5 **1.** Section 42 of *The Bills of Exchange Act, 1890*, is repealed, 1890, c. 33,  
new s. 42 and the following is substituted therefor:—

10 **“42.** The drawee may accept a bill on the day of its due presentment to him for acceptance, or at any time within two days thereafter. When a bill is so duly presented for acceptance and is not accepted within the time above mentioned, the person presenting it must treat it as dishonoured by non-acceptance. If he does not, the holder shall lose his right of recourse against the drawer and indorsers.

15 **“2.** In the case of a bill payable at sight or after sight, the acceptor may date his acceptance thereon as of any of the days above mentioned, but not later than the day of his actual acceptance of the bill; and if the acceptance is not so dated, the holder may refuse to take the acceptance and may treat the bill as dishonoured by non-acceptance.” Dating of  
acceptance.

No. 105.

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2nd Session, 9th Parliament, 2 Edward VII., 1902

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BILL.

An Act to amend the Bills of Exchange  
Act, 1890.

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First reading, April 9, 1902.

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MR. FITZPATRICK.

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OTTAWA

Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

## An Act to amend the Post Office Act.

**I**n amendment of *The Post Office Act*, His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

- 1.** This Act, instead of *The Civil Service Act*, shall apply to every person hereafter appointed to a position as messenger, porter, packer, letter carrier, mail transfer agent or box collector in either the inside or outside division of the Post Office Department, and, except as hereinafter provided, to every person heretofore so appointed who elects to accept the provisions of this Act.
- 2.** The classes of persons mentioned in section 1 shall be divided into five grades, to be called grades "A," "B," "C," "D" and "E" respectively.
- 3.** The salaries of those in grade "A" shall be at the rate of \$1.25 per day; of those in grade "B," at the rate of \$1.50 per day; of those in grade "C," at the rate of \$1.75 per day; of those in grade "D," at the rate of \$2.00 per day; and of those in grade "E," at the rate of \$2.25 per day.
- 4.** Every such appointment hereafter made shall be subject to a probationary period of not less than six months, during which the appointee shall be classed in grade "A." Upon the appointment being confirmed, he shall be classed in grade "B"; after two years' service in grade "B" he shall, if duly recommended for promotion, be classed in grade "C"; after two years' service in grade "C" he shall, if duly recommended for promotion, be classed in grade "D"; and for the performance of work of a specially arduous and responsible nature, promotions may from time to time be made from grade "D" to grade "E."
- 2.** In case of inefficient or unsatisfactory service or conduct, reductions in grade may also from time to time be made.
- 5.** Candidates for appointment shall be subject to such previous examinations as are from time to time prescribed by the Governor in Council.
- 6.** Any person heretofore appointed to and filling any of the positions mentioned in section 1, and desiring to occupy a corresponding position under this Act, may elect to accept the provisions of this Act instead of the provisions of *The Civil Service Act*, by signifying such election in writing, signed by

To whom  
this Act.  
shall apply.

Five grades.

Pay per day.

Probation.

Promotion.

Reduction  
in grade.

Examina-  
tions.

How present  
employees  
may come  
under this  
Act.

him, and delivered or transmitted by registered letter, addressed to the Secretary of the Post Office Department, within three months after the passing of this Act; and thereupon this Act, instead of *The Civil Service Act*, shall apply to him, subject to the following conditions :—

First, Such election shall not affect his rights or position under *The Civil Service Superannuation Act* or *The Civil Service Retirement Act, 1898*;

Secondly, Any one who, at the time of his election, is serving a probationary period, shall be classed in grade "A"; any one who has been or shall be confirmed in his position shall, if duly recommended, be classed in grade "B," unless more than two years and less than four years have elapsed since such confirmation, in which event he shall, if so recommended, be classed in grade "C"; and if more than four years have elapsed since such confirmation, he shall, if so recommended, be classed in grade "D," subject to reduction as mentioned in section 4.

Annual leave of absence.

**7.** Every person mentioned in section 1 shall be entitled each year to two weeks' leave of absence with pay. He may also, on account of satisfactory service, be granted additional leave of absence with pay, for a period not exceeding ten days in each year, or a bonus at the rate of two dollars for each day of such additional leave, and in that case he shall have his option between the said additional leave and the said bonus.

Additional leave, or bonus.

1898, c. 17.

**8.** Any person hereafter appointed to any of the positions mentioned in section 1 shall be subject to *The Civil Service Retirement Act, 1898*.

Appointment of Post Office Superintendent.

**9.** A Post Office Superintendent may be appointed, at a salary not exceeding three thousand dollars a year, whose duty it shall be from time to time to inspect the city post offices and such other post offices as the Postmaster General from time to time indicates, to examine into their management and efficiency, and to advise and instruct the various staffs with a view to promoting the efficiency of the service.

Qualification.

**10.** No person shall be eligible for appointment as Post Office Superintendent unless he has been a clerk, or officer of higher rank, in a city post office for at least ten years. His appointment as Superintendent shall not, unless and until so determined by the Governor in Council, have the effect of removing him from the position held by him in the service at the time of his appointment as Superintendent, provided that his total salary shall not exceed three thousand dollars.

May combine offices.

Proviso: limit as to salary.

Age limit for certain positions.

**11.** No person over thirty years of age shall be eligible for appointment as railway mail clerk or as stamper and sorter.

Appointments, etc., by Governor in Council.

**12.** Appointments, promotions, reductions in grade and dismissals under this Act shall be made by the Governor-in-Council.

Repeal.

**13.** Section 8 of chapter 20 of the statutes of 1889, and section 1 of chapter 54 of the statutes of 1894, are repealed.

**14.** The paragraph substituted by section 1 of chapter 26 of the statutes of 1897 for paragraph (r) of subsection 1 of section 9 of *The Post Office Act*, chapter 35 of the Revised Statutes, is repealed, and the following is substituted there-  
5 for:—

“(r) make regulations for security being given by any person or body corporate to His Majesty for the due performance of his duties in any matter relative to the Post Office of Canada by any officer, employee, clerk or servant employed  
10 by or under the Postmaster General, or by any one employed in the Canada Post Office, or by any one performing, whether with or without authority, any business of the Post Office of Canada; and also for the establishment and maintenance of a fund, to be derived from moneys received from officers, em-  
15 ployees, clerks and servants employed by or under the Postmaster General, wherewith to make good losses arising from the malfeasance, misfeasance or failure to duly discharge his duties in any matter relating to the Post Office of any such officer, employee, clerk or servant, or of anyone performing  
20 any business of the Post Office, and for the indemnification of of His Majesty and others sustaining such losses, by payments out of the fund; but nothing herein or in any such regulation shall create any liability on the part of His Majesty or the Postmaster General to indemnify any person for any such  
25 loss.

**15.** The Postmaster General may make regulations for the carrying out of the provisions of this Act.

No. 106.

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2nd Session, 9th Parliament, 2 Edward VII., 1902

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BILL.

An Act to amend Post Office Act.

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First reading, April 10, 1902.

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MR. MULOCK.

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OTTAWA

Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

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No. 108.]

**BILL.**

[1902.

An Act to amend the Criminal Code, 1892.

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

1. Subsection 3 of section 900 of *The Criminal Code, 1892*,<sup>1892, c. 29, s. 900 amended.</sup>  
5 is repealed, and the following is substituted therefor :—  
“ 3. The application shall be made and the case stated within such time and in such manner as is from time to time directed by rules or orders under section five hundred and thirty-three of this Act. In default of any such rule or order,  
10 and until one is made, the application shall be made in writing to the justice and a copy thereof left with him, and may be made at any time within seven clear days from the date of the proceeding to be questioned, and the case shall be stated within three calendar months after the date of the application,  
15 and after the recognizance hereinafter referred to has been entered into. The applicant shall within three days after receiving the case transmit it to the court named in the application, first giving notice in writing of such appeal, with a copy of the case as signed and stated, to the other party to  
20 the proceeding in which the determination was given.”

No. 108.

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2nd Session, 9th Parliament, 2 Edward VII, 1902

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BILL.

An Act to amend the Criminal Code,  
1892.

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First reading, April 11, 1902.

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MR. RUSSELL.

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OTTAWA

Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

An Act respecting the incorporation of Railway  
Companies.

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

- 5 **1.** No application to Parliament for authority to construct  
a railway, as defined by *The Railway Act*, shall be granted  
until the applicant has deposited with the Minister of Finance  
and Receiver General the sum of two hundred dollars for each  
mile of the proposed railway. Deposit to  
be made by  
applicant.
- 10 **2.** Upon the completion of the railway to the satisfaction  
of the Governor in Council, the said deposit shall be paid back  
to the said applicant, with interest. Refund upon  
completion  
of railway.
- 3.** If the railway is not completed to the satisfaction of the  
Governor in Council within the time fixed by Parliament, the  
said deposit shall be forfeited. Forfeiture  
if railway not  
completed.

No. 110

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2nd Session, 9th Parliament, 2 Edward VII., 1902

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BILL.

An Act respecting the incorporation of  
Railway Companies.

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First reading, April 17, 1902.

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MR. GUTHRIE.

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OTTAWA  
Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

## An Act to Amend the General Inspection Act.

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

**1.** Sections 89 to 95, both inclusive, of *The General Inspection Act*, Chapter 99 of the Revised Statutes, are repealed, and the following sections are substituted therefor :—

“**89.** The expression ‘skins’ means raw veal skins weighing from five to twenty-five pounds; and the expression “raw hides” means and includes all green, untanned hides commonly used in the manufacture of leather, weighing over twenty-five pounds.”

“**90.** The Governor in Council may appoint an inspector of raw hides and skins in each of the cities of Quebec, Montreal, Ottawa, Kingston, Toronto, Hamilton and London, which places shall be created and known as Inspection Divisions and shall embrace therein the territory within a radius of ten miles around each such city respectively.”

“**2.** The Governor in Council may also, whenever he considers it necessary and expedient so to do, appoint an inspector of leather in and for any such Division, and the Office of Inspector of raw hides and skins and of Inspector of leather may be held by one and the same person.”

“**91.** Every inspector or deputy inspector shall examine and inspect all skins and raw hides taken off in his Division, and may, when requested so to do, inspect any other skins or raw hides presented to him for inspection, and shall ascertain the weight and condition thereof, and shall also examine and inspect any leather on application made to him for that purpose by the owner or possessor thereof, and ascertain the weight, quality and condition thereof.”

“**92.** Every inspector shall keep in a convenient situation in his Division, a store or warehouse for the purposes of such inspection; and such inspection shall be made either at the said store or warehouse, or, if the inspector thinks fit, at the store or warehouse of the owner or buyer of the skins, raw hides or leather.”

“**2.** No charge for storage shall be made by the inspector until forty-eight hours have elapsed after the inspection; but all trouble and expense attendant upon the loading, unloading or moving such skins, raw hides or leather, and the fees payable therefor, shall be borne and paid by the buyer of such skins or raw hides so taken off in the Division or by the person requesting the inspection of such other skins or hides or of such leather, respectively.”

R.S.C. c. 99,  
sections 89 to  
95 repealed.

“Skins.”

“Raw hides.”

Appointment  
of inspectors  
of hides.

Inspectors  
of leather.

Inspector to  
examine hides  
in his Divi-  
sion, and any  
leather on  
application.

Inspector to  
keep a store.

Place of  
inspection.

Expenses and  
fees borne by  
buyer, etc.

Marking and stamping of skins and hides.

**“93.** Every inspector or deputy inspector shall mark or stamp on each skin and hide the net weight thereof, and such skins and hides shall be inspected without the horns, muzzles, snouts, hoofs, tails and dewclaws, and the inspector shall give a certificate of the net weight and quality of such skin or hide and attach a tag thereto specifying the weight and quality thereof, without any charge therefor. 5

Subtraction of things not to be computed in the weight; classification of skins and hides.

**“94.** Every inspector or deputy inspector shall subtract from the weight of each raw hide and skin all dirt and parts injured by knife cuts, and any other thing which ought not to be computed in the weight of the hide or skin, and may add to such weight all that such hide or skin has lost by drying; and the computation of the weight so to be subtracted or added shall be in his discretion; and he shall classify the skins and hides as number one, two, three, or damaged, as the case may be. 10 15

Inspector's fees.

**“95.** Every inspector shall be entitled for the inspection of such skins and hides to a fee of two cents for each skin and five cents for each hide inspected by him.”

S. 99 repealed.

**2.** The section substituted for section 99 of the said Act by section 7 of chapter 16 of the statutes of 1889, is repealed, and the following section is substituted therefor:—

Inspection compulsory.

**“99.** Every buyer of skins or raw hides taken off in any Division, shall, notwithstanding sub-section 1 of section 19 of this Act, have them inspected, certified to, stamped and tagged; and every person who buys or sells or exposes for sale any raw hides or skins taken off in any Division, unless they are stamped and tagged and unless they are sold subject to inspection, in which case the vendor shall not be responsible, shall be liable to a penalty not exceeding twenty dollars; and every person except the inspector or deputy inspector who stamps or tags any of the skins or raw hides above mentioned and exposes them for sale so stamped or tagged, shall be liable to a penalty not exceeding twenty dollars.” 25 30

Buyer to have skins, etc., inspected, certified to, stamped and tagged.

Penalty.

Penalty for stamping, etc.

Section 101 repealed.

**3.** Section 101 of the said Act is repealed, and the following section is substituted therefor:—

How and where brand or stamp marks shall be made.

**“101.** All brand or stamp marks shall be neat and legible and shall be made on each side of tail of each hide, and at one end of piece of leather, and on pate or as near the head as possible of each skin, within a space of not less than two inches long by one inch and a half broad.” 40

Sections 106, 107 and 108 repealed.

**4.** Sections 106, 107 and 108 of the said Act are repealed, and the following sections are substituted therefor:—

Brand or mark; how attached.

**“106.** The brand or mark shall be fixed or attached to the skin, raw hide or leather by stamping or by any other process that will render such brand or mark indelible; and the inspector shall also, in the case of skins and hides, attach a tag to such skin or hide indicating weight and classification; and each brand or stamp shall have the initial of the Division where inspection is made and the initials of the inspector's name, and the weight of the skin, raw hide or leather, and also the figure denoting the quality; and such brand or stamp shall, in the case of skins or hides, indicate whether such skin 45 50

Inspector to attach tag.

Initials on brand or stamp.

or hide was taken off within the Division in which it is inspected and may be in the form following:—

1. 112 lbs.	2. 90 lbs.	Form of brand or stamp.
T. x J.B., I.	T. x J.B., I.	

5 “The figure 1 representing the first quality; 112 lbs., the weight; *T.*, the initial letter of the Division where inspected; *J.B., I.*, the initials of the inspector’s name and office; and *X*, that such skin or hide was taken off within the Division where inspected; but a skin or hide taken off outside of the Division  
10 in which it is inspected, shall not be stamped with the initial *X*.  
Meaning of figures.

“The figure 2 designating second quality.

3. 60 lbs.	Form.
T. x J.B., I.	

“The figure 3 designating a damaged or rejected article.

“**107.** Every inspector of skins, raw hide and leather shall  
15 keep a proper book or books which shall be open to public  
inspection, in which he shall from time to time enter a state-  
ment or account of all green, raw and salted skins, hides and  
leather inspected by him or any of the deputy inspectors  
under him, showing the respective weight, quality and condi-  
20 tion thereof, and where taken off, how they have been classi-  
fied by him, for whom they have been inspected, whether for  
seller or buyer, and the amount paid for such inspection; and  
every inspector who neglects or refuses to keep such book or  
to make the entries required to be made therein, or neglects or  
refuses to make the returns required by the next following  
25 section of this Act, shall incur a penalty not exceeding eighty  
dollars for each offence and be liable to be dismissed from his  
office and disqualified from ever after holding it.  
Inspector to keep books for public inspection.

“**108.** Every inspector shall, twice in each year, and not  
later than the tenth day of January and the tenth day of July,  
30 respectively, make a return to the Board of Trade of the City  
in the Division in respect to which he has been appointed, of  
the particulars mentioned in the next preceding section; and  
a duplicate of such return shall be sent to the Minister of  
Inland Revenue, at Ottawa.”  
Penalty for neglect to keep books or make returns.  
Inspector to make returns.

No. 111.

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2nd Session, 9th Parliament, 2 Edward VII., 1902

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BILL.

An Act to amend the General Inspection  
Act.

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First reading, April 16, 1902.

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MR. McCARTHY.

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OTTAWA

Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

## An Act to amend the Immigration Act.

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

1. *The Immigration Act*, chapter 65 of the Revised Statutes, R.S.C., c. 65, section added.  
5 is amended by inserting the following section immediately after section 24:—

“24A. The Governor General may, by proclamation or order, whichever he considers most expedient, and whenever he deems it necessary, prohibit the landing in Canada of any  
10 immigrant or other passenger who is suffering from any dangerous or infectious disease or malady, whether such immigrant intends to settle in Canada, or only intends to pass through Canada to settle in some other country.”  
Landing of diseased persons may be prohibited.

2. Any person landed in Canada from a vessel in contraven- How prohibit-  
15 tion of *The Immigration Act* may be apprehended, without a warrant, by any immigration agent or other government officer, and may be compelled to return or be taken on board the vessel, and by force, if necessary.  
ed persons may be dealt with.

No. 112.

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2nd Session, 9th Parliament, 2 Edward VII., 1902

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BILL.

An Act to amend the Immigration Act.

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First reading, April 16, 1902.

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MR. SIFTON.

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OTTAWA

Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

An Act to further to amend the Yukon Territory Act  
and the Acts in amendment thereof.

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

1. Each of the judges of the Territorial Court shall have, and may exercise in any part of the Yukon Territory, the criminal jurisdiction vested in the police magistrate for Dawson by chapter 41 of the statutes of 1901, and in the exercise of such jurisdiction shall have all the powers of a police magistrate under the said chapter 41. Criminal jurisdiction of judges. 1898, c. 6; 1899, c. 11; 1900, c. 34.
2. The Governor in Council may from time to time assign to one of the judges of the said court the duty of ordinarily exercising such jurisdiction. Power of a single judge.
3. Sections 7, 8, 9, 10, 11, 12 and 13 of chapter 11 of the statutes of 1899 are repealed; provided that such repeal shall not affect any appeal heretofore taken under the said sections, and that as to any such appeal all the said sections shall remain in full force. 1899, c. 11, sections repealed.
4. An appeal shall lie from any final judgment of the Territorial Court to the Supreme Court of Canada where the matter in controversy amounts to the sum or value of two thousand dollars or upwards, or where the title to real estate or some interest therein is in question, or the validity of a patent is affected, or the matter in question relates to the taking of an annual or other rent, customary or other duty or fee, or a like demand of a public or general nature affecting future rights, or in cases of proceedings for or upon mandamus, prohibition or injunction. Appeals from Territorial Court to Supreme Court of Canada.
2. An appeal shall also lie to the Supreme Court of Canada from any final judgment of the Court of Appeal constituted by the ordinance of the Governor in Council of the eighteenth day of March, 1901, governing the hearing and decision of disputes in relation to mining lands in the Yukon Territory. In cases relating to mining lands.
5. The Territorial Court *in banc* shall sit at such times and places as the commissioner appoints, and the sittings thereof may be adjourned from time to time as may be necessary. Sittings of Territorial Court *in banc*.
6. At such sittings the court may hear and dispose of motions for new trials, appeals, and motions in the nature of Jurisdiction.

appeals, and any other business or matter within the jurisdiction of the Territorial Court.

Rules of  
court in civil  
matters.

7. Subject to the provisions of any Act or ordinance relating to the Territorial Court, the judges of the said court may make general rules and orders prescribing and regulating the procedure and practice of the court in civil matters. 5

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No. 113.

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2nd Session, 9th Parliament, 2 Edward VII, 1902

BILL

An Act further to amend the Yukon Territory Act and the Acts in amendment thereof.

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First reading, April 16, 1902.

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Mr. FITZPATRICK.

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OTTAWA

Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

## An Act to amend the Exchequer Court Act.

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

1. Section 9 of chapter 16 of the statutes of 1887 is amended 1887, c. 16,  
5 by inserting after the word "thousand" in the sixth line of s. 9 amended.  
of the said section, the words "four hundred."
2. The section substituted for section 51 of the said Act by Section 51  
section 1 of chapter 35 of the statutes of 1890 is amended by amended.  
10 inserting after the word "judgment" in the fourth line of the  
said section, the words "or with any judgment upon any  
demurrer."
3. When a defendant, whether a British subject or a forei- Service on  
15 gner, is out of the jurisdiction of the Exchequer Court of defendant  
Canada and whether in His Majesty's dominions or in a foreign beyond juris-  
country, then, upon application, supported by affidavit or dition of  
or other evidence, stating that, in the belief of the deponent, the court.  
16 plaintiff has a good cause of action, and showing in what  
place or country such defendant is or probably may be found,  
the court or a judge may order that a notice of the informa-  
20 tion, petition of right, or statement of claim be served on the  
defendant in such place or country or within such limits as the  
court or a judge thinks fit to direct.
2. The order shall in such case limit a time, depending on the Limitation  
25 place of service, within which the defendant is to file his of time.  
statement in defence, plea, answer, exception or demurrer, or  
otherwise make his defence, according to the practice applic-  
able to the particular case, or obtain from the court or a judge  
further time to do so.
3. Upon service being effected as authorized by the order, the Power of  
30 court shall have jurisdiction to proceed and adjudicate in the court after  
cause or matter to all intents and purposes in the same man- service.  
ner, to the same extent, and with the like effect as if the de-  
fendant had been duly served within the jurisdiction of the  
court.
4. Notwithstanding anything contained in section 51 (as Appeal in  
35 enacted by section 1 of chapter 35 of the statutes of 1890) or certain cases  
section 52 of *The Exchequer Court Act*, where the Crown is a when amount  
party to any action, suit, cause, matter or other judicial does not  
proceeding in which the actual amount in controversy does not exceed \$500.  
exceed five hundred dollars, an appeal shall lie on behalf of  
the Crown from any final judgment given therein by the

Exchequer Court, if such final judgment or the principle affirmed thereby affects or is likely to affect any case or class of cases then pending or likely to be instituted wherein the aggregate amount claimed or to be claimed exceeds or will probably exceed five hundred dollars, or if, in the opinion of the 5 Attorney General of Canada, certified in writing, the principle affirmed by the decision is of general public importance; provided that, in any such case an appeal shall not lie unless it is allowed by a judge of the Supreme Court, who may, in allowing such appeal, impose such terms as to costs and otherwise 10 as he thinks the justice of the case requires.

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No. 114.

2nd Session, 9th Parliament, 2 Edward VII, 1902

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BILL.

An Act to amend the Exchequer Court  
Act.

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First reading, April 16, 1902.

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MR. FITZPATRICK.

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OTTAWA

Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

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No. 115.]

**BILL.**

[1902.

An Act further to amend the Canada Evidence  
Act, 1893.

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

1. *The Canada Evidence Act, 1893*, is amended by inserting, 1893, c. 31,  
section added.  
5 after section 6 thereof, the following section :—

“**6A.** Where, in any trial or other proceeding, criminal or Right to call  
expert  
witnesses  
limited.  
civil, it is intended by the prosecution or the defence, or by  
any party, to examine as witnesses professional or other experts  
entitled according to the law or practice to give opinion evi-  
10 dence, not more than five of such witnesses may be called upon  
either side without the leave of the court or judge or person  
presiding, such leave to be applied for before the examination  
of any of the experts who may be examined without such  
leave.”

No. 115.

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2nd Session, 9th Parliament, 2 Edward VII, 1902

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BILL.

An Act further to amend the Canada  
Evidence Act, 1893.

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First reading, April 16, 1902.

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MR. FITZPATRICK.

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OTTAWA

Printed by S. E. Dawson  
Printer to the King's most Excellent Majesty  
1902

An Act to amend the provision with regard to Tolls of chapter 1 of the statutes of 1881, respecting the Canadian Pacific Railway.

**W**HEREAS in and by section 20 of schedule "A" to the Preamble. Act respecting the Canadian Pacific Railway, chapter 1 of the statutes of 1881, it is provided as follows:—

"The limit to the reduction of tolls by the Parliament of 1881, c. 1. Canada provided for by the eleventh subsection of the 17th section of *The Consolidated Railway Act*, 1879, respecting Tolls is hereby extended, so that such reduction may be to such an extent that such tolls when reduced shall not produce less than ten per cent per annum profit on the capital actually expended in the construction of the railway, instead of not less than fifteen per cent per annum profit, as provided by the said subsection; and so also that such reduction shall not be made unless the net income of the company, ascertained as described in said subsection, shall have exceeded ten per cent per annum instead of fifteen per cent per annum as provided by the said subsection. And the exercise by the Governor in Council of the power of reducing the tolls of the company as provided by the tenth subsection of said section seventeen is hereby limited to the same extent with relation to the profit of the company, and to its net revenue, as that to which the power of Parliament to reduce tolls is limited by said subsection eleven as hereby amended ;"

And whereas the said company has applied for the approval of the Governor in Council, under the provisions of *The Railway Act*, of an increase of its capital stock by \$20,000,000, that is to say, from \$65,000,000 to \$85,000,000, for the purposes of meeting the financial requirements of the company in respect of the increase of rolling stock, the enlargement of the workshops at Montreal and elsewhere, the reduction of the grades and the improvements of the road, the laying down of a second track on portions of the company's lines, and the providing of additional grain elevators and other facilities so as to enable the company better to meet the commercial requirements of the country, such requirements being approximately as follows:—

	For rolling stock.....	\$ 9,070,000
	For the enlargement of shop facilities at Montreal and elsewhere, reduction of grades and improvement of alignment and double tracking.....	8,400,000
40	For elevators, terminals and other facilities .....	3,000,000
		<hr/>
		\$20,470,000

And whereas the Governor in Council has duly approved of such increase of the capital stock of the Company, subject, however, to the following conditions:—That the said \$20,000,000 of stock shall not, nor shall any part thereof, nor shall any moneys arising therefrom—no matter how disposed of—be deemed capital expended in the construction of the railway within the meaning of the said section 20; that the power of the Parliament of Canada or the Governor in Council to reduce the tolls upon the railway of the company, shall in no wise be affected by such increase of capital stock in whole or in part, nor by the expenditure of any such moneys in the construction of the railway or otherwise, but the same shall be excluded from consideration in determining the amount of capital actually expended in the construction of the railway; and, further, that no portion of the said \$20,000,000 of stock shall be issued at less than its par value;

And whereas the Company has accepted the said conditions, and acquiesces and concurs in this legislation;

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

New stock not to be deemed capital expended on construction.

1. The said additional \$20,000,000 of stock of the said Company shall not, nor shall any part thereof, nor shall any moneys arising therefrom, no matter how disposed of, be deemed capital expended in the construction of the railway within the meaning of the said section 20; and the power of the Parliament of Canada or the Governor in Council to reduce tolls upon the railway of the Company shall in no wise be affected by such increase of capital stock in whole or in part, nor in the expenditure of any such moneys, in the construction of the railway or otherwise, but the same shall be excluded from consideration in determining the amount of capital actually expended in the construction of the railway.

Not to be issued below par.

2. No portion of the said \$20,000,000 of stock shall be issued at less than its par value.

Application of moneys.

3. The moneys arising from the sale of the said \$20,000,000 of stock shall be expended as follows, that is to say: The proceeds of \$9,000,000 of the said stock shall be expended for rolling stock, and the proceeds of the remaining \$11,000,000 of stock shall be expended approximately for the other purposes mentioned in the above recital, and separate and distinct accounts shall be kept by the Company showing the receipts for and in respect of such stock and the purposes for which they are expended: Provided, however, that if the Company so desires, it may expend for rolling stock any portion of the moneys arising from the sale of the said \$11,000,000 of stock if it is found that the proceeds of the said \$9,000,000 of stock are not sufficient for that purpose.

An Act to amend the provision regard to Tolls of chapter 1 of the Statutes of 1881, respecting the Canadian Pacific Railway.

First reading, April 17, 1902

Mr. FITZPATRICK

OTTAWA

Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

No. 117.]

**BILL.**

[1902.

An Act further to amend the Unorganized Territories' Game Preservation Act, 1894.

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

1. Section 4 of *The Unorganized Territories' Game Preservation Act*, 1894, being chapter 31 of the statutes of that year, as that section is amended by section 1 of chapter 20 of the statutes of 1899, is repealed, and the following is substituted therefor:—

1894, c. 31,  
new s. 4.

“4. Except as hereinafter provided, buffalo and bison shall not be hunted, taken, killed, shot at, wounded, injured, or molested in any way, at any time of the year until the first day of January, one thousand nine hundred and seven; provided that the Minister of the Interior may give a special license to take or capture one or more buffalo for breeding purposes.”

Buffalo not to  
be killed for  
five years.

2. Notwithstanding anything contained in the said Act, all members of the North-west Mounted Police Force shall be *ex officio* game guardians under the provisions of the said Act, and shall have the same powers and authority as they would have if they were appointed under and in accordance with the provisions of the said Act.

Members of  
Mounted  
Police to be  
game  
guardians.

No. 117.

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2nd Session, 9th Parliament, 2 Edward VII., 1902

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BILL.

An Act further to amend the Unorganized  
Territories' Game Preservation Act.

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First reading, April 17, 1902.

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MR. SIFTON.

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OTTAWA  
Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

An Act further to amend the Yukon Territory Act.

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

**1.** Subsection 3 of section 5 of *The Yukon Territory Act*, 1898, c. 6, chapter 6 of the statutes of 1898, as that section is enacted by new sec. 5. section 1 of chapter 11 of the statutes of 1899, is repealed and the following is substituted therefor :—

“**3.** The natural-born and naturalized male British subjects in the Territory, who have attained the full age of twenty-one Elected members of council. 10 years and continuously resided there for a period of not less than twelve months, shall elect five representatives to the Territorial Council, and such representatives shall have the same power and be charged with the same duties as those members of the Council who are appointed by the Governor 15 in Council; and any person qualified to vote shall be eligible for election.”

**2.** Section 6 of the said Act is repealed and the following is substituted therefor :— New sec. 6.

“**6.** The Commissioner in Council shall, subject to the Powers to make ordinances. 20 provisions of any ordinance of the Governor in Council, have the same powers to make ordinances for the government of the Territory as are at the date of this Act possessed by the Lieutenant Governor of the North-west Territories, acting by and with the advice and consent of the Legislative Assembly 25 thereof, to make ordinances for the government of the North-west Territories: Provided that the Commissioner in Council may, subject as aforesaid, notwithstanding anything to the contrary in any Act of Parliament, make ordinances for the control and regulation of the sale of and traffic in intoxicating 30 liquor in the Territory.”

**3.** Subsection 1 of section 8 of the said Act, as that section is enacted by section 2 of chapter 11 of the statutes of 1899, is repealed and the following is substituted therefor: Sec. 8 amended.

“**8.** Subject to the provisions of this Act, the Governor in Council may make ordinances for the peace, order, and good Ordinances by Governor in Council. 35 government of the Territory, and of His Majesty's subjects and others therein; but no ordinance made by the Governor in Council or the Commissioner in Council, shall— Restrictions.

“(a.) for the enforcement of any ordinance, impose any pen- Penalties. 40 alty exceeding five hundred dollars;

“(b.) alter or repeal the punishment provided in any Act of the Parliament of Canada in force in the Territory for any Punishments. offence;

Public lands ;  
customs or  
excise duties.     “(c.) appropriate any public land or other property of Canada  
without authority of Parliament, or impose any duty of  
customs or any excise.”

New sec. 12.     **4.** Section 12 of the said Act, as that section is amended  
by section 14 of chapter 11 of the statutes of 1899, is repealed 5  
and the following is substituted therefor :—

Sittings of  
the court.     “**12.** Sittings of the court presided over by a judge or  
judges shall be held at such times and places as the Governor  
in Council or the Commissioner appoints, and such sittings shall  
be public.” 10

No. 119.

2nd Session, 9th Parliament, 2 Edward VII, 1902

BILL.

An Act to amend the Yukon Territory  
Act.

First reading, April 21, 1902.

MR. SIFTON.

OTTAWA

Printed by S. E. DAWSON

Printer to the King's most Excellent Majesty

1902

## An Act to amend the Dominion Lands Act.

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

1. Except as hereinafter provided, every grant of Dominion  
5 lands in the Province of Manitoba or the North-west Territor-  
ies hereafter issued, and every contract, agreement or under-  
taking for the sale or grant of such lands hereafter entered  
into, and every homestead entry heretofore or hereafter issued  
for any such lands, shall be and be deemed to have been sub-  
ject to the reservation of a right to survey, locate and open  
10 upon and across such lands, such public highways as are deemed  
expedient, and to an exception of the land required for any such  
highway : Provided, unless it is otherwise declared or agreed,  
that the aggregate area of the highways to be surveyed,  
located and opened shall not in any case exceed five per cent  
of the land granted, or contracted, agreed or undertaken to be  
granted, or entered for as aforesaid, and that no such highway  
15 shall be of greater width than sixty-six feet.
2. Section 1 of this Act shall not apply to any grant as to  
which there is now in existence any contract, agreement or  
undertaking to or with which a reservation and exception  
would be repugnant or inconsistent, nor to any grant contain-  
ing an express declaration that it is exempt from the provi-  
sions of the said section.
- 20
3. Upon the face of every grant to which it is deemed that  
the said section 1 applies, there shall be a declaration that it  
does so apply and that the grant is subject to the reservation  
and exception in the said section defined ; but the absence of  
such a declaration shall not be conclusive that the said section  
25 does not apply to any grant from which it is omitted.
4. The Lieutenant Governor in Council of the Province of  
Manitoba, or of the North-west Territories, as the case may be,  
may order the survey and location upon and across any lands  
comprised in a grant which is subject to the provisions of the said  
30 section 1, any such public highway as aforesaid ; and upon its  
survey and location pursuant to such order, such highway may  
be opened and used as a public highway, and shall, as well as  
the land comprised therein, be vested in, and subject to the  
direction, management and control of, the Government of the  
35 Province or the Territories : Provided, however, that where
- Reservation  
of right to  
open public  
highways.
- Proviso : as  
to area and  
width of  
highways.
- Certain  
grants  
excepted.
- Declaration  
to be made  
upon grant.
- Survey and  
location of  
highways.
- Opening and  
control  
thereof.

Proviso :  
compensation  
for improve-  
ments.

there are improvements upon any lands comprised in any highway so surveyed, located and opened, the authority conferred by this section shall only be exercised subject to payment by the Government of the Province or the Territories, as the case may be, to the person interested of the value of such improvements or his interest therein, such value to be ascertained in the manner provided by the laws of the Province or the Territories governing the expropriation of lands for public works so far as such laws are applicable, or otherwise as may be provided in that behalf by the laws of the Province or Territories. 10

Surveys and  
filing of plans.

1897, c. 28.

5. The surveys of every public highway, so surveyed and located, which is in the Territories, shall be made, and the plans thereof shall be filed, in the manner provided by subsection 2 of section 21 of chapter 28 of the statutes of 1897; and such survey shall be made and such plans shall be prepared by a Dominion Land Surveyor. 15

"Grant"  
defined.

6. In this section the expression "grant" includes a grant, lease or other disposal of lands or any interest therein, and includes also any letters patent or other instrument by which lands or any interest therein are granted, leased or otherwise disposed of. 20

No. 120.

2nd Session, 9th Parliament, 2 Edward VII., 1902

BILL.

An Act to amend the Dominion Lands  
Act.

First reading, April 21, 1902.

MR. SIMON.

OTTAWA

Printed by S. E. DAWSON

Printer to the King's most Excellent Majesty  
1902

An Act further to amend the Acts respecting the  
North-west Territories.

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

**1.** The subsection substituted for subsection 1 of section 21  
5 of chapter 17 of the statutes of 1894, by section 20 of chapter  
28 of the statutes of 1897, is repealed and the following is  
substituted therefor:—

“**21.** The Legislative Assembly may pass ordinances with  
respect to the closing up or varying the direction of any road  
10 allowance, or of any trail which has been transferred to the  
Territories, and the opening and establishing of any new high-  
way instead of any road or trail so closed, and the disposition  
of the land in any such road or trail.”

**2.** Any ordinance heretofore passed with respect to the  
15 matters mentioned in this section is hereby declared to have  
been and to be valid.

**2.** Section 21 of the said chapter 28 of the statutes of 1897  
is amended by adding the following subsection thereto:—

“**3.** The effect of the filing of the returns of survey as in  
20 this section provided, whether before or after the coming into  
force of this Act, shall be to vest the lands shown on such  
returns as a road or trail in His Majesty for the public use of  
the Territories as a highway, without prejudice, however, to  
the legal rights of the owner to compensation therefor.”

1894, c. 19,  
new s. 21.

Ordinances  
respecting  
closing of old  
roads, etc.

Validity of  
ordinances  
already  
passed.

1897, c. 28,  
s. 21 amended.

Lands to  
vest in His  
Majesty.

No. 121.

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2nd Session, 9th Parliament, 2 Edward VII., 1902

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BILL.

An Act further to amend the Acts  
respecting the North-west Territories.

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First reading, April 21, 1902.

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MR. SIFTON.

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OTTAWA  
Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

An Act further to amend the Act to restrict the importation and employment of Aliens.

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

1. Section 6 of chapter 11 of the statutes of 1897, as amended by section 3 of chapter 13 of the statutes of 1901, is further amended by striking out the words "Attorney General" in the first line thereof and substituting therefor the words "Minister of Labour"; and by adding to the said section the following subsections:—
- 1897, c. 11,  
s. 6 amended.
- 10 "2. The Minister of Labour shall depute an officer whose duty it shall be, upon complaint made to him that this Act is being or has been violated, to make immediate inquiry into the facts and to satisfy himself, by sworn testimony or by such other means as he, in his discretion, deems advisable, of the truth or falsity of the complaint; and upon so satisfying himself, the said officer shall at once report the facts to the said Minister.
- Inquiry into alleged violations of Act.
- 15 "3. If the report of the said officer is that this Act has been or is being violated, the Minister of Labour shall, notwithstanding any other remedy provided by this Act, cause such immigrant, at any time within the period of one year after landing or entry, to be taken into custody and returned to the country whence he came, at the expense of the owner of the importing vessel, or, if he entered from an adjoining country, at the expense of the person, partnership, company or corporation violating section 1 of this Act."
- Arrest and expulsion of prohibited immigrant.
- 20
- 25

No. 122.

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2nd Session, 9th Parliament, 2 Edward VII., 1902

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BILL.

An Act further to amend the Act to  
restrict the importation and employ-  
ment of Aliens.

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First reading, April 21, 1902.

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MR. SMITH,  
(Vancouver).

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OTTAWA

Printed by S. E. Dawson  
Printer to the King's most Excellent Majesty  
1902

An Act to incorporate the Canada Eastern Railway  
Company.

WHEREAS the Alexander Gibson Railway and Manufacturing Company has, by its petition, represented that by chapter 59 of the statutes of 1898 the Canada Eastern Railway Company was sold, transferred to and merged in the said first  
5 named company, and has since been operated by the said company; and whereas the said company has prayed that its railway undertaking be separated from its manufacturing  
business; and the persons hereinafter named have, by their petition, prayed that it be enacted as hereinafter set forth, and  
10 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, declares and enacts as follows:—

1. Alexander Gibson, senior, Alexander Gibson, junior,  
15 James Gibson, John R. McConnell, Charles H. Hatt and Frank Merritt, all of the town of Marysville, in the province of New Brunswick, together with such persons as become  
shareholders in the company, are incorporated under the name of "The Canada Eastern Railway Company," hereinafter  
20 called "the Company."

Preamble.

1898, c. 59.

Incorporation.

Corporate name.

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

Declaratory.

3. The persons named in section 1 of this Act are consti-  
tuted provisional directors of the Company.

Provisional directors.

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

Capital stock.

5. The head office of the Company shall be in the town of  
30 Marysville.

Head office.

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

Annual meeting.

7. At such meeting the subscribers for the capital stock as-  
sembled, who have paid all calls due on their shares, shall  
34 choose not less than five nor more than nine persons to be  
directors of the Company, the number of whom shall be de-  
termined by by-law of the Company, and one or more of whom  
may be paid directors.

Election of directors.

- Proxies. 2. Notwithstanding anything contained in section 55 of *The Railway Act*, the directors may vote and act by proxy, such proxy to be held by a director only, but no director shall hold more than two proxies, and no meeting of the directors shall be competent to transact business unless at least two directors are present thereat, in person, the remaining number of directors required to form a quorum being represented by proxies. 5
- Quorum.
- Renewal of proxies. 3. No appointment of a proxy to vote at any meeting of the directors shall be valid for that purpose unless it has been made or renewed in writing within one year next preceding the time of such meeting. 10
- Power to acquire railway undertaking of Alexander Gibson Railway and M'fg. Co. 8. The Alexander Gibson Railway and Manufacturing Company may sell, transfer and assign to the Company its railway undertaking, together with the railway and branches, rights, franchises, powers, privileges and property of the said railway undertaking, and thereupon the Company may take and operate the said railway, and may hold the said property and may exercise the said rights, franchises, powers and privileges with all the rights and powers in respect thereof, and, in addition to the rights, franchises, powers and privileges conferred upon the Company by *The Railway Act*, the Company may exercise all the rights, franchises, powers and privileges conferred upon the Alexander Gibson Railway and Manufacturing Company (so far as relate to its railway undertaking) by chapter 59 of the statutes of 1898, and shall also be vested with and may exercise all the rights, franchises, powers and privileges previously to the said Act of 1898 conferred upon the Canada Eastern Railway Company by any Act of Parliament, and shall be subject to all restrictions, obligations, charges and liabilities mentioned in such Acts; provided that such sale has been first sanctioned by the consent in writing of every shareholder of the Alexander Gibson Railway and Manufacturing Company or, failing such consent, then by two-thirds of the votes of the shareholders present or represented by proxy at a special general meeting duly called for the purpose, (of which two weeks notice shall be sufficient,) and by the approval of the Governor in Council, after notice of the proposed application therefor has been published in *The Canada Gazette* and also in a newspaper published at St. John, New Brunswick, for at least two weeks previous to the hearing of such application. 15 20 25 30 35 40
- 1898, c. 59.
- 1890, c. 74. Approval of shareholders and Governor in Council.
- Notice of application for sanction.
- Agreement to be filed with Secretary of State. 2. A duplicate of the instrument of sale referred to in subsection 1 of this section shall, within thirty days after its execution, be filed in the office of the Secretary of State of Canada, and notice thereof shall be given by the Company in *The Canada Gazette*, and the production of *The Canada Gazette* containing such notice shall be prima facie evidence of the requirements of this section having been complied with. 45
- Branch lines. 9. The Company may, from any point on its line of railway now constructed, lay out, construct and operate branch lines or extensions not exceeding in any one case seventy-five miles in length. 50

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

Bond issue.

**11.** The bonds authorized by this Act shall be first used and applied towards the redemption and discharge of all bonds now existing as a lien or charge upon the whole or any part of the railway undertaking of the Alexander Gibson Railway and Manufacturing Company.

Application of bonds.

**12.** The Company may enter into an agreement with the Fredericton and St. Mary's Bridge Company for acquiring by purchase, lease or otherwise any rights or powers acquired under the Acts relating to that company, also the franchises, surveys, plans, bridge, works, plant, material, machinery and other property to it belonging, or for an amalgamation with such company on such terms and condition as are agreed upon and subject to such restrictions as to the directors seem fit; provided that such agreement has been first approved by two thirds of the votes at a special general meeting of the shareholders duly called for the purpose of considering it, at which meeting shareholders representing at least two-thirds in value of the stock are present or represented by proxy, and that such agreement has also received the sanction of the Governor in Council.

Agreement with Fredericton and St. Mary's Bridge Co.

Approval of shareholders and Governor in Council.

2. Unless the said agreement has been approved by every shareholder in each company part thereto, the sanction of the Governor in Council shall not be signified until after the notice of the proposed application therefor has been published in the manner and for the time set forth in section 239 of *The Railway Act*, and also for a like period in one of the newspapers in each of the counties through which the railway of the Company runs, and in which a newspaper is published.

Notice of application for sanction.

3. A duplicate of the agreement referred to in sub-section 1 of this section shall, within thirty days after its execution, be filed in the office of the Secretary of State of Canada, and notice thereof shall be given by the Company in *The Canada Gazette*, and thereupon such amalgamation shall be deemed to be complete and operative according to the terms of the said agreement, and the production of *The Canada Gazette* containing such notice shall be prima facie evidence of the requirements of this section having been complied with.

Agreement to be filed with Secretary of State.

**13.** The Company may pay for the railway undertaking mentioned in section 8 of this Act, and for the undertaking of the Fredericton and St. Mary's Bridge Company mentioned in section 12 of this Act, by issuing to the Alexander Gibson Railway and Manufacturing Company and to the Fredericton and St. Mary's Bridge Company, or the individual shareholders of either of the said companies, shares of stock and bonds of the Company hereby incorporated, and such shares shall be issued as fully paid up and non-assessable.

Payment for undertaking by Company's stock and bonds.

**14.** The Company may, in connection with its railway undertaking,—

Powers of Company.

- Electricity. (a.) acquire lands and erect, use and manage works, and manufacture machinery and plant for the generation, transmission and distribution of electric power and energy and other motive power;
- Power. (b.) acquire exclusive rights in letters patent, franchises and patent rights for the purpose of the works and undertakings hereby authorized, and again dispose of such rights;
- Patent rights. (c.) sell or lease any surplus power which it may develop or acquire either as water power or other motive power, or by converting the same into electricity or other force for the distribution of light, heat or power or for all purposes for which electricity or other motive power can be used, and may transmit the same;
- Surplus power. (d.) construct, acquire, lease and dispose of piers, wharfs, docks, storehouses, elevators and tramways, and may charge tolls or rates for the use of the said wharfs, storehouses, elevators and tramways;
- Wharfs elevators and tramways. (e.) construct, acquire, charter and operate steam and other vessels for the purpose of carrying freight and passengers to and from points in Canada, and may dispose of such vessels, and may charge tolls or rates for passengers or freight carried thereon.
- Vessels.
- Telegraph and telephone lines. **15.** The Company may construct and operate telegraph and telephone lines along the whole length of its railway and branches, and may establish offices for the transmission of messages for the public and collect tolls for so doing; and for the purposes of operating such telegraph and telephone lines the Company may enter into a contract with any other company, or may lease the Company's lines or any part thereof, and may connect its lines with the lines of any telegraph or telephone Company.
- Arrangements with telegraph and telephone companies. **2.** The Company may enter into arrangements with any telegraph or telephone company for the exchange or transmission of messages, or for the working in whole or in part of the lines of the Company.
- Rates to be approved. **3.** No rates or charges shall be demanded or taken from any person for the transmission of any message by telegraph or telephone, or for leasing or using the telegraphs or telephones of the Company, until such rates or charges have been approved by the Governor in Council, and such rates and charges shall be subject to revision, from time to time, by the Governor in Council.
- R.S.C., c. 132. **4.** *The Electric Telegraph Companies Act* shall apply to the telegraphic business of the Company.
- Stock in other companies. **16.** The Company may acquire, hold and dispose of stock and bonds in any other company, provided that such power shall not be exercised unless and until the directors have been expressly authorized by a by-law passed by them for the purpose and sanctioned by a vote of not less than two-thirds in value of the shareholders present or represented by proxy, at a special or general meeting of the Company duly called for the purpose of considering the subject of such by-law.



No. 123.

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2nd Session, 9th Parliament, 2 Edward VII., 1902

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BILL.

An Act to incorporate the Canada  
Eastern Railway Company.

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First reading, April 22, 1902.

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(PRIVATE BILL.)

MR. FRASER.

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OTTAWA  
Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

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No. 124.]

**BILL.**

[1902.

An Act to amend the Civil Service Retirement Act,  
1898.

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

1. Section 9 of *The Civil Service Retirement Act, 1898*, is 1898, c. 17,  
5 repealed, and the following section is substituted therefor:— new s. 9.

“9. If a person dies while in the civil service, the amount to Payment  
his credit in the retirement fund shall be paid to his legal on death.  
representatives, or to such person as the Treasury Board  
determines.”

No. 124.

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2nd Session, 9th Parliament, 2 Edward VII, 1902

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BILL.

An Act to amend the Civil Service Retirement Act, 1898.

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First reading, April 22, 1902.

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MR. FIELDING.

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OTTAWA  
Printed by S. E. Dawson  
Printer to the King's most Excellent Majesty  
1902

An Act to amend the Rocky Mountains Park Act,  
1887.

**W**HEREAS it is expedient in the public interest to enlarge Preamble.  
the boundaries of the national park which was set apart  
and established in the North-West Territories by the *Rocky*  
*Mountains Park Act*, 1887: Therefore His Majesty, by and  
5 with the advice and consent of the Senate and House of  
Commons of Canada, enacts as follows:—

1. Section 1 of *The Rocky Mountains Park Act*, 1887, is 1887, c. 32,  
repealed and the following is substituted therefor:— new s. 1.

“1. The tract of land (saving and excepting so much Limits of  
10 thereof as is now included in Indian Reserves) comprised park defined.  
within the limits hereinafter set forth, that is to say: com-  
mencing at a point where the eastern boundary of range  
number eight, west of the fifth meridian in the North-West  
Territories, intersects the eastern boundary of the province of  
15 British Columbia, or if there be more than one such point, at  
the most northerly of such points, thence northerly along the  
eastern boundary of the said range number eight to the  
northern boundary of townships number thirty-four, thence  
westerly along the northern boundary of townships number  
20 thirty-four to the point where it intersects the eastern boundary  
of British Columbia, or if there be more than one such point,  
to the most easterly of such points, thence south-easterly along  
the said eastern boundary of British Columbia to the place of  
beginning, so far as the title to the said tract of land, in whole  
25 or in part, is now vested in the Crown, is hereby withdrawn Park with-  
from sale, settlement and occupancy under the provisions of drawn from  
*The Dominion Lands Act*, or any regulations made under the sale, etc.  
said Act or any other Act with respect to mining or timber  
licenses or any other matter.”

30 2. In addition to the purposes mentioned in section 4 of the Control of  
said Act, the granting of licenses or leases of timber-berths cutting of  
within the said park, upon which timber may be cut and timbr.  
made, and all matters connected with the business of the cut-  
ting and making of timber, shall be under the control and  
35 management of the Minister of the Interior, and the Governor  
in Council may make regulations with regard thereto. ]

3. Section 7 of the said Act is repealed, and the following New s. 7.  
is substituted therefor:—

“7. This Act may be cited as *The Rocky Mountains Park* Short title.  
40 *Act*.”

No. 133.

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2nd Session, 9th Parliament, 2 Edward VII., 1902

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BILL.

An Act to amend the Rocky Mountains  
Park Act, 1887.

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First reading, April 23, 1902.

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MR. SIFTON.

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OTTAWA  
Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

An Act respecting the representation of the Yukon Territory in the House of Commons.

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 Yukon Territory Representation Act, 1902.* Short title.
2. The Yukon Territory, as that Territory is defined and constituted by section 13 of, and the schedule to, chapter 41 of the statutes of 1901, shall be an electoral district and shall return one member to the House of Commons of Canada. Representation in the House of Commons.
- 10 3. The judges of every court now existing or hereafter created in the Yukon Territory whose appointment rests with the Governor in Council shall be disqualified and incompetent to vote at any election of a member under this Act. Judges not to vote.
- 15 4. Every male person shall be qualified to vote at the election of a member under this Act who, not being an Indian, is a British subject and of the full age of twenty-one years, and who has resided in the Yukon Territory for at least twelve months, immediately preceding the issue of the writ of election. Qualification of electors.
- 20 5. Every writ for the election of a member of the House of Commons under this Act shall be dated and be returnable on such days as the Governor General determines, and shall be addressed to such person as the Governor General appoints; and such person shall be the returning officer at the election to which such writ relates: Provided always, Issue of writs of election.
- 25 that if the person to whom the writ has been addressed refuses, or is disqualified or unable to act, the Governor General may appoint another person to be such returning officer. Proviso: in case of inability to act.
- 30 6. The Governor General shall fix the place and the day for the nomination of candidates at each such election, and the place and the day so fixed shall be specified in the writ of election. Place and day nomination.
- 35 7. The writs of election shall be in the form A in the schedule to this Act, and shall be transmitted by mail to the returning officer, unless otherwise ordered by the Governor General. Form of writ of election.

Who may not  
be appointed  
returning  
officers, etc.

**8.** None of the persons hereinafter mentioned shall be appointed returning officer or deputy returning officers, election clerk or poll clerk, that is to say :—

(a.) Members of the Queen's Privy Council for Canada or of the Executive Council of any of the Provinces of Canada ; 5

(b.) Members of the Senate or members of the Legislative Council of any of the Provinces of Canada ;

(c.) Members of the House of Commons, or members of the Legislative Assemblies of the several Provinces of Canada, or of the Council or Legislative Assembly of the North-west Territories or members of the Yukon Territorial Council ; 10

(d.) Ministers, priests or ecclesiastics of any religious faith or worship ;

(e.) Judges of the Territorial court of superior civil or criminal jurisdiction, police magistrates or stipendiary magistrates ; 15

(f.) Persons who have served in the Parliament of Canada in the session immediately preceding the election, or in the then present session of Parliament ;

(g.) Sheriffs, registrars or other persons who have been found guilty by the House of Commons, or by any court for the trial of controverted elections, or other competent tribunal, of any offence or dereliction of duty under this Act. 20

Who shall not  
be obliged to  
act as such.

**9.** None of the persons hereinafter mentioned, unless they are sheriffs, registrars, town clerks or assessors, shall be obliged to act as a returning officer, deputy returning officer, election clerk or poll clerk, that is to say :— 25

(a.) Professors in any university, college, high school or academy ;

(b.) Physicians or surgeons ; 30

(c.) Millers ;

(d.) Postmasters, customs officers, or clerks in post offices or customs offices :

(e.) Persons of sixty years of age or upwards ;

(f.) Persons who have previously served as returning officers at the election of a member for the House of Commons. 35

Proceedings  
on receipt of  
writ.

**10.** The returning officer shall, on receiving the writ of election, forthwith indorse thereon the date on which he receives it, and before taking any further action thereon, he shall take the oath of office in the form B in the schedule of this Act. 40

Election  
clerk.

**11.** The returning officer, by a commission under his hand, and in the form C in the schedule to this Act, shall appoint an election clerk, and may, at any time during the election, appoint, in the same manner, another election clerk, if the one so appointed resigns, or refuses or is unable to perform his duties as such clerk. 45

Duties of  
election clerk.

**12.** The election clerk shall assist the returning officer in the performance of his duties, and act in his stead as returning officer, whenever the returning officer refuses or is disqualified or unable to perform his duties, and has not been replaced by another. 50

- 13.** The election clerk shall, before acting as such clerk, take the oath of office in the form D in the schedule to this Act. To take oath of office.
- 14.** Neither the returning officer nor the election clerk shall in any case vote at an election in the electoral district for which he is acting, except as hereinafter provided. Returning officer and election clerk not to vote.
- 15.** At least two weeks before the date fixed in the writ for the nomination of candidates, the returning officer shall cause to be inserted in at least one of the daily newspapers published in Dawson, and in the newspaper published in White Horse, if any, a notice in the form E in the schedule to this Act, in which notice shall be set forth— Notice to be published.
- (a.) The place and time fixed for the nomination of candidates; Nomination.
- 15** (b.) The day on which the poll for taking the votes of the electors is to be held in case a poll is demanded; Day of polling.
- (c.) The several polling stations fixed by him, and the territorial limits to which they respectively apply; Polling stations.
- (d.) The time when and the place where the returning officer will sum up the number of votes given to the several candidates. Summing up votes.
- 20**
- 16.** Whenever from unforeseen accident, delays or otherwise, the notice cannot be published so as to leave the required delay between the publishing of the notice and the nomination day appointed by the Governor General, or whenever any candidate dies after being nominated, and before the close of the polls, the returning officer may fix another day for the nomination of candidates,—which day shall be the nearest day possible after allowing the number of days required by the next preceding section between the publishing of the notice and the nomination day; and in every such case the returning officer shall, with his return, make to the Clerk of the Crown in Chancery a special report of the causes which occasioned the postponement of the election. Another day may be fixed in cases specified. Report in such case.
- 25**
- 30**
- 35** **17.** At any time after the date of the publication of the notice, and before two of the clock in the afternoon of the day fixed for the nomination, any four or more electors may nominate a candidate by affirming to and signing, before a justice of the peace or police magistrate, or before the returning officer, and causing to be filed with the returning officer a nomination paper in the form F in the schedule to this Act; and any votes given at the election for any other candidates than those so nominated shall be null and void. Nomination of candidates. Nomination paper.
- 40**
- 18.** No nomination paper shall be valid and acted upon by the returning officer unless it is accompanied by the consent in writing of the person therein nominated, except when such person is absent from the Yukon Territory, when such absence shall be stated in the nomination paper, and— Consent of candidate.
- 40** Unless a sum of two hundred dollars, in legal tender or in the bills of any chartered bank doing business in Canada, is deposited in the hands of the returning officer at the time the nomination paper is filed with him; and the receipt of the Deposite to be made.
- 45**

returning officer shall, in every case, be sufficient evidence of the production of the nomination paper, of the consent of the candidate and of the payment herein mentioned.

Application of sum deposited.

2. The sum so deposited by any candidate shall be returned to him in the event of his being elected, or of his obtaining a number of votes at least equal to one-half the number of votes polled in favour of a candidate elected,—otherwise it shall belong to His Majesty for the public uses of Canada; and the sums so paid and not returned as herein provided, shall be applied by the returning officer towards the payment of the election expenses; and an account thereof shall be rendered by him to the Auditor General of Canada. 5 10

Attestation of nomination paper.

19. The returning officer shall require the person, or one or more of the persons producing any such nomination paper, to make oath before him, that he or they know that the several persons who have signed such nomination paper are electors duly entitled to vote; and that they have signed the same in his or their presence; and that the consent of the candidate has been signed in his or their presence, or that the person named as candidate is absent from the Yukon Territory, as the case may be. 15 20

Form of oath.

2. Such oath may be in the form G in the schedule to this Act; and the fact of its having been taken shall be stated on the back of the said nomination paper. 25

Return by acclamation.

20. Whenever only one candidate has been nominated within the time fixed for that purpose, the returning officer shall make his return to the Clerk of the Crown in Chancery that such candidate is duly elected for the said electoral district,—of which return he shall send within forty-eight hours a duplicate or certified copy to the person elected; and such return shall be in the form H in the schedule to this Act. 30

Report with return.

21. The returning officer shall accompany his return to the Clerk of the Crown in Chancery with a report of his proceedings and of any nomination proposed and rejected for non-compliance with the requirements of this Act. 35

Withdrawal of candidate.

22. Any candidate nominated may withdraw at any time after his nomination, and before the closing of the poll, by filing with the returning officer a declaration in writing to that effect, signed by himself; and any votes cast for the candidate who has so withdrawn shall be null and void; and if, after the withdrawal, there remain but two candidates where two members are to be elected or one candidate only where one member is to be elected, at the election then pending, then the returning officer shall return as duly elected the candidates or candidate so remaining, without waiting for the day fixed for holding the poll, or for the closing of the poll if such withdrawal is filed on the polling day. 40 45

Return if only one candidate remains.

**23.** If at the time fixed for receiving nominations there remain more than two candidates in nomination where two members are to be elected, or one candidate where one member is to be elected at the election then pending, the returning officer shall grant a poll for taking the votes of the electors.

When poll may be granted.

**24.** As soon as the time for receiving nominations has elapsed, or at any time thereafter, the returning officer, if required, shall deliver gratis to every candidate, or to the person who filed the nomination paper on his behalf, a certified list of the candidates nominated.

Delivery of certified list.

**25.** Immediately upon the receipt by the returning officer of the writ for the election, the returning officer shall subdivide the electoral district into as many polling divisions as he deems necessary for the convenience of the electors; and he shall number or otherwise designate them, and fix upon a suitable polling station in each such division.

Polling subdivisions to be established.

**26.** Whenever a poll has been granted it shall be held on the twenty-eighth day next after the expiration of the day fixed for the nomination of candidates, that is on the same or corresponding day of the week as that on which the nomination has taken place, or if such twenty-eighth day is a statutory holiday, then on the next following day not being a Sunday or a statutory holiday.

When poll shall be held.

**27.** Immediately after having granted a poll, the returning officer shall cause to be posted up at all places where he has fixed polling booths for the taking of the votes at the election, an election notice in the form I in the schedule to this Act.

Proclamation if poll is granted.

**28.** The Governor in Council may appoint enumerators to make lists of the electors in the electoral district; and if such appointments have not been made before the issue of a writ for the election, the returning officer, immediately upon his receiving such writ, conjointly with any police magistrate or two justices of the peace, or with one justice of the peace and a notary public, or with any one of them, resident in or near the electoral district and two electors of such district, neither of the number being a candidate, shall appoint under their hand a competent and reliable person to be enumerator for any one or more polling divisions of such district; and the returning officer shall see that no polling division is omitted to be included in some one of such appointments.

Appointment of enumerators.

2. The enumerator shall, before acting as such, take the oath of office in the form J in the schedule to this Act.

Oath of office to be taken.

**29.** Each such enumerator, upon his appointment and having first taken the oath of office, shall immediately thereafter compile a list of the persons qualified as electors to vote at the election then pending, for the polling division or each of the polling divisions for which he has been appointed; and he shall make three plainly written copies thereof, with the names of the voters alphabetically arranged, giving the occupation and residence of each voter, in the form K, in the schedule to this Act.

List of voters to be prepared.

List to be completed and posted up.

**30.** Each enumerator shall complete, date at his place of residence, and sign the copies of the voters' list or lists as aforesaid, eight days before the polling day; two of the said copies for each polling division he shall forthwith post up in two of the most public places within such polling division, and the other he shall retain for revision. 5

Correction of list of voters.

**31.** If any enumerator, at any time after posting up any voters' list, and two days before the polling day, is fully satisfied, from representations made to him by any credible person, that the name of any qualified voter has been omitted from the voters' list of the polling division to which such voter belongs, he shall add such name to the copy of the list in his possession below his own signature, and shall attest such addition by his initials; if the enumerator, in like manner, is fully satisfied that there is on the list the name of any person who is not qualified as a voter in such polling division, he may draw erasing lines through such name, and write his own initials opposite thereto in the column for "remarks"; and if the enumerator finds the occupation, addition or residence of any voter to be inaccurately stated in the list, he may make the necessary alteration and affix his initials thereto in like manner. 10 15 20

Attestation of list of voters.

**32.** Every enumerator, having revised and corrected such retained copy of each voters' list compiled by him, if he deems such correction necessary, as provided in the next preceding section, shall write at the foot of such copy and close to the last name thereon, two days before the polling day, a certificate in the form of the second certificate contained in form K in the schedule to this Act. 25

List to be delivered to deputy returning officer.

**33.** The enumerator shall deliver the voters' list so certified forthwith, or before eight o'clock in the morning of the polling day, to the deputy returning officer for the polling division to which it relates; and such list, as received by such deputy returning officer, shall be the voters' list for such polling division, subject to be further corrected on the polling day as hereinafter provided. 30 35

Notice to be posted up.

**34.** The returning officer shall cause to be posted up with the election notice, a notice of information to electors in the form L in the schedule to this Act.

Appointment of deputy returning officers.

**35.** The returning officer shall, by a commission under his hand, appoint one deputy returning officer for each polling division comprised in the electoral district; but if the returning officer sees fit to act in the capacity of deputy returning officer for any polling division, he may dispense with appointing a deputy for such division and himself perform the duties of deputy returning officer therein, without taking any oath of office other than that which he is hereinbefore required to take. 40 45

Oath of office to be taken.

**36.** Every deputy returning officer shall, before acting as such, take an oath of office in the form M in the schedule to this Act. 50

- 37.** The returning officer shall furnish each deputy returning officer with a poll book, which shall be in the form S in schedule one to *The Dominion Elections Act, 1900*, and with at least five copies of the notice, in the form L in the schedule 5 to this Act, for the information of electors. Poll books and notices. 1900, c. 12.
- 38.** Each deputy returning officer shall forthwith appoint by commission under his hand a poll clerk, who before acting as such shall take the oath in the form N in the schedule to this Act. Appointment of poll clerk.
- 10 **39.** The deputy returning officer shall post up on the polling day before nine o'clock in the forenoon, in conspicuous places near the polling station, at least three copies of the notice, in the form L in the schedule to this Act, for the information of electors. Posting of notice.
- 15 **40.** Every deputy returning officer may and shall, when he is required so to do by any candidate or agent of a candidate, administer to any elector either one or both of the oaths set forth in form O in the schedule to this Act. Administration of oaths to electors.
- 20 **41.** The deputy returning officer shall, while the poll is open, if required by any person whose name is not on the voters' list, administer to such person oath number one in the said form O; and such oath having been taken, the deputy returning officer shall at once cause such person's name to be added to the voters' list with the word "sworn" written there- 25 after. Oath when voter's name is not on the list.
- 42.** Every person whose name is on the voter's list, unless sworn as in the next preceding section provided, shall, before being permitted to vote, if required by any candidate, agent or elector, take the said oath number one; and if he refuses 30 to take it, erasing lines shall be drawn through his name on the voters' list, and the words "refused to be sworn" written thereafter. Voters on the list may be sworn. If he refuses.
- 43.** Every voter shall be entitled to vote whose name is on the voters' list and has not been erased therefrom in 35 accordance with the foregoing provisions of this Act, or whose name is added to the said list as herein provided; but if any such voter, when required by the deputy returning officer, or by any candidate, agent or elector, refuses to take oath number two in the said form O, he shall not be permitted to vote, and 40 if his name has been entered in the poll book, erasing lines shall be drawn through it, and the words "refused to take oath number two" written thereafter. What voters may vote. Refusal to take oath.
- 44.** Any deputy returning officer, candidate, agent or poll clerk, who belongs to a polling division other than the one 45 at which he is stationed on the polling day, shall be permitted to vote at the polling station where he is so stationed, provided he produces a certificate from the enumerator of the polling division to which he belongs, that he is a qualified voter in such polling division,—which certificate such enumerator 50 shall give gratis to any qualified elector who is so stationed outside of his own polling division. As to votes of certain officers and agents.

- Entry in such case. **45.** In case any vote is recorded as provided in the next preceding section, in a different polling division from that in which the voter resides, the particular office or position which the voter is filling at the station at which he voted shall be entered opposite his name in the poll book in the column for "remarks." 5
- Poll clerk to act as deputy returning officer in case of need. **46.** If the deputy returning officer is unable or fails to perform his duties, the poll clerk shall act in his place without taking any further oath of office, and he shall appoint another poll clerk who shall take the oath of office as such hereinbefore prescribed. 10
- Correction of list of voters. **47.** The poll clerk shall make such additions, alterations, and erasures in the voters' list, and such entries in the poll book as the deputy returning officer directs him to make, as is required by any provision of this Act. 15
- Copies for candidates. **48.** The returning officer shall forward to each of the respective candidates a copy of his return to the Clerk of the Crown in Chancery.
- Proclamation, etc., may be written or printed. **49.** The notices required to be posted up at any election under this Act, the poll books and all other documents herein mentioned, may either be printed or written, or partly printed and partly written. 20
- Instructions for returning officer and deputies. **50.** One copy of this Act, and of such portions of *The Dominion Elections Act, 1900*, as are hereinafter or by any other Act incorporated with this Act, and of such instructions, approved by the Governor in Council, as are necessary to carry out the elections according to the provisions of this Act (with a copious alphabetical index prefixed) for the returning officer, and one for each of his deputies, shall be transmitted, with the writ of election, to each returning officer. 25
- Application for recount or final revision. **51.** The application for a recount or final addition provided for by section 90 of *The Dominion Elections Act, 1900*, shall be made to any judge of the Territorial Court, and the application provided for by section 91 of the said Act shall be made to the said court *in banco*. 35
- New lists not necessary if less than a year between elections. **52.** Except as hereinafter provided, it shall not be necessary to prepare new voters' lists for the purpose of any election to be held under this Act, when there has been in the said electoral district a previous election the voters' lists prepared for which are of record in the office of the Clerk of the Crown in Chancery, and there is an interval of less than twelve months between the dates of the writs for the two elections. 40
- Lists which shall be used. **53.** In the event of such an election, it shall be the duty of the Clerk of the Crown in Chancery to forward to the returning officer, with the writ for such election, three certified copies of each of the voters' lists so of record in his office. 45

54. Such certified copies shall be delivered by the returning officer to the enumerator, to be appointed as in this Act provided, and the enumerator shall post up two of such copies of each list, retaining the third for revision, and shall revise and correct the list so retained, and otherwise deal with it in all respects as if such certified copies were voters' lists completed and signed by him as provided by section 29 of this Act; and the copy so retained, as revised and certified and as received by the deputy returning officer from the enumerator, shall be the voters' list for the polling division to which it relates.

Duties of  
enumerator.

55. Should there be in the said electoral district any polling divisions for which voters' lists are not of record in the office of the Clerk of the Crown in Chancery, lists for such polling divisions shall for the purposes of such election be prepared in the manner provided in this Act.

Case of polling  
division for  
which no lists  
are of record.

56. The following provisions of *The Dominion Elections Act, 1900*, shall apply to elections in the Yukon Territory, so far as they are applicable and not inconsistent with the provisions of this Act, that is to say: sections 4 to 7, both inclusive; sections 19 and 20; paragraphs (c), (d), (e) and (g) of subsection 1 of section 41, and subsection 2 of section 41; sections 43 to 59, both inclusive; sections 62 to 64, both inclusive; sections 69 to 150, both inclusive; and sections 152 to 154, both inclusive; together with the forms mentioned in the said sections and parts of sections; but otherwise, except as provided by this Act, *The Dominion Elections Act, 1900*, shall not apply to the Yukon Territory.

Application  
of 1900, c. 12.

## SCHEDULE OF FORMS.

### A.—(Section 7.)

#### *Writ of Election.*

EDWARD THE SEVENTH, by the Grace of God of the United Kingdom of Great Britain and Ireland and of the British Dominion beyond the seas, KING, Defender of the Faith, Emperor of India.

To \_\_\_\_\_ of \_\_\_\_\_

#### GREETING:

Whereas, by the advice of Our Privy Council for Canada, we have ordered a Parliament to be holden at Ottawa, on the \_\_\_\_\_ day of \_\_\_\_\_ next (*omit this preamble, except in the case of a general election*). We command you that, notice of the time and place of election being duly given, you do cause election to be made according to law of a member (*or members, as the case may be*) to serve in the House of Commons of Canada, for the electoral district of the Yukon Territory

(*except in case of a general election, insert here in the place of \_\_\_\_\_, deceased, or otherwise, stating the cause of vacancy*), and that you do cause the

nomination of candidates at such election to be held on the  
 day of                    next, at                   , and do cause  
 the name of such member when so elected, whether he is pre-  
 sent or absent, to be certified to our Clerk of the Crown in  
 Chancery, as by law directed.

Witness, Our Right Trusty and Well-beloved, &c., Gover-  
 nor General (*or* Administrator of the Government) of Our  
 Dominion of Canada, at Our City of Ottawa, the                    day of  
                  , in the                    year of Our Reign and in the  
 year of Our Lord 19   .

*Indorsement.*

Received the within Writ on the                    day of                    19   .  
                  (*Signature*),                    A. B.,  
                  Returning Officer.

B.—(*Section 10.*)

*Oath of the returning officer.*

I, the undersigned, A. B., returning officer for the electoral  
 district of the Yukon Territory, solemnly swear (*or if he is one*  
*of the persons permitted by law to affirm in civil cases, solemnly*  
*affirm*) that I am legally qualified according to law to act as  
 returning officer for the said electoral district of                   ,  
 and that I will act faithfully in that capacity, without  
 partiality, fear, favour or affection : So help me God.

(*Signature*),                    A. B.,  
                  Returning Officer.

*Certificate of returning officer having taken oath of office.*

I, the undersigned, hereby certify that on the                    day of  
 the month of                   , 19   , A. B., the returning officer for the  
 electoral district of the Yukon Territory, took and subscribed  
 before me, the oath (*or affirmation*) of office, in such case re-  
 quired of a returning officer, by "The Yukon Territory Re-  
 presentation Act, 1902".

In testimony whereof, I have delivered to him this cer-  
 tificate.

(*Signature*),                    C. D.,  
                  Justice of the Peace.

C.—(*Section 11.*)

*Commission of an election clerk.*

To E. F. (*set forth his legal addition and residence*).

Know you, that in my capacity of returning officer for the  
 electoral district of the Yukon Territory, I have appointed, and  
 do hereby appoint you to be my election clerk, to act in that  
 capacity according to law, at the approaching election for the

said electoral district of the Yukon Territory, which election will be opened by me, on the        day of the month of    19  
 Given under my hand this        day of        , in  
 the year 19 .

(Signature),        A. B.,  
 Returning Officer.

---

D.—(Section 13)

*Oath of the election clerk.*

I, the undersigned, E. F., appointed election clerk for the electoral district of the Yukon Territory, solemnly swear (or if he is one of the persons permitted by law to affirm in civil cases, solemnly affirm), that I will act faithfully in my said capacity as election clerk, and also in that of returning officer if required to act as such according to law, without partiality, fear, favour or affection : So help me God.

(Signature),        E. F.,  
 Election Clerk.

*Certificate of the election clerk having taken the oath of office.*

I, the undersigned, hereby certify that on the  
 day of        , 19    , E. F., election clerk for the electoral  
 district of the Yukon Territory, took and subscribed before me,  
 the oath (or affirmation) of office required in such case of an  
 election clerk, by "The Yukon Territory Representation Act,  
 1902."

In testimony whereof, I have delivered to him this certificate under my hand.

(Signature),        C. D.,  
 Justice of the Peace.  
 or A. B.,  
 Returning Officer.

---

E.—(Section 15).

*Proclamation of the returning officer declaring the time and place fixed for the nomination of Candidates, and also the day for opening the poll, and the polling stations and polling districts.*

PROCLAMATION.

Electoral District of the Yukon Territory, to wit :

Public notice is hereby given to the electors of the electoral district aforesaid, that, in obedience to His Majesty's Writ to me directed, and bearing date the        day of  
 19    , I require the presence of the said electors at (*describe the place where the nomination is to take place*), of        , on  
 the        day of the month of        , from noon until  
 two of the clock in the afternoon, for the purpose of nominat-  
 ing a person (or persons, as the case may be), to represent them

in the House of Commons of Canada; and that in case a poll is demanded and allowed in the manner by law prescribed, such poll will be opened on the \_\_\_\_\_ day of the month of \_\_\_\_\_, in the year \_\_\_\_\_ from the hour of nine in the forenoon till five of the clock in the afternoon in each of the polling districts, that is to say:

For the polling district No. 1, consisting of (or bounded as follows, or otherwise describing it clearly) at \_\_\_\_\_ (describing the polling station):—  
(and so continuing for all the other polling districts and stations in the electoral district).

And further, that on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ I shall sum up the votes given for the several candidates and return as elected the one (or as the case may be) having the majority of votes.

Of which all persons are hereby required to take notice and to govern themselves accordingly.

Given under my hand at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, in the year 19\_\_\_\_

(Signature), A. B.,  
Returning Officer.

F.—(Section 17.)

*Nomination paper, &c.*

We, the undersigned electors of the electoral district of the Yukon Territory, hereby nominate (name, residence and addition or description of person nominated) as a candidate at the election now about to be held of a member (or two members, as the case may be) to represent the said electoral district in the House of Commons of Canada.

Witness our hands at \_\_\_\_\_ in the said electoral district, this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

Signed by the said electors, in presence }  
of \_\_\_\_\_, of \_\_\_\_\_ (additions). }

*Signatures with residence and additions.*

I, the said \_\_\_\_\_, nominated in the foregoing nomination paper, hereby consent to such nomination.

Witness my hand at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Signed by the said nominee, in presence }  
of \_\_\_\_\_, of \_\_\_\_\_, (additions). } *Signature.*

G.—(Section 19.)

*Oath of attestation of the nomination paper.*

I, G. H., of \_\_\_\_\_ (additions), solemnly swear (or if he is one of the persons permitted by law to affirm in civil cases, solemnly affirm) that I know (mentioning the names of the

*signers known to him*), and that they are duly qualified as electors of the electoral district of the Yukon Territory, to vote at an election of a member (or members, *as the case may be*) to serve in the House of Commons of Canada, and that they respectively signed the foregoing (or within) nomination paper in my presence; and further (*if the case be so*), that I know the said \_\_\_\_\_ thereby nominated as a candidate, and that he signed his consent to the nomination in my presence.

Sworn (or affirmed) before me, at }  
 , this \_\_\_\_\_ day of } (Signature), G. H.  
 19 .

C. D.,  
 Justice of the Peace.

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H.—(Section 20).

*Return when there is only a single candidate nominated.*

I hereby certify that the member elected for the electoral district of the Yukon Territory, in pursuance of the within written writ, is R.O., of \_\_\_\_\_ in \_\_\_\_\_ (*as in the nomination paper*), no other candidate having been nominated (or the other or all other candidates having withdrawn, *as the case may be*).

(Signature), A. B.,  
 Returning Officer.

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I.—(Section 27.)

*Election Notice.*

Electoral District of }  
 the Yukon Territory }  
 To wit:

Public notice is hereby given to the electors of the electoral district aforesaid, that a poll has been granted for the election now pending for the said district, and that such poll will be open on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, from the hour of nine in the forenoon till the hour of five in the afternoon, in each of the following divisions, that is to say:—

For the polling division No. 1 (*or other designation*) consisting of (*or bounded as follows, or as the case may be*) at (*describe the polling station; and so continue for all the other polling divisions and polling stations in the electoral district*).

Further, that the persons duly nominated, and for whom only votes will be received, are,—

1. } (*Insert the names and additions of each candidate, as*
2. } (*given in the nomination papers.*)
3. }

And further, that unless the election is otherwise terminated before the time above named for closing the poll, I will, on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, open the ballot boxes, sum up the votes given for the several candidates, and return as elected the one having the majority of votes.

Of which all persons are hereby required to take notice and govern themselves accordingly.

Given under my hand at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

(Signature), A. B.,  
Returning Officer.

J.—(Section 28.)

*Oath of enumerator.*

I, the undersigned, I. J., appointed enumerator for the polling district No. \_\_\_\_\_, (or, as the case may be) of the electoral district of the Yukon Territory, solemnly swear (or, being one of the persons permitted by law to affirm in civil cases, solemnly affirm) that I will act faithfully in my said capacity of enumerator, without partiality, fear, favour, or affection: So help me God.

(Signature, I. J.,  
Enumerator.

*Certificate of an enumerator having taken the oath of office.*

I, the undersigned, hereby certify that on the \_\_\_\_\_ day of the month of \_\_\_\_\_, I. J., enumerator for the polling district No. 1, (or as the case may be) of the electoral district of \_\_\_\_\_, took and subscribed the oath (or affirmation) of office, required in such case of an enumerator, by "The Yukon Territory Representation Act, 1902."

In testimony whereof, I have delivered to him this certificate under my hand.

(Signature), C. D.,  
Justice of the Peace.  
or A. B.,  
Returning Officer.

K.—(Sections 29, 32.)

*List of voters.*

Electoral district of the Yukon Territory  
Polling division No. 1 (or as the case may be)

No.	Name.	Occupation or Addition.	Residence.	Remarks.

I certify that the foregoing is a true copy of the voters' list in polling division No. 1 (*or as the case may be*) of the electoral district of the Yukon Territory, as prepared by me for use in the election of a member (*or members, as the case may be*) of the House of Commons for the said electoral district, now pending.

(Signature), I. J.,  
 Enumerator.

(*Here the enumerator shall make any addition to the list which he finds necessary.*)

I certify that the foregoing is a correct list of the voters in polling division No. 1 (*or as the case may be*) of the electoral district of the Yukon Territory as revised (*or, if no correction is made, as finally approved*) by me this        day of        19    .

(Signature), I. J.,  
 Enumerator.

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L.—(Section 32.)

*Information for electors.*

The following is the qualification of electors as prescribed by the Parliament of Canada.

(*Here insert section 4 of this Act.*)

If any elector finds that his name is not on the voters' list of the polling division to which he belongs he may apply to the enumerator, not later than two days before the polling day, to have his name added to the said list.

Each elector may vote only at one polling station and for one candidate within the same electoral district.

The elector will go into one of the compartments, and, with a pencil there provided, place a cross or crosses within the white space containing the name of the candidate or of each of the candidates for whom he votes, thus X.

The elector shall then fold the ballot paper so as to show a portion of the back only, with the initials of the deputy returning officer thereon and the number on the counterfoil, and also in such a manner as to permit the counterfoil to be detached without unfolding the ballot paper; he shall then return the ballot paper so folded to the deputy returning officer, who shall place it in the ballot box, after having detached the counterfoil. The elector shall then forthwith quietly leave the polling station.

If an elector inadvertently spoils a ballot paper he may return it to the proper officer, who, on being satisfied of the fact, will give him another.

If an elector votes for more candidates than he is entitled to vote for, or places any mark on the ballot paper by which he can afterwards be identified, his vote shall be void, and will not be counted.

If an elector takes a ballot paper out of the polling station or fraudulently puts into the ballot box any other paper than the ballot paper given him by the deputy returning officer, he will be subject to be punished by fine of five hundred dollars or by imprisonment for a term not exceeding six months, with or without hard labour.

Dated \_\_\_\_\_ (Signature), A. B.,  
Returning Officer.

M.—(Section 36.)

(Oath of deputy returning officer.)

I, the undersigned, G. H., appointed deputy returning officer for the polling district No. \_\_\_\_\_, (or as the case may be) of the electoral district of the Yukon Territory, solemnly swear (or, being one of the persons permitted by law to affirm in civil cases, solemnly affirm) that I will act faithfully in my said capacity of deputy returning officer, without partiality, fear, favour, or affection: So help me God.

(Signature), G. H.,  
Deputy Returning Officer

*Certificate of a deputy returning officer having taken the oath of office.*

I, the undersigned, hereby certify that on the day of the month of \_\_\_\_\_, G. H., deputy returning officer for the polling district No. \_\_\_\_\_, (or as the case may be) of the electoral district of the Yukon Territory, took and subscribed the oath (or affirmation) of office, required in such case of a deputy returning officer by "The Yukon Territory Representation Act, 1902."

In testimony whereof, I have delivered to him this certificate under my hand.

(Signature), C. D.,  
Justice of the Peace.  
or A. B.  
Returning Officer.

N.—(Section 38.)

*Oath of poll clerk.*

I, the undersigned, L. M., appointed poll clerk for the polling district No. \_\_\_\_\_, (or as the case may be) of the electoral district of the Yukon Territory, do solemnly swear (or, if he is one of the persons permitted by law to affirm in civil cases, do solemnly affirm) that I will act faithfully in my capacity of poll clerk, and also in that of deputy returning officer if required to act as such, according to law, without partiality, fear, favour or affection: So help me God.

(Signature), L. M.,  
Poll Clerk.

*Certificate of the poll clerk having taken the oath.*

I, the undersigned, do hereby certify that on the  
 day of the month of \_\_\_\_\_, L. M., poll clerk for the  
 polling district No. \_\_\_\_\_, (*or as the case may be*) of the  
 electoral district of the Yukon Territory, took and subscribed  
 before me the oath (*or affirmation*) of office required of a poll  
 clerk in such cases by "The Yukon Territory Representation  
 Act, 1902."

In testimony whereof, I have delivered to him this certi-  
 ficate under my hand.

(*Signature*), C. D.,  
 Justice of the Peace.  
*or* A. B.,  
 Returning Officer.  
*or* G. H.,  
 Deputy Returning Officer.

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O.—(*Section 40.*)

*Oaths to be taken by electors.*

## No. 1.

You do swear that you are of the male sex and a British  
 subject, that you are not an Indian, that you are of the full age  
 of twenty-one years, and that you have resided in the North-  
 west Territories for at least twelve months, and in this electoral  
 district for at least three months, immediately preceding the  
 issue of the writ of election : So help you God.

## No. 2.

You do swear that you have not received any money or  
 other reward, nor have you accepted any promise made to you,  
 directly or indirectly, to induce you to vote at this election,  
 and that you have not before voted at this election in this  
 electoral district, either at this or any other polling station :  
 So help you God.

No. 134.

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2nd Session, 9th Parliament, 2 Edward VII., 1902

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BILL.

An Act respecting the representation of  
the Yukon Territory in the House of  
Commons.

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First reading, April 23, 1902.

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MR. SIFTON.

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OTTAWA

Printed by S. E. Dawson  
Printer to the King's most Excellent Majesty  
1902

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No. 135.]

**BILL.**

[1902.

An Act to amend the Petition of Right Act.

**I**N amendment of *The Petition of Right Act*, chapter 136 of the Revised Statutes, His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

Preamble.

R. S. C.,  
c. 136.

- 5 **1.** The fiat upon any petition of right, that right be done, may be granted subject to such terms and conditions as to security for costs as the Governor General is advised to impose.

Security for  
costs.

No. 135.

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2nd Session, 9th Parliament, 2 Edward VII., 1902

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BILL.

An Act to amend the Petition of Right  
Act.

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First reading, April 23, 1902.

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MR. FITZPATRICK.

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OTTAWA  
Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

## An Act to amend the Fruit Marks Act, 1901.

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

1. Section 4 of *The Fruit Marks Act*, 1901, is repealed, and 1901, a. 27,  
5 the following is substituted therefor :—  
new s. 4.
- “ 4. Every person who, by himself or through the agency Marks on  
of another person, packs fruit in a closed package, intended packages.  
for sale, shall cause the package to be marked in a plain and  
indelible manner, before it is taken from the premises where  
10 it is packed,—  
“ (a) with the initials of his Christian names, and his full Packer's name  
surname and address;  
“ (b) with the name of the variety or varieties; and Variety of  
“ (c) with a designation of the grade of fruit, which shall fruit.  
15 include one of the following six marks: for fruit of the first Grade.  
quality, No. 1, or XXX; for fruit of the second quality, No.  
2, or XX; and for fruit of the third quality, No. 3, or X; but  
the said mark may be accompanied by any other designation  
of grade, provided that designation is not inconsistent with,  
20 or marked more conspicuously than, the one of the said six  
marks which is used on the said package.”
2. Section 6 of the said Act is amended by inserting after Section 6  
the word “ of ” in the fourth line, the expression “ No. 1.” amended.
3. Section 9 of the said Act is repealed, and the following New s. 9.  
25 is substituted therefor :—  
“ 9. Whenever any fruit in any package is found to be so Inspector's  
packed that the faced or shown surface gives a false represent- duty as to  
ation of the contents of the package, any inspector charged fraud in  
with the enforcement of this Act may mark the words packing.  
30 ‘ falsely packed ’ in a plain and indelible manner on the  
package.  
“ 2. Whenever any fruit packed in a closed package is As to false  
found to be falsely marked, the said inspector may efface such marks.  
false marks and mark the words ‘ falsely marked ’ in a plain  
35 and indelible manner on the package.  
“ 3. The inspector shall give notice, by letter or telegram, Notice to  
to the packer whose name is marked on the package, before packer.  
he marks the words ‘ falsely packed ’ or ‘ falsely marked ’  
on the package.”
- 40 4. Section 12 of the said Act is amended by inserting after Section 12  
the word “ marked ” in the third line, the words “ or packed.” amended.

No. 136.

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2nd Session, 9th Parliament, 2 Edward VII., 1902

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BILL.

An Act to amend the Fruit Marks Act,  
1901.

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First reading, April 23, 1902.

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MR. FISHER.

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OTTAWA

Printed by S. E. Dawson  
Printer to the King's most Excellent Majesty  
1902

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No. 137.]

**BILL.**

[1902.

An Act to amend Chapter 41 of the Statutes of 1901,  
respecting the Administration of Justice in the  
Yukon Territory.

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

1. Section 3 of chapter 41 of the statutes of 1901 is amend-  
ed by striking out the figures "\$2,400" wherever they occur  
therein and substituting therefor the figures "\$4,000."

Salaries  
of police  
magistrates.

No. 137.

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2nd Session, 9th Parliament, 2 Edward VII., 1902

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BILL.

An Act to amend Chapter 41 of the Statutes of 1901, respecting the Administration of Justice in the Yukon Territory.

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First reading, April 25, 1902.

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MR. FITZPATRICK.

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OTTAWA  
Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

An Act to amend the Act respecting the Judges of  
Provincial Courts.

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

1. Section 10B of the *Act respecting the Judges of Provin-* R.S.C., c. 13,  
5 *cial Courts*, chapter 138 of the Revised Statutes, as that section new sec. 10 B.  
is enacted by chapter 39 of the statutes of 1901, is repealed,  
and the following is substituted therefor :—

“10B. The salaries of the three judges of the Territorial Judges of  
Court of the Yukon Territory shall be five thousand dollars Yukon Court.  
10 each per annum.”

2. Subsection 1 of section 15 of the said Act is repealed, Sec. 15  
and the following is substituted therefor :— amended.

“15. If any judge of a county court becomes afflicted with Superannua-  
some permanent infirmity disabling him from the due execu- tion allowance  
15 tion of his office, and resigns his office, or if a judge of a coun- to judges of  
ty court, after having continued in office as such judge for a county courts.  
period of at least twenty-five years, resigns his office, His Ma-  
jesty may, by letters patent under the Great Seal of Canada,  
20 g ant to him a pension equal to two-thirds of the annual salary  
of which he was in receipt at the time of his resignation, to  
continue thenceforth during his natural life : Provided, how- Proviso : after  
ever, that if such judge has only continued in office as such less than 5  
judge for a period of less than five years, the pension which years in office.  
25 annual salary of which he was in receipt at the time of his  
resignation.”

No. 138.

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2nd Session, 9th Parliament, 2 Edward VII., 1902

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BILL.

An Act to amend the Act respecting the  
Judges of Provincial Courts.

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First reading, April 25, 1902.

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MR. FITZPATRICK.

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OTTAWA

Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

## An Act to amend the Exchequer Court Act.

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

1. Section 9 of chapter 16 of the statutes of 1887 is amended 1887, c. 16,  
5 by inserting after the word "thousand" in the sixth line of s. 9 amended.  
the said section, the words "four hundred."

2. The section substituted for section 51 of the said Act by Section 51  
section 1 of chapter 35 of the statutes of 1890 is amended by amended.  
inserting after the word "judgment" in the fourth line of the  
10 said section, the words "or with any judgment upon any  
demurrer."

3. When a defendant, whether a British subject or a forei- Service on  
gner, is out of the jurisdiction of the Exchequer Court of defendant  
Canada and whether in His Majesty's dominions or in a foreign beyond juris-  
15 country, then, upon application, supported by affidavit or dition of  
other evidence, stating that, in the belief of the deponent, the court.  
plaintiff has a good cause of action, and showing in what  
place or country such defendant is or probably may be found,  
20 the court or a judge may order that a notice of the informa-  
tion, petition of right, or statement of claim be served on the  
defendant in such place or country or within such limits as the  
court or a judge thinks fit to direct.

2. The order shall in such case limit a time, depending on the Limitation  
place of service, within which the defendant is to file his of time.  
25 statement in defence, plea, answer, exception or demurrer, or  
otherwise make his defence, according to the practice applic-  
able to the particular case, or obtain from the court or a judge  
further time to do so.

3. Upon service being effected as authorized by the order, the Power of  
30 court shall have jurisdiction to proceed and adjudicate in the court after  
cause or matter to all intents and purposes in the same man- service.  
ner, to the same extent, and with the like effect as if the de-  
fendant had been duly served within the jurisdiction of the  
court.

35 4. Notwithstanding anything contained in section 51 (as Appeal in  
enacted by section 1 of chapter 35 of the statutes of 1890) or certain cases  
section 52 of *The Exchequer Court Act*, where the Crown is a when amount  
party to any action, suit, cause, matter or other judicial pro- does not  
ceeding in which the actual amount in controversy does not exceed \$500.  
exceed five hundred dollars, an appeal shall lie on behalf of  
the Crown from any final judgment given therein by the

Exchequer Court, if such final judgment or the principle affirmed thereby affects or is likely to affect any case or class of cases then pending or likely to be instituted wherein the aggregate amount claimed or to be claimed exceeds or will probably exceed five hundred dollars, or if, in the opinion of the Attorney General of Canada, certified in writing, the principle affirmed by the decision is of general public importance; provided that, in any such case an appeal shall not lie unless it is allowed by a judge of the Supreme Court, who may, in allowing such appeal, impose such terms as to costs and otherwise as he thinks the justice of the case requires.

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No. 139.

2nd Session, 9th Parliament, 2 Edward VII., 1902

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BILL.

An Act to amend the Exchequer Court Act.

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First reading, April 25, 1902.

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Mr. FITZPATRICK.

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OTTAWA

Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

An Act to incorporate the Bishop of the Orthodox Russo-Greek Catholic Church for North America and Aleutian Islands, and each of the parishes and missions of the said church in Manitoba and the North-west Territories.

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

Preamble.

**1.** The Bishop of the Orthodox Russo-Greek Catholic Church for North America and the Aleutian Islands, and his successors in office, having jurisdiction in Canada, are incorporated for the purposes mentioned in this Act, under the name of "The Bishop of the Orthodox Russo-Greek Catholic Church," hereinafter called "the Corporation sole."

Incorporation.

**2.** The Corporation sole may receive and hold property of any kind for the uses and purposes of the Orthodox Russo-Greek Catholic Church in Manitoba and the North-west Territories, including the uses and purposes of any parish and mission, institution, college, school or hospital now or hereafter connected with the Orthodox Russo-Greek Catholic Church, and it may receive any devise by will, gift, deed, conveyance of land or any estate or interest therein, and sell, alienate, mortgage or lease any lands, tenements and hereditaments held by it.

Power of Corporation sole to hold real property.

**3.** The Corporation sole may exercise all its powers by and through an executive committee, or such boards or committees as the bishop from time to time appoints for the management of any of the affairs of the said bishopric in Manitoba and the North-west Territories, but in accordance only with the trusts relating to any property upon or for which the same is held.

Executive committee.

**4.** Instruments executed by the Corporation sole shall be verified by the signature of the bishop, or a member of his consistory, for that purpose by him, in writing, appointed.

Execution of documents by Corporation sole.

**5.** The priest in charge and the trustees of any parish or mission in Manitoba or the North-west Territories, duly organized according to the constitution of the Orthodox Russo-Greek Catholic Church, and their successors, shall be a body politic and corporate under the name of "The Orthodox Russo-Greek Catholic Parish (or Mission) of (*here insert*

Incorporation of parishes and missions.

*the particular designation of the parish or mission in question),*  
hereinafter called "the Corporation aggregate."

Power of  
Corporation  
aggregate to  
hold real  
property.

6. Each Corporation aggregate may receive and hold property of any kind for religious, educational and charitable uses and may receive by will, gift, deed, conveyance of land or any estate or interest therein, and sell, alienate, mortgage or lease any land, tenements and hereditaments held by it. Provided that in the administration of real property as regards selling, exchanging, alienating, mortgaging or leasing (except as regards the sale of burial plots in any cemetery for which consent shall not be necessary) the Corporation aggregate shall first obtain the consent of the bishop of the said church for the time being having jurisdiction over such parish or mission.

Execution of  
documents by  
Corporation  
aggregate.

7. Instruments executed by the Corporation aggregate shall be verified by the signatures of the priest in charge and trustees constituting the body corporate, and the consent to such dealing by the bishop as aforesaid shall be verified by his signature, or that of a member of his consistory for that purpose by him in writing appointed.

No. 140.

2nd Session, 9th Parliament, 2 Edward VII., 1902

BILL.

An Act to incorporate the Bishop of the  
Orthodox Russo-Greek Catholic Church  
for North America and Aleutian  
Islands.

First reading, April 28, 1902.

(PRIVATE BILL.)

MR. OLIVER.

OTTAWA

Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

An Act to amend the Act respecting the Packing and Sale of certain Staple Commodities.

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

1. Section 7 of chapter 26 of the statutes of 1901, intituled *An Act respecting the Packing and Sale of certain Staple Commodities*, is repealed, and the following is substituted therefor :—

1901, c. 26,  
new section 7.

“7. Upon, or attached to, every ball of binder twine offered for sale there shall be a stamp with the name of the manufacturer, importer or dealer, stating the number of feet of twine per pound in such ball.

Balls of binder twine to be stamped.

“2. Every manufacturer, importer or dealer who neglects to comply with the provisions of this section shall, on summary conviction, be liable to a penalty of not less than twenty-five cents per ball; and every manufacturer, importer or dealer of binder twine which is not of the length per pound which is stamped upon the ball, shall, on summary conviction, be liable to a penalty of not less than one dollar and not more than twenty-five dollars per ball, and all such twine deficient in quantity shall be confiscated to the Crown: Provided that no deficiency in the number of feet contained in any ball shall be deemed a contravention of this section unless the deficiency exceeds five per cent of the length stated upon the stamp.

Penalty for neglect.

“3. Any proceedings under this section shall be taken within six months from the sale of any such ball.

Limitation of suits.

“4. This section shall apply to all binder twine imported into or manufactured in Canada after the first day of October, one thousand nine hundred.

Application of section.

“5. The word ‘dealer’ whenever it occurs in this section shall be held to mean the dealer who is the direct purchaser from the manufacturer.”

“Dealer” defined.

No. 141.

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2nd Session, 9th Parliament, 2 Edward VII., 1902

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BILL

An Act to amend the Act respecting  
the Packing and Sale of certain Staple  
Commodities.

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First reading, April 28, 1902.

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SIR RICHARD CARTWRIGHT.

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OTTAWA

Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

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No. 142.]

**BILL.**

[1902.

An Act further to amend the General Inspection Act.

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

1. Subsection 1 of section 2 of *The General Inspection Act*, R.S.C., c. 99,  
5 chapter 99 of the Revised Statutes, as that section is enacted s. 2 amended,  
by section 1 of chapter 25 of the statutes of 1901, is amended  
by adding thereto the following paragraph:—

“(j.) Binder twine.”

Binder twine.

No. 142.

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2nd Session, 9th Parliament, 2 Edward VII., 1902

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BILL.

An Act further to amend the General  
Inspection Act.

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First reading, April 28, 1902.

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SIR RICHARD CARTWRIGHT.

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OTTAWA

Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

An Act for the settlement of Railway Labour  
Disputes.

**W**HEREAS disputes or differences frequently arise between railway companies and their employees, and, there being no suitable means for their adjustment, resort is had to strikes and lock-outs, causing the railways to fall into disrepair, endangering the lives and safety of passengers and train hands, delaying transportation of mails, passengers and freight, and in other ways occasioning serious injury, both public and private; and whereas it is desirable to remove the cause of such strikes and lock-outs by the establishment of boards of arbitration for the settlement of all such disputes and differences, now, therefore, His Majesty, by and with the advice and consent of the House of Commons of Canada, enacts as follows :

- 1.** This Act may be cited as *The Railway Arbitration Act*, 1902. Short title.
- 15** **2.** In this Act, unless the context otherwise requires,— Interpreta-  
tion.
- (a.) The expression "Minister" means the Minister of Labour; "Minister."
- (b.) The expression "Department" means the Department of Labour; "Depart-  
ment."
- 20** (c.) The expression "Company" means any company owning or operating any railway worked by steam, electricity or other motive power in Canada, and also includes the Government referred to in the next following paragraph in respect of their several railways; "Company."
- 25** (d.) The expression "employee" means any person engaged for hire or reward by any Company to perform in Canada any work or service in respect of its railway, or engaged for hire or reward by the Government of Canada to perform any work or service in respect of the Intercolonial Railway, or engaged for "Employee."
- 30** hire or reward by any Provincial Government to whom this Act applies to perform any work or service in respect of any railway owned or operated by such Provincial Government;
- (e.) The expression "dispute" or "difference" means any dispute or difference between the Company and one or more of "Dispute."  
"Difference."
- 35** its employees as to work done or to be done by him or them under the terms of such hiring, or as to the privileges, rights and duties of employers or employees (not involving questions which are or may be the subject for indictable offence) in respect of—
- 40** (i.) the wages, allowances or other remuneration of employees or the prices paid, or to be paid in respect of such employment;

(ii.) the hours of employment, sex, age, qualification or status of employees, and the mode, terms and conditions of employment ;

(iii.) the employment of children, or any person or persons or class of persons, or the dismissal or refusal to employ any particular person or persons or class of persons ; 5

(iv.) claims on the part of the Company or any employee as to whether and, if so, under what circumstances preference to be employed should or should not be given to one class over another of persons being or not being members of labour or other organizations, British subjects or aliens ; 10

(v.) any established custom or usage, either generally or in the particular district affected ;

“ Board.” (f.) The expression “ Board ” means Board of Arbitrators established under the provisions of this Act ; 15

“ Lock-out.” (g.) The expression “ lock-out,” means the dismissal by the Company, or its refusal to retain in its service, or the suspension of any of its employees contrary to the provisions of this Act ;

“ Strike.” (h.) The expression “ strike ” or “ to go out on strike ” (with- 20 out limiting the nature of its meaning) means the refusal under a common understanding, or for a common purpose of a material number of employees of the Company to continue to perform in accordance with the terms of their hiring their usual and ordinary services to the Company contrary to the 25 provisions of this Act.

Lock-outs and strikes unlawful.

3. From and after the passage of this Act it shall be unlawful for any Company to declare or cause a lock-out in respect of any of its employees.

Penalties.

4. Any Company declaring or causing a lock-out shall be 30 liable to a fine equal to the amount of wages, salary, or other remuneration (computed for the period covered by such lock-out) which, but for such lock-out, would have been payable to the employees so locked out, if they had continued uninterruptedly to serve the Company in accordance with the terms 35 of their hiring, and shall also forfeit to each of the said employees a sum of money equal to double the amount of said wages, salary or other remuneration, and which amount shall be recoverable along with said fine and payable to said employees free from deduction of any kind. 40

Strikes unlawful.

5. From and after the passage of this Act it shall be unlawful for any employee to go out on strike, and any employee who shall go out on strike shall be liable to a fine equal to the amount of wages, salary or other remuneration (computed for the period covered by such strike) which, but for such strike 45 would have been payable to him if he had continued uninterruptedly to serve the Company in accordance with the terms of his hiring.

Penalty.

Penalty for inciting a lock-out.

6. Everyone who incites any railway company to declare or cause a lock-out, or to continue a lock-out is guilty of an 50 offence, and shall in respect of each employee affected or to be affected thereby be liable on conviction to a fine equal to double the amount of one week's wages, or other emolument of said employees.

7. Everyone who incites any employee or employees to go out on strike or to continue on strike is guilty of an offence and shall be liable on conviction to a fine equal to double the amount of one week's wages, prior to such strike, salary or other emolument of such employee or employees. Penalty for inciting a strike.
8. For the purpose of this Act the North-west Territories shall be deemed to be a part of the Province of Manitoba. As to N.W.T.
9. For the settlement of such labour differences there shall be a Board of Conciliation and Arbitration for each Province; and also a like Board or Boards for the Dominion. Dominion and Provincial Boards.
10. If the railway is wholly within one Province, or if the employees who are actual parties to any difference are, in respect of their services to the Company, performing work in one Province only, though the line of the Company's railway may extend beyond such Province, in either case the difference shall be dealt with by the Board for such Province to be called the Provincial Board, otherwise it shall be dealt with by a Board for the Dominion, to be called a Dominion Board. Jurisdiction of boards.
11. If the question shall at any time arise whether the difference should be or should have been dealt with by a Provincial or by a Dominion Board the same shall be determined by the Minister, whose decision shall be final and without appeal. Questions of jurisdiction to be decided by Minister.
12. In and for each Province a clerk (to be called the Provincial Clerk) shall be appointed and paid such salary as may from time to time be determined by the Governor in Council. It shall be the duty of each Provincial Clerk— Provincial Clerk.
- (a.) To receive, register and deal with each application lodged with him for action by the Board in respect of any difference, and at once to transmit a copy of such application to the Minister and to each of the members of the Provincial Board; His duties. To receive applications.
- (b.) To convene the Provincial Board for the purpose of dealing with differences; To convene board.
- (c.) To keep a register in which shall be entered the particulars of all other applications, references, recommendations, awards and other proceedings of the Board; To keep register.
- (d.) To safely keep for the time being all applications, orders, evidence, exhibits, books, papers and documents; To safeguard papers.
- (e.) When so required, to transmit to the Minister all applications, references, evidences, recommendations, awards, exhibits, papers and documents which may have come to his possession or control as such clerk; To transmit them to Minister.
- (f.) To issue all notices, summonses for witnesses to give evidence before the Board, and to perform all such other acts in connection with matters arising under this Act as may be required of him under any regulations in that behalf issued by the Minister. To issue notices, etc. Other duties.
13. A Provincial Board shall consist of three members, each being a resident in the Province for which said Board is Composition of Provincial Board.

established, one of whom shall be elected by the Railway Companies, the other by the employees as hereinafter provided, and the third by the two so elected, and failing his being so elected he shall be appointed by the Governor in Council. The third member whether elected by the other two members, 5 or appointed as aforesaid shall be Chairman.

Term of office. **14.** The term of office of the Board shall be three years from the first day of January next after its election.

Re-election. **15.** Its members shall be eligible for re-election.

Removals and vacancies. **16.** Any member of a Board who ceases to reside in the Province for which the Board has been established, or who is absent therefrom for two months without the written consent of the Minister, or who, because of ill-health or other cause, is in the opinion of the Governor in Council, incompetent, incapable, unable or unwilling to discharge his duties, shall 10 15 cease to be a member of said Board, and any Order in Council declaring his office vacant shall be conclusive upon that point.

Filling of vacancies. **17.** Whenever by reason of the death or resignation of a member, or for any other cause, a vacancy on the Board shall take place, a successor to such member shall be elected or 20 appointed as the case may be for the residue of his term by the like electing or appointing authority, and in like manner as near as may be as was the person so ceasing to be such member.

Composition of Dominion Board. **18.** A Dominion Board shall consist of five members, two 25 of whom shall be elected from their number by those members of the Provincial Boards who were elected by the Companies, two of whom shall be elected from their number by those members of the Provincial Board who were elected by the employees and the fifth shall be elected by the four so elected, and failing 30 his being so elected he shall be appointed by the Governor in Council. The fifth member whether elected by the other four or appointed as aforesaid shall be Chairman.

Dominion Clerk. **19.** In and for the Dominion a Dominion Clerk shall be appointed and paid such salary as may from time to time be 35 determined by the Governor in Council, and he shall have the like authority and perform the like duties *mutatis mutandis* as are above set forth in respect of a Provincial Clerk.

Quorum of Provincial Board. **20.** In the case of a Provincial Board the Chairman and any other member shall constitute a quorum, and the award 40 signed by the Chairman and one other member shall be the award of the Board.

Quorum of Dominion Board. **21.** In the case of a Dominion Board the Chairman and any two other members shall constitute a quorum, and the award signed by the Chairman and any two other members shall be 45 the award of the Board.

Validity of award. **22.** The award shall not be questioned on the ground of informality.

- 23.** In any case where the term of office of a Board expires whilst the Board is engaged in dealing with any dispute or difference, the proceeding shall not thereby abate, but may be continued and carried to completion by the succeeding Board. Cases pending when term of board expires.
- 5 **24.** A Board shall have jurisdiction for the settlement and determination of any dispute or difference referred to it under the provisions of this Act. Competency of board.
- 25.** Forthwith after any such reference the Clerk shall notify the Chairman, who shall cause the Clerk to convene 10 the Board for dealing with the matters in question. Convening board.
- 26.** No counsel or solicitor shall be entitled to appear before the Board except with the consent of all parties to the reference, and notwithstanding such consent, the Board may, if it deems it advisable, decline to allow counsel or solicitors to appear before them. The parties to the dispute or difference 15 may appear in person or by agents (other than counsel or solicitor). Counsel not allowed except by consent.  
Agents allowed.
- 27.** With a view to a just and fair settlement of the matters in dispute or difference the Board shall in such manner as it 20 thinks fit make careful and expeditious inquiry into all matters affecting the merits thereof. In the course of such inquiry the Board may make all such suggestions and do all such things as it deems right and proper for inducing the parties to come to an amicable settlement of the disputes or differences and 25 may adjourn the proceedings to enable them to agree upon terms of settlement. Amicable settlements.
- 28.** For the purpose of such inquiry the Board shall have all the power of summoning before them any witnesses, and of requiring them to give evidence on oath, or on solemn affirmation, if they are persons entitled to affirm in civil matters, and 30 produce such documents and things as the Board deem requisite to the full investigation of the matters into which they are inquiring, and shall have the same power to enforce the attendance of such witnesses, and to compel them to give evidence 35 as is vested in any court of record in civil cases; but no such witness shall be compelled to answer any question, by his answer to which he might render himself liable to a criminal prosecution. Witnesses may be summoned.  
Incriminating answers.
- 29.** On the application of any of the parties, and on the 40 payment of the prescribed fee, the Clerk shall issue a summons to any person to appear and give evidence before the Board. Issue of summons.
- 30.** The summons shall be in such form as the Board shall prescribe, any may require such person to produce before the Board any books, papers, or other documents in his possession 45 or under his control, in any way relating to the proceedings. Form of summons.
- 31.** All books, papers and other documents produced before the Board, whether produced voluntarily or in pursuance to summons, may be inspected by the Board, and also by such of the parties as the Board allows; but the information obtained Documents to be treated as confidential.

therefrom shall not be made public, and such parts of the books, papers and documents as, in the opinion of the Board, do not relate to the matter at issue, may be sealed up.

- Expenses of witnesses. **32.** Every person who is summoned and duly attends as a witness shall be entitled to an allowance for expenses according to the scale for the time being in force with respect to witnesses in civil suits in the province where the inquiry is being conducted. 5
- Admission of evidence. **33.** The Board may accept, admit and call for such evidence as in equity and good conscience it thinks fit, whether strictly legal evidence or not. 10
- Party may testify. **34.** Any party to the proceedings shall be competent and may be compelled to give evidence as a witness.
- Taking down evidence. **35.** The Board in its discretion may order that all or any part of its proceedings may be taken down in shorthand. 15
- Decision of board to be signed. **36.** The decision of the Board shall in every case be signed by the members thereof, who concur in the finding, and may also be signed by the others.
- Frivolous cases. **37.** The Board may at any time dismiss any matter referred to it which it thinks frivolous or trivial. 20
- Award to be deposited with clerk and open to inspection. **38.** The award of the Board shall be signed by the Chairman and have the seal of the Board attached thereto, and shall be deposited in the office of the clerk of the province or of the Dominion as the case may be, and be open to inspection free from charge during office hours by all persons interested therein. 25
- Copies. **39.** The Clerk shall upon application supply certified copies of the award upon payment of prescribed fee.
- Currency of award. **40.** The award shall be framed in such manner as shall best express the decision of the Board, avoiding all technicalities where possible, and shall specify the currency of the award, otherwise the award shall be held to be for a period of one year, subject to its earlier determination on months written notice given by one party to the other, but nevertheless it shall continue in force until a new award has been duly made. 30
- Directions. **41.** The award shall also state in clear terms what is or is not to be done by each party.
- Amendments. **42.** The Board shall have the power to amend the provisions of the award for the purpose of remedying any defect therein or of giving fuller effect thereto. 40
- Representation of employees before the board. **43.** Where the dispute or difference which is being inquired into affects a class of employees of the Company, it shall not be necessary for them all to take part in the inquiry, but the class may be represented by some of their number and 45

the award made, though some only of the employees of the class are represented before the Board, shall be binding upon the whole class, provided that in the opinion of the Board the whole class was substantially represented by the employees  
5 who took part in the proceedings.

**44.** In all legal and other proceedings it shall be sufficient  
to produce the award with the seal of the Board thereto or a  
certified copy thereof under the seal of the Board and the  
hand of the Clerk, and it shall not be necessary to prove any  
10 conditions precedent entitling the Board to make the award.

Proof of  
award.

**45.** Every document bearing the seal of the Board shall be  
received in evidence without further proof, and the signature  
of the Chairman of the Board, or Clerk, shall be judicially  
noticed in or before any court or person or officer acting  
15 judicially, provided such signature is attached to some award,  
order, certificate, or other official document made or purport-  
ing to be made under the Act, and no proof shall be required  
of the handwriting or official position of any person acting in  
pursuance of this suggestion.

Seal of board.

Judicial notice  
to be taken of  
signatures.

Proof of  
handwriting  
not requisite.

**46.** Proceedings before the Board shall not be impeached  
or held bad for want of form, nor shall the same be removable  
to a court by *certiorari* or otherwise; and no award, order, or  
proceeding of the Board shall be liable to be challenged, ap-  
pealed against, reviewed, quashed, or called in question by  
20 any court of judicature or any account whatsoever.

No appeal to  
courts of law.

**47.** The Board in its award, or by any order made on the  
application of any of the parties at any time whilst the award  
is in force, may fix and determine what shall constitute a  
breach of the award.

Breach of  
award.

**48.** In every case where the Board in its award or other  
order directs the payment of expenses, it shall fix the amount  
thereof, and specify the parties by and to whom the same  
shall be paid.  
30

Expenses.

**49.** If in any proceedings before the Board any person wil-  
fully insults any member of the Board, or wilfully interrupts  
the proceedings, or without good cause refuses to give evi-  
dence, or is guilty in any other manner of any unlawful con-  
tempt in the face of the Board, it shall be lawful for any  
member of the Board or constable to take the person offending  
40 into custody and remove him from the precincts of the Board  
and detain him in custody until the rising of the Board.

Power of  
arrest for  
contempt  
of board.

**50.** If without good cause shown, any party to proceedings  
before the Board fails to attend or to be represented, the Board  
may proceed as if such party had duly attended or had been  
45 represented.

Proceedings  
by default.

**51.** It shall be in the discretion of the Board to conduct its  
proceedings in public or in private.

Secrecy of  
proceedings.

Regulations  
by Minister.

**52.** The Minister may from time to time make, alter and amend regulations for any of the following purposes :

(a.) Prescribing the forms of certificates or other instruments to be issued by the Clerk of the Board or any officer thereof.

(b.) Prescribing the duties of Clerks and of all other officers and persons acting in the execution of this Act. 5

(c.) Prescribing for anything necessary to carry out the first or subsequent election of members of Boards, or to fill any vacancies therein, or in the office of Chairman of any Board, including the forms of any notice, proceeding, or instrument of any kind to be used or in respect of any such election, also for calling together members of Boards, for the election of a third or fifth member as the case may be, for the record of the proceedings at meetings. 10

(d.) Prescribing any act or thing necessary in his judgment to supplement or render more effectual the provisions of this Act, as to the conduct of proceedings before a Board. 15

(e.) Providing generally for any other matter or thing which appears to him necessary or advisable in order to the effectual working of this Act. 20

(f.) Prescribing what fees shall be paid in respect of any proceeding before a Board, and the party by whom such fees shall be paid.

(g.) Prescribing what respective fees shall be paid to the members of the Board. 25

(h.) Prescribing what respective travelling expenses shall be payable to the members of the Board.

When in  
force.

**53.** All such regulations shall go into force on the day of the gazetting thereof.

Election of  
members of  
provincial  
board.

**54.** Companies operating railways or portions of railways in a province shall be entitled to elect one member of the Board for such province, and for the purpose of such election each Company shall be entitled to as many votes as it has employees performing work in such province. Said employees shall be entitled to elect one member of said Board, and each employee shall have one vote. 30 35

Companies'  
election  
register.

**55.** The Minister shall for each province cause a register to be kept to be called the Companies' Election Register, showing the names of the companies entitled to vote at such election and the number of votes to which each Company is entitled, and shall from time to time cause the same to be revised to the end that it shall for the purpose of the election show as nearly as may be the name of each Company entitled to vote threat, and the number of votes to which it is entitled. 40

Employees'  
election  
register.

**56.** The Minister shall also for each province cause another register to be kept to be called the Employees Election Register, showing as nearly as may be the names and addresses of the employees entitled to vote at such election, and shall from time to time cause the same to be revised to the end that it shall for the purpose of the election show as nearly as may be the names and addresses of employees entitled to vote thereat. 45 50

- 57.** The Minister may make, alter and amend rules in respect of the forms of such registers. The procedure in connection with applications to have the names of companies (with the respective number of their votes) and the names of employees to be placed on or to be removed from said respective registers, the evidence that may be required or produced in support of such applications, the times or places for hearing and determining such applications, dates for the final or other revision of election registers, and generally in regard to all matters which in his judgment appear necessary or advisable with a view to said respective registers, showing the names of the companies (with the respective numbers of their votes) and the names of the employees entitled to vote at such elections.
- Regulations by Minister as to registers.
- 58.** The Minister may determine the form of the voting papers and nomination papers, the manner in which they may be signed, the necessary proof of signature, the time and place of opening voting papers and recording votes, the time for summing up and declaring the result of such elections, the form of such declaration and generally all such matters as in his judgment are necessary or proper with a view to the election of members of said Boards in accordance with the intent and meaning of this Act.
- Voting papers, recording of votes, etc.
- 59.** The Dominion Registrar shall sum up the votes and declare the result of an election, and shall within two weeks thereafter publish the name in the *Canada Gazette*.
- Publication of result.
- 60.** Any Company or employee entitled to vote at an election may, within one month after such publication, in writing, appeal from the said Registrar's declaration as to the result thereof to the Governor in Council, and the decision of the Governor in Council in respect of such appeal shall be final.
- Appeal to Governor in Council.
- 61.** Elections under this Act, other than elections referred to in Section ( ) shall be triennial. The first thereof shall be held on the first Wednesday of October next after the passage of this Act.
- Elections to be triennial.
- 62.** The votes at any such election shall be given by closed voting papers, being delivered to the Registrar at his office in the city of Ottawa, between the hours of nine o'clock in the forenoon and five o'clock in the afternoon on any day between the first Wednesday of September and the first Wednesday of October in the year in which the election is being held, and any voting paper received by the Registrar by post during the time aforesaid, shall be deemed delivered to him for the purpose of the election.
- Mode of voting.
- 63.** Forthwith after said first Wednesday of October, the voting papers shall be opened by the Registrar in the presence of at least two scrutineers, to be appointed by the Minister and of any other scrutineers appointed by any candidate or voter.
- Opening of voting papers before scrutineers.

Voters may  
be present.

**64.** Any voter shall be entitled to be present at the opening of the voting papers.

Members  
elected.

**65.** The person who has the highest number of votes cast by the companies shall be declared to be and shall be the member of the Provincial Board elected by the companies, and the person who has the highest number of votes cast by the employees shall be declared to be and shall be the member of the Provincial Board elected by the employees. 5

In case of  
a tie.

**66.** In case of an equality between two or more persons, the scrutineers shall forthwith put into a ballot box a number of 10 papers having written thereon the respective names of the respective candidates having such equality of votes, one for each candidate, and the Registrar shall then draw from the ballot box in the presence of the scrutineers and of all other persons lawfully present, one of the said papers, and the person whose 15 name is on the paper so drawn shall be and shall be declared to be elected a member of said Board.

If too many  
names on  
paper.

**67.** In the event of more than one name appearing on a voting paper, the first name only shall be taken.

Nomination  
of candidates.

**68.** Candidates to represent said companies and employees 20 respectively on said Board must be nominated in writing by a Company or employee (as the case may be) entitled to vote, and the nomination paper may be delivered to the Registrar at his office in the month of August next preceding an election. Any nomination paper received by him through the post office 25 during said month of August shall be deemed delivered to him.

Votes thrown  
away.

**69.** Any vote cast for any person not so nominated shall not be counted.

By-elections.

**70.** For the purpose of a by-election of a member of a Provincial Board the Minister shall cause a revision of the election register to be used thereat, may fix time for the final revision, for nomination, voting, counting of votes, and declaration of the result, and may make, alter and amend rules and regulations in regard to all other matters which appear to him necessary or advisable in order to the holding of such election. 35

Failure to  
hold election.

**71.** If by reason of no candidate being nominated, no vote cast or other cause, no election be held, or no candidate elected at the time by this Act fixed for such purpose, the Minister shall forthwith proceed to cause an election to be held, and in 40 respect of such election shall have all the like powers as are vested in him in respect of a by-election.

Company  
refusing to  
abide by  
award liable  
to fine.

**72.** In case any Company in the opinion of the Board wilfully omits or refuses to abide by an award, it shall be liable 45 to a fine of not less than one hundred dollars nor more than one thousand dollars, to be determined by the Board for each day of such omission or refusal, and subject to said limitations the amount of such fine shall be a matter determinable by the Board, whose award shall be final. Such fine shall be recover-

able as in the case of other fines ; provided, however, that in any trial or proceeding for the recovery thereof the award shall be conclusive as to the liability of the Company and of the amount of such liability, and one-half of such fine on recovery shall be payable to the Receiver General, and the other half to the employees directly affected by such omission or refusal, and in such proportions as the arbitrators may determine.

Recovery and disposal of fine.

73. The procedure for enforcing the penalties imposed or authorized to be imposed by this Act shall be that prescribed by Part LVIII of the Criminal Code, 1892, relating to summary convictions, provided that no person shall be liable to imprisonment, nor any person be adjudged or ordered to be imprisoned for default of payment of any penalty.

Summary proceedings.

No imprisonment.

74. The Governor in Council shall from time to time determine the amount to be paid to the arbitrators, and also to all clerks, registrars, shorthand writers and other persons employed by the Government in the carrying out of the provisions of this Act.

Expenses in connection with this Act.

75. All charges and expenses incurred by the Government in connection with the administration of this Act shall be defrayed out of such annual appropriations as are from time to time made by Parliament for that purpose.

To be voted by Parliament.

76. This Act shall apply to the Government of Canada in respect of the Intercolonial Railway, and to any consenting Provincial Governments in respect of any railways they may own and operate, and compliance with the provisions of awards shall be obligatory and binding upon the said respective Governments.

Application of Act to Government railways.

No. 146.

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2nd Session, 9th Parliament, 2 Edward VII., 1902

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BILL.

An Act for the settlement of Railway  
Labour Disputes.

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First reading, April 30, 1902.

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MR. MULOCK.

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OTTAWA

Printed by S. E. Dawson  
Printer to the King's most Excellent Majesty  
1902

## An Act to amend the Mounted Police Act, 1894.

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

- 1 Subsection 1 of section 4 of *The Mounted Police Act*, 1894, c. 27,  
5 1894, is repealed; and the following is substituted therefor:— s. 4 amended.
- “4. The Governor General may by commission appoint an  
Officers.  
Mounted Police Force,” a commissioner of police, an assistant  
commissioner of police for the North-west Territories, and an  
10 assistant commissioner of police for the Yukon Territory, and  
one or more staff and other superintendents and inspectors,  
surgeons, assistants surgeons and veterinary surgeons of the  
police.”
2. The said section 4 is further amended by adding thereto  
15 the following subsection:— S. 4 further amended.
- “4. In the absence of the commissioner, the assistant com-  
missioners shall exercise, within their respective jurisdictions,  
Powers of  
assistant com-  
missioners.  
all the powers which by this or any other Act are conferred  
upon the commissioner.”
- 20 3. Section 9 of the said Act is amended by adding thereto S. 9 amended.  
the following subsection:—
- “2. While so exercising powers or performing duties outside  
of the North-west Territories a member of the force shall be  
25 subject to the provisions of this Act and of regulations made  
under it.”  
Operation of  
Act beyond  
North-west  
Territories.
4. Section 14 of the said Act is amended by inserting the  
word “Each” before the words “assistant commissioner” in  
the ninth line of the said section. Section 14  
amended.
5. Section 18 of the said Act is amended by adding thereto  
30 the following subsection:— Section 18  
amended.
- “4. Every member who, having deserted, has not surren-  
dered himself before the termination of his period of engage-  
ment, shall be subject to the provisions of this section for a  
further period of twelve months after the expiration of his  
35 period of engagement; or, if he has left Canada after the  
offence and within either of the said periods, then for twelve  
months after his return to Canada.”  
Application  
of section to  
deserters.

No. 147.

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2nd Session, 9th Parliament, 2 Edward VII., 1902

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BILL.

An Act to amend the Mounted Police  
Act, 1894.

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First reading, April 29, 1902.

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SIR WILFRID LAURIER

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OTTAWA

Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

## An Act to amend the Land Titles Act. 1894.

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

1. Subsection 1 of the section substituted for section 87 of 1894, c. 28,  
 5 *The Land Titles Act*, 1894, by section 1 of chapter 30 of the s. 87 amended. statutes of 1897, is repealed and the following subsection is substituted therefor:—
- “**87.** The owner of any land may authorize and appoint Form of power of attorney.  
 10 any person to act for him or on his behalf with respect to the transfer or other dealing with such land or with any part thereof, in accordance with the provisions of this Act, by  
 15 executing a power of attorney in the form S in the schedule to this Act, or as near thereto as circumstances permit, or in any form heretofore in use for the like purpose in which the  
 20 land is not specifically mentioned and described, but is mentioned and referred to in general terms, any of which forms of power of attorney the registrar shall register; and if the  
 25 land referred to in any form of power of attorney is specifically and properly described, the registrar shall make a memorandum upon the certificate of title and upon the duplicate certificate of the particulars therein contained and of the time of its registration; and until such power of attorney in which the land referred to is so specifically described is revoked in the manner provided by the next following section, the right of the owner  
 30 to transfer or to otherwise deal with the land shall be suspended: Provided that the execution or registration of a general power of attorney shall not in any way affect the right of the owner to transfer or otherwise deal with his land.”
2. Section 120 of *The Land Titles Act*, 1894, is amended Section 120 amended.  
 30 by adding the following proviso thereto:—
- “Provided that the publication of such notice in a news- Registrar may dispense with notice.  
 35 paper as above provided, or of any notice, may be dispensed with if the registrar is satisfied as to the loss or destruction of the duplicate certificate so issued, and that notice of the issue of another duplicate certificate in lieu of such lost or destroyed certificate, in a newspaper or otherwise, is unnecessary.”

No. 149.

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2nd Session, 9th Parliament, 2 Edward VII., 1902

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BILL.

An Act to amend the Land Titles Act,  
1894.

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First reading, May 1, 1902.

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MR. SIFTON.

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OTTAWA

Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

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No. 150.]

**BILL.**

[1902.

An Act to amend the Weights and Measures Act.

[N amendment of *The Weights and Measures Act*, chapter 104 R.S.C., c. 104.  
of the Revised Statutes, His Majesty, by and with the  
advice and consent of the Senate and House of Commons of  
Canada, enacts as follows:—

- 5   **1.** When milk is sold by the can, the can shall be considered Standard  
as equivalent to eight gallons, and the half can to four gallons. milk cans.
- 2.** Milk cans shall, when presented for verification to any Inspecting  
inspector of weights and measures, be inspected and stamped and stamping.  
with their capacity as then determined.
- 10   **3.** The Governor in Council may make a tariff of fees to be Fees.  
paid for inspecting and stamping milk cans, but the said fees  
shall not exceed two cents per gallon.

No. 150.

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2nd Session, 9th Parliament, 2 Edward VII., 1902

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BILL.

An Act to amend the Weights and  
Measures Act.

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First reading, May 2, 1902.

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MR. CAMPBELL.

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OTTAWA  
Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

## An Act respecting the remission of Penalties.

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

1. The Governor in Council may at any time remit, in Governor in Council may remit fines, etc.  
5 whole or in part, any pecuniary penalty, fine, or forfeiture imposed by any Act of the Parliament of Canada, whether such penalty, fine, or forfeiture is payable to His Majesty or to some other person, or in part to His Majesty and in part to some other person, and whether it is recoverable on indictment,  
10 information or summary conviction, or by action or otherwise, and whether or not proceedings have been instituted for the recovery thereof.
2. Such remission may, in the discretion of the Governor in As to costs.  
Council, be on terms as to the payment of costs or otherwise;  
15 provided that where proceedings have been instituted by private persons costs already incurred shall not be remitted.
3. The preceding sections of this Act shall apply to any Retroaction in certain cases.  
penalty, fine, or forfeiture under the provisions of *The Railway Act*, for the recovery of which judgment has heretofore  
20 been obtained, or proceedings have heretofore been instituted, but shall not be otherwise retroactive.

No. 151.

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2nd Session, 9th Parliament, 2 Edward VII, 1902

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BILL.

An Act respecting the remission of  
Penalties.

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First reading, May 2, 1902.

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MR. FITZPATRICK.

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OTTAWA  
Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

An Act further to amend the provisions of Chapter 183 of the Revised Statutes with respect to the Halifax Industrial School and Saint Patrick's Home at Halifax.

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

- 1.** Section 61 of the *Act respecting Public and Reformatory Prisons*, chapter 183 of the Revised Statutes, as that section is enacted by section 34 of chapter 37 of the statutes of 1890, is repealed and the following is substituted therefor :—
- R.S.C., c. 183,  
new s. 61.
- “**61.** Whenever any boy, who is a Protestant and a minor apparently under the age of eighteen years, is convicted in Nova Scotia of any offence, for which by law he is liable to imprisonment, the judge, stipendary 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 one year.”
- Certain boys  
may be  
sentenced  
to Halifax  
Industrial  
School.
- 2.** Section 62 of the said chapter 183, as that section is enacted by section 35 of the said chapter 37, is repealed.
- S. 62 repealed.
- 3.** Section 65 of the said chapter 183, as that section is enacted by section 36 of the said chapter 37, is repealed and the following is substituted therefor :—
- New s. 65.
- “**65.** Whenever any boy, who is a Roman Catholic and apparently under the age of eighteen years, is convicted in Nova Scotia of any offence for which by law he is liable to imprisonment, the judge, stipendary 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 one year.”
- Certain boys  
may be  
sentenced to  
St. Patrick's  
Home,  
Halifax.
- 4.** In its application to the Halifax Industrial School and Saint Patrick's Home at Halifax, section 956 of the Criminal Code, 1892, shall be read and construed as if the word “eighteen” were substituted for the word “sixteen” in the third line thereof, and the word “one” were substituted for the word “two” in the thirteenth line thereof.
- 1892, c. 29,  
s. 956, con-  
struction of.

No. 155.

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2nd Session, 9th Parliament, 2 Edward VII., 1902

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BILL.

An Act to amend the Railway Act.

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First reading, May 5, 1902.

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MR. BLAIR.

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OTTAWA

Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

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No. 156.]

**BILL.**

[1902.

An Act to amend the Chinese Immigration Act, 1900.

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

1. Section 24 of *The Chinese Immigration Act*, 1900, is  
5 repealed, and the following is substituted therefor :—

1900, c. 32,  
new s. 24.

“24. All taxes, pecuniary penalties, and revenues from  
other sources under this Act shall be paid into and form part  
of the Consolidated Revenue Fund of Canada ; but from and  
after the first day of July, 1902, subject to such conditions and  
10 regulations as are prescribed by order of the Governor in  
Council, one half part of the net proceeds of all such taxes paid  
by Chinese immigrants on entering Canada shall, at the end  
of every fiscal year, be paid out of such fund to the Province  
wherein they were collected.”

Application  
of taxes, etc.

No. 156.

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2nd Session, 9th Parliament, 2 Edward VII., 1902

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BILL.

An Act to amend the Chinese Immigration Act, 1900.

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First reading, May 5, 1902.

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SIR RICHARD CARTWRIGHT.

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OTTAWA  
Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

An Act to authorize the raising, by way of loan, of certain sums of money for the public service.

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

1. In addition to the sums now remaining unborrowed and  
5 negotiable of the loans authorized by Parliament by any Act Loan authorized.  
heretofore passed, the Governor in Council is hereby authoriz-  
ed to raise by way of loan,—
- (a.) such sum or sums of money, not to exceed in the whole \$15,000,000.  
the sum of fifteen million dollars, as may be required for the  
10 purpose of paying the floating indebtedness of Canada and of  
meeting any expenditure authorized by the Parliament of  
Canada ; and
- (b.) such sum or sums of money as may be required from Further amount to pay Funded Debt.  
time to time, over and above all available sinking funds, to pay  
15 and discharge the Funded Debt of Canada or any portion  
thereof, as the same matures and becomes payable, either in  
England or in Canada.
2. The sums of money hereby authorized to be raised by To be raised under R.S.C., c. 29.  
way of loan shall be so raised in accordance with and under  
20 the provisions of that portion of chapter 29 of the Revised  
Statutes relating to the public debt and the raising of loans  
authorized by Parliament ; and the sums so raised shall form  
part of the Consolidated Revenue Fund of Canada : Provided To form part of Con. Rev. Fund.  
always, that the rate of interest to be paid on any loans to be  
25 raised hereunder shall not exceed three and a half per cent per Rate of interest.  
annum.

No. 157.

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2nd Session, 9th Parliament, 2 Edward VII., 1902

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BILL.

An Act to authorize the raising, by way  
of loan, of certain sums of money for  
the public service.

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First reading, May 5, 1902.

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MR. FIELDING.

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OTTAWA  
Printed by S. E. Dawson  
Printer to the King's most Excellent Majesty  
1902

No. 162.]

**BILL.**

[1902.

An Act to amend the Manitoba Grain Act, 1900.

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

1. Section 47 of *The Manitoba Grain Act*, 1900, is repealed, 1900, c. 39,  
5 and the following is substituted therefor :— new s. 47.
- “ 47. From and after the first day of July, 1902, all moneys How moneys  
collected under the provisions of this Act, and all inspection shall be dealt  
fees upon grain inspected within the Manitoba district, as with.  
10 provided for under section 20 of the schedule to chapter 25 of  
the statutes of 1899, shall, notwithstanding anything to the  
contrary in this Act or in the said chapter 25 or the schedule  
15 thereto, be paid through the chief grain inspector of the  
Manitoba district into, and shall form part of, the Consolidated  
Revenue Fund of Canada, and accounts thereof shall be kept  
by the said chief inspector in such manner and in such detail  
as is from time to time determined by the Minister of Trade  
and Commerce.”

No. 162.

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2nd Session, 9th Parliament, 2 Edward VII., 1902

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BILL.

An Act to amend the Manitoba Grain  
Act, 1900.

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First reading, May 6, 1902.

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SIR RICHARD CARTWRIGHT.

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OTTAWA

Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

## An Act to amend the Manitoba Grain Act, 1900.

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

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

**1.** In *The Manitoba Grain Act, 1900*, unless the context  
5 otherwise requires,—

(a.) the expression “operator” or the expression “lessee” shall include any buyer of grain having allotted to him any storage or working space or bin or bins in any elevator or warehouse ;

**10** (b.) the expression “Commissioner” means the warehouse commissioner for the Inspection District of Manitoba ; and

(c.) the expression “Minister of Inland Revenue” shall mean the “Minister of Trade and Commerce.”

**2.** Sub-section 1 of section 34 of the said Act is amended  
15 by inserting between the words “shall” and “keep” in the second line thereof the words “receive the six standard grades of wheat established and described in *The General Inspection Act*, as amended by chapter 25 of the statutes of 1899, and shall.”

**20** **3.** Sub-section 1 of section 41 of the said Act is repealed and the following sub-section is substituted therefor :—

“**41.** On a written application to the Commissioner by any person residing within forty miles of his nearest shipping point, he may give permission to such person to erect, under  
25 the provisions of this Act, a flat warehouse, with power to enlarge it should necessity require it, at such shipping point. Such flat warehouse shall be erected on the railway company’s premises after getting location of a siding, and the railway company shall be compelled to give such location with siding  
30 on its premises, in some place of convenient access to be approved of by the Commissioner, at a rental not greater than that charged to standard elevators. If, in the judgment of the Commissioner, more than one such warehouse is required at a station, one or more additional warehouses may be  
35 authorized by him ; and in that case all the provisions of this section shall apply to the construction of such warehouses.”

**4.** Sub-section 8 of the said section 41 is repealed.

S. 41 further amended.

New s. 42.

**5.** Section 42 of the said Act is repealed and the following section is substituted therefor :—

Loading  
platforms.

“**42.** On a written application to the Commissioner by ten farmers resident within twenty miles of their nearest shipping point, the railway company shall, within the time hereinafter mentioned, erect and maintain at such point a loading platform, as hereinafter described, suitable for the purpose of loading grain from vehicles direct into cars. 5

“**2.** Each loading platform shall be erected at a siding which the railway company shall provide on its premises in some place convenient of access to be approved by the Commissioner, and shall be at least ten feet wide, and of such other dimensions and be constructed of such materials and in such manner as the Commissioner designates. 10

“**3.** Such loading platforms may be used free of charge for the loading of grain. 15

“**4.** The railway company shall construct such loading platform within thirty days after the application is made to such company by the Commissioner, and shall be held liable to pay a fine of not less than twenty-five dollars for each day's delay beyond that time. The period in each year within which the Commissioner may receive such applications shall be between the fifteenth of April and the fifteenth of October. 20

“**5** Railway companies shall furnish cars to farmers, without undue delay, for the purpose of being loaded at such loading platform ; and at any shipping point where there is no loading platform, cars shall be furnished by the railway company, without undue delay, for loading grain direct from vehicles.” 25

New s. 47.

**6.** Section 47 of the said Act is repealed, and the following is substituted therefor :— 30

How moneys  
shall be dealt  
with.

“**47.** From and after the first day of July, 1902, all moneys collected under the provisions of this Act, and all inspection fees upon grain inspected within the Manitoba district, as provided for under section 20 of the schedule to chapter 25 of the statutes of 1899, shall, notwithstanding anything to the contrary in this Act or in the said chapter 25 or the schedule thereto, be paid through the chief grain inspector of the Manitoba district into, and shall form part of, the Consolidated Revenue Fund of Canada, and accounts thereof shall be kept by the said chief inspector in such manner and in such detail as is from time to time determined by the Minister of Trade and Commerce.” 35 40

New ss. 57  
and 58.

**7.** Section 57 of the said Act is repealed and the following sections are substituted therefor :— 45

Penalties.

“**57.** Any person, firm or corporation guilty of an infraction of, or failing to comply with, any provisions of this Act for which a penalty is not in this Act provided, or of any rule or regulation made pursuant to this Act, shall, upon summary conviction, in addition to any other punishment prescribed by the law, 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. 50

“58. At each station where there is a railway agent and where grain is shipped under such agent, an order book for cars shall be kept open to the public, in which applicants for cars shall make order. Applicants may make order according to their requirements for forty-eight hours in advance; cars so ordered shall be awarded to applicants according to the order in time in which such orders appear on the order book, without discrimination between elevator, flat-warehouse and loading platform; and any applicant who fails to make use of the car or cars ordered by him and which may be furnished by the railway company within the aforesaid time limit, and, in the case of a farmer or flat-warehouse owner, who fails to fill the said car or cars within forty-eight hours from the time they are furnished by the railway company, shall lose his right so far as concerns the car or cars not used or filled.

“2. When the railway company is unable, from any reasonable cause, to furnish cars at any shipping point to fill all orders as aforesaid, such cars as are furnished shall be apportioned to the applicants in the order of application as appearing in the said order book, until each applicant has received one car, after which the surplus cars, if any, shall be apportioned rateably according to the requirements of each applicant.”

Order books.

Applications for cars.

Allotment of cars.

No. 162.

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2nd Session, 9th Parliament, 2 Edward VII., 1902

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BILL.

An Act to amend the Manitoba Grain  
Act, 1900.

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

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SIR RICHARD CARTWRIGHT.

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OTTAWA

Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

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No. 164.]

**BILL.**

[1902.

An Act to amend the Act of 1899 respecting the City  
of Ottawa.

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

1. The number of commissioners composing “The Ottawa  
Improvement Commission,” incorporated by chapter 10 of the  
statutes of 1899, is hereby increased to eight by the addition  
of four commissioners who shall be appointed by the Gov-  
ernor in Council and shall hold office during pleasure.
- Number of  
commissioners  
increased,  
1899, c. 10.

No 164

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2nd Session, 9th Parliament, 2 Edward VII., 1902

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BILL.

An Act to amend the Act of 1899 respecting the City of Ottawa.

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First reading, May 7, 1902

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MR. FIELDING.

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OTTAWA

Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

## An Act respecting the coasting trade of Canada.

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

1. In this Act, unless the context otherwise requires, the expression "British Ships" means and includes all ships belonging wholly to persons qualified or entitled to be owners of British Ships, under the provisions of "The Merchant Shipping Act, 1894," or any other Act of the Parliament of the United Kingdom in that behalf, in force for the time being.
2. For all purposes of this Act the expression "the coasting trade of Canada" shall be deemed to include the carriage by water of goods or passengers from one port or place in Canada to another port or place in Canada.
2. No foreign-built British ship, whether registered in Canada or elsewhere, shall be entitled to engage or take part in the coasting trade of Canada unless such foreign-built British ship has first obtained a license for that purpose, which may be granted by the Minister of Customs.
2. The Minister of Customs shall issue such license to any foreign-built British ship, whether registered in Canada or elsewhere, upon application therefor and upon the payment of a duty of twenty-five per cent ad valorem on the fair market value of the hull, rigging, machinery, boilers, furniture and appurtenances of such ship.
3. No goods or passengers shall be carried by water, from one port of Canada to another, except in British ships; and if any goods or passengers are so carried, as aforesaid, contrary to this Act, the master of the ship or vessel so carrying them shall incur a penalty of four hundred dollars; and any goods so carried shall be forfeited, as smuggled; and such ship or vessel may be detained by the collector of customs, at any port or place to which such goods or passengers are brought, until such penalty is paid, or security for the payment thereof given to his satisfaction, and until such goods are delivered up to him, to be dealt with as goods forfeited under the provisions of *The Customs Act*.
4. The master of any steam vessel, not being a British ship, engaged, or having been engaged, in towing any ship, vessel or raft, from one port or place in Canada to another, except in case of distress, shall incur a penalty of four hundred dollars; and such steam vessel may be detained by the collector of
- Interpretation.
- "British ships."
- "Coasting trade of Canada."
- Foreign built British ships engaged in coasting trade, to be licensed.
- Duty to be paid for license.
- No goods or passengers to be carried coastwise except in British ships.
- Penalties.
- R. S. C., c. 32.
- Foreign steamers not to tow between Canadian ports, except in case of distress.

- Penalty. customs at any port or place to or in which such ship, vessel or raft is towed, until such penalty is paid.
- Recovery, and enforcement of penalties. **5.** Penalties and forfeitures under this Act may be recovered and enforced in the manner provided by *The Customs Act*, with respect to penalties and forfeitures incurred under it, and as if imposed by it; and this Act shall accordingly be construed with reference to the said Act, and as forming one Act with it, and all words and expressions in this Act shall have the same meaning as the like words and expressions in the said Act. 5 10
- Construction of Act.
- Ships of certain countries may be exempted. **6.** The Governor in Council may, from time to time, declare that the foregoing provisions of this Act shall not apply to the ships or vessels of any foreign country in which British ships are admitted to the coasting trade of such country, and to carry goods and passengers from one port or place to another in such country. 15
- As to foreign ships privileged by treaty. **7.** Where by treaty made before the passing of "The Merchant Shipping (Colonial) Act, 1869," (that is to say before the thirteenth day of May, eighteen hundred and sixty-nine,) Her late Majesty, Queen Victoria, agreed to grant to any ships of any foreign state any rights or privileges in respect of the coasting trade of Canada, those rights and privileges shall be enjoyed by those ships for so long as Her late Majesty agreed, or His Majesty the King may hereafter agree, to grant them. 20
- Repeal of R.S.C., c. 83. **8.** Chapter 83 of the Revised Statutes is repealed. 25
- Commencement of Act. **9.** This Act shall not come into force until His Majesty's pleasure thereon has been signified by publication in *The Canada Gazette*.

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THE SENATE OF CANADA.

A.]

**BILL.**

[1902.

An Act respecting Applications for Railway Charters.

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

1. Whenever an application is made to the Parliament of  
5 Canada for the passing of an Act to authorize the construction of any railway, or the extension of any railway, or the construction of any new works upon or in connection with any railway then existing or authorized to be constructed, the following conditions shall be complied with:—
- 10 (1.) Before the consideration of the petition for such Act by the Committee on Standing Orders of the House in which the bill is to originate, the applicants for such authority shall deposit with the Department of Railways and Canals—
- (a.) A map or plan, made from actual survey, showing the  
15 route of the proposed railway according to the preliminary survey thereof, or the site and nature of the new works.
- (b.) In the case of a railway, a profile, made from actual  
levelling, and showing approximately the ground surface, the  
20 proposed gradients, and the crossings of rivers, watercourses, highways and other railways.
- (c.) In the case of new works upon or in connection with a  
railway, sections made from actual levelling and showing the  
nature of such works.
- (d.) A report by the engineer or land surveyor by whom or  
25 under whose supervision such survey has been made, describing the nature of the country to be traversed by the proposed railway or works, the character of the line or works to be built, and everything necessary for the right understanding of such map or plan, and profile or sections.
- (e.) An approximate estimate, by such engineer or land  
30 surveyor, of the total cost of such railway or works, as the case may be.
- (2.) Such map or plan, profile and sections shall be drawn  
on such a scale and on such paper as are, from time to time,  
35 designated for that purpose by the Minister of Railways and Canals.
- (3.) The correctness of every such map or plan, profile and  
section, and the truth of every such report and estimate shall  
be certified thereon under the signature of the engineer or land  
40 surveyor making the same, and shall be further attested by statutory declaration to that effect made by him and attached thereto.

Conditions to be complied with.

Deposit of documents.

Map.

Profile.

Sections.

Engineer's report.

Estimate of cost.

Scale, etc., of maps.

Certificate of correctness.

Certificate of compliance with conditions.

(4.) The said applicants shall present with their petition a certificate signed by the Minister of Railways and Canals or his deputy, that such deposit has been so made and that all the other requirements of this section have been complied with.

5

Proceedings to be suspended if conditions are not complied with.

2. If the conditions imposed by the next preceding section or any of them, are not complied with, the Committee on Standing Orders of the House in which the bill is to originate shall report accordingly to that House, and thereupon, unless otherwise specially ordered by that House, or unless otherwise provided for by the Standing Orders thereof, all further proceedings upon the bill shall be suspended until the said conditions have been complied with. 10

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2nd Session, 9th Parliament, 2 Edward VII, 1902

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THE SENATE OF CANADA.

BILL

A

An Act respecting Applications for Railway Charters.

Received and read a first time, Thursday,  
March 20, 1902.  
Second reading, Monday, March 24, 1902.

Honourable Mr. CASGRAIN,  
(de Lanaudière.)

OTTAWA

Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

THE SENATE OF CANADA.

B.]

**BILL.**

[1902.

An Act to Amend the Acts relating to The Ottawa,  
Northern and Western Railway.

**W**HEREAS The Ottawa Northern 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 said petition: Therefore, His Majesty, by and with  
5 the advice and consent of the Senate and House of Commons of  
Canada, enacts as follows:—

Preamble.  
1894, c. 87 ;  
1896 (1 Sess.)  
c. 31.  
1897, c. 68 ;  
1898, c. 112 ;  
1899, c. 83 ;  
1901, c. 80.

1. In addition to the present powers of the Company and notwithstanding anything contained in *The Railway Act*, the Company may purchase and hold the whole or any part of  
10 the capital stock, bonds or debentures of the Pontiac Pacific  
Junction Railway Company, the Hull Electric Company and  
the Ottawa Interprovincial Bridge Company.

Power to  
purchase stock  
and bonds of  
other Cos.  
1888, c. 29,  
s. 276.

2. The acquisition of such capital stock, bonds or debentures shall be deemed an acquisition of right of way, plant, rolling  
15 stock, or materials within the meaning of section 39 of *The  
Railway Act*.

May be paid  
for with paid-  
up stock.

2. To the extent to which the Company may at any time acquire and hold the capital stock of the said companies or any  
of them, it shall be deemed to have acquired a proportionate  
20 part of the mileage of railway of such company

Stock acquir-  
ed to represent  
so much rail-  
way acquired.

3. Section 24 of chapter 87 of the Statutes of 1894 is hereby amended by adding the following as subsection 3:—

1894, c. 87, s.  
24 amended.

“3. In estimating the mileage of single track of railway,  
there shall be included a part or a whole of the mileage of  
25 single track of railway belonging to the Pontiac Pacific Junction  
Railway Company, the Ottawa Interprovincial Bridge  
Company and the Hull Electric Company, to be established as  
follows: The part so to be included shall bear the same relation  
to the entire mileage of such companies as the amount of stock  
30 in such companies acquired by the Company and conveyed to  
trustees as security for the Company's bonds or debentures  
bears to the total capital stock of such companies.”

Mode of  
estimating  
mileage for  
issue of bonds.

4. The capital stock of the Company is hereby declared to  
be \$10,000,000.

Amount of  
stock.

35 5. The Company may define, by deed executed between the  
Company and any person or corporation interested, the respec-  
tive rights to be enjoyed by holders of first mortgage bonds,

Powers to  
define respec-  
tive rights of  
holders of  
securities.

Deposit of agreement.	second mortgage bonds, income bonds or preferred stock, both as between such holders themselves and as between such holders and the Company ; and by such agreement the Company may limit the right of the Company to issue more than a specified amount of any such bonds or preferred stock. Such agreement shall be deposited in the office of the Secretary of State, and, from and after the time of such deposit, the right of the Company to issue any greater amount of first mortgage or other bonds or of preferred stock than that specified in such agreement shall cease and terminate, notwithstanding anything in any statute relating to the Company to the contrary.	5
Effect.		10
Power to sell or lease to other Cos.	6. The Company may sell or lease the whole or part of its railway, rolling stock, or other assets of any kind whatsoever, to the Ottawa, Arnprior and Parry Sound Railway Company, the Grand Trunk Railway Company of Canada, the Ottawa and New York Railway Company, the Canadian Pacific Railway Company, the Canadian Northern Railway Company, or the Great Northern Railway Company of Canada, each of which companies is hereby authorized to acquire the same ; or the Company may make agreements with any of the said companies for running rights or for the operation of its railway, or may enter into like arrangements with any other company authorized by Parliament to make the same.	15 20
Authority to other Cos. to acquire. Agreements for running rights or operation.		20

## THE SENATE OF CANADA.

BILL.

B

An Act to amend the Acts relating to the Ottawa, Northern and Western Railway Company.

Received and read a first time, Friday,  
March 21, 1902.  
Second reading, Wednesday, March 26,  
1902.

Honourable Mr. LOUGHEED.

OTTAWA

Printed by S. E. DAWSON

Printer to the King's most Excellent Majesty  
1902

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THE SENATE OF CANADA.

C.]

**BILL.**

[1902.

An Act for the relief of John Hamilton Ewart.

**W**HEREAS John Hamilton Ewart, of the city of Toronto, Preamble.  
in the province of Ontario, insurance agent, has by his  
petition humbly set forth that on the second day of February,  
one thousand eight hundred and eighty-one, he was married  
5 to Mary Elizabeth Ewart, formerly Mary Elizabeth Pringle;  
that they cohabited as husband and wife until about the month  
of May, one thousand eight hundred and ninety-two; that  
there was no issue born of the said marriage; that she has  
committed adultery on divers occasions with divers persons;  
10 that ever since he discovered the said acts they have  
lived separate and apart and have not cohabited; and whereas  
he has humbly prayed that the said marriage may be dissolved  
and that he may be authorized to marry again and that such  
further relief may be afforded him as may be deemed meet;  
15 and whereas he has proved the said allegations of his petition,  
and it is expedient that the prayer thereof be granted: There-  
fore 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 John Hamilton Ewart Marriage  
20 and Mary Elizabeth Ewart, his wife, is hereby dissolved and dissolved.  
shall be henceforth null and void to all intents and purposes  
whatever.

2. The said John Hamilton Ewart may at any time here- Right to  
after marry any woman he might lawfully marry in case the marry again.  
25 said marriage with the said Mary Elizabeth Ewart had not been  
solemnized.

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2nd Session, 9th Parliament, 2 Edward VII., 1902

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THE SENATE OF CANADA.

BI<sub>LL</sub>.

C

An Act for the relief of John Hamilton  
Ewart.

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Received and read a first time, Friday  
March 21, 1902.  
Second reading, Friday, April 4, 1902.

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Honourable Mr. PRIMROSE.

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OTTAWA  
Printed by S. E. Dawson  
Printer to the King's most Excellent Majesty  
1902

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THE SENATE OF CANADA.

D.]

**BILL.**

[1902.

An Act for the Relief of James Brown.

**W**HEREAS James Brown, of the Township of Tay in the County of Simcoe in the Province of Ontario, Manufacturer, has by his petition humbly set forth that, on the ninth day of October, one thousand eight hundred and ninety-three, he was lawfully married to Abigail Brown, formerly Abigail McDougall; that the said marriage was duly solemnized at the town of Penetanguishene in the said County of Simcoe according to the rites of the Church of England in Canada; that they cohabited as man and wife until on or about the twenty-fourth day of May, one thousand nine hundred; that no children born of the said marriage are now living; that on or about the twenty-fourth day of May, one thousand nine hundred, she deserted him and went to the City of Toronto in the Province of Ontario, and has not since then resided with him; that, after the said desertion, he discovered, as the fact was, that she had been living an irregular life and had previous to such desertion, been committing adultery; that she has since been living an irregular life and has committed adultery in the said City of Toronto; and whereas he has humbly prayed that the said marriage may be dissolved so as to enable him to marry again, and that such further relief may be afforded to him as is deemed meet; and whereas he has proved the said allegations of his said petition and it is expedient that the prayer thereof 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 marriage between the said James Brown and Abigail Brown, his wife, is hereby dissolved and shall be henceforth null and void to all intents and purposes whatever. Marriage dissolved.
2. The said James Brown may at any time hereafter marry any other woman whom he might lawfully marry in case the said marriage with the said Abigail Brown had not been solemnized. Right to marry again

THE SENATE OF CANADA

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2nd Session, 9th Parliament, 2 Edward VII., 1902

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THE SENATE OF CANADA.

BILL.

D

An Act for the relief of James Brown.

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Received and read a first time, Friday,  
March 21, 1902.  
Second reading, Friday, April 4, 1902.

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Honourable Mr. LANDERKIN.

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OTTAWA  
Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

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THE SENATE OF CANADA.

E.]

**BILL.**

[1902.

An Act for the relief of Thomas Henry Radford.

**W**HEREAS Thomas Henry Radford, of the city of Montreal, Manager, has, by his petition, set forth that on the seventeenth day of May, 1892, at the city of Montreal, in the district of Montreal, in the Province of Quebec, he was lawfully married to Elizabeth Margaret Wells, then of the said city of Montreal, spinster; that they cohabited together as husband and wife, until in or about the month of January, 1900, when he discovered that she had been guilty of adultery; that she has since deserted his bed and board, and has lived apart from him; that no children have been born of the said marriage; and whereas, he has humbly prayed that the said marriage may be dissolved, and that he may be authorized to marry again, and that such further relief may be afforded him as is deemed meet; and whereas he has proved the said allegations of his petition, and it is expedient that the prayer thereof 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 Thomas Henry Radford and Elizabeth Margaret Wells, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatever.

**2.** The said Thomas Henry Radford may at any time hereafter marry any woman whom he might lawfully marry in case the said marriage with the said Elizabeth Margaret Wells had not been solemnized.

THE SENATE OF CANADA

BILL.

E

An Act for the relief of Thomas Henry  
Radford.

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Received and read a first time, Friday,  
March 21, 1902.  
Second reading, Friday, April 4, 1902.

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Honourable Mr. WATSON.

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OTTAWA  
Printed by S. E. Dawson  
Printer to the King's most Excellent Majesty  
1902

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THE SENATE OF CANADA.

F.]

**BILL.**

[1902.

An Act to incorporate the Bishop of Moosonee.

**W**HEREAS the Right Reverend John Horden was in the year, consecrated and appointed the first Bishop of the Diocese of Moosonee, one of the missionary dioceses of the Church of England in Canada, which office he held until 5 the time of his death, whereupon the Right Reverend Jervois Arthur Newnham was consecrated and appointed to fill the vacancy in such office and is the present Bishop of said Diocese; and whereas divers lands situate within the said Diocese have been granted to the successive incumbents of 10 said bishopric, to each and his successors in office, for various purposes in connection with the said church in the said Diocese; and whereas the said Diocese is still a missionary diocese and no Synod, Assembly, Convocation, or other body comprising representatives of the clergy and laity therein, has 15 ever been convened or organized, and the bishop of the said Diocese has never been constituted a corporation sole; and whereas it is expedient to make provision for the management and control of the property, affairs and interests of the said church in matters relating to and affecting only the said church 20 and the officers and members thereof, and in respect of the premises, and to incorporate the Bishop of the said Diocese; Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

25 **1.** The Bishop of Moosonee and his successors in office are hereby incorporated, for the purposes mentioned in the preamble, under the name of "The Bishop of Moosonee," hereinafter 30 called "the corporation," with all the powers and privileges contained in paragraph 43 of section 7 of chapter 1 of the Revised Statutes of Canada.

Incorporation.

R.S.C., c. 1,  
s. 7 (43.)

**2.** The corporation may receive and hold property of any kind for the uses and purposes of the Church of England in the said Diocese of Moosonee, including the uses and purposes of any parish, mission, institution, college, school, or 35 hospital, now or hereafter connected with the Church of England, and may receive any devise by will, gift, and conveyance of land or any estate or interest therein, and may sell, alienate, mortgage, or lease any lands, tenements and hereditaments held by it, whether by way of investment for the uses 40 and purposes hereinbefore mentioned or not.

Power to hold  
and alienate  
property.

Power of investment.

3. The corporation may invest its funds and moneys in :—

(a) Government securities of the United Kingdom or Canada, or in the stocks, funds, bonds or debentures of the Government of India, or of any of the colonies of Great Britain ; or—

5

(b.) the debentures, debenture stock, mortgages or securities of any corporation or company in the United Kingdom, or in any of the said colonies ; provided such corporation or company is incorporated by Act of Parliament or charter, or is authorized by any such government, and has for the three 10 years last preceding paid dividends on the ordinary stock ; or—

(c.) in the purchase of freehold lands ; or—

(d.) in first mortgages on freehold property in Canada ;

Mortgages.

And for the purposes of such investments may take mortgages or assignments thereof, whether such mortgages or 15 assignments be made directly to the corporation in its own corporate name, or to some company or person in trust for it, and may sell and assign the same.

Executive committee.

4. The corporation may exercise all its powers by and through an executive committee, or such boards or committees 20 as the Bishop may from time to time appoint for the management of any of the affairs of the said bishopric, but in accordance only with the trusts relating to any property upon or for which the same is held.

Execution of instruments.

5. Instruments executed by the corporation shall be verified 25 by the signature of the Bishop of Moosonee or of his commissary for that purpose by him in writing appointed.

Retroactive effect of this Act as to validity of grants of land.

6. All deeds, conveyances and letters patent heretofore made to the said the Right Reverend John Horden, or to the said the Right Reverend Jervis Arthur Newnham, purporting to 30 convey lands, or any interest therein, to either of them and his successors as such Bishop of Moosonee, shall be as valid and effectual, for the purpose of vesting the same in the corporation by this Act created, as if such corporation had been created and in existence at the time at which such deeds, conveyances 35 and letters patent were made.

Provision for transfer of trust property to a Diocesan Synod when incorporated.

7. The corporation may transfer any property held in trust by it for any eleemosynary, ecclesiastical or educational use of the Church of England in the Diocese of Moosonee, or for any of the purposes herein set forth, to the Synod of the Diocese 40 of Moosonee, when incorporated, to be held by the said synod in trust for the same uses and purposes.

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## THE SENATE OF CANADA.

G.]

### BILL.

[1902.

An Act respecting the Bell Telephone Company of  
Canada.

**W**HEREAS the Bell Telephone Company of Canada have, Preamble.  
by their petition, represented that they are desirous of  
increasing their capital stock, and it is expedient to grant the 1880, c. 67.  
prayer of the said petition: Therefore His Majesty, by and 1882, c. 95.  
with the advice and consent of the Senate and House of 1884, c. 88.  
5 Commons of Canada, enacts as follows:— 1892, c. 67.  
1894, c. 108.

1. The capital stock of the Bell Telephone Company of Increase of  
Canada may be increased to an amount not exceeding ten capital stock.  
million dollars, including the present authorized stock; and  
10 such increase may be effected in the manner provided by, and  
shall be subject to the provisions contained in, section 5 of  
chapter 67 of the statutes of 1880.

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2nd Session, 9th Parliament, 2 Edward VII., 1902

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THE SENATE OF CANADA.

BILL.

G

An Act respecting the Bell Telephone  
Company of Canada.

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Received and read a first time, Tuesday,  
March 25, 1902.  
Second reading, Thursday, April 3,  
1902.

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Honourable Mr. KIRCHHOFFER.

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OTTAWA  
Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

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THE SENATE OF CANADA.

H.]

**BILL.**

[1902.

An Act for the relief of Samuel Nelson Chipman.

**W**HEREAS Samuel Nelson Chipman, of the Township of South Crosby, in the County of Leeds, in the Province of Ontario, farmer, has, by his petition, humbly set forth that on the twenty-fourth day of February, eighteen hundred and 5 ninety-seven, at the city of Ottawa, in the said Province of Ontario, he was lawfully married to Mary Ellen Pratt, then of the said city of Ottawa, spinster; that they cohabited together as husband and wife until on or about the eleventh day of June, eighteen hundred and ninety-seven, when she deserted 10 him; that she has ever since continued to live apart from him; that on or about the seventh day of April, nineteen hundred, she went through a form of marriage with one Lewis C. Newcombe, of the City of Duluth, in the State of Minnesota, one of the United States of America, and has since been living and 15 cohabiting with the said Lewis C. Newcombe; and whereas the said Samuel Nelson Chipman has humbly prayed that the said marriage between him and the said Mary Ellen Chipman may be dissolved and that he may be authorized to marry again, and that such further relief may be afforded him as is 20 deemed meet; and whereas he has proved the said allegations of his petition, and it is expedient that the prayer thereof be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

25 **1.** The said marriage between the said Samuel Nelson Chipman and Mary Ellen Chipman, his wife, is hereby dissolved, and shall henceforth be null and void to all intents and purposes whatever. Marriage dissolved.

**2.** The said Samuel Nelson Chipman may at any time 30 hereafter marry any woman whom he might lawfully marry in case the said marriage with the said Mary Ellen Chipman had not been solemnized. Right to marry again.

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2nd Session, 9th Parliament, 2 Edward VII., 1902

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THE SENATE OF CANADA.

BILL.

H

An Act for the relief of Samuel Nelson  
Chipman.

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Received and read a first time, Tuesday,  
March 25, 1902.  
Second reading, Tuesday, April 8, 1902.

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Honourable MR. KIRCHHOFFER.

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OTTAWA  
Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

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THE SENATE OF CANADA.

I.]

**BILL.**

[1902.

An Act respecting the Montreal, Ottawa and Georgian Bay Canal Company.

**W**HEREAS the Montreal, Ottawa and Georgian Bay Canal Company has, by its petition, prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

1894, c. 103,  
1896 (2nd Sess)  
c. 11;  
1898, c. 109;  
1900, c. 106.

**1.** Section 4 of chapter 109 of the statutes of 1898, as enacted by section 3 of chapter 106 of the statutes of 1900, is hereby repealed, and in lieu thereof it is hereby enacted that if the construction of the Montreal, Ottawa and Georgian Bay Canal Company's canals, or some of them, is not commenced and fifty thousand dollars are not expended thereon on or before the first day of May, one thousand nine hundred and four, or if the said canals are not finished and put in operation by the first day of May, one thousand nine hundred and ten, then the powers granted by the Acts relating to the said Company shall cease and shall be null and void as respects so much of the canals and works of the Company as then remain uncompleted.

1898, c. 109,  
s. 4, and  
1900, c. 106,  
s. 3 repealed.

Extension  
of time for  
construction.

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2nd Session, 9th Parliament, 2 Edward VII., 1902

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THE SENATE OF CANADA.

BILL.

I

An Act respecting the Montreal, Ottawa  
and Georgian Bay Canal Company.

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Received and read a first time, Tuesday,  
March 25, 1902.  
Second Reading, Wednesday, March 26,  
1902.

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Honourable MR. CLEMOW.

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OTTAWA  
Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

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THE SENATE OF CANADA.

J.]

**BILL.**

[1902.

An Act to incorporate the Institute of Chartered Accountants.

**W**HEREAS the persons hereinafter named have, by their Preamble.  
petition prayed, that it may be enacted as hereinafter set  
forth, and it is expedient to grant the prayer of the said peti-  
tion : Therefore His Majesty. by and with the advice and con-  
5 sent of the Senate and the House of Commons of Canada, en-  
acts as follows :—

**1.** William H. Cross, Henry Barber, Edward R. C. Clark-Incorporation.  
son, John Mackay, Robert F. Spence and James George, all  
of the city of Toronto ; John C. Browne, James F. Cunning-  
10 ham and Peter Larmonth, all of the city of Ottawa ; Llewelyn  
A. Nares and Ernest H. Taylor, both of the city of Winnipeg ;  
John F. Helliwell, of the city of Vancouver ; W. Curtis Samp-  
son, of the city of Victoria ; Frederick S. Thompson, of the  
city of St. John, N.B. ; Fred. H. Oxley, William Sims Lee,  
15 both of the city of Halifax, practising accountants, and all  
other persons who may from time to time be admitted to  
membership of the Corporation, are hereby constituted a body  
politic and corporate by the name of “ The Institute of Char-Corporate name.  
tered Accountants.”

**20 2.** The objects and powers of The Institute of Chartered  
Accountants, hereinafter referred to as “ the Institute,” shall  
be to promote by all lawful means the study and practice of  
accountancy ; and for the said purposes,—Objects and powers.

- (a). To hold such examinations as may be found expedient ;  
25 (b). To grant diplomas of fellowship and certificates of  
efficiency to its members ;  
(c). To establish an “ Associate ” and a “ Fellow ” class of  
membership ;  
(d). To determine the rights, privileges, terms and condi-  
30 tions of said classes.

**3.** The membership of the Institute shall be limited to Membership.  
practising accountants. All practising accountants of whose  
qualifications and fitness the Council approves shall be eligible  
for and may be admitted to membership by a two-thirds vote  
35 of the Council.

**4.** The Institute may take, purchase and hold any personal Power to hold and dispose of property.  
property, lands, buildings and hereditaments, for the purpose

- of the Institute, and may dispose thereof, but so that the Institute shall apply all its profits, if any, or other income in promoting its objects, and shall not at any time pay any dividends to its members. The provisions of this section shall not prevent the remuneration of members of the Council or officers of the Institute for services rendered out of any surplus remaining after the ordinary expenses of the Institute have been met. 5
- Remuneration of members of Council and officers.
- 5.** The affairs and business of the Institute shall be managed by a Council consisting of not less than six and not more than twenty-one members, of whom two-thirds shall always be Fellows, to be constituted in such manner as may be provided by by-law; and the following persons shall constitute the first Council, viz.:—William H. Cross, Henry Barber, John F. Helliwell, John Mackay, William Sims Lee and John C. Browne. 10 15
- Council of management.
- 6.** The first general meeting of the Institute shall be held during the year one thousand nine hundred and two at such time and place and upon such notice as the Council may decide. Subsequent general meetings shall be held as the by-laws of the Institute may provide, but at least once in each calendar year. At any general or special meeting members may be represented and vote by proxy, but no such proxy shall be exercised by a person who is not a member of the Institute. 20 25
- General meetings.
- 7.** The objects and powers of the Institute shall be carried out and exercised under by-laws and resolutions passed by the Council, but every such by-law, unless in the meantime confirmed at a general meeting of the Institute called for the purpose of considering the same, shall have force only until the next annual meeting, and in default of confirmation thereat shall cease to have force; provided always that any by-law passed by the Council may be repealed, amended, varied or otherwise dealt with by the Institute, at any annual general meeting or at a special general meeting called for the purpose. 30 35
- Proxies. By-laws of Council.
- Confirmation by the corporation necessary.
- 8.** Any person while a member of the Institute shall have the right to use after his name, in the case of a Fellow, the initials F.C.A. Can. (Fellow of the Institute of Chartered Accountants, Canada), and in the case of an Associate, A.C.A. Can. (Associate of the Institute of Chartered Accountants, Canada); but no person who is not a member of the Institute shall have the right to use either of the said initials or to so designate himself. 40
- Right to certain designations.
- 9.** The Institute in general or special meeting assembled may make by-laws for carrying out its objects and exercising the powers of this Act conferred upon it. 45
- Power to corporation to make by-laws.
- 10.** The Institute may affiliate with any Association or Corporation having the same or similar objects. 50
- Affiliation with other bodies.

11. If any person ceases for any cause whatever to be a member of the Institute he shall not nor shall his representatives have any interest in or claim against the funds and property of the Institute. Ex-member has no claim to property.

THE SENATE OF CANADA

BILL.

J

An Act to incorporate the Institute of  
Chartered Accountants.

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Received and read a first time, Wednes-  
day, March 26, 1902.  
Second reading, Thursday, April 3, 1902.

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Honourable Mr. KERR.

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OTTAWA  
Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

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THE SENATE OF CANADA.

K.]

**BILL.**

[1902.

An Act to confer on the Commissioner of Patents certain powers for the relief of George M. Depew.

WHEREAS George M. Depew, of the Town of Canandaigua, Preamble.  
in the County of Ontario, in the State of New York,  
one of the United States of America, has, by his petition,  
represented that on the thirteenth day of June, A.D. 1899,  
5 he obtained letters patent of the United States of America for  
an invention relating to wire hoops for barrels and the like;  
that on or about the nineteenth day of April, A.D. 1900, he  
signed an application for letters patent and instructed a firm  
of patent lawyers, Messrs. Ennis & Co., of the City of Wash-  
10 ington, in the United States of America, to file such applica-  
tion with the Commissioner of Patents and to take such steps  
and proceedings as might be necessary to obtain letters patent  
for such invention in Canada under the seal of the Patent  
Office; that the said firm of Ennis & Co. from time to time  
15 reported to the said George M. Depew that such application  
was being attended to by them; that in accordance with  
Section 7 of *The Patent Act* such application should have been R.S.C., c. 61,  
s. 7.  
presented to the Commissioner of Patents on or before the  
twelfth day of June, A.D. 1900; that such application,  
20 through the inadvertence or carelessness of the said firm of  
Ennis & Co., was not received by the Commissioner of Patents  
until the fifth day of July, A.D. 1900; that the Commissioner  
of Patents could not then, because of the provisions of *The  
Patent Act*, cause letters patent for the said invention to issue;  
25 that the said George M. Depew is desirous of commencing to  
manufacture in Canada wire hoops in accordance with the  
said invention; and whereas the said George M. Depew has,  
by his petition, prayed that it be enacted as hereinafter set  
forth, and it is expedient to grant the prayer of the said  
30 petition: Therefore His Majesty, by and with the advice and  
consent of the Senate and House of Commons of Canada,  
enacts as follows:—

1. Notwithstanding anything to the contrary in *The Patent Act*, R.S.C., c. 61.  
the Commissioner of Patents may grant and issue to the  
30 said George M. Depew, letters patent for the said invention  
in pursuance of the said application, as if the said application  
had been duly received by the Commissioner of Patents prior  
to the twelfth day of June, A.D. 1900. Power to  
Commissioner  
of Patents to  
issue letters  
patent.

Saving of  
rights acquir-  
ed by other  
persons.

2. Any person who has, within the period between the twelfth day of June, 1900, and the date of the passing of this Act, acquired by assignment, user, manufacture or otherwise any interest or right in respect of such invention shall continue to enjoy the same as if this Act had not been passed.

THE SENATE OF CANADA.

BILL.

K

An Act to confer on the Commissioner of Patents certain powers for the relief of George M. Depew.

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Received and read a first time, Wednesday, March 26, 1902.  
Second reading, Thursday, April 3, 1902.

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Honourable Mr. KIRCHHOFFER.

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OTTAWA  
Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

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THE SENATE OF CANADA.

L.]

**BILL.**

[1902.

An Act incorporating The Molsons Bank Pension Fund.

**W**HEREAS James Elliot, of Montreal, general manager ; A. Durnford, of the same place, chief inspector and superintendent of branches ; W. H. Draper, of the same place, inspector ; E. C. Pratt, of the same place, manager ; C. W. Clinch, of Toronto, manager ; P. W. D. Brodrick, of London, manager ; A. B. Brodrick, of Ottawa, manager, and H. A. Harries, of Montreal, accountant at the head office of the Molsons' bank, have by their petition set forth that it is desirable that provision should be made to enable the employees of the said bank to establish a pension fund for their benefit and that of their families, and to enable the bank to make payments to the said fund under subsection 2 of section 18 of *The Bank Act* ; 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.

1890, c. 31,  
s. 18.

**1.** James Elliot, A. D. Durnford, W. H. Draper, E. C. Pratt, C. W. Clinch, P. W. D. Brodrick, A. B. Brodrick and H. A. Harries, and all the employees of the said Bank from time to time, except such as may be ineligible or excluded by virtue of the by-laws thereof, are hereby constituted a body politic and corporate under the name of 'The Molsons Bank Pension Fund'.

Incorporation.

**2.** The said corporation shall have its principal office at Montreal.

Head office.

**3.** The Molsons Bank may pay and the corporation may receive such sums as the Bank may contribute under subsection 2 of section 18 of *The Bank Act* towards any pension fund.

Contributions of the Bank.

**4.** The corporation may receive such sums of money as may be paid in by any employee of the Bank under any regulation or by-law hereafter made by the corporation, and also gifts or contributions from any other corporation or person.

Funds.

**5.** The property of the corporation shall be held in trust by it for the purpose of providing pensions for employees or ex-employees of The Molsons Bank, or their widows and children, in such amounts and under such terms and conditions as may be determined from time to time by the directors of the corporation.

Property to be held in trust to provide pensions.

Investment  
of funds.

6. The funds of the corporation may be invested by the board of directors, from time to time, in real estate, or in mortgages or hypothecs secured upon real estate, or in bonds or debentures of any incorporated company secured by a deed of trust on the assets of the company by which the same are issued, or in debentures of any municipal corporation in the Dominion of Canada, or in the public securities of the Dominion of Canada or any province thereof, or of the United States of America or any state thereof, or in any stock of any corporation or company quoted upon the stock list of the Montreal Stock Exchange or of the New York Stock Exchange, if such stock has been so quoted for more than two years previous to any investment therein by the corporation and there has been paid thereon, during such time, not less than four and a half per cent on the par value of the shares. 5 10 15

Disposal of  
investments.

7. Any investment of the corporation may be disposed of from time to time by the board of directors as it may see fit and the proceeds thereof may be reinvested by it.

Directors.

8. The petitioners above named shall be the first board of directors, and they and their respective successors in their said offices shall continue *ex-officio* to constitute said board. 20

First general  
meeting.

9. The general manager of The Molson's Bank for the time being shall, forthwith after the passing of this Act, cause a notice to be sent, in such manner as he may deem fit, of a special general meeting of the corporation to be held at such time and place so soon thereafter as may be convenient. 25

Returns.

10. The corporation shall, at all times when required by the Governor General or by either House of Parliament, make a full and complete return of its property, receipts and expenditures, for such periods and with such details and other information as may be required. 30

By-laws.

11. The board of directors generally may make such by-laws as may be necessary for the government of the corporation, the appointing of its officers, the continuing of its business, the investment of its funds, the distribution thereof among the employees, or the ex-employees, or their widows and children, and for the determining of their respective rights in and to the funds of the corporation, or any part thereof, and the forfeiture of their rights thereto, the rights of any employee to vote at any meeting, and generally for such purposes incidental to the carrying on of the corporate existence and purpose as they may deem expedient. 35 40

Application of  
R.S.C., c. 118.

12. The following sections only of *The Companies Clauses Act* shall apply to the corporation, namely : Sections 5, 6, 14, 28 and 29, which sections shall be read as if the word "shareholder" meant a member of the corporation, and the word "company" meant the corporation. 45

2nd Session, 9th Parliament, 2 Edward VII, 1

THE SENATE OF CANADA.

BILL.

L

An Act incorporating The Molsons Bank Pension Fund.

Received and read a first time, Wednesday  
March 26, 1902.  
Second reading, Friday, April 4, 1902.

Honourable Mr. MACDONALD  
(Victor)

OTTAWA

Printed by S. E. DAWSON

Printer to the King's most Excellent Majesty  
1902

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THE SENATE OF CANADA.

M]

**BILL.**

[1902.

An Act respecting the Atlantic and Lake Superior  
Railway Company.

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

**1.** The trustees of the bondholders of the Atlantic and Lake Superior Railway Company, appointed by virtue of a deed of trust vesting in them the property of the Company, shall, notwithstanding any limitation of time contained in any Act, have all the powers for construction, completion and operation of the undertaking of the Company as were conferred originally on the Company by the Acts relating to the Company and by *The Railway Act*; but the said powers shall not continue beyond the thirty-first day of December, one thousand nine hundred and seven, when they shall cease as regards any portion of the undertaking not then completed.

Preamble.

Trustees for bondholders empowered to build and operate the railway.

1893, c. 39.

1894, c. 63.

1901, c. 48

1888, c. 29.

SENATE OF CANADA.

BILL.

M

An Act respecting the Atlantic and Lake  
Superior Railway Company.

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Received and read first time, Friday,  
April 4, 1902.  
Second reading, Tuesday, April 8, 1902.

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HONOURABLE MR. OWENS.

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OTTAWA  
Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

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THE SENATE OF CANADA.

N.]

**BILL.**

[1902.

An Act respecting the Great Eastern Railway  
Company.

**W**HEREAS the Great Eastern Railway Company has, by its petition, prayed for the passing of an Act to extend the time for the completion of its railway, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

**1.** The Great Eastern Railway Company, hereinafter called "the Company," shall complete its railway within five years from the passing of this Act, otherwise the powers granted for such construction shall cease and determine as respects so much of the said railway as then remains uncompleted.

Preamble.

1882, c. 71;

1883, c. 61;

1891, c. 98;

1894, c. 63;

1897, c. 43.

Time for

completion

extended.

1894, c. 63,

s. 6;

1897, c. 43,

. 1.

s

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2nd Session, 9th Parliament, 2 Edward VII., 1902

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THE SENATE OF CANADA.

BILL.

N

An Act respecting the Great Eastern  
Railway Company.

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Received and read a first time, Friday,  
April 4, 1902.  
Second reading, Tuesday, April 8, 1902.

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HONOURABLE MR. OWENS.

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OTTAWA  
Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

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THE SENATE OF CANADA.

P.] **BILL.** [1902.

An Act respecting the Manitoulin and North Shore  
Railway Company.

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

**1.** Section 10 of chapter 64 of the Statutes of 1900 is hereby  
amended by striking out the word "twenty" in the second  
line and substituting the word "thirty" in lieu thereof.

Preamble.

1900, c. 64.

1901, c. 74.

1900, c. 64, s.

10 amended.

Bond issue

increased from

\$20,000 to

\$30,000 per

mile.

THE SENATE OF CANADA.

BILL.

P

An Act respecting the Manitoulin and  
North Shore Railway Company.

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Received and read a first time Tuesday,  
April 8, 1902.  
Second Reading Wednesday, April 9,  
1902.

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Honourable MR. LANDERKIN.

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THE SENATE OF CANADA.

Q.]

**BILL.**

[1902.

An Act to incorporate the Metropolitan Bank.

**W**HEREAS the persons hereinafter named have, by their petition, prayed that an Act be passed for the purpose of establishing a Bank in Canada, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

- 1.** The persons hereinafter named, together with such others as may become shareholders in the corporation by this Act created are hereby constituted a corporation by the name of "The Metropolitan Bank," hereinafter called "the Bank."
- 2.** The capital stock of the Bank shall be two millions of dollars.
- 3.** The chief office of the Bank shall be at the city of Toronto.
- 4.** A. E. Ames, Robert H. Warden, S. J. Moore and T. Bradshaw, all of the city of Toronto, shall be the provisional directors of the Bank.
- 5.** This Act shall, subject to the provisions of section 16 of *The Bank Act*, remain in force until the first day of July in the year one thousand nine hundred and eleven.

Preamble.

Incorporation.

Corporate name.

Capital.

Chief office.

Provisional directors.

Duration of charter.

1890, c. 31.

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2nd Session, 9th Parliament, 2 Edward VII., 1902

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THE SENATE OF CANADA.

BILL.

Q

An Act to incorporate the Metropolitan  
Bank.

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Received and read a first time Tuesday,  
April 8, 1902.  
Second reading, Wednesday, April 9,  
1902.

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Honourable Mr. McMULLEN.

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OTTAWA  
Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

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THE SENATE OF CANADA.

R.]

**BILL.**

[1902.

An Act respecting the incorporation of Joint Stock Companies by Letters Patent.

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

SHORT TITLE.

- 5 **1.** This Act may be cited as “ *The Companies Act, 1902.*” Short title.

INTERPRETATION.

**2.** In this Act, and in all letters patent and supplementary letters patent issued under it, unless the context otherwise requires,—

(a.) the expression “the Company” means the company incorporated by letters patent under this Act; Interpretation.

10 (b.) the expression “the undertaking” means the business of every kind which the Company is authorized to carry on; “Undertaking.”

(c.) the expression “real estate” or “land,” includes mes- suages, lands, tenements and hereditaments of any tenure, and “Real estate.”  
“Land.”

15 all immovable property of any kind;

(d.) the expression “shareholder” means every subscriber to or holder of stock in the company, and includes the personal representatives of the shareholder; “Shareholder.”

20 (e.) the expression “manager” includes the cashier and secretary; “Manager.”

(f.) the expression “judge” in Ontario means a judge of the High Court of Justice; in Quebec and Manitoba it means a judge of the Court of King’s Bench; in Nova Scotia, Prince Edward Island and the North-west Territories it means a judge of the Supreme Court, and in New Brunswick and “Judge.”  
25 British Columbia it means a judge of the Supreme Court of Judicature.

LETTERS PATENT.

**3.** The Secretary of State may, by letters patent, under his seal of office grant a charter to any number of persons, Companies formed for certain purposes may be incorporated by letters patent.  
30 not less than five, who apply therefor, constituting such persons, and others who thereafter become shareholders in the company thereby created, a body corporate and politic, for any of the purposes or objects to which the legislative authority

Exception.	of the Parliament of Canada extends, except the construction and working of railways, or the business of banking and the issue of paper money, or the business of insurance.	
Further exception.	2. This Act shall not apply to Loan Companies.	
Application for letters patent.	4. The applicants for such letters patent who must be the full age of twenty-one years, shall file in the Department of the Secretary of State an application setting forth the following particulars :—	5
Name.	(a.) The proposed corporate name of the company, which shall not be that of any other known company, incorporated or unincorporated, or any name liable to be confounded therewith, or otherwise, on public grounds, objectionable ;	10
Purposes.	(b.) The purposes for which its incorporation is sought ;	
Chief place of business.	(c.) The place within Canada which is to be its chief place of business ;	15
Capital.	(d.) The proposed amount of its capital stock ;	
Shares.	(e.) The number of shares and the amount of each share ;	
Names, &c., of applicants.	(f.) The names in full and the address and calling of each of the applicants, with special mention of the names of not more than fifteen and not less than three of their number, who are to be the first or provisional directors of the company ;	20
Stock taken and amount paid.	(g.) The amount of stock taken by each applicant, the amount, if any, paid in upon the stock of each applicant, and the manner in which the same has been paid, and is held for the company.	25
	5. The application may ask for embodying in the letters patent of any provision which, under this Act, might be made by by-law of the company ; and such provision so embodied shall not, unless provision to the contrary is made in the letters patent, be subject to repeal or alteration by by-law.	30
Memorandum of agreement.	The application shall be accompanied by a memorandum of agreement, in duplicate under seal, and may be similar to— but which shall in their essential features comply with—the Forms A. and B. in the Schedule to this Act.	
Proof of facts etc.	Before the letters patent are issued, the applicants shall establish, to the satisfaction of the Secretary of State, the sufficiency of their application and memorandum of agreement and the truth and sufficiency of the facts therein set forth, and that the proposed name is not the name of any other known incorporated or unincorporated company ; and for that purpose, the Secretary of State shall take and keep of record any requisite evidence in writing, by oath or affirmation or by solemn declaration.	35
Name not to be that of any other Co.		40
Facts to be recited in letters patent.	6. The letters patent shall recite such of the established averments in the application and agreements as to the Secretary of State seems expedient.	45
Governor may give another corporate name.	7. The Secretary of State may give to the company a corporate name, different from that proposed by the applicants if the proposed name is objectionable.	
Notice of issuing letters patent.	8. Notice of the granting of the letters patent shall be forthwith given by the Secretary of State by two insertions in the <i>Canada Gazette</i> , in the form C in the schedule to this Act ;	50

and thereupon, from the date of the letters patent, the persons therein named, and their successors, shall be a body corporate and politic, by the name mentioned therein; and a copy of every such notice shall forthwith be, by the company to which such notice relates, inserted on four separate occasions in at least one newspaper in the county, city or place where the head office or chief agency is established.

Incorporation.

Copies of notice to be published.

#### SUPPLEMENTARY LETTERS PATENT.

##### *Change of Name.*

9. If it is made to appear, to the satisfaction of the Secretary of State that the name of any company (whether given by the original or by supplementary letters patent, or on amalgamation) incorporated under this Act, is the same as the name of an existing incorporated or unincorporated company, or so similar thereto as to be liable to be confounded therewith, the Secretary of State may direct the issue of supplementary letters patent, reciting the former letters and changing the name of the company to some other name which shall be set forth in the supplementary letters patent.

Governor may change name by supplementary patent.

10. When a company incorporated under this Act is desirous of adopting another name, the Secretary of State, upon being satisfied that the change desired is not for any improper purposes, may direct the issue of supplementary letters patent, reciting the former letters patent and changing the name of the company to some other name, which shall be set forth in the supplementary letters patent.

Company may obtain change of name.

11. No alteration of its name under the two sections next preceding shall affect the rights or obligations of the company; and all proceedings may be continued or commenced by or against the company under its new name that might have been continued or commenced by or against the company under its former name.

Change not to affect rights or obligations.

##### *Obtaining of further powers.*

12. The company may, from time to time, by a resolution passed by the votes of shareholders representing at least two-thirds in value of the subscribed stock of the company, at a special general meeting called for the purpose, authorize the directors to apply for supplementary letters patent, extending the powers of the company to such other purposes or objects, for which a company may be incorporated under this Act, as are defined in the resolution.

Company may authorize directors to apply for extension of powers.

13. The directors may, at any time within six months after the passing of any such resolution, make application to the Secretary of State, for the issue of such supplementary letters patent.

Application by directors.

14. Before such supplementary letters patent are issued, the applicants shall establish to the satisfaction of the Secretary of State the due passing of the resolution authorizing the

Proof to be furnished to Secretary of State.

application and for that purpose the Secretary of State shall take and keep of record any requisite evidence in writing, by oath or affirmation, or by solemn declaration.

Grant of supplementary letters patent. 5  
 Notice of issue thereof. 10  
**15.** Upon due proof so made, the Secretary of State may grant supplementary letters patent extending the powers of the company to all or any of the objects defined in the resolution; and notice thereof shall be forthwith given by the Secretary of State, in the *Canada Gazette*, in the form D in the schedule to this Act; and thereupon, from the date of the supplementary letters patent, the undertaking of the company shall extend to and include the other purposes or objects set out in the supplementary letters patent as fully as if such other purposes or objects were mentioned in the original letters patent; and a copy of every such notice shall forthwith be, by the company to which the notice relates, inserted on four separate occasions in at least one newspaper in the county, city or place where the head office or chief agency is established. 15

*Increase or reduction of capital, &c.*

Subdivision of shares. 20  
**16.** The directors of the company may, at any time, make a by-law subdividing the existing shares into shares of a smaller amount. 20

Increase of capital. 25  
**17.** The directors of the company may, at any time after ninety per cent of the capital stock of the company has been taken up and fifty per cent thereon paid in, 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: 25

By-law for that purpose. 30  
 2. Such by-law shall declare the number of the shares of the new stock, and may prescribe the manner in which the same shall be allotted; and in default of its so doing, the control of such allotment shall vest absolutely in the directors. 30

Reduction of capital. 35  
**18.** The directors of the company may, at any time, make a by-law for reducing the capital stock of the company to any amount which they consider advisable and sufficient for the due carrying out of the undertaking of the company; 35

By-law for that purpose. 35  
 2. Such by-law shall declare the number and value of the shares of the stock as so reduced, and the allotment thereof, or the manner in which the same shall be made: 35

Liability to creditors not affected. 40  
 3. The liability of shareholders to persons who were, at the time of the reduction of the capital, creditors of the company, shall remain the same as if the capital had not been reduced. 40

Such by-law to be approved by shareholders and confirmed by supplementary letters patent. 45  
**19.** No by-law for increasing or reducing the capital stock of the company, or for subdividing the shares, shall have any force or effect 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 the same, and afterwards confirmed by supplementary letters patent. 45

20. At any time, not more than six months after such sanction of such by-law, the directors may apply to the Secretary of State, for the issue of supplementary letters patent to confirm the same: Application for supplementary letters patent to confirm by-law.
- 5 2. The directors shall, with such application, produce a copy of such by-law, under the seal of the company, and signed by the president, vice-president or secretary, and establish to the satisfaction of the Secretary of State, the due passage and approval of such by-law, and the expediency and *bonâ fide* character of the increase or reduction of capital or subdivision of shares, as the case may be, thereby provided for: By-law, etc., to be produced with petition.
- 10 3. The Secretary of State shall, for that purpose, take and keep of record any requisite evidence in writing, by oath or affirmation or by solemn declaration, as above mentioned. Evidence may be taken and kept by Secretary of State.
- 15 21. Upon due proof so made, the Secretary of State may grant such supplementary letters patent; and notice thereof shall be forthwith given by the Secretary of State in the *Canada Gazette*, in the form E in the schedule to this Act: and thereupon, from the date of the supplementary letters patent, the capital stock of the company shall be and remain increased or reduced, or the shares shall be subdivided, as the case may be, to the amount, in the manner and subject to the conditions set forth by such by-law; and the whole of the stock, as so increased or reduced, shall become subject to the provisions of this Act, in like manner, as far as possible, as if every part thereof had been or formed part of the stock of the company originally subscribed. Granting of supplementary letters patent;—notice;—effect of such letters patent.

## POWERS OF THE COMPANY.

22. All powers given to the company by the letters patent or supplementary letters patent shall be exercised, subject to the provisions and restrictions contained in this Act. Powers given to be subject to this Act.
23. Every company incorporated under this Act may acquire, hold, mortgage, sell and convey any real estate requisite for the carrying on of the undertaking of such company, and shall forthwith become and be invested with all property and rights, real and personal, theretofore held by or for it under any trust created with a view to its incorporation, and with all the powers, privileges and immunities requisite or incidental to the carrying on of its undertaking, as if it was incorporated by a special Act of Parliament, embodying the provisions of this Act and of the letters patent. General corporate powers.
- 35 40

## CAPITAL STOCK.

24. The stock of the company shall be personal estate, and shall be transferable, in such manner, and subject to all such conditions and restrictions as are prescribed by this Act or by the letters patent or by by-laws of the company. Stock to be personal estate.
- 45 25. If the letters patent, or the supplementary letters patent, make no other definite provision, the stock of the company, or any increased amount thereof, so far as it is not allotted thereby, shall be allotted at such times and in such manner as the directors prescribe by by-law. Allotment of stock.

Shares to be paid in cash, subject to certain exceptions.

**26.** Every share in the company shall be deemed to have been issued and to be held subject the payment of the whole amount thereof in cash, unless the same has been otherwise agreed upon or determined by a contract duly made in writing or by a by-law approved by the shareholders in accordance with the provisions of section 20 of this Act, but the contract or by-law shall be filed with the Secretary of State at or before the issue of such shares. 5

#### DIRECTORS.

Board of directors.

**27.** The affairs of the company shall be managed by a board of not more than fifteen and not less than three directors. 10

Provisional directors.

**28.** The persons named as such, in the letters patent, shall be the directors of the company, until replaced by others duly appointed in their stead.

Qualifications of subsequent directors.

**29.** No person shall be elected or appointed as a director thereafter unless he is a shareholder, owning stock absolutely in his own right, and to the amount required by the by-laws of the company, and not in arrear in respect of any call thereon. 15

By-law for increase or decrease of number of directors.

**30.** 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; but 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 with the Secretary of State, and has also been published in the *Canada Gazette*. 20 25 30

When to be valid.

Election of directors.

**31.** Directors of the company shall be elected by the shareholders, in general meeting of the company assembled at some place within Canada—at such times, in such manner and for such term, not exceeding two years, as the letters patent, or in default thereof, as the by-laws of the company prescribe. 35

Mode and times of election.

**32.** In the absence of other provisions in such behalf, in the letters patent or by-laws of the company,—

Yearly.

(a.) The election of directors shall take place yearly, and all the directors then in office shall retire, but, if otherwise qualified, they shall be eligible for re-election; 40

Notice.

(b.) Notice of the time and place for holding general meetings of the company shall be given at least twenty-one days previously thereto, in some newspaper published in the place where the head office or chief place of business of the company is situate, or if there is no such newspaper, then in the place nearest thereto in which a newspaper is published; 45

Votes.

(c.) At all general meetings of the company, every shareholder shall be entitled to give one vote for each share then held by him; such votes may be given in person or by proxy

- the holder of any such proxy being himself a shareholder ;  
 but no shareholder shall be entitled, either in person or by proxy, to vote at any meeting unless he has paid all the calls then payable upon all the shares held by him ; all questions proposed for the consideration of the shareholders shall be determined by the majority of votes — the chairman presiding at such meeting having the casting vote in case of an equality of votes ;
- (d.) Every election of directors shall be by ballot ;
- 10 (e.) Vacancies occurring in the board of directors may be filled, for the remainder of the term, by the directors from among the qualified shareholders of the company ;
- (f.) The directors shall, from time to time, elect from among themselves a president and, if they see fit, a vice-president of 15 the company ; and may also appoint all other officers thereof.

Proxies.  
 All calls must have been paid.  
 Majority to decide.

Casting vote.

Ballot.

Vacancies, how filled.

President, vice-president and officers.

33. If, at any time, an election of directors is not made, or does not take effect at the proper time, the company shall not be held to be thereby dissolved ; but such election may take place at any subsequent general meeting of the company duly called for that purpose ; and the retiring directors shall continue in office until their successors are elected.

Failure to elect directors, how remedied.

#### POWERS OF DIRECTORS.

34. The directors of the company may administer the affairs of the company in all things, and make or cause to be made for the company, any description of contract which the company may, by law, enter into ; and may, from time to time, make by-laws not contrary to law, or to the letters patent of the company, or to this Act, for the following purposes :—
- (a.) The regulating of the allotment of stock, the making of calls thereon, the payment thereof, the issue and registration of certificates of stock, the forfeiture of stock for non-payment, the disposal of forfeited stock and of the proceeds thereof, and the transfer of stock ;
- (b.) The declaration and payment of dividends ;
- (c.) The number of the directors, their term of service, the amount of their stock qualification, and their remuneration, if any ;
- (d.) The appointment, functions, duties and removal of all agents, officers and servants of the company, the security to be given by them to the company and their remuneration ;
- (e.) The time and place for the holding of the annual meetings of the company, the calling of meetings, regular and special, of the board of directors and of the company, the quorum, the requirements as to proxies, and the procedure in all things at such meetings ;
- (f.) The imposition and recovery of all penalties and forfeitures which admit of regulation by by-law ;
- (g.) The conduct, in all other particulars, of the affairs of the company :
- And the directors may, from time to time, repeal, amend or re-enact the same ; but every such by-law, and every repeal, amendment or re-enactment thereof, unless in the meantime confirmed at a general meeting of the company, duly called for that purpose, shall only have force until the next annual

Powers and duties of directors.

Stock.

Dividends.

Number, etc., of directors.

Agent and officers.

Meetings.

Penalties.

General powers.

Confirmation of by-laws.

meeting of the company, and in default of confirmation thereat, shall, at and from that time only, cease to have force :

Confirmation of by-laws for sale of stock below previous rate, etc.

2. No by-law for the issue, allotment or sale of any portion of the unissued stock at any greater discount or at any less premium than that which has been previously authorized at a general meeting, and no by-law for the remuneration of the president or any director, shall be valid or acted upon until the same has been confirmed at a general meeting. 5

Preference stock.

**35.** The directors of the company may make a by-law for creating and issuing any part of the capital stock as preference stock, giving the same such preference and priority, as respects dividends and in any other respect, over ordinary stock as is declared by the by-law. 10

Effect as to control of affairs.

2. The by-law may provide that the holders of shares of such preference stock shall have the right to select a certain stated proportion of the board of directors, or may give them such other control over the affairs of the company as is considered expedient. 15

Conditions for effect of by-law creating preference stock.

3. No such by-law shall have any force or effect whatever until after it has been unanimously sanctioned by a vote of the shareholders, present in person or by proxy at a general meeting of the company duly called for considering the same and representing two-thirds of the stock of the company, or unanimously sanctioned in writing by the shareholders of the company ; provided, however, that if the by-law be sanctioned by not less than three-fourths in value of the shareholders of the company, the company may, through the Secretary of State, petition the Governor in Council for an order approving the said by-law, and the Governor in Council may, if he sees fit, approve thereof, and from the date of such approval the by-law shall be valid and may be acted upon. 20 25 30

Rights of holders of preference stock.

4. Holders of shares of such preference stock shall be shareholders within the meaning of the said Acts, or either of them, and shall in all respects possess the rights and be subject to the liabilities of shareholders within the meaning of the said Acts, or either of them ; provided, however, that in respect of dividends and in any other respect declared by by-law as authorized herein, they shall, as against the ordinary shareholders, be entitled to the preferences and rights given by such by-law. 35 40

Debts to company may be deducted from dividends.

**36.** The directors may deduct from the dividends payable to any shareholder all such sums of money as are due from him to the company, on account of calls or otherwise.

Issue of bonds, etc., by company.

**37.** The directors may, when authorized by a by-law for that purpose, passed and approved of by the votes of shareholders, representing at least two-thirds in value of the subscribed stock of the company represented at a special general meeting duly called for considering the by-law,— 45

Borrowing powers.

(a.) Borrow money upon the credit of the company and issue bonds, debentures or other securities for any sums borrowed, at such prices as are deemed necessary or expedient ; but no such debentures shall be for a less sum than one hundred dollars ; 50

(b.) Hypothecate or pledge the real or personal property of the company to secure any sums borrowed by the company ;

Charging property.

But the amount borrowed shall not, at any time, be greater than seventy-five per cent of the actual paid-up stock of the company, provided always that the limitations and restrictions on the borrowing powers of the company contained in this section shall not apply to or include moneys borrowed by the company on bills of exchange or promissory notes drawn, made, accepted, or endorsed by the company.

Limitation of amount to be borrowed.

Exception.

2. The provisions hereof shall apply and extend to all existing companies to which the provisions of this Act are applicable.

Application to existing companies.

CALLS.

38. The directors may, from time to time, make such calls upon the shareholders in respect of all moneys unpaid upon their respective shares, as they think fit, at such times and places and in such payments or instalments as the letters patent, or this Act, or the by-laws of the company require or allow.

Calling in of moneys unpaid on shares.

39. A call shall be deemed to have been made at the time when the resolution of the directors authorizing such call was passed ; and if a shareholder fails to pay any call due by him, on or before the day appointed for the payment thereof, he shall be liable to pay interest for the same, at the rate of six per cent per annum, from the day appointed for payment to the time of actual payment thereof.

Interest on calls overdue.

40. The directors may, if they think fit, receive from any shareholder willing to advance the same, all or any part of the amounts due on the shares held by such shareholder, beyond the sums then actually called for ; and upon the moneys so paid in advance, or so much thereof as, from time to time, exceeds the amount of the calls then made upon the shares in respect of which such advance is made, the company may pay interest at such rate, not exceeding eight per cent per annum, as the shareholder who pays such sum in advance and the directors agree upon.

Payment in advance on shares.

Interest may be allowed.

41. If, after such demand or notice as is prescribed by the letters patent or by the by-laws of the company, any call made upon any share is not paid within such time as, by such letters patent or by the by-laws, is limited in that behalf, the directors, in their discretion, by vote to that effect duly recorded in their minutes, may summarily declare forfeited any shares whereon such payment is not made ; and the same shall thereupon become the property of the company and may be disposed of as, by the by-laws of the company or otherwise, they prescribe ; but, notwithstanding such forfeiture, the holder of such shares at the the time of forfeiture shall continue liable to the then creditors of the company for the full amount unpaid on such shares at the time of forfeiture, less any sums which are subsequently received by the company in respect thereof.

Forfeiture of shares for non-payment of calls.

Proviso : liability of holders continued.

Enforcement of payment of calls by action.      **42.** The directors may, if they see fit, instead of declaring forfeited any share or shares, enforce payment of all calls, and interest thereon, by action in any court of competent jurisdiction; and in such action it shall not be necessary to set forth the special matter, but it shall be sufficient to declare that the defendant is a holder of one share or more, stating the number of shares, and is indebted in the sum of money to which the calls in arrear amount, in respect of one call or more, upon one share or more, stating the number of calls and the amount of each call, whereby an action has accrued to the company under this Act; and a certificate under their seal, and purporting to be signed by any officer of the company, to the effect that the defendant is a shareholder, that such call or calls has or have been made, and that so much is due by him and unpaid thereon, shall be received in all courts as *primâ facie* evidence thereof.

## BOOKS OF THE COMPANY.

Book to be kept and what to contain.      **43.** The company shall cause a book or books to be kept by the secretary, or by some other officer specially charged with that duty, wherein shall be kept recorded,—

Copy of letters patent, by-laws, etc.      (a.) A copy of the letters patent incorporating the company, and of any supplementary letters patent, and of the preliminary memorandum of agreement and of all by-laws thereof;

Names of shareholders.      (b.) The names, alphabetically arranged, of all persons who are or have been shareholders;

Addresses.      (c.) The address and calling of every such person, while such shareholder;

Number of shares.      (d.) The number of shares of stock held by each shareholder;

Amounts paid, etc.      (e.) The amounts paid in and remaining unpaid, respectively, on the stock of each shareholder;

Names, etc., of directors.      (f.) The names, addresses and calling of all persons who are or have been directors of the company, with the several dates at which each became or ceased to be such director:

Register of transfers.      2. A book called the register of transfers shall be provided, and in such book shall be entered the particulars of every transfer of shares in the capital of the company.

Books to be open for inspection and taking extracts therefrom.      **44.** Such books shall, during reasonable business hours of every day, except Sundays and holidays, be kept open for the inspection of shareholders and creditors of the company, and their personal representatives, at the head office or chief place of business of the company; and every such shareholder, creditor or personal representative may make extracts therefrom.

Penalty for false entries, refusal to allow inspection, etc.      **45.** Every director, officer or servant of the company, who knowingly makes or assists in marking any untrue entry in any such book, or who refuses or willfully neglects to make any proper entry therein, or to exhibit the same, or to allow the same to be inspected and extracts to be taken therefrom, is guilty of a misdemeanor.

Forfeiture for neglect.      **46.** Every company which neglects to keep such book or books as aforesaid, shall forfeit its corporate rights.

47. Such books shall be *primâ facie* evidence of all facts purporting to be thereby stated, in any action, suit or proceeding against the company or against any shareholder.

Books to be *primâ facie* evidence.

TRANSFER OF SHAREE.

48. No transfer of shares, unless made by sale under execution, or under the decree, order or judgment of a court of competent jurisdiction, shall be valid for any purpose whatever, until entry thereof is duly made in the register of transfers, except for the purpose of exhibiting the rights of the parties thereto towards each other, and of rendering the transferee liable, in the meantime, jointly and severally, with the transferrer, to the company and its creditors.

Transfer of shares valid only after entry.

49. No transfer of shares, whereof the whole amount has not been paid in, shall be made without the consent of the directors; and whenever any transfer of shares not fully paid in has been made with such consent, to a person who is not apparently of sufficient means to fully pay up such shares, the directors shall be jointly and severally liable to the creditors of the company, in the same manner and to the same extent as the transferring shareholder, but for such transfer, would have been; but if any director present when any such transfer is allowed does forthwith, or if any director then absent does, within twenty-four hours after he becomes aware thereof and is able so to do, enter on the minute book of the board of directors his protest against the same, and within eight days thereafter publishes such protest in at least one newspaper published at the place in which the head office or chief place of business of the company is situated, or if there is no newspaper there published, then in the newspaper published nearest thereto, such director may thereby, and not otherwise, exonerate himself from such liability.

Liabilities of directors as regards transfers of shares in certain cases.

How only a director may avoid liability.

50. Whenever the interest in any shares of the capital stock of the company is transmitted by the death of any shareholder or otherwise, or whenever the ownership of or legal right of possession in any shares changes by any lawful means, other than by transfer according to the provisions of this Act, and the directors of the company entertain reasonable doubts as to the legality of any claim to such shares, the company may make and file, in one of the superior courts in the Province in which the head office of the company is situated, a declaration and petition in writing, addressed to the justices of the court, setting forth the facts and the number of shares previously belonging to the person in whose name such shares stand in the books of the company, and praying for an order or judgment adjudicating and awarding the said shares to the person or persons legally entitled to the same,—by which order or judgment the company shall be guided and held fully harmless and indemnified and released from every other claim to the said shares or arising in respect thereof:

Provision when shares are transmitted otherwise than by transfer.

Order of court may be obtained on petition.

2. Notice of the intention to present such petition shall be given to the person claiming such shares, or to the attorney of such person duly authorized for the purpose, who shall, upon

Notice of petition.

the filing of such petition, establish his right to the shares referred to in such petition; and the time to plead and all other proceedings in such cases shall be the same as those observed in analogous cases before the said superior courts: 5  
 Proviso: as  
 to costs. Provided always, that the costs and expenses of procuring such order or judgment shall be paid by the person or persons to whom such shares are declared lawfully to belong; and that such shares shall not be transferred in the books of the company until such costs and expenses are paid,—saving the recourse of such person against any person contesting his right 10  
 to such shares.

Restriction as  
 to transfer. **51.** No share shall be transferable until all previous calls thereon are fully paid in.

As to transfer  
 by debtor to  
 the company. **52.** The directors may decline to register any transfer of shares belonging to any shareholder who is indebted to the 15  
 company.

Transfer by  
 personal re-  
 presentative. **53.** Any transfer of the shares or other interest of a deceased shareholder, made by his personal representative, shall, notwithstanding such personal representative is not himself a shareholder, be of the same validity as if he had been a share- 20  
 holder at the time of his execution of the instrument of transfer.

#### LIABILITY OF SHAREHOLDERS.

Liability  
 limited to  
 amount  
 unpaid on  
 stock. **54.** The shareholders of the company shall not, as such be responsible for any act, default or liability of the company, or for any engagement, claim, payment, loss, injury, 25  
 transaction, matter or thing relating to or connected with the company, beyond the amount unpaid on their respective shares in the capital stock thereof.

Liability of  
 shareholders.  
 When to  
 accrue. **55.** Every shareholder, until the whole amount of his shares has been paid up, shall be individually liable to the 30  
 creditors of the company to an amount equal to that not paid up thereon; but he shall not be liable to an action therefor by any creditor until an execution at the suit of such creditor against the company has been returned unsatisfied in whole or in part; and the amount due on such execution, not 35  
 exceeding the amount unpaid on his shares, as aforesaid, shall be the amount recoverable, with costs, from such shareholder; and any amount so recoverable, if paid by the shareholder shall be considered as paid on his shares.

Trustees, etc.,  
 not personally  
 liable. **56.** No person, holding stock in the company as an execu- 40  
 tor, administrator, tutor, curator, guardian or trustee, shall be personally subject to liability as a shareholder; but the estate and funds in the hands of such person shall be liable in like manner, and to the same extent, as the testator or intestate, or the minor, ward or interdicted person, or the person interested 45  
 in such trust fund would be, if living and competent to act and holding such stock in his own name; and no person holding such stock as collateral security shall be personally subject to such liability, but the person pledging such stock shall be con-

sidered as holding the same and shall be liable as a shareholder accordingly.

57. Every such executor, administrator, curator, guardian or trustee shall represent the stock held by him, at all meetings of the company, and may vote as a shareholder; and every person who pledges his stock may represent the same at all such meetings and, notwithstanding such pledge, vote as a shareholder.

Trustees, etc.,  
entitled to  
vote.

#### LIABILITY OF DIRECTORS AND OFFICERS.

58. If the directors of the company declare and pay any dividend when the company is insolvent, or any dividend, the payment of which renders the company insolvent, or impairs the capital stock thereof, they shall be jointly and severally liable, as well to the company as to the individual shareholders and creditors thereof, for all the debts of the company then existing, and for all thereafter contracted during their continuance in office, respectively; but if any director present when such dividend is declared does forthwith, or if any director then absent does, within twenty-four hours after he becomes aware thereof and able so to do, enter on the minutes of the board of directors his protest against the same, and within eight days thereafter publishes such protest in at least one newspaper published at the place in which the head office or chief place of business of the company is situated, or if there is no newspaper there published, then in the newspaper published nearest thereto, such director may thereby, and not otherwise, exonerate himself from such liability.

Liability of  
directors  
declaring a  
dividend when  
company is  
insolvent, etc.

How directors  
may avoid  
such liability.

59. No loan shall be made by the company to any shareholder; if such loan is made, all directors and other officers of the company making the same, or in anywise assenting thereto, shall be jointly and severally liable for the amount of such loan, with interest, to the company,—and also to the creditors of the company for all debts of the company then existing, or contracted between the time of the making of such loan and that of that repayment thereof.

No loan by  
company to  
shareholders.

Liability of  
directors and  
officers.

60. The directors of the company shall be jointly and severally liable to the clerks, labourers, servants and apprentices thereof, for all debts not exceeding six months' wages due for service performed for the company whilst they are such directors respectively: but no director shall be liable to an action therefor, unless the company is sued therefor within one year after the debt becomes due, nor unless such director is sued therefor within one year from the time when he ceased to be such director, nor unless an execution against the company in respect of such debt is returned unsatisfied in whole or in part; and the amount unsatisfied on such execution shall be the amount recoverable with costs from the directors.

Liability of  
directors for  
wages.

Limitation of  
suits, etc.

## DOMICILE—SERVICE OF PROCESS, ETC.

Offices and agencies of the company in Canada.

**61.** The company shall, at all times, have an office in the city or town in which its chief place of business is situate, which shall be the legal domicile of the company in Canada ; and notice of the situation of such office and of any change therein shall be published in the *Canada Gazette*, and the company may establish such other offices and agencies elsewhere (in Canada) as it deems expedient. 5

Service of process on the company.

**62.** Any summons, notice, order or other process or document required to be served upon the company, may be served by leaving the same at the said office in the city or town in which its chief place of business is situate, with any adult person in the employ of the company, or on the president or secretary of the company, or by leaving the same at the domicile of either of them, or with any adult person of his family or in his employ ; or if the company has no known office or chief place of business, and has no known president or secretary, the court may order such publication as it deems requisite, to be made in the premises ; and such publication shall be held to be due service upon the company. 15

Use of common seal dispensed with in certain cases.

**63.** Any summons, notice, order or proceeding requiring authentication by the company may be signed by any director, manager or other authorized officer of the company, and need not be under the seal of the company. 20

Service of notices upon members.

**64.** Notices to be served by the company upon the shareholders may be served either personally or by sending them through the post, in registered letters, addressed to the shareholders at their places of abode as they appear on the books of the company. 25

Service of notice by post.

**65.** A notice or other document served by post by the company on a shareholder, shall be held to be served at the time when the registered letter containing it would be delivered in the ordinary course of post ; and to prove the fact and time of service it shall be sufficient to prove that such letter was properly addressed and registered, and was put into the post office, and the time when it was put in, and the time requisite for its delivery in the ordinary course of post. 30 35

Evidence of by-laws.

**66.** A copy of any by-law of the company, under its seal, and purporting to be signed by any officer of the company, shall be received as against any shareholder of the company, as *prima facie* evidence of such by-law in all courts in Canada. 40

Actions between company and shareholders.

**67.** Any description of action may be prosecuted and maintained between the company and any shareholder thereof ; and no shareholder shall, by reason of being a shareholder, be incompetent as a witness therein.

Mode of incorporation, etc., how to be set forth in legal proceedings.

**68.** In any action or other legal proceeding, it shall not be requisite to set forth the mode of incorporation of the company, otherwise than by mention of it under its corporate name, as incorporated by virtue of letters patent—or of letters patent 45

and supplementary letters patent, as the case may be—under this Act; and the notice in the *Canada Gazette*, of the issue of such letters patent or supplementary letters patent, shall be *primâ facie* proof of all things therein contained; and on pro-  
 5 duction of the letters patent, or supplementary letters patent, or of any exemplification or copy thereof, the fact of such notice shall be presumed; and, except in any proceeding by *scire* Proof of incorporation.  
*facias* or otherwise for the purpose of rescinding or annulling the same, the letters patent or supplementary letters patent, or  
 10 any exemplification or copy thereof, shall be conclusive proof of every matter and thing therein set forth.

PROVISIONS AS TO EXISTING COMPANIES.

**69.** Any company heretofore incorporated for any purpose or object for which letters patent may be issued under this Act, whether under a special or a general Act, and now being  
 15 a subsisting and valid corporation, may apply for letters patent under this Act, and the Secretary of State may direct the issue of letters patent incorporating the shareholders of the said company as a company under this Act; and thereupon all the rights or obligations of the former company shall be  
 20 transferred to the new company, and all proceedings may be continued or commenced by or against the new company that might have been continued or commenced by or against the old company; and it shall not be necessary in any such letters patent to set out the names of the shareholders; and after the  
 25 issue of the letters patent the company shall be governed in all respects by the provisions of this Act, except that the liability of the shareholders to creditors of the old company shall remain as at the time of the issue of the letters patent.

Existing companies may apply for charters under this Act.  
Effect of such charters.

**70.** If a subsisting company applies for the issue of letters  
 30 patent under this Act, the Secretary of State may, by the letters patent, extend the powers of the company to such other objects for which letters patent may be issued under this Act as the applicant desires and as the Secretary of State thinks fit to include in the letters patent; and the Secretary of State  
 35 may, in the said letters patent, name the first directors of the new company; and the letters patent may be issued to the new company by the name of the old company or by another name.

Subsisting companies may apply for charters with extended powers.

**71.** Any company incorporated under any general or  
 40 special Act of any of the Provinces of Canada, and any company duly incorporated under the laws of the United Kingdom or of any foreign country for any of the purposes or objects for which letters patent may be issued under this Act, and being at the time of the application a subsisting and valid  
 45 corporation, may apply for letters patent under this Act, and the Secretary of State upon receiving satisfactory evidence that the Act of incorporation or charter of the company so applying is valid and subsisting and that no public or private interest will be prejudiced may issue letters patent incorporating the  
 50 shareholders of the company so applying as a company under this Act, limiting, if necessary, the powers of the said company to such purposes or objects as might have been granted

Existing companies incorporated by the provinces of Canada, British companies, and Foreign companies may apply for charters under this Act.

Effect of such charters. had the shareholders applied in the first instance to the Secretary of State for letters patent under sections 3, 4, 5, 6, 7, 8 and 9 of this Act, and thereupon all the rights and obligations of the former company shall be transferred to the new company, and all proceedings may be continued or commenced by or against the new company that might have been continued or commenced by or against the old company; and it shall not be necessary in any such letters patent to set out the names of the shareholders; and after the issue of the letters patent the company shall be governed in all respects by the provisions of this Act, except that the liability of the shareholders to creditors of the old company shall remain as at the time of the issue of the letters patent. 5 10

Seal. **72.** The Governor in Council may authorise the Seal of office of the Secretary of State to be the Seal under which letters patent may be granted under this Act. 15

## GENERAL PROVISIONS

Agencies in United Kingdom. **73.** The company may have an agency or agencies in any city or town in the United Kingdom or elsewhere.

Dividend not to impair capital. **74.** No dividend shall be declared which will impair the capital of the company. 20

Special general meetings. **75.** Shareholders who hold one-fourth part in value of the subscribed stock of the company may, at any time, call a special meeting thereof for the transaction of any business specified in such written requisition and notice as they make and issue to that effect. 25

Acts of company's attorney valid. **76.** Every deed which any person, lawfully empowered in that behalf by the company as its attorney, signs on behalf of the company, and seals with his seal, shall be binding on the company and shall have the same effect as if it was under the seal of the company. 30

Contracts, etc., when to be binding on company. **77.** Every contract, agreement, engagement or bargain made, and every bill of exchange drawn, accepted or indorsed, and every promissory note and cheque made, drawn or indorsed on behalf of the company, by any agent, officer or servant of the company, in general accordance with his powers as such under the by-laws of the company, shall be binding upon the company; and in no case shall it be necessary to have the seal of the company affixed to any such contract, agreement, engagement, bargain, bill of exchange, promissory note or cheque, or to prove that the same was made, drawn, accepted or indorsed, as the case may be, in 35 40

No individual liability. **78.** No person shall be liable individually to any liability whatsoever to any third person therefor: Provided always, that nothing in this Act shall be construed to authorize the company to issue any note payable to the bearer thereof, or any promissory note intended to be circulated as money, or as the note of a bank, or to engage in the business of banking or insurance. 45

Proviso: as to bank notes.

78. Proof of any matter which is necessary to be made under this Act may be made by oath or affirmation, or by solemn declaration, before any justice of the peace, or any commissioner for taking affidavits, to be used in any of the 5 courts in any of the Provinces of Canada, or any notary public, each of whom is hereby authorized and empowered to administer oaths and receive affidavits and declarations for that purpose.

Proof may be by declaration or affidavit.

79. The provisions of this Act relating to matters preliminary to the issue of the letters patent or supplementary letters patent shall be deemed directory only, and no letters patent or supplementary letters patent issued under this Act shall be held void or voidable on account of any irregularity in respect of any matter preliminary to the issue of the letters 15 patent or supplementary letters patent.

Certain informalities not to invalidate letters patent.

80. The company shall keep painted or affixed, its name, with the word "limited" after the name, on the outside of every office or place in which the business of the company is carried on in a conspicuous position, in letters easily 20 legible, and shall have its name, with the said word after it, engraven in legible characters on its seal, and shall have its name, with the said words after it, mentioned in legible characters, in all notices, advertisements, and other official publications of the company and in all bills of exchange, 25 promissory notes, indorsements, cheques, and orders for money or goods, purporting to be signed by or on behalf of such company, and in all bills of parcels, invoices and receipts of the company :

Word "limited" to be inserted after name of company on all notices, etc.

2. Every company which does not keep painted or affixed, 30 its name, with the word "limited" after it, in manner directed by this Act, shall incur a penalty of twenty dollars for every day during which such name is not so kept painted or affixed :

Penalty for violation of preceding section.

3. Every director and manager of the company, who knowingly and wilfully authorizes or permits such default, shall be 35 liable to the like penalty :

Penalty for permitting violation.

4. Every director, manager or officer of the company, and every person on its behalf, who uses or authorizes the use of any seal purporting to be a seal of the company, whereon its 40 name, with the said word "limited" after it, is not so engraven as aforesaid, or who issues, or authorizes the issue of any notice, advertisement or other official publication of such company, or who signs or authorizes to be signed on behalf of such company any bill of exchange, promissory note, indorse- 45 ment, cheque, order for money or goods, or who issues or authorizes to be issued any bill of parcels, invoice or receipt of the company, wherein its name, with the said word after it, is not mentioned in manner aforesaid, shall incur a penalty of two hundred dollars, and shall also be personally liable to the 50 holder of any such bill of exchange, promissory note, cheque, or order for money or goods, for the amount thereof, unless the same is duly paid by the company.

Penalty on directors or officers using or authorizing use of seal without "limited" on it.

Liability in addition.

Prospectus, etc., to specify certain contracts entered into by company, or be deemed fraudulent.

**81.** Every prospectus of the company, and every notice inviting persons to subscribe for shares in the company, shall specify the dates and the names of the persons to any contract entered into by the company or the promoters, directors or trustees thereof, before the issue of such prospectus or notice, whether subject to adoption by the directors or the company or otherwise; and every prospectus or notice which does not specify the same shall, with respect to any person who takes shares in the company on the faith of such prospectus or notice, and who has not had notice of such contract, be deemed fraudulent on the part of the promoters, directors and officers of the company who knowingly issue such prospectus or notice.

INSPECTION.

Application for judicial inspection of affairs.

**82.** Upon the application of not less than one fourth in value of the shareholders of the company a judge in the province in which the chief place of business of the company is situated may, if he deems it necessary, appoint a competent inspector to investigate the affairs and management of the company. The application shall be supported by such evidence as the judge may require for the purpose of showing that the applicants have good reason for requiring such investigation to be made, and that they are not actuated by malicious motives in instituting the same. The inspector shall report to the judge the result of the investigation. The expense of such investigation shall, in the discretion of the judge, be defrayed by the company, or by the applicants, or partly by the company and partly by the applicants as he may order, and, if he thinks fit, he may require the applicants to give security to cover the probable cost of the investigation, and he may make necessary rules and prescribe the manner in which and the extent to which the investigation shall be conducted. or the judge may, if he deems it necessary, examine the officers or directors of the company under oath as to matters that come in question.

Inspector.

Report.

Costs.

Manner.

Inspection by order of the company.

(2.) The company may by resolution passed at the annual meeting, or at a special general meeting called for the purpose, appoint an inspector to examine into the affairs of the company. The inspector so appointed shall have the same powers and perform the same duties as an inspector appointed by a Judge, with this exception, that instead of making his report to the Judge he shall make the same in such manner and to such persons as the company by said resolution directs.

Report in such case.

Duties of officers.

(3.) It shall be the duty of all officers and agents of the company to produce for the examination of any such inspector all books and documents in their custody or power. Any such inspector may examine upon oath the officers and agents of the company in relation to its business, and may administer such oath accordingly. If any officer or agent refuses to produce any book or document hereby directed to be produced, or to answer any question relating to the affairs of the company, he shall incur a penalty not exceeding \$20, in respect of each offence.

Powers of inspector.

Penalty for refusal.

- 83.** The company shall not be bound to see to the execution of any trust, whether express, implied or constructive, in respect of any share; and the receipt of the shareholder in whose name the same stands in the books of the company, shall be a valid and binding discharge to the company for any dividend or money payable in respect of such share, and whether or not notice of such trust has been given to the company; and the company shall not be bound to see to the application of the money paid upon such receipt. Company not bound to see to execution of trusts.
- 84.** Every director of the company, and his heirs, executors and administrators, and estate and effects, respectively, may, with the consent of the company, given at any general meeting thereof, from time to time, and at all times, be indemnified and saved harmless out of the funds of the company, from and against all costs, charges and expenses whatsoever which he sustains or incurs in or about any action, suit or proceeding which is brought, commenced or prosecuted against him, for or in respect of any act, deed, matter or thing whatsoever, made, done or permitted by him, in or about the execution of the duties of his office; and also from and against all other costs, charges and expenses which he sustains or incurs, in or about or in relation to the affairs thereof,—except such costs, charges or expenses as are occasioned by his own wilful neglect or default. Directors indemnified in suits, etc., against the company. Except for their own neglect or default.
- 85.** The charter of the company shall be forfeited by non-user during three consecutive years, or if the company does not go into actual operation within three years after it is granted. Forfeiture of charter for non-user.
- 86.** The Governor in Council may, from time to time, establish, alter and regulate the tariff of the fees to be paid on application for letters patent and supplementary letters patent under this Act, and may prescribe the forms of proceeding and registration in respect thereof, and all other matters requisite for carrying out the objects of this Act: Fees on letters patent, etc., to be fixed by Governor in Council.
- 2.** The amount of the fees may be varied according to the nature of the company, the amount of the capital stock and other particulars as the Governor in Council thinks fit: Amount of fees may be varied,
- 3.** No steps shall be taken in any department towards the issue of any letters patent or supplementary letters patent under this Act, until after all fees therefor are duly paid. Must be paid before action is taken.
- 87.** The directors of every company shall lay before its shareholders a full printed statement of the affairs and financial position of the company at or before each general meeting of the company for the election of directors. Full statement of affairs at each meeting for elections.
- 88.** Chapter 50 of 61 Victoria is hereby repealed in so far as its provisions affect letters patent issued under this Act. Repeal.
- 89.** It shall be the duty of the company to make a return to the Secretary of State at any time a written request may be made therefor, containing the following particulars. Return to be made.
- (1.)** The amount of the capital of the company, and the number of shares into which it is divided.

(2.) The number of shares taken from the commencement of the company up to the date of the summary.

(3.) The amount of calls made on each share.

(4.) The total amount of calls received.

(5.) The total amount of calls unpaid. 5

(6.) The total amount of shares forfeited.

(7.) The names, addresses and occupations of the persons who have ceased to be members within the twelve months proceeding, and the number of shares held by each of them.

Penalty  
for default  
as to return.

If any company for a space of one month neglects or refuses to comply with such request the company shall incur a penalty not exceeding \$20, for every day during which such default continues; and every director and manager of the company who knowingly and wilfully authorizes or permits such default shall incur the like penalty. 10  
15

## SCHEDULE.

### FORM A.

(Section 5.)

APPLICATION FOR INCORPORATION UNDER COMPANIES ACT, 1902.

To the Honourable the Secretary of State of Canada :

The application of

respectively sheweth as follows :—

The undersigned applicants are desirous of obtaining letters patent under the provisions of *The Companies Act, 1902*, constituting your applicants and such others as may become shareholders in the Company, thereby created a body corporate and politic under the name of

“ Limited,”

or such other name as shall appear to you to be proper in the premises.

The undersigned have satisfied themselves and are assured that the proposed corporate name of the Company under which incorporation is sought is not the corporate name of any other known Company incorporated or unincorporated or any name liable to be confounded therewith or otherwise on public grounds objectionable.

Your applicants are of the full age of 21 years.

The purposes for which incorporation is sought by the applicants are :

The chief place of business of the proposed company within Canada will be at \_\_\_\_\_ in the  
County of \_\_\_\_\_ in the Province  
of \_\_\_\_\_



Signatures of Witnesses.

Signatures of Applicants.


Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_

19

NOTE.—If any cash has been paid in on stock or if any property is intended to be accepted on account of stock it should be here stated.

FORM B.

(Section 5.)

(To be executed in duplicate; one duplicate to be transmitted with the application.)

The ..... Company of ..... (Limited).

MEMORANDUM OF AGREEMENT AND STOCK BOOK.

We the undersigned do hereby severally covenant and agree each with the other to become incorporated as a company under the provisions of *The Companies Act, 1902*, under the name of The ..... Company of ..... (Limited), or such other name as the Secretary of State may give to the Company, with a capital of .....dollars, divided into .....shares of.....dollars each.

And we do hereby severally, and not one for the other, subscribe for and agree to take the respective amounts of the capital stock of the said Company set opposite our respective names as hereunder and hereafter written, and to become shareholders in such Company to the said amounts.

In witness whereof we have signed.

Name of Subscriber.	Seal.	Amount of Subscription.	Date and Place of Subscription.		Residence of Subscriber.	Name of Witness.
			Date.	Place.		
		\$				

FORM C.

(Section 8.)

Public notice is hereby given that under *The Companies Act, 1902*, letters patent have been issued under the Seal of the Secretary of State, bearing date the \_\_\_\_\_ day of \_\_\_\_\_ incorporating [here state names, address and calling of each corporator named in the letters patent], for the purpose of [here state the undertaking of the Company, as set forth in the letters patent], by the name of [here state the name of the Company as in the letters patent] with a total capital stock of \_\_\_\_\_ dollars divided into \_\_\_\_\_ shares of \_\_\_\_\_ dollars.

Dated at the office of the Secretary of State of Canada, this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_.

A.B.,  
Secretary.

FORM D.

(Section 15.)

Public notice is hereby given, that under *The Companies Act, 1902*, supplementary letters patent have been issued under the Seal of the Secretary of State, bearing date the \_\_\_\_\_ day of \_\_\_\_\_, whereby the undertaking of the Company has been extended to include [here set out the other purposes or objects mentioned in the supplementary letters patent].

Dated at the office of the Secretary of State of Canada, this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_.

A. B.  
Secretary.

## FORM E.

(Section 21.)

Public notice is hereby given, that under *The Companies Act, 1902*, supplementary letters patent have been issued under the Seal of the Secretary of State, bearing date the

day of \_\_\_\_\_, whereby the total capital stock of [*here state the name of the Company*] is increased [*or reduced, as the case may be*] from \_\_\_\_\_ dollars to \_\_\_\_\_ dollars.

Dated at the office of the Secretary of State of Canada, this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

A.B.,  
Secretary.

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2nd Session, 9th Parliament, 2 Edward VII., 1902.

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## THE SENATE OF CANADA.

BILL.

R

An Act respecting the incorporation of Joint Stock Companies by Letters Patent.

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Received and read a first time, Tuesday,  
April 8, 1902.  
Second reading, Thursday, April 10, 1902.

---

HONOURABLE MR. SCOTT.

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OTTAWA

Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

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THE SENATE OF CANADA.

S.]

**BILL.**

[1902.

An Act to amend the Act respecting the incorporation  
of Boards of Trade.

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

1. Paragraph (a) of section 1 of *An Act respecting the incor-* R.S.C., c. 130.  
5 *poration of Boards of Trade*, being chapter 130 of the Revised s. 1.  
Statutes of Canada, as the said section is enacted by section 1 1894, c. 23, s.1.  
of chapter 17 of the statutes of 1895, is hereby amended by 1895, c. 17, s.1.  
adding at the end of the said paragraph "but in the province  
of British Columbia the expression 'district' means a mining  
10 division, or any tract of country described as extending to  
certain specified distances and in certain specified directions  
from any stated point." Expression  
"district"  
further  
defined.
2. Section 2 of the said chapter 130 is hereby amended by R.S.C., c. 130,  
inserting, after the words "two thousand five hundred," the s. 2 amended.  
15 words "or in the province of British Columbia not less than  
fifteen hundred." Population  
necessary to  
form Board.

THE SENATE OF CANADA.

BILL.

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An Act to amend the Act respecting the  
incorporation of Boards of Trade.

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Received and read a first time, Wednes-  
day, April 9, 1902.  
Second reading, Friday, April 11, 1902.

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Honourable Mr. SCOTT.

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OTTAWA  
Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

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THE SENATE OF CANADA.

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**BILL.**

[1902.

An Act to incorporate the St. Joseph and Lake Huron  
Ship Canal Company.

**W**HEREAS the persons hereinafter named have, by their Preamble.  
petition, prayed to be incorporated, and it is expedient  
to grant the prayer of the said petition: Therefore His  
Majesty, by and with the advice and consent of the Senate  
5 and House of Commons of Canada, declares and enacts as  
follows:—

- 1.** In this Act, unless the context otherwise requires,— Interpreta-  
tion.
- (a.) The word “canal” means “canal or navigation, and  
any branch canal,” and includes every kind of work necessary “Canal.”  
10 or done in respect of the canals for the purpose of carrying out  
the objects of this Act;
- (b.) The word “land,” wherever used in “*The Railway Act*” “Land.”  
or in this Act, includes land covered by water;
- (c.) The word “vessel” includes any ship, barge, boat or “Vessel.”  
15 raft passing through any of the canals hereby authorized, or  
plying upon any lake or river connecting therewith;
- (d.) The word “goods” includes any goods, merchandise “Goods.”  
and commodities of whatsoever description, passing through  
any of the canals hereby authorized.
- 20 **2.** Robert Bickerdike and Thomas Craig, both of the city Incorpora-  
tion.  
of Montreal; W. Dale-Harris and James White, both of the  
city of Ottawa; Robert Logie, William E. Kisselburg, jr., and  
Ora Bancroft Gould, all of the city of New York, together  
with such persons as become shareholders in the company,  
25 are incorporated under the name of “The St. Joseph and Corporate  
name.  
Lake Huron Ship Canal Company,” hereinafter called “the  
Company.”
- 3.** The undertaking of the Company is hereby declared to Declaratory.  
be a work for the general advantage of Canada.
- 30 **4.** The persons named in section 2 of this Act shall be the Provisional  
directors.  
first or provisional directors of the Company.
- 5.** The capital stock of the Company shall be twelve millions Capital stock.  
of dollars, divided into shares of one hundred dollars each,  
and may be called up by the directors from time to time as  
35 they deem necessary.

- Head office. **6.** The head office of the Company shall be in the city of Montreal, in the province of Quebec, or at such other place in Canada as the Company from time to time determines by by-law.
- First meeting of shareholders. **7.** As soon as five hundred thousand dollars of the capital stock have been subscribed, and fifty thousand dollars thereof have been paid into some chartered bank in Canada, the provisional directors, or a majority of them, shall call a general meeting of the shareholders to be held at the city of Montreal, or at such other place in Canada as the provisional directors calling such meeting determine, for the purpose of electing the first directors of the Company and of transacting any other business which may be done at a shareholders' meeting. 5
- Notice of meeting. **2.** Notice in writing, signed by or on behalf of the provisional directors or a majority of them calling such meeting, of the date and place of holding the same, mailed, postage prepaid, to the post office address of each shareholder not less than ten days previous to the calling of such meeting, shall be deemed sufficient notice of such meeting. 10
- Election of directors. **8.** At the first meeting of shareholders, and at each annual meeting, the subscribers for capital stock assembled who have paid all calls due on their shares shall choose five persons to be directors of the Company, each of whom shall hold at least twenty shares of the capital stock of the Company, the majority of whom shall form a quorum, and one or more of whom may be paid directors. 20
- Term of office. **2.** The directors elected at the first meeting of shareholders shall hold office only until the first annual meeting of the Company. 25
- Annual general meeting. **9.** The annual meeting of the shareholders shall be held on the first Thursday in September in each year. 30
- Powers. **10.** The Company may—  
Canal. (a.) lay out, construct and operate a canal from some point on the eastern shore of Lake Huron, in the county of Huron, in the province of Ontario, to some point on the northern shore of Lake Erie, in either of the counties of Elgin or Essex, in the said province, of such dimensions as to make a navigable channel of any depth but not less than eighteen feet, and of any width not less than seventy-two feet at the bottom of the said channel; 35
- Locks, tow-paths, etc. (b.) construct and operate by any kind of motive power all such locks, dams, tow-paths, branches, basins, feeders to supply water from the said lake, or from any rivers, creeks, reservoirs, cuttings, apparatus, appliances and machinery as may be desirable or necessary for the construction and operation of the canal; 40
- Appropriation of lands. (c.) enter upon and take such lands as are necessary and proper for the making, preserving, maintaining, operating and using the canal and other works of the Company hereby authorized; dig, cut, trench, get, remove, take, carry away and lay earth, clay, stone, soil, rubbish, trees, roots of trees, beds of gravel or sand or any other matters or things which may be dug or got in making the canal and other works, on or 45 50

out of the lands of any person adjoining or lying convenient thereto, and which may be proper, requisite or necessary, for making or repairing the canal or the works incidental thereto or connected therewith, or which may hinder, prevent  
 5 or obstruct the making, using, or completing, extending or maintaining the same, respectively, according to the intent and purposes of this Act ;

(d.) make, maintain and alter any places or passages over,  
 under or through the canal or its connections; Passages.

10 (e.) obtain, take and use, during the construction and operation of the canal, from the rivers, lake, brooks, streams, watercourses, reservoirs, and other sources of water supply  
 adjacent or near to the canal, water sufficient for the purposes  
 of constructing, maintaining, operating and using the canal Water supply.

15 and works hereby authorized, and sufficient to establish and maintain a current at a rate on the average of three miles per hour through the navigable channel of the canal ; and the Company shall, in the exercise of the powers granted by this paragraph, do as little damage as possible, and shall make full

20 compensation to all persons interested for all damage by them sustained by reason of the exercise of such powers, and such damage in case of disagreement shall be settled in the same  
 manner as is provided for fixing compensation under the provisions of *The Railway Act* ; Compensation for damages.

25 (f.) construct and operate by any motive power a double or single line of iron or steel railway, of any gauge of not less than three feet, along or near the sides of the canal, and construct or operate branch lines thereof, connecting any towns and villages or any railway within fifteen miles of the canal  
 30 in the counties of Essex, Huron, Lambton, Middlesex and Elgin with the canal ;

(g.) construct, acquire, operate, lease or dispose of, terminals, harbours, wharfs, docks, piers, elevators, warehouses, dry docks and other structures, and building and repairing yards, and Harbours, warehouses, etc.

35 all works incidental thereto, upon the canal or upon lands adjoining or near the canal ;

(h.) acquire and utilize water and steam power for the purpose of compressing air or generating electricity for lighting, heating and motor purposes in connection with the canal, Water and steam power.

40 vessels and works of the Company ; and may sell or otherwise dispose of surplus electricity or other power generated by the Company's works, and not required for operating its canal or other works, and propel vessels in and through the canal by any kind of force, and sell, lease or otherwise dispose of the  
 45 said works ; Surplus power.

(i.) acquire, construct, navigate and dispose of vessels to ply on the canal, and the lakes, rivers and canals connecting therewith, and may also make agreements for vessels to ply upon the canal, lake and rivers ; Vessels.

50 (j.) acquire by license, purchase or otherwise, any rights in letters patent, franchises or patent rights, for the purposes of the works hereby authorized, and again dispose of such rights ; Patent rights.

(k.) acquire, develop and use water-powers, and erect, maintain and operate works and appurtenances for the production of electric, compressed air or other motive powers and  
 55 for the use of the transmission of the same, and sell, lease or dispose of the same.

- Repairs. **11.** The Company may examine and repair all the apparatus which is used to distribute water, hydraulic power and electricity; and its employees may, when necessary so to do, enter upon private property for such purposes only, doing no avoidable injury. 5
- Entry on private property.
- Telegraph and telephone line. **12.** The Company may construct and operate telegraph and telephone lines, and lines for the conveyance of light, heat and electric and other power, by wires or pipes, along the whole length of the canal and its approaches, and between the canal and any town or village in the said counties, and may establish 10 offices for the transmission of messages for the public, and collect tolls therefor; and, for the purposes of erecting and working such telegraph and telephone lines and electric plant, the Company may enter into contracts with any other company, or may lease the Company's lines. 15
- Electric power.
- Arrangements with telegraph and telephone companies. **2.** The Company may enter into arrangements with any telegraph or telephone company for the exchange and transmission of messages, or for the working in whole or in part of the lines of the Company.
- Rates to be approved by Governor in Council. **3.** No rates or charges shall be demanded or taken from 20 any person for the transmission of any message by telegraph or for leasing or using the telegraphs or telephones of the Company, until such rates or charges have been approved of by the Governor in Council.
- R.S.C., c. 132. **4.** *The Electric Telegraph Companies Act* shall apply to the 25 telegraphic business of the Company.
- Interference with drainage systems. **13.** The Company shall make due provision for, take care and dispose of, all water and drainage, to the extent to which it disturbs or interferes with artificial drains, natural streams or watercourses which the canal crosses, touches or interferes 30 with, and which are in existence at the time of construction of the canal.
- Disputes to be determined by Railway Committee. **2.** All subsequent questions, disputes or complaints as to the construction of new drains, and as to the alterations, enlargement and change of existing drains and of natural streams 35 or water-courses, and as to who shall make such alterations, enlargement and change, and by whom the expense thereof shall be paid, and also any complaint or dispute as to the sufficiency of compliance with the provisions of the next preceding subsection, shall be inquired into, heard and deter- 40 mined by the Railway Committee of the Privy Council, in the same manner as is provided for other matters to be inquired into, heard and determined by the said committee under *The Railway Act*.
- Proceedings when land required for undertaking. **14.** When the Company and the owners or occupiers of 45 private property entered upon cannot agree as to the compensation for the lands required for the construction or maintenance of any works authorized under this Act, or for damages to lands injured by the Company, the matter shall be settled in the same manner as is provided for obtaining title and fixing 50 compensation under *The Railway Act*, so far as the same may be applicable.
- "Lands" defined. **2.** In sections 8, 12, 13, 16 and 17 of this Act, the expression "lands" means the lands the acquiring, taking or using

of which is incident to the exercise of the powers given by this Act.

15. In case of any accident requiring immediate repair on the canal, the Company may enter upon the adjoining land, 5 provided such land is not an orchard or garden, and may dig for, work, get and carry away and use such gravel, stone, earth, clay or other materials, as may be necessary for the repair of the accident aforesaid, doing as little damage as possible to such land, and making compensation therefor; and in case of 10 dispute or difference regarding the amount to be so paid, the same shall be decided by arbitration as provided in *The Railway Act*; but before entering upon any land for the purposes aforesaid, the Company shall, in case the consent of the owner is not obtained thereto, pay into one of the superior courts of 15 the province of Quebec, such sum with interest thereon for six months, as is fixed, on the *ex parte* application of the Company, by a judge of the Superior Court of the district in which such land is situate.

Rights of Company in cases of accident to canal.

Arbitration in case of disputes.

16. The Company may open, cut, erect and use such ponds 20 and basins for the laying up and turning of vessels using the canal at such points thereon as it deems expedient, and may also construct and operate such dry docks, slips and machinery for the hauling out and repairing of vessels as it thinks proper, or may lease or hire the same.

Basins for laying up vessels.

Dry docks.

25 17. The Company shall, at every place where the canal crosses any railway, highway or public road (unless exempted from the provisions of this section, so far as any highway or public road is concerned, by the municipality having jurisdiction over such highway or public road), construct and main- 30 tain, to the satisfaction of the Governor in Council, bridges for passage over or tunnels for passage under the canal, so that the public thoroughfare or railway may be as little impeded as reasonably possible, and the Company shall not, in making the canal, cut through or interrupt the passage on any highway or 35 public road, until it has made a convenient road past its works for the use of the public; and for every day on which it shall neglect to comply with the requirements of this section the Company shall incur a penalty of one hundred dollars.

Bridges to be constructed.

Penalty for impeding traffic.

18. The lands, ground or property to be taken or used, 40 without the consent of the proprietors, for the canal and works, and the ditches, drains and fences to separate the same from the adjoining lands, shall not together exceed two thousand feet in breadth, or such less width or breadth as is directed by the Governor in Council, except in places where basins and 45 other works are required to be cut or made as necessary parts of the canal as shown on the plan to be approved, as herein-after provided, by the Governor in Council, or where flooding or drowning of lands is unavoidable, on account of the construction of dams.

Extent of land which may be expropriated.

50 19. Before the Company breaks ground or commences the construction of the canal or any of the works hereby authorized, the plans, locations, dimensions and all necessary particulars 55

Plans to be approved by Governor in Council.

of the canal and other works shall be submitted to and receive the approval of the Governor in Council.

- Public beach. **20.** The Company may take, use, occupy and hold, but not alienate, so much of the public beach or beach road, or the land covered with the waters of the rivers or lakes which the canal may cross, start from or terminate at, as may be required, for the wharfs and other works of the canal, for making easy entrance thereto, and for the other works which they are hereby authorized to construct, doing no damage to nor causing any obstructions in the navigation of the said rivers or lake, and conforming in all respects to the plan and modes of construction sanctioned as aforesaid by the Governor in Council, except in so far only as he may at any time authorize a deviation from such plan and mode of construction.
- Company may make by-laws. **21.** In addition to the general powers to make by-laws under *The Railway Act*, the Company may, subject to the approval of the Governor in Council, make by-laws, rules or regulations for the following purposes, that is to say :—
- Speed. (a.) for regulating the speed at which, and the mode by which, vessels using the Company's works are to be propelled ;
- Hours of arrival and departure of vessels. (b.) for regulating the hours of the arrival and departure of such vessels ;
- Loading and draught. (c.) for regulating the loading or unloading of such vessels and the draught thereof ;
- Travel. (d.) for regulating the travelling and transportation upon and the using and the working of the canal ;
- Use of canal. (e.) for the maintaining, preserving and using the canal and all other works hereby authorized to be constructed or connected therewith, for the governing of all persons and vessels passing through the said canal ;
- Management of affairs. (f.) for providing for the due management of the affairs of the Company in all respects.
- Issue of bonds. **22.** The directors, whenever authorized by by-law for that purpose, approved by the votes of holders of at least two-thirds in value of the subscribed stock of the Company, present or represented by proxy at a special general meeting called for considering such by-law, may, as the shareholders deem necessary, issue bonds or debentures in sums of one hundred dollars each or for such sums as are determined by the by-law, to an amount not exceeding in the whole double the amount of its paid-up capital stock, at such rate of interest, and payable at such time and places, and secured in such manner, by mortgage or otherwise, upon the whole or any portion of the property, or undertaking, of the Company as may be prescribed in such by-law, or decided upon by the directors upon the authority thereof, and the Company may make such provision respecting the redemption of such securities as it deems proper.
- Issue of paid-up stock. **23.** The directors may issue, as paid-up stock, shares of the capital stock of the Company in payment of and for all or any of the businesses, franchises, undertakings, properties, rights, powers, privileges, letters patent, contracts, real estate, stock and assets, and other property of any person or municipal cor-

poration which it may lawfully acquire by virtue of this Act, at the true and actual price at which the same has been bona fide purchased, and may allot and hand over such shares to any such person or corporation or its shareholders; and may  
 5 issue, as paid-up and unassessable stock, shares of the capital stock of the Company, and allot and hand over the same in payment for right of way, lands, rights, plant, property, letters patent of invention, rolling stock or materials of any kind, and any such issue and allotment of stock shall be binding on the  
 10 Company, and such stock shall not be assessable for calls, nor shall the holders thereof be liable in any way thereon, and the Company may pay for any such property, wholly or partly in paid-up shares, or wholly or partly in debentures, as the directors deem proper.

15 **24.** The directors may, from time to time, with the consent of two-thirds of the shareholders present or represented by proxy at a meeting called for such purpose, issue debenture stock which shall be considered as a part of the regular debenture debt authorized by section 26 of this Act, in such amounts  
 20 and manner, on such terms, and bearing such rates of interest, as the directors from time to time think proper.

Issue of debenture stock.

**25.** The mortgage bonds, debentures or other securities of the Company, issued under the provisions of this Act, may be issued in the denominations of pounds sterling, dollars or  
 25 francs, or any and all of them, and may be made payable, both as to principal and interest, in Canada, the United States or Europe, and the coupons attached, representing the interest on such bonds or obligations, may correspond to the denomination of the bond to which they are attached.

Bonds, etc., how issued and payable.

30 **26.** The Company may make such arrangements and regulations respecting the conversion and exchange of its mortgage bonds and debentures into and for debenture stock, as may be deemed expedient by the respective holders thereof, and the Company may, with the consent of the said holders, exchange  
 35 and reconvert the same. The Company may also mortgage or pledge the bonds which it is hereby authorized to issue, for the construction of its works or otherwise.

Exchange of bonds for debenture stock.

Power to mortgage bonds.

**27.** The Company may purchase or otherwise acquire any business within the objects of the Company, and any lands,  
 40 property, privileges, water-powers, rights, contracts and liabilities appertaining thereto, and may let or sublet any property of the Company, and may sell or otherwise dispose of the business, property or undertaking of the Company, or any part thereof, for such considerations as the Company thinks fit,  
 45 and in particular for shares, debentures or securities of any other company having objects altogether or in part similar to those of the Company.

Power to acquire other businesses.

**28.** The Company may purchase, lease and acquire timber and other lands, including the property of the incorporators or  
 50 any of them, and the whole or any of the good-will, stock in trade, assets and property, real and personal, movable and immovable of the incorporators or other persons in connection

Power to acquire property of the incorporators.

- Payment therefor. with the said business, subject to the obligations, if any, affecting the same, and may pay the price thereof wholly in cash or wholly or partly in fully paid up or partly paid up shares of stock of the Company, or wholly or partly in debentures of the Company or otherwise, and may mortgage, sell or otherwise dispose thereof. 5
- Rates of charge. **29.** In all cases where there is a fraction of a mile in the distance which vessels, rafts, goods, wares, merchandise or other commodities or passengers shall be conveyed or transported on the canal, such fraction shall, in ascertaining the rate of charge be deemed and considered as a whole mile; and in all cases where there is a fraction of a ton in the weight of any such goods, wares, merchandise and other commodities, a proportion of the said rate shall be demanded and taken by the Company, calculated upon the number of quarter of a ton contained therein; and in all cases where there is a fraction of a quarter of a ton, such fraction shall be deemed and considered as a whole quarter of a ton. 10 15
- Measurement of vessels. **30.** Every owner or master of a vessel navigating the canal shall permit it to be gauged and measured, and every such owner or master who refuses to permit the same shall forfeit and pay the sum of two hundred dollars; and the proper officer of the Company may gauge and measure all vessels using the canal, and he may mark the tonnage or measurement on every vessel using the canal. 20 25
- Lands taken for use of canal to be separated by fence, etc. **31.** The Company shall, within six months after any land shall be taken for the use of the canal, divide and separate, and shall keep constantly divided and separated, the land so taken, from the lands and grounds adjoining thereto, with a sufficient post and rail, hedge, ditch, bank or other kind of fence sufficient to keep off hogs, sheep and cattle, to be set and made on the lands or grounds purchased by, conveyed to, or vested in the Company, as aforesaid, and shall, at its own coet and charges, from time to time maintain, support and keep in sufficient repair the said posts, fences, rails, hedges, ditches, trenches, banks and other fences so set up and made as aforesaid. 30 35
- Canal to be measured. **32.** So soon as possible after the canal is completed, the Company shall cause it to be measured, and stones or posts with proper inscriptions on the sides thereof denoting the distances, shall be erected and maintained at convenient distances from each other. 40
- Sunken vessels. **33.** If any vessel is sunk or grounded in any part of the canal or in any approach thereto, and if the owner or master thereof neglects or refuses to remove it forthwith, the Company may forthwith proceed to have it raised or removed, and may retain possession of it until the charges and expenses necessarily incurred by the Company in so raising and removing it are paid and satisfied; and the Company may sue for and recover in any court of competent jurisdiction such charges and expenses from the owner or master of such vessel. 45 50

- 34.** The Crown may at any time assume the possession and property of the canal and works, and all the rights, privileges and advantages of the Company, all of which shall, after such assumption, be vested in the Crown, on giving to the Company one month's notice thereof, and on paying to the Company the value thereof, to be fixed by three arbitrators or the majority of them, one to be chosen by the Government, another by the Company, and a third arbitrator by the two arbitrators; and the arbitrators may, in such valuation, take into account the expenditure of the Company, its property, the business of the canal and other works hereby authorized, and their past, present and prospective business, with interest from the time of the investment thereof.
- 35.** Every person who obstructs, interrupts or impedes the navigation of the canal, or interferes with any of the works belonging thereto, by the introduction of any timber or vessels or any other substance, or by any other means contrary to the provisions of this Act or of the by-laws of the Company, shall for every such offence incur a penalty not to exceed four hundred dollars, one-half of which penalty shall go to the Company and the other half to the Crown.
- 36.** If the construction of the canal authorized by the said Act of incorporation is not commenced, and ten per cent of the amount of the subscribed capital stock of the said Company is not expended thereon, within three years from the passing of this Act, or if the said canal is not completed within seven years of the passing of this Act, then the powers of constructing the said canal shall cease and be null and void with respect to so much thereof as then remains uncompleted.
- 37.** An Act hereafter passed by Parliament, or any order of the Governor in Council, with regard to the exclusive use of the canal by the Government at any time, or the carriage of His Majesty's mails or His Majesty's forces, and other persons or articles, or the rates to be paid for carrying the same, or in any way respecting the use of any electric telegraph or telephone or any service to be rendered by the Company to the Government, shall not be deemed an infringement of the privileges conferred by this Act.
- 38.** *The Railway Act* shall, so far as applicable, and when not inconsistent with this Act, and except sections 3 to 25, both inclusive, sections 36, 37, 38, 89, subsection 3 of section 93, sections 103, 104, 105, 112, 120, 173 to 177, both inclusive, 179, 180, 182 to 199, both inclusive, 209, 210, 214, 240 to 263, both inclusive, 271 to 274, both inclusive, 275 to 286, both inclusive, and 288 to 293, both inclusive, apply to the Company, and to its canal and works, except the railway and branches authorized under paragraph (f) of section 10 of this Act, to which railways the whole of the *The Railway Act* shall apply.
2. Wherever in *The Railway Act* the expression "railway" occurs, it shall, unless the context otherwise requires, and in so far as it applies to the provisions of this Act, or to the
- Crown may take over canal.
- Notice to Company.
- Obstructions in canal, etc.
- Time for construction extended.
- Use of canal by Government
- 1888, c. 29.
- "Railway" to mean "canal."

“Goods”  
to include  
“vessel.”

Company, mean the canal or other works hereby authorized to be constructed; and in any section of *The Railway Act* relating to the collection of tolls, where the expressions “passengers” and “goods,” or either of them, occur, such expressions shall be held to include any vessel passing through 5 the canal, whether laden or otherwise.

R.S.C., c. 118. **39.** *The Companies Clauses Act* shall not apply to the Company.

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2nd Session, 9th Parliament, 2 Edward VII, 1902

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SENATE OF CANADA.

BILL.

T

An Act to incorporate the St. Joseph and Lake Huron Ship Canal Company.

Received and read first time, Thursday,  
April 10, 1902.  
Second reading, Friday, April 11, 1902.

Honourable Mr. LANDERKIN.

OTTAWA

Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

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THE SENATE OF CANADA.

U.]

**BILL.**

[1902.

An Act respecting the Western Alberta Railway  
Company.

**W**HEREAS the Western Alberta Railway Company has, Preamble.  
by its petition, prayed that it be enacted as hereinafter  
set forth, and it is expedient to grant the prayer of the said 1898, c. 90.  
petition: Therefore His Majesty, by and with the advice and 1900, c. 85.  
5 consent of the Senate and House of Commons of Canada,  
enacts as follows:—

**1.** Section 1 of chapter 85 of the statutes of 1900 is re- 1900, c. 85  
pealed. s. 11 repealed.  
Limit of time.

**2.** If the construction of the railway of the Western  
10 Alberta Railway Company is not commenced and fifteen per  
cent of the amount of the capital stock is not expended  
thereon within two years from the passing of this Act, or if  
the railway is not finished and put in operation within five  
15 the said company by Parliament shall cease and be null and  
void as respects so much of the railway as then remains un-  
completed. Time for  
construction  
extended.

**3.** Section 4 of chapter 90 of the statutes of 1898 is hereby 1898, c. 90, s. 4  
amended by striking out the word "twenty" in the fourth amended.  
20 line thereof and substituting the word "fourteen" therefor. Point of  
beginning of  
line changed.

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2nd Session, 9th Parliament, 2 Edward VII., 1902

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THE SENATE OF CANADA

BILL.

U

An Act respecting the Western Alberta  
Railway Company.

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Received and read a first time, Tuesday,  
April 15, 1902.  
Second reading, Wednesday, April 16,  
1902.

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Honourable Mr. LOUGHEED.

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OTTAWA  
Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

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THE SENATE OF CANADA.

V.]

**BILL.**

[1902.

An Act to incorporate The First National Bank of  
Canada.

**W**HEREAS the persons hereinafter named have, by their Preamble.  
petition, prayed that an Act be passed for the purpose  
of establishing a Bank in Canada, and it is expedient to grant  
the prayer of the said petition: Therefore His Majesty, by  
5 and with the advice and consent of the Senate and House of  
Commons of Canada, enacts as follows :—

1. The persons hereinafter named, together with such Incorporation.  
others as may become shareholders in the corporation by this  
Act created, are hereby constituted a corporation by the name  
10 of "The First National Bank of Canada," hereinafter called Corporate  
"the Bank." name.
2. The capital stock of the Bank shall be five millions of Capital.  
dollars.
3. The chief office of the Bank shall be at the city of Chief office.  
15 Toronto.
4. Sydney Brown Woods, of Toronto, Thomas Herbert Provisional  
Lennox, of Aurora, John Murray Jackson, William John directors.  
McWhinney and Alexander Wentworth Falconer, all of  
Toronto, shall be the provisional directors of the Bank.
- 20 5. This Act shall, subject to the provisions of section 16 of Duration  
*The Bank Act*, remain in force until the first day of July in of charter.  
the year one thousand nine hundred and eleven. 1890, c. 31.

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2nd Session, 9th Parliament, 2 Edward VII., 1902

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THE SENATE OF CANADA.

BILL.

V

An Act to incorporate The First National  
Bank of Canada.

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Received and read a first time, Tuesday,  
April 15, 1902.  
Second reading, Wednesday, April 16,  
1902.

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Honourable MR. LANDERKIN.

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OTTAWA  
Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

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THE SENATE OF CANADA.

X.]

**BILL.**

[1902.

An Act respecting the Montreal Bridge Company.

**W**HEREAS the Montreal Bridge Company has, by its Preamble.  
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  
5 consent of the Senate and House of Commons of Canada,  
enacts as follows :—

1. Section 1 of chapter 67 of the statutes of 1897, and so 1894, c. 63,  
much of section 6 of chapter 63 of the statutes of 1894 as s. 6 amended:  
relates to the Montreal bridge, are repealed. 1897, c. 67,  
s. 1 repealed.

10 2. The bridge which the Montreal Bridge Company is Time for  
authorized to construct shall be completed before the first day construction  
of June, one thousand nine hundred and seven, otherwise the extended.  
powers granted for such construction shall cease and determine  
with respect to so much of the said bridge as then remains  
15 uncompleted.

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2nd Session, 9th Parliament, 2 Edward VII., 1902

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THE SENATE OF CANADA.

BILL.

X

An Act respecting the Montreal Bridge  
Company.

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Received and read a first time Tuesday,  
April 15, 1902.  
Second reading, Friday, April 18, 1902.

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Honourable Mr. McSWEENY.

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OTTAWA  
Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

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THE SENATE OF CANADA.

Y.]

**BILL.**

[1902.

An Act to incorporate the Union Life Assurance Company.

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

1. Harry Symons, K.C., Hardy Pollman Evans, both of the Incorpora-  
city of Toronto; Charles Percy, of the city of Montreal; tion.  
Lieutenant-Colonel G. E. Allen Jones, A. E. Vallerand, both  
10 of the city of Quebec; Franklin George Hughes, L.D.S., of  
the town of Galt, Ontario; and George Ernest Millichamp,  
M.D., of the city of Toronto, together with such persons as  
become members of and shareholders in the company, are incor-  
porated under the name of "The Union Life Assurance Com- Corporate  
15 pany," hereinafter called "the Company." name.

2. The persons named in section 1 of this Act, together Provisional  
with such persons, not exceeding six, as they associate with directors.  
them, shall be the provisional directors of the Company, a  
majority of whom shall be a quorum for the transaction of  
20 business, and they may forthwith open stock books, procure Powers.  
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  
25 on account of the Company, and shall withdraw the same for  
the purposes only of the Company, and may do generally what  
is necessary to organize the Company.

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

30 4. As soon as two hundred and fifty thousand dollars of Election of  
the capital stock have been subscribed and ten per cent of directors.  
that amount paid into some chartered bank in Canada, the  
provisional directors shall call a general meeting of the share-  
holders of the Company at some place to be named in the  
35 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-five directors, of whom a majority shall be a quorum.
- Qualification. 2. No person shall be a director unless he holds in his own name and for his own use at least twenty-five shares of the capital stock of the Company, and has paid all calls due thereon and all liabilities incurred by him to the Company. 5
- Payment for shares. 5. 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 Company shall not commence the business of insurance until sixty-two thousand five hundred dollars of capital stock have been paid in cash into the funds of the Company, to be appropriated only for the purposes of the Company under this Act: provided further, that the amount so paid in by any shareholder shall not be less than ten per cent upon the amount subscribed by such shareholder. 10 15
- When business may be commenced.
- Increase of capital. 6. The directors may, after the whole capital stock has been subscribed and the whole has been 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 a majority of the shareholders representing at least two-thirds in value of the subscribed stock of the Company present at a special general meeting of the shareholders duly called for the purpose of considering such by-law. 20 25 30
- Head office. 7. 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 the Company, from time to time, determines by by-law.
- Branches. 2. The directors may, from time to time, establish branches, sub-boards or agencies either within Canada or elsewhere as they deem expedient. 35
- Annual general meeting. 8. A general meeting of the Company shall be called once in each year after the organization of the Company and commencement of business, at its head office, and at such meeting a statement of the affairs of the Company shall be submitted. 40
- Business of Company. 9. The Company may effect contracts of life insurance with any person, and may grant, sell or purchase annuities, grant endowments, and generally carry on the business of life insurance in all its branches and forms. 45
- Real property. 10. 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. 50

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

15 12. All persons who are actual holders of policies from the Participating  
policy-hold-  
ers.  
 Company 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  
 20 policies, shall be members of the Company and 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  
 25 his policy.

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

13. Whenever any holder of a policy other than a term or Paid-up  
policies.  
 30 natural premium policy has paid three or more annual pre-  
 miums thereon and fails to pay any further premium, or desires  
 to surrender the policy, the premiums paid shall not be for-  
 feited, but he shall be entitled to receive a paid-up and com-  
 muted policy for such sum as the directors ascertain and  
 35 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 pay-  
 40 ment is not demanded while such original policy is in force,  
 or within twelve months after default has been made in pay-  
 ment of a premium thereon, the Company shall, without any  
 demand therefor, either issue such paid-up and commuted  
 policy, or pay to, or place to the credit of, the policy-holder  
 45 such cash surrender value.

14. Notwithstanding anything contained therein, *The Com-* R.S.C., c. 118.  
*panies Clauses Act*, except sections 18 and 39 thereof, shall  
 apply to the Company in so far as the said Act is not incon-  
 50 sistent with any of the provisions of *The Insurance Act* or of R.S.C., c. 124.  
 this Act.

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2nd Session, 9th Parliament, 2 Edward VII., 1902

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THE SENATE OF CANADA.

BILL

Y

An Act to incorporate the Union Life  
Assurance Company.

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Received and read a first time, Thursday,  
April 17, 1902.  
Second reading, Friday, April 18, 1902.

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Honourable MR. LANDERKIN.

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OTTAWA  
Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

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# THE SENATE OF CANADA.

Z.]

## BILL.

[1902.

### An Act to amend the Naturalization Act.

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

Preamble.

1. For the purposes of *The Naturalization Act*, chapter 113 of the Revised Statutes, and of this Act, the clerk of the peace of any county in Ontario shall be deemed to be the "clerk" of the General Sessions of the Peace of that county, and the prothonotary of the Supreme Court of Nova Scotia for any county shall be deemed to be the "clerk" of that court in relation to matters arising in or dealt with in that county.
2. The clerk of every court which, by or under *The Naturalization Act*, is required to grant such certificates shall, on or before the fifteenth days of January and July in each and every year, make a return to the Secretary of State of Canada of all persons to whom certificates of naturalization or of readmission to British nationality have been granted by such court, or who have taken the oath and been granted the certificates referred to in sections 41 and 42 of the said Act for the half years ending respectively with the thirty-first day of December and the thirtieth day of June next preceding the date of such returns.
3. Such returns shall set forth with respect to each such person his name, residence and addition, and his former residence and nationality, the nature of the certificate granted or oath taken, the date when and the place where the same were granted or taken, and any other particulars which the Governor in Council may require, and shall be accompanied by certified copies of each certificate granted during the half year.
4. The clerk of every such court, and every officer or person who is the legal custodian of the records of any certificates of naturalization or of readmission to British nationality heretofore granted under any Act of the Parliament of Canada, shall, as soon as possible after the passing of this Act, and not later than the first day of January nineteen hundred and three, make a return to the Secretary of State of Canada setting forth with respect to each such certificate the name, residence and addition, and former residence and nationality, as shown by such records, of the person to whom it was granted, the nature of the certificate, its place and date of issue, and the name of the court by which it was granted.

R.S.C., c. 113, ss. 11, 36, 42. Clerk of certain courts defined

Returns to be made by clerks of Courts, as to future naturalizations, etc.

Contents of such returns.

Returns to be made by clerks of courts and legal custodians of records, as to naturalizations, etc., in the past.

Contents.

- Secretary of State to record returns.      5. All returns made pursuant to this Act and all copies of certificates received with any such returns shall remain of record in the Department of the Secretary of State, and there shall be prepared and kept in that Department two alphabetical lists of the persons appearing from such returns, and from the records of proceedings under section 14 of the said Act, to have been naturalized or readmitted to British nationality, which lists shall set forth in tabulated form all the particulars required to be given in such returns. 5
- Alphabetical lists.
- Statistics.
- Past and future naturalizations to be kept distinct.      2. One of such lists shall contain the names of persons heretofore and the other those of persons hereafter naturalized or readmitted to British nationality. 10
- Search.      6. Any person shall be entitled during the usual office hours of the said Department, and upon payment of such fees as may be prescribed by the Governor in Council, to have a search made of such lists and of the returns and copies of certificates of record under this Act, and the Secretary of State, upon request, and upon payment of such fees as are so prescribed, shall issue certificates as to the details shown by such lists or such return with respect to any person whose name appears therein as having been naturalized or readmitted to British nationality, and furnish certified copies of or extracts from any matter of record in the Department under this Act. 15
- Fees.
- Certificates.      20
- Certified copies, etc.
- Penalty for default to make returns.      7. Any person who refuses or neglects to make any return required of him by this Act within the time limited therefor is guilty of an offence and liable upon summary conviction to a penalty of fifty dollars. 25

## THE SENATE OF CANADA

BILL.

Z

An Act to amend the Naturalization Act.

Received and read a first time, The  
 April 22, 1902.  
 Second reading, Thursday, April 24,

HONOURABLE MR. SOO

OTTAWA

159  
THE SENATE OF CANADA.

AA.]

**BILL.**

[1902.

An Act to incorporate the Maritime Stock Breeders' Association.

**W**HEREAS the voluntary association now existing under Preamble.  
the name of "The Maritime Stock Breeders' Association" has, by its petition, prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the  
5 said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. E. B. Elderkin, of Amherst, Nova Scotia, President of Incorpora-  
the said voluntary association, Colin Campbell, of Apohaqui, tion.  
10 New Brunswick, C. A. Archibald, of Truro, Nova Scotia, J. W. Callbeck, of Augustine Cove, Prince Edward Island, Vice Presidents thereof, W. W. Hubbard, of St. John, New Brunswick, Secretary-Treasurer thereof, M. H. Parlee, of Sussex, New Brunswick, Bliss Fawcett, of Sackville, New Brunswick,  
15 Jno. F. Frost, of Hampton, New Brunswick, Jno. Richards, of Bideford, Prince Edward Island, F. L. Haszard, of Charlottetown, Prince Edward Island, J. C. Irving, of Cherry Valley, Prince Edward Island, Fred. S. Black, of Amherst, Nova Scotia, W. W. Black, of Amherst, Nova Scotia, F. L. Fuller,  
20 of Truro, Nova Scotia, members thereof, R. Robertson, of Nappan, Nova Scotia, J. R. Starr, of Starr's Point, Nova Scotia, auditors thereof, together with such persons as become members of the association, are hereby incorporated under the  
25 name of "The Maritime Stock Breeders' Association," herein- Corporate name.  
after called "the association."

2. The objects and powers of the association shall be— Objects and powers.  
(a.) to improve the class of live stock bred in the Maritime Provinces;  
(b.) to develop better markets for live stock and live stock  
30 products;  
(c.) to hold live stock exhibitions;  
(d.) to disseminate information regarding live stock, by means of lectures at exhibitions and in such other places as the executive committee determines;  
35 (e.) to hold auction sales of pure-bred live stock;  
(f.) to take such action as the executive committee deems advisable in all matters relating to live stock interests.

Constitution and by-laws.

Officers.

Property vested.

3. The constitution and by-laws of the association now in force shall continue to be the constitution and by-laws of the association until they are altered or repealed as provided therein ; and the present officers of the association shall be the officers of the association until their successors are elected in the manner prescribed by the said constitution and by-laws. 5

4. All property now belonging to the association is hereby vested in the association.

2nd Session, 9th Parliament, 2 Edward VII., 1902

THE SENATE OF CANADA.

BILL.

AA

An Act to incorporate the Maritime Stock Breeders' Association.

Received and read a first time Friday, April 25, 1902.  
Second reading, Tuesday, April 29, 1902.

Honourable Mr. SCOTT.

OTTAWA

Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

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THE SENATE OF CANADA.

BB]

**BILL.**

[1902.

An Act to amend the Bank Act.

**H**IS 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 Bank Act Amendment Act*, 1902.

Short title.

2. Section 50 of *The Bank Act* is amended by prefixing thereto the following subsection:—

1890, c. 31,  
s. 50 amended.

“1a. The bank shall at all times hold cash reserves, consisting of specie and Dominion notes, to an amount aggregating not less than ten per cent of its liabilities to the public.”

Amount of  
cash reserves  
to be held.

“And every bank holding at any time a less cash reserve in specie and Dominion notes than is prescribed by this subsection shall incur a penalty equal to the interest for the period of default on the amount of the deficiency at the rate of six per cent per annum.”

Penalty for  
default.

“The Minister of Finance and Receiver General shall cause to be published monthly a statement of such reserves and percentages, showing in the case of each bank the excess or deficiency in the amount of the reserve so held.”

Monthly  
statement of  
cash reserves.

3. Section 51 of *The Bank Act* is amended by inserting after the first subsection thereof the following subsections to be known as subsection 1b and 1c:—

1890, c. 31,  
s. 51 amend ed

“1b. Notwithstanding anything contained in this Act, the bank may issue notes in excess of the amount of its unimpaired paid-up capital, provided that such excess is covered by a deposit of gold or legal tender notes equal to the amount of such excessive issue made with the Minister of Finance and Receiver General prior to such excessive issue, and the gold or legal tender notes so deposited shall be available by the Minister of Finance and Receiver General for the redemption of notes issued in excess as aforesaid in the event of the suspension of the said bank.”

Further  
provisions as  
to note issue.

Deposit in  
gold or legal  
tender to  
cover excess.

“Any such deposit or deposits may at any time be added to or may be wholly or partially withdrawn and may again be deposited from time to time as the bank may see fit, provided always that the amount left on deposit shall not be less than the amount of the notes issued by the bank in excess of its unimpaired paid-up capital and then outstanding.”

Withdrawal  
and renewal  
of deposit.

Where deposits and withdrawals may be made.

"Such deposit of gold or legal tender notes may be made by the bank at any of the several offices of the Minister of Finance and Receiver General at which Dominion notes are redeemable in the cities of Toronto, Montreal, Halifax, St. John, N.B., Winnipeg, Charlottetown and Victoria, or at any other office established by the Minister of Finance and Receiver General and designated by him for this purpose. And withdrawals shall be made at such place and in such manner as the Minister of Finance and Receiver General shall, upon application to him, direct.

Guarantee fund, how calculated.

"1c. The yearly average of the deposits of gold or legal tender notes so made, pursuant to the provisions of the preceding subsection, shall be deducted from the average amount of notes in circulation during the same period, and the guarantee fund provided for by section 54 of *The Bank Act* shall be a sum of money equal to five per cent on such difference in lieu of five per cent of the average notes in circulation as provided in said section 54."

Section 51 further amended.

4. Section 51 of *The Bank Act* is further amended by inserting after the second subsection thereof the following subsections to be known as 2b, 2c, 2d and 2e:—

Abstract to be made of outstanding note issues.

"2b. At the close of each year, and within the first fifteen days of the succeeding year, an abstract of each issue of bank notes theretofore made by the bank and then-outstanding or partially outstanding, shall be furnished by the bank to the Minister of Finance and Receiver General. Such abstract shall distinguish each issue separately, and in regard to each issue shall disclose the following particulars:

Particulars.

"(i.) The total number and value of the notes printed.

"(ii.) The number and value of the notes on hand at the date of the return.

"(iii.) The number and value of the notes redeemed and destroyed as shown by the certificates of the directors.

1890, c. 31, s. 85 to apply.

"The provisions of section 85 of *The Bank Act* as to manner of authentication and as to penalties for neglect to make up and send in returns, shall apply to the return directed by this subsection.

Issue to be cancelled if particulars are not given or are wrong.

"2c. In the event of any bank failing with respect to any issue to give or to establish the correctness of the particulars prescribed by the preceding subsection, the Minister of Finance and Receiver General is empowered and directed to require the bank forthwith to call in and cancel such issue, and such issue shall thereupon be called in and cancelled by the bank.

Penalty for continuance to pay out cancelled issue.

"2d. In case the bank continues to pay out notes of such issue after the expiration of ninety days from the date of the notice from the Minister of Finance and Receiver General, requiring that the issue be called in and cancelled, it shall incur a penalty of one hundred dollars per day for each day during which such default continues.

Penalty for adoption records or returns.

"2e. In case it should appear to the satisfaction of the Treasury Board with respect to any such issue or issues of notes, that the records of the bank have been kept or the return prescribed by this section made with intent to deceive the Government or the public as to the correct amount of the bank's notes outstanding, computed according to this Act, the bank shall incur in every such case a penalty of ten thousand

dollars, and in addition every director or officer who makes or signs such return shall, thereupon, without any further act, be disqualified from thereafter at any time making or signing either by himself or through others the returns prescribed by *The Bank Act*.”

Disqualification of directors and officers concerned.

5. Section 51 of *The Bank Act* is further amended by inserting after the third subsection thereof the following subsection to be known as subsection 3b :—

Section 51 further amended.

“3b. The value or amount of the notes of the bank in circulation at any time shall be ascertained and determined by deducting from the total value or amount of the notes printed by the bank, the value or amount of such notes on hand, and the value or amount of the notes redeemed by the bank and destroyed, of which destruction evidence shall be furnished to the satisfaction of the Minister of Finance and Receiver General. The difference so ascertained shall, for all the purposes of this Act, be conclusively deemed to be the value or amount of the notes of the bank in circulation.”

Mode of ascertaining amount of notes in circulation.

6. There shall be established as a branch of the Department of Finance a Bureau of Bank Inspection, under a comptroller whose duty it shall be to verify the statements or returns required from chartered banks, by inspection of the head office of each bank and of the branches when deemed necessary. He shall be supplied with such assistance as may be requisite, and the expenses of the maintenance of such bureau shall be borne and paid by the chartered banks, and shall be assessed upon them by the Minister of Finance in proportion to the assets of each.

Bureau of Bank Inspection established.

Duties.

Expenses, how borne.

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2nd Session, 9th Parliament, 2 Edward VII., 1902

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THE SENATE OF CANADA.

BILL.

BB

An Act to amend the Bank Act.

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Received and read a first time, Monday,  
April 28, 1902.  
Second reading, Wednesday, April 30,  
1902.

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Honourable Mr. ELLIS.

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OTTAWA  
Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902

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THE SENATE OF CANADA.

CC.]

**BILL.**

[1902.

An Act respecting the Royal Marine Insurance Company.

**W**HEREAS the Royal Marine Insurance Company, incorporated by Chapter 118 of the Statutes of 1900, owing to unavoidable difficulties incident to the perfecting of the financial and other arrangements for the organization and carrying on of the business for which the Company was incorporated, has been unable to complete its organization and commence active operations; and whereas the provisional directors of the said Company have by their petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the consent and advice of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

1900, c. 118.

**1.** The time limited for the commencement of actual operations is hereby extended for a period of six months, from the passing of the present Act.

Time for commencement of operations extended.

**2.** Section 14 of Chapter 118 of the Statutes of 1900 is hereby repealed.

Present limit of time repealed.

THE SENATE OF CANADA.

BILL.

CC

An Act respecting the Royal Marine  
Insurance Company.

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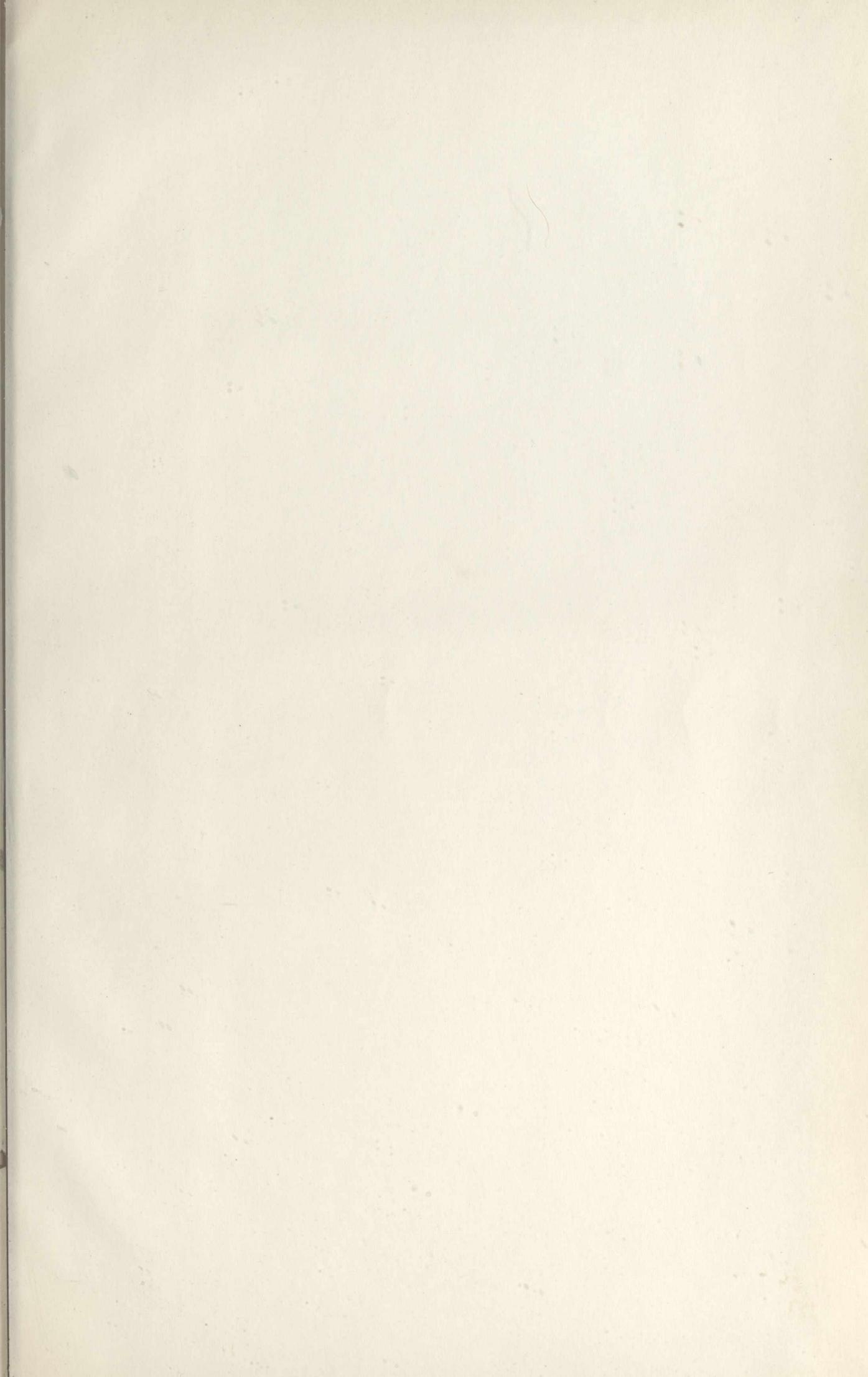
Received and read a first time, Wednes-  
day, May 7, 1902.  
Second reading, Wednesday, May 7, 1902.

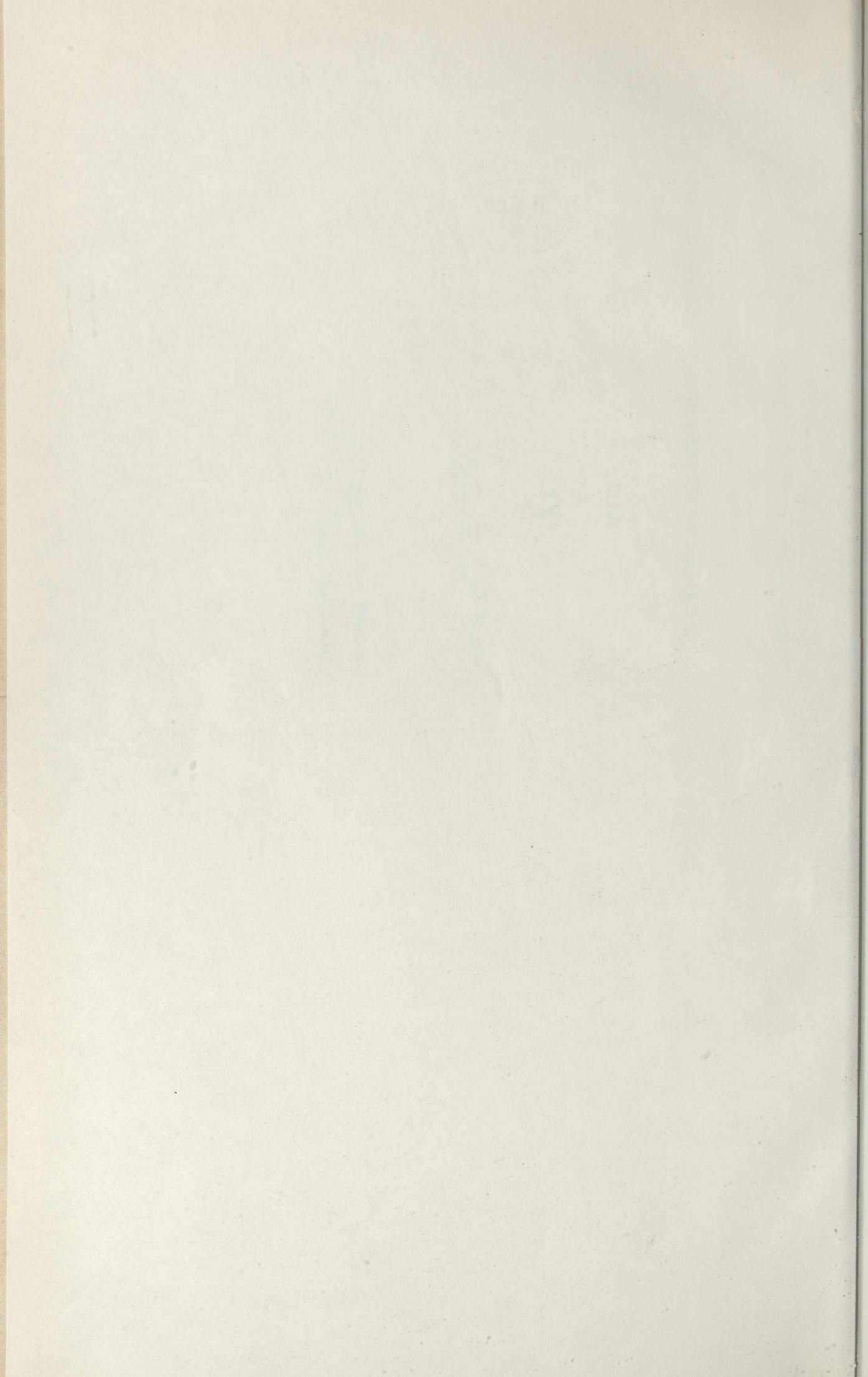
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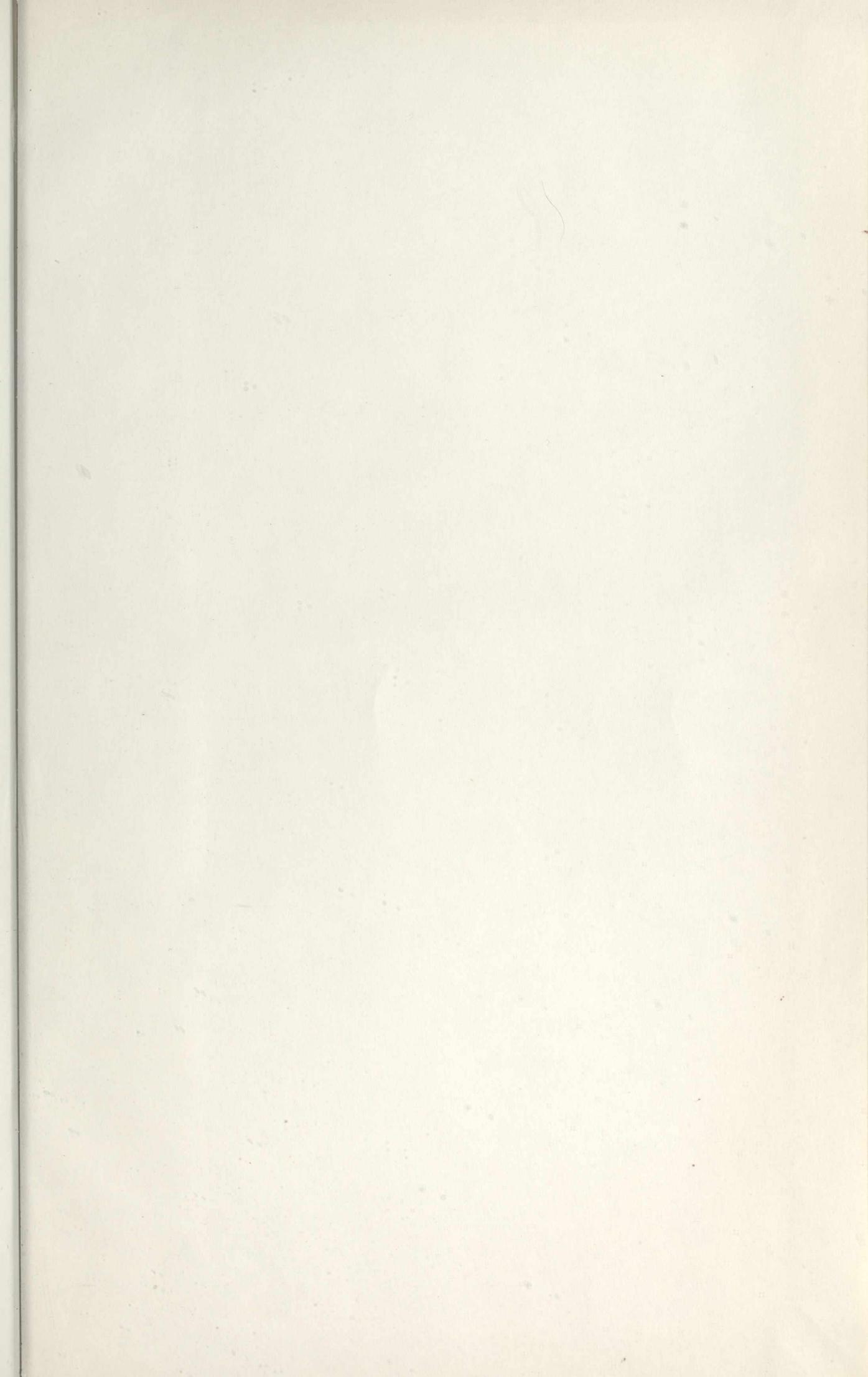
Honourable Mr. BÉRIQUE.

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OTTAWA  
Printed by S. E. DAWSON  
Printer to the King's most Excellent Majesty  
1902







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