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No. 2.] **BILL.** [1896.

An Act further to secure the safety of railway employees and passengers.

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

Cars fitted with air-brakes to be provided with certain device

1. All cars fitted with air-brakes shall, within one year from the passing of this Act, be provided with an automatic device in the hose-coupling of such air-brakes, or in the train pipes, so arranged that, after the cars are coupled, the connection between such brakes and the air pump on the locomotive cannot be broken, or the coupling deranged, accidentally or otherwise, without the knowledge of the engineer.

Attachments for box freight cars built in Canada.

2. All box freight cars built in Canada, for use on Canadian railways, shall, after the passing of this Act, be of a uniform standard height, to be approved by the Minister of Railways and Canals, and shall be provided with the following attachments for the security of railway employees :—

(*a.*) Automatic extension running boards, making a safe pathway from car to car ;

(*b.*) A continuous rail, at a uniform and convenient height, with sufficient and firm supports along one side of each running board, the whole length of the car ;

(*c.*) Outside ladders, on opposite sides ~~of the~~ ends of each car, projecting below the frame of the car and with one step or rung of the ladder below such frame, such ladders to be placed close to the end ~~of the~~ side to which they are attached ;

(*d.*) Arched iron rails, extending from the top of each ladder to a sufficient and firm support, placed at the side of the running board, and so arranged as to assist persons climbing on to the roof by means of such ladders.

Approval of Minister.

2. All such attachments shall be subject to the approval of the Minister of Railways and Canals.

As to cars already built.

3. Every such car already built, which is the property of Canadian railways for use in Canada, shall, within two years after the passing of this Act, be fitted with the foregoing attachments.

Penalty

4. The penalty for building such cars not fitted in accordance with the provisions of this Act after the date herein mentioned, shall be twenty-five dollars for each car.

Penalty.

5. The penalty for using any such car not fitted or handled in accordance with the provisions of this Act after the date

herein provided shall be five dollars a day for every day or trip lasting less than a day, during which it is so used.

Minister to prosecute.

6. The Minister of Railways and Canals shall proceed against any railway company or car builder handling, using or building such cars contrary to the provisions of this Act, on the information of any credible person.

Position of cars in train.

7. When cars fitted with automatic couplings are made up in a train with cars not so fitted, the cars with automatic couplings shall be coupled together, and those not so fitted shall be coupled together, so that there shall be only one coupling in the train between cars with automatic couplings and those without them.

2. When cars fitted with air-brakes are made up in a train with cars not so fitted, the cars with air-brakes shall be placed next to the locomotive, and the air-brakes shall be coupled and used in braking such cars.

3. When flat cars are made up in a train with other cars, the flat cars shall be coupled together.

Pay for overtime.

8. Every railway employee, whether employed on trains or locomotives, or in or about the offices or stations of any railway company, and whether paid by the trip, day, mile, hour, or otherwise, shall be entitled to extra pay for overtime, *pro rata* of his ordinary pay, for every hour or part of an hour beyond ten hours (or whatever less number of hours may be agreed upon between the company and such employee as the schedule time of his duties) during which he is delayed or kept on duty by accident, stress of weather, orders from his superior, or any other cause not arising from his own carelessness or neglect of duty.

Hours of labour of yardmen, &c.

9. Every yardman and other person employed about a station or shunting yard, or on a shunting engine, shall be allowed one hour for a meal between noon and two o'clock in the afternoon, and one hour between midnight and two o'clock in the morning, unless different hours have been agreed upon by schedule between the company and its employees.

Compensation if employee is injured.

10. Every employee of a railway company injured while in the discharge of his duty shall, for every day during which he is thereby unfitted for duty, be entitled to compensation from the railway company at the rate of not less than sixty per cent of the current rate of wages for men similarly employed by the company, at the time the injury occurs, to be paid for not more than fifty-two weeks.

If permanently disabled.

2. Every such employee permanently disabled while in the discharge of his duty, shall be entitled to compensation from the railway company to the amount of not less than three thousand dollars.

If killed.

3. The legal representatives of every employee who is killed, or who dies from injuries received, while in the discharge of his duty, shall be entitled to compensation from the railway company to the amount of not less than three thousand dollars.

Other recourse not affected.

4. The foregoing provisions as to compensation and extra pay for overtime shall be without prejudice to any further

damages which a court of law may adjudge to any such employee or his legal representatives as against any railway company, and shall not be capable of being renounced or given up by such employee by any agreement or contract with the railway company, for value or otherwise, or of being made void by any rules or regulations of the railway company.

Right to damages cannot be renounced.

5. The certificate of two duly qualified disinterested physicians shall be sufficient to prove permanent disability; and the certificate of the attending physician shall be sufficient to prove unfitness for duty, for a period not exceeding ten weeks, after which time a monthly certificate of two disinterested physicians shall be required: Provided that, in any case, the certificate of a physician named by the company shall be sufficient.

Medical certificates.

6. The foregoing provisions as to compensation shall be void in the case of any employee whose injury, disablement or death is caused by his own negligence,—the burden of proof of such negligence being upon the railway company; but if such injury, disablement or death occurs in the handling or use of trains, locomotives, cars or appliances which are out of repair, or insufficient, or not in accordance with the provisions of this Act, or if the provisions of section eleven of this Act have not been complied with, the railway company shall not be allowed to plead contributory negligence on the part of the employee so injured, disabled or killed.

Contributory negligence.

11. Every railway company shall at all times employ a sufficient number of telegraph operators, train men, section men, and other employees and workmen to safely carry on its business, and to keep its bridges, track, roadway, rolling stock and plant in good condition.

Number of employees to be sufficient to ensure safety.

2. If it fails to do so, it shall be held responsible for all injury to life, person, or property in connection with its operations.

Penalty.

No. 2.

6th Session, 7th Parliament, 59 Victoria, 1896

BILL.

An Act further to secure the safety of railway employees and passengers.

Received and read a first time, Tuesday, 7th January, 1895.
Second reading, Wednesday, 8th January, 1895.

Mr. CASEY.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1896

No. 3.] **BILL.** [1896.

An Act concerning drainage on the property of railway companies.

Preamble.

WHEREAS it is expedient that municipalities and land owners should have ample facilities for drainage on and across the lands of railway companies within the legislative authority of the Parliament of Canada; and whereas legislation concerning watercourses and drainage is within the jurisdiction of the legislatures of the provinces; and whereas doubts have arisen as to whether railway companies within the legislative authority of the Parliament of Canada are subject to such provincial legislation: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows:—

Application of provincial laws as to drainage, &c

1. Notwithstanding anything in any Act of the Parliament of Canada contained, every railway company within the legislative authority of the said Parliament is hereby declared to be subject, with respect to all lands, whether covered by road-bed or not, owned, occupied or used by it in any province, to all Acts of such province concerning drainage and watercourses as applied to railways.

No 3.

6th Session, 7th Parliament, 59 Victoria, 1896

BILL.

An Act concerning drainage on the property of railway companies.

Received and read a first time, Tuesday, 7th January, 1896.
Second reading, Wednesday, 8th January, 1896.

Mr. Casey.

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's most Excellent Majesty
1896

No. 4.] **BILL.** [1896.

An Act respecting the liability of Her Majesty and public companies for labour used in the construction of public works.

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

Liability of Her Majesty for wages due by contractor for public work.

1. In case any contractor with Her Majesty, or any sub-contractor in the construction of any public work let under contract by Her Majesty, makes default in the payment of the wages or labour done by any foreman, workman, labourer, or team employed on such work, providing a claim therefor is filed in the office of the Minister entering into such contract on behalf of Her Majesty, not later than three months after the same becomes due, and satisfactory proof thereof is furnished, Her Majesty shall become liable for the payment of such claim to the extent of the amount of all moneys or securities in the hands of Her Majesty for securing the performance of the contract at the time of the filing of the said claim.

List to be filed by contractor.

2. Her Majesty may demand that each contractor or sub-contractor shall, not later than the fifteenth day of each month, file in the office of the said Minister, a list showing the names, rate of wages, amounts paid and amounts due and unpaid for wages or labour done by any foreman, workman, labourer or team employed by him during the previous month, and attested upon the oath or statutory declaration of such contractor or sub-contractor, or his authorized agent.

Penalty for not filing list.

3. Every contractor or sub-contractor who, having received such demand, makes default in forwarding such list in accordance with the provisions of the next preceding section, shall incur a penalty not exceeding fifty dollars and not less than ten dollars, for every day during which such default continues; and the amount of such penalty shall be deducted out of the moneys in the hands of Her Majesty, deposited by or owing to such contractor, and shall become vested in Her Majesty.

Certain companies liable for wages due by contractor for their works.

4. Every company incorporated by or receiving a cash subsidy from the parliament of Canada, shall be liable for the payment of the wages or labour done by any foreman, workman, labourer or team employed by any contractor with the company, or by any sub-contractor, in the construction of the works of the company, provided that a notice stating the

claim in detail for such wages or labour is served upon the company not later than three months after payment is due, and that such notice is followed up by the commencement of a suit in any court of competent jurisdiction for the collection thereof, within thirty days after the service of such notice.

Service of notice.

5. The notice mentioned in the next preceding section, and any summons, notice, order, or other process required to be served upon the company for the prosecution of such suit, may be served on the president, vice-president, secretary, managing director, superintendant, or engineer, or any recognized officer representing the company, or by leaving it with any adult person at the office or domicile of any of them.

Lien on subsidy.

6. Her Majesty may retain the whole or a sufficient portion of any subsidy granted to any company, until all claims mentioned in the fourth section of this Act, for wages or labour, are fully paid or satisfied; and in the event of any claim for wages or labour remaining thirty days unpaid after Her Majesty has received notice thereof, Her Majesty may, on sufficient proof that such claim is due and unpaid, pay it, and all proper costs and charges in connection therewith, out of such subsidy.

Consolidation of actions.

7. Any number of persons having similar claims for wages or labour against any company, contractor or sub-contractor, may consolidate their claims and institute a joint action for the recovery thereof.

No. 4.

6th Session, 7th Parliament, 59 Victoria, 1896

BILL.

An Act respecting the liability of Her Majesty and public companies for labour used in the construction of public works.

Received and read a first time, Wednesday, January 8th, 1896.

Second reading, Thursday, January 9th, 1896.

Mr. McLENNAN.

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's most Excellent Majesty
1896

No. 4.] **BILL.** [1896.

An Act respecting the liability of Her Majesty and public companies for labour used in the construction of public works.

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

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

Payment out of securities deposited by him of wages due by contractor for public work.

1. In case any contractor with Her Majesty, or any sub-contractor in the construction of any public work let under contract by Her Majesty, makes default in the payment of the wages of any foreman, workman or labourer, employed on such work, or in the payment of any sum due by him for the labour of any such foreman, workman or labourer, or of any team employed on such work, and if a claim therefor is filed in the office of the Minister entering into such contract on behalf of Her Majesty, not later than three months after the same becomes due, and satisfactory proof thereof is furnished, Her Majesty may pay such claim to the extent of the amount of all moneys or securities in the hands of Her Majesty for securing the performance of the contract at the time of the filing of the said claim.

List to be filed by contractor.

2. Her Majesty may demand that each contractor or sub-contractor shall, not later than the fifteenth day of each month, file in the office of the said Minister, a list showing the names, rate of wages, amounts paid and amounts due and unpaid for wages or labour done by any foreman, workman, labourer or team employed by him during the previous month, and attested upon the oath or statutory declaration of such contractor or sub-contractor, or his authorized agent.

Penalty for not filing list.

3. Every contractor or sub-contractor who, having received such demand, makes default in forwarding such list in accordance with the provisions of the next preceding section, shall incur a penalty not exceeding one hundred dollars and not less than ten dollars, for every day during which such default continues; and the amount of such penalty, within the said limits, shall be determined by the Minister under whom the work is being executed, and may be deducted out of the moneys in the hands of Her Majesty, deposited by or owing to such contractor, and shall become vested in Her Majesty.

Condition of subsidy for construction of railway or works.

4. Whenever any subsidy, advance, loan or bonus of money is authorized by Parliament to be granted to any company or person towards the construction of any railway or other work, it shall, in the absence of special provision by Parliament to the contrary, be a condition of such grant that Her Majesty may retain so much of such money as the Governor in Council thinks proper, to secure the payment of claims for wages of persons employed on such railway or work, either by such company or person or by any contractor or sub-contractor, or for sums due or to become due for labour of persons or teams so employed; and in the event of any claim for such wages, or for any such sum, remaining unpaid for thirty days after notice thereof has been served upon the Minister of Railways and Canals, or such other Minister as is charged with the supervision of such railway or work, the Governor in Council may, on being satisfied that such claim is due and unpaid, direct that it be paid, together with all proper costs and charges in connection therewith, out of any moneys so retained.

Retention of part of subsidy as security for wages.

Companies hereinafter incorporated, liable for wages.

5. Every company hereafter incorporated by the Parliament of Canada shall, by virtue of accepting such incorporation, become and be liable for the payment of wages of every foreman, workman, labourer or team employed in the construction of any work in Canada done by or for the said company, whether directly under the company or through the intervention of any contractor or sub-contractor; but nothing herein shall be construed in any way to prejudice or effect the right of any such foreman, workman or labourer against any contractor or sub-contractor with whom he has contracted.

Liability of contractor not affected.

Delay for notifying company ofclaim.

6. In case any such foreman, workman or labourer is not paid his wages for himself or his team by any contractor or sub-contractor by whom he has been employed, a notice stating the name of the claimant and the amount of wages claimed shall be served upon the company not later than two months after such wages are payable; otherwise such liability shall cease.

Service of notice.

7. The notice mentioned in the next preceding section, and any summons, notice, order or other process required to be served upon the company for the prosecution of such claim, may be served upon the president, vice-president, secretary, managing director, superintendant, or engineer, or any recognized officer representing the company, or by leaving it with any adult person at the office or domicile of any of them.

No. 4.

6th Session, 7th Parliament, 59 Victoria,

BILL.

An Act respecting the liability of
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(Reprinted as amended and reported by
Select Committee to which it was referre

MR. MCLENNA

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1896

No. 5] **BILL.** [1896.

An Act to amend the Dairy Products Act, 1893.

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

1. Subsection one of section five of *The Dairy Products Act*, 1893, is hereby repealed and the following substituted therefor :— 1893, c. 37, s. 5 amended.

"**5.** No person shall sell, offer, expose or have in his possession for sale, any cheese which is the product of Canada, unless the word "Canada" and the day and month of manufacture thereof, the registered number of the factory, and the initial letter or letters of the province in which the factory is situated, are branded, stamped, or marked, in a legible and indelible manner, upon the outside of every box or package which contains such cheese, and on the cheese itself, before leaving the factory, in letters not less than three-eighths of an inch high and one-quarter of an inch wide. Country and date of production to be marked on cheese.

"(*a.*) Every manufacturer of cheese shall register with the dairy commissioner at Ottawa the location and post office address of each and every factory owned or operated by him for the manufacture of cheese, and the commissioner shall forthwith send by registered letter to the manufacturer a certificate of registration showing the number allotted by the commissioner to his factory or factories." Factories to be registered and numbered.

2. Subsection two of the said section five is hereby amended by substituting for the word "five" in the fourth line thereof the word "twenty," and for the word "two" in the fifth line thereof the word "five," and for the word "butter" in the sixth line thereof the word "cheese". Section 5 further amended.

3. This Act shall come into force on the first day of June eighteen hundred and ninety-six. Commencement of Act.

No. 5.

6th Session, 7th Parliament, 59 Victoria, 1896

BILL.

An Act to amend the Dairy Products Act, 1893.

Received and read a first time, Wednesday, 8th January, 1896.
Second reading, Thursday, 9th January, 1896.

Mr. McLennan.

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's most Excellent Majesty
1896

No. 6] **BILL.** [1896.

An Act respecting the sale of railway return-fare tickets.

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

Railway companies to sell second class return tickets.

1. Every railway company within the legislative authority of the Parliament of Canada, selling first-class return tickets from any station upon its line of railway to any other point within Canada, shall sell second-class return tickets at the same percentage of reduction as is allowed in the case of first-class return fares, upon trains carrying first and second-class passengers.

Penalty for refusal.

2. Every railway company which wilfully neglects, omits or refuses to sell second-class return tickets as hereinbefore provided is guilty of an offence and liable to a penalty for every such offence of not less than five dollars nor more than fifty dollars, recoverable under the provisions of *The Criminal Code*, 1892.

No. 6.

6th Session, 7th Parliament, 59 Victoria, 1896

BILL.

An Act respecting the sale of railway return fare tickets.

Received and read a first time, Wednesday, January 8th, 1896.
Second reading, Thursday, January 9th, 1896.

Mr. McLellan.

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's most Excellent Majesty
1896

No. 7.] **BILL.** [1896.

An Act in further amendment of the Act respecting the Senate and House of Commons.

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

Members to pay the usual railway fare.

1. No member of the Senate or of the House of Commons who, for the purpose of attending or returning from having attended the session of Parliament, travels by any railway to or from Ottawa, or any portion of such distance, either free or at any rate of fare less than that charged to the general public, shall be entitled to mileage allowance as provided by the *Act respecting the Senate and House of Commons*, chapter eleven of the Revised Statutes. R.S.C., c. 11.

Declaration for mileage.

2. Within three months after the close of such session, every member of Parliament who has been paid such mileage allowance, shall make, sign and transmit to the clerk or accountant of the house of which he is a member, a solemn declaration in the form D in the schedule to the said Act, as hereby amended, and in default of so making the said declaration he shall repay the said mileage allowance.

Before whom.

2. Such declaration may be made before any justice of the peace, notary public or commissioner for taking affidavits, and shall have the same effect as an affidavit, and shall be kept by the clerk of the Senate or the accountant of the House of Commons, as the case may be.

Form.

3. The schedule to the said Act is hereby amended by adding thereto the following form:—

"FORM D.

"I, A. B., one of the members of the Senate (or House of Commons), solemnly declare, that for the purpose of attending or returning from having attended the session of Parliament which began on the day of one thousand eight hundred and , I did not travel by any railway to or from Ottawa, or any portion of such distance, either free, or at any rate of fare less than that charged to the general public."

No. 7.

6th Session, 7th Parliament, 59 Victoria, 1896

BILL.

An Act in further amendment to the Act respecting the Senate and House of Commons.

Received and read a first time, Wednesday, January 8th, 1896.
Second reading, Thursday, January 9th, 1896.

Mr. MULOCK.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1896

No. 8.] **BILL.** [1896.

An Act respecting Interest.

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

1. Section two of chapter one hundred and twenty seven of the Revised Statutes, intituled *An Act respecting Interest*, is hereby repealed and the following substituted therefor:— R.S.C., c. 127, s. 2 amended.

"**2.** Whenever interest is payable by the agreement of parties or by law, and no rate is fixed by such agreement or by law, the rate of interest shall be four per cent per annum." Four per cent to be the rate, if no other is fixed.

No. 8.

6th Session, 7th Parliament, 59 Victoria, 1896

BILL.

An Act respecting Interest.

Received and read a first time, Wednesday, January 8th, 1896.
Second reading, Thursday, January 9th, 1896.

Mr. Mulock.

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's most Excellent Majesty
1896

No. 9.] **BILL.** [1896.

An Act better to secure the Independence of Parliament.

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

No person to accept an office of emolument under Government while he is a member or within a year after dissolution.

1. Except as provided by chapter eleven of the Revised Statutes, intituled *An Act respecting the Senate and House of Commons*, no person shall be eligible to be appointed to any office, commission or employment, permanent or temporary, in the service of the Government of Canada, at the nomination of the Crown, or at the nomination of any of the members or officers of the Government of Canada, to which any salary, fee, wages, allowance, emolument or profit of any kind is attached, while he is a member of the House of Commons or until at least one year has elapsed since the dissolution of the parliament of which he was a member.

No. 9.

6th Session, 7th Parliament, 59 Victoria, 1896

BILL.

An Act better to secure the Independence of Parliament.

Received and read a first time, Thursday, 9th January, 1896.
Second reading, Friday, 10th January, 1896.

Mr. MULOCK.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1896

No. 10.] **BILL.** [1896.

An Act further to amend the Act respecting the Adulteration of Food, Drugs and Agricultural Fertilizers.

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

Manufacture and sale of certain substitutes for honey prohibited.

1. No imitation of honey, or "sugar honey" so called, or other substitute for honey manufactured or produced from cane sugar or from any other substances other than those which bees gather from natural sources, shall be manufactured or produced or offered for sale in Canada, or sold therein ; and every person who contravenes the provisions of this Act in any manner shall, on summary conviction, incur a penalty not exceeding four hundred dollars and not less than one hundred dollars, and in default of payment shall be liable to imprisonment for a term not exceeding twelve months and not less than three months : Provided that this Act shall not be interpreted or construed to prevent the giving of sugar in any form to bees, to be consumed by them as food.

Penalty.

Proviso.

R.S.C., c. 107.

2. Section six to thirty, both inclusive, of *The Adulteration Act* shall, so far as they are applicable, be held to apply to this Act in the same way as if the adulteration of honey were especially mentioned therein.

No. 10.

6th Session, 7th Parliament, 59 Victoria, 1896

BILL.

An Act further to amend the Act respecting the Adulteration of Food, Drugs and Agricultural Fertilizers.

Received and read a first time, Thursday, 9th January, 1896.
Second reading, Friday, 10th January, 1896.

Mr. Sproule.

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's most Excellent Majesty
1896

No. 10.] **BILL.** [1896.

An Act further to amend the Act respecting the Adulteration of Food, Drugs and Agricultural Fertilizers.

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

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

1. *The Adulteration Act*, chapter one hundred and seven of the Revised Statutes, is hereby amended by adding the following section thereto immediately after section twenty-one :— R.S.C., c. 107 amended.

"**21A.** The feeding to bees of sugar, glucose or any other sweet substance other than such as bees gather from natural sources with the intent that such substance shall be used by bees in the making of honey, or the exposing of any such substance with the said intent, shall be and be deemed a wilful adulteration of honey within the meaning of this Act ; and no honey made by bees in whole or in part from any of such substances, and no imitation of honey, or sugar honey, so called, or other substitute for honey shall be manufactured or produced or sold or offered for sale in Canada : Provided that this section shall not be interpreted or construed to prevent the giving of sugar in any form to bees, to be consumed by them as food." As to honey.

No. 10.

6th Session, 7th Parliament, 59 Victoria, 1896

BILL.

An Act further to amend the Act respecting the Adulteration of Food, Drugs and Agricultural Fertilizers.

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

MR. SPROULE.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1896

No. 11.] **BILL.** [1896.

An Act respecting Detective Corporations and Mercantile Agencies.

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

DETECTIVE ASSOCIATIONS.

Certificate of association.

1. Whenever any number of persons associate themselves together for the purpose of carrying on the detective or secret service business for pay, they shall make a certificate in writing subscribed and verified by the oaths or affirmations of all the members thereof, showing the full name and place of residence of each, the name and style by which such association shall be called, and the name of the place where their principal office shall be located, which certificate shall be filed in the office of the Secretary of State of Canada, to be by him preserved and recorded in his office in the manner hereinafter provided.

Filed with the Secretary of State.

Bond of members.

2. Within thirty days from the date of filing the certificate as provided in the first section of this Act, the members of such association shall execute and deliver to the Secretary of State a bond in his favour in the penal sum of ten thousand dollars, signed by all the members of such association with a number of sureties equal to two for each member of said association, which sureties shall severally justify in sums aggregating the sum of ten thousand dollars as hereinafter provided, conditioned for the faithful performance by such association of all duties of their employment as prescribed in this Act; and each member of such association shall make an oath or affirmation to be endorsed on such bond and subscribed by him before some officer authorized to administer oaths, and by him certified thereon, that he will faithfully and impartially discharge the duties of a detective as prescribed in this Act. Upon the receipt of such bond by the Secretary of State he shall file the same to be preserved in his office, and shall certify in writing to the Governor in Council that such association has complied with the law authorizing the incorporation of detective associations. Thereupon the Governor in Council may by letters patent under the Great Seal grant a charter to the association, notice of the granting of the same being given in the *Canada Gazette* in the manner set forth in *The Companies Act*.

Sureties.

Oath as detective.

Letters patent.

Justification of sureties,

3. The justification of sureties in the bond required by section two of this Act shall be an oath or affirmation endorsed

on such bond to the effect that each of said sureties is a citizen of the Dominion of Canada, and is worth at least the sum in which he justifies, over and above all debts and liabilities by him owing, which oaths or affirmations shall be subscribed by the sureties, and taken before and certified to by some officer authorized to administer oaths.

Powers of association.

4. When any detective association shall be incorporated under the provisions of the three preceding sections of this Act the members of such associations are authorized to engage in the secret service or detective business through and in the name of such association, and shall be deemed a body corporate limited, and they may sue and be sued, plead and be impleaded in all courts of law and equity in and by their corporate name, and may have a corporate seal, and may acquire and hold such property as they may deem expedient or necessary for the uses and purposes of their employment as defined in this Act, and may employ any number of persons to assist them, but it shall be the duty of such association to deliver to every person employed by them a certificate showing the date of their employment, the name of the association, and the time for which such person is employed, which certificate shall be signed by the president and attested by the secretary of such association: Provided however, that whenever any person shall be admitted to such association as a member and not as an employee, such association shall file a new certificate and bond in the office of the Secretary of State, and at the expiration of every five years from the date of the last certificate issued by such association they shall make and file in the office of the Secretary of State a new bond and certificate, and in either case each new certificate and bond shall be in all respects the same as that required by the first three sections of this Act, and shall be verified and recorded in the same manner

Certificate to employees.

Proviso as to new members.

New bond and certificate every five years.

Duty of members and employees.

5. It shall be the duty of the members and employees of every detective association incorporated under the provisions of this Act, to preserve inviolate all secrets of state which may come to their knowledge, and all secrets confided to them or learned by them in the course of their employment, unless required in the interests of justice to divulge the same, to aid in preventing crime, in the pursuit, identification, arrest and conviction of offenders and fugitives from justice, and to report to the president any information of threatened treason or rebellion against the State which may come to their knowledge, which president shall convey such information to the Governor General of Canada.

Liability of members and employees.

6. The members of every detective association incorporated under the provisions of this Act, and their surieties shall be liable on the bond of the association in damages to the party injured for information which is damaging, if incorrect, for loss of or damages to any money, property or thing of value which may come into their possession, or the possession of their employees, in the course of their employment, if such loss or damage is caused by the negligence or misconduct of any member or employee of such association, which damages may be recovered in any court of competent jurisdiction: Provided

that such association may have a lien on any stolen money or property recovered by them, for the amount of the reward publicly offered or agreed in writing to be paid, and may refuse to deliver such money or property to the person offering such reward until payment of the same be made.

Proviso: as to lien on property, &c., recovered.

7. Any detective association incorporated under the provisions of this Act may be dissolved by two-thirds of the living members thereof making and filing in the office of the Secretary of State a certificate declaring it their intention to dissolve such corporation at a time to be named in such certificate, which time shall not be less than forty days after the publication of such certificate in the manner hereinafter provided; such certificate shall be subscribed and verified by the oaths or affirmations of two-thirds of the living members of such ssociation, and published for four consecutive weeks in the *Canada Gazette*: Provided however that a failure for more than thirty days after the association of a new member or the expiration of five years to file a new certificate and bond as provided in section four of this Act, shall work a dissolution of such corporation, and upon the dissolution by operation of law or action of the members of the association, all the property and effects of every nature belonging to the association shall descend to and be vested in the members thereof jointly.

Dissolution of association.

Voluntary.

By operation of law.

8. Any person who shall in the name of or by virtue of association with, or, employment, by any detective association incorporated under the provisions of this Act, engage in the secret service for pay, or offer to any other person his services as a detective, without having first complied with the requirements of the first three sections, or having received a certificate of employment as provided by section four of this Act, shall be deemed guilty of an edictable offence, and upon conviction thereof shall be fined in any sum not exceeding fifty dollars or imprisoned in the common goal for a term not exceeding thirty days; and any person who shall by means of such false and fraudulent pretended association with or employment by any detective asssociation, incorporated under the provisions of this Act, obtain from any other person any goods, merchandise, money, property, effects, or other thing of value, —if the property or money so fraudulently obtained be of the value of twenty-five dollars or upwards, such person so offending shall be imprisoned in the penitentiary for not more than five years,—but if the value of the property be less than twenty-five dollars, then the person so offending shall be fined in any sum not exceeding one hundred dollars or be imprisoned in the common gaol for a term not exceeding sixty days and be liable to the party injured for the damages sustained.

Penalties.

False statement as to being employees of association.

Obtaining goods &c.

MERCANTILE AGENCIES.

9. Mercantile or commercial agencies are for the purposes of this Act to be held to mean establishments which make a business of collecting information relating to the credit, character, responsibility and reputation of merchants or others for the purpose of furnishing the information to subscribers.

Definition

Powers and disabilities.

10. Mercantile or commercial agencies shall not make collections of moneys for debts or goods due or owing to other persons or companies, but shall confine their operations strictly within the definition of the purposes for which they were incorporated; and shall not as incorporated agencies engage in any other profession, trade or vocation.

Letters patent of incorporation.

11. No mercantile agency formed in Canada or in any other state or country shall directly or indirectly carry on the business of a mercantile agency in Canada without first receiving letters patent of incorporation from the Governor General in Council through the Secretary of State of Canada.

Penalty for unauthorized carrying on of business.

12. Any person, firm or company assuming or using the title of mercantile agency, or carrying on the business of a mercantile agency in Canada, without being authorized so to do by this Act or by some other Act in force in that behalf, shall be guilty of an edictable offence and shall incur a penalty not exceeding one thousand dollars.

Sections applicable to mercantile agencies.

13. The provisions contained in section one, two, three, four, five, seven and eight of this Act respecting the incorporation, bond, justification of sureties, powers of association, duty of members, dissolution and penalties in the case of detective associations, shall, *mutatis mutandis*, be applicable and shall govern mercantile agencies carrying on business as such in the Dominion of Canada, or seeking powers enabling them to commence business therein.

Schedule for information respecting persons, &c.

14. Schedules shall be prepared by or under the direction of the manager or principal officer of the mercantile agencies incorporated under the provisions of this Act, for the purpose of being filled up by or on behalf of the several persons, companies or corporations, whose property, profits and gains, and whose credit, character, responsibility and reputation, it is advisable to note or publish in the books of the agency. Sch schedules shall include and state particulars of the names, sex, rank, profession, occupation or condition, to be required of the persons to be included in such books. The schedules shall among other information include returns of property in any lands, tenements or hereditaments in Canada; and for and in respect of every annuity, pension or stipend payable by Her Majesty or out of the public revenue of Canada and for and in respect of all interest of money, annuities, dividends and shares of annuities payable by any person or persons, bodies politic or corporate companies or societies whether corporate or not corporate; and for and in respect of the annual profits or gains arising or accruing from any kind of property whatever, whether situate in Canada or elsewhere, or from any annuities, allowances or stipends, or from any profession, trade or vocation, whether the same shall be respectively exercised in Canada or elsewhere, such particulars, information and returns to be calculated to the night of a certain fixed day in every year, most suitable for the purposes of the agency; and the managers or principal officers shall in the course of the week ending on the said fixed day leave or cause to be left one or more of the schedules upon the persons afore-

Particulars to be stated.

To be left with persons with respect to whom infor-

mentioned; and upon every such schedule shall be plainly expressed that it is to be filled up by these persons, and that the agent of the agency will collect all such schedules at some time after the expiry of one week after the said fixed day; and the persons to whom the said schedules are addressed or delivered shall, if they see fit, fill up the said schedules to the best of their knowledge, and sign their names thereunto, and shall deliver the schedules whether filled up or not, or cause the same to be delivered, to the agent, when required so to do.

mation is desired.

Which persons may fill up such schedules.

15. The agents shall collect all the schedules so left within their divisions, so far as may be possible, some time after the expiry of one week after the said fixed day, and shall complete such of the schedules as upon delivery thereof to them shall appear to be defective, and correct such as they find to be erroneous—and shall copy the schedules when completed and corrected, into books to be provided them for that purpose, and shall add thereunto an account according to the best information which they shall be able to obtain of all the other persons who shall not be, but ought to be included in the schedules so collected by them.

Collection of schedules and entry in books of agency.

16. The manager or principal officer to whom such agents' books shall be delivered, shall examine the same, and shall satisfy himself that the instructions in each case have been punctually fulfilled, and if not, shall cause any defect or inaccuracy in the said books to be supplied as far as possible.

Examination of books.

17. Every manager and every agent making wilful default in any of the matters required of them respectively by this Act, or making any wilfully false declaration, shall for every such wilful default or false declaration forfeit a sum not exceeding five hundred dollars, nor less than one hundred dollars.

Penalty for default or false declaration.

18. All penalties imposed by this Act shall be recovered in a summary manner before a court of competent jurisdiction in the county or place where the offence is committed in the manner prescribed by law.

Recovery of penalties.

No. 11.

6th Session, 7th Parliament, 59 Victoria, 1896

BILL.

An Act respecting Detective Corporations and Mercantile Agencies.

Received and read a first time, Thursday, 9th January, 1896.
Second reading, Friday, 10th January, 1896.

MR. SPROULE.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1896

No. 12.] **BILL.** [1896.

An Act to amend the law relating to conspiracies and combinations formed in restraint of trade.

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

1. Paragraphs (*a*), (*c*) and (*d*), of section 520 of "The Criminal Code, 1892," are hereby repealed and the following paragraphs substituted therefor respectively:— 1892, c. 29, s. 520 amended.

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

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

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

No. 12.

6th Session, 7th Parliament, 59 Victoria, 1896

BILL.

An Act to amend the law relating to conspiracies and combinations formed in restraint of trade.

Received and read a first time, Thursday, January 9th, 1896.
Second reading, Friday, January 10th, 1896.

Mr. SPROULE.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1896

No. 13.] **BILL.** [1896.

An Act to determine the length of the working day for workmen and labourers employed on public works.

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

Working day of eight hours.

1. Eight hours shall be the length of the working day for all workmen and labourers employed, either permanently or temporarily, by the government of Canada, or by contractors or sub-contractors under or for it.

Penalty.

2. Every employee of the government and every contractor or sub-contractor, who has under him or who employs workmen or labourers on a public work, and who wilfully violates the provisions of this Act, is guilty of an indictable offence and liable to a penalty not exceeding one thousand dollars, or to imprisonment for a term not exceeding six months, or to both penalty and imprisonment, in the discretion of the court.

Exceptions.

3. This Act shall not apply to contractors or sub-contractors now having contracts with or for the government of Canada for the execution of a public work; nor shall it apply in cases of pressing emergency or of absolute necessity.

No. 13.

6th Session, 7th Parliament, 59 Victoria, 1896

BILL.

An Act to determine the length of the working day for workmen and labourers employed on public works.

Received and read a first time, Thursday January 9th, 1896.
Second reading, Friday, January 10th, 1896.

Mr. LÉPINE.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1896

No. 14.] **BILL.** [1896.

An Act further to amend the Dominion Elections Act.

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

Construction.

1. This Act shall be read and construed as if incorporated with and forming a part of *The Dominion Elections Act.*

R.S.C., c. 8, s. 88 amended.

2. Section 88 of *The Dominion Elections Act*, chapter eight of the Revised Statutes, is hereby amended by adding the following subsections thereto:—

Providing conveying of voters by railway, free or at reduced rate, illegal.

"2. The providing or furnishing conveyance or carriage by railway, fee of charge or at a reduced rate, to or from or on the way to or from the polls or the neighbourhood thereof, in going to or returning from an election, and whether passes or tickets or any token are or are not supplied, shall be an illegal act; and every candidate or other person so offending, shall forfeit the sum of $100 to any person who sues therefor.

Penalty.

Disqualification of elector providing such conveyance.

"3. Every elector who provides or furnishes or pays for the railway conveyance or carriage of voters as aforesaid, shall *ipso facto* be disqualified from voting at the election.

Disqualiffcation of elector accepting it, and penalty.

"4. Every elector who accepts a pass or ticket or other token entitling or permitting him to travel free or at a reduced rate on any railway, in going to or on the way to or in returning from or on the way from the polls, and avails himself of the same, shall *ipso facto* be disqualified from voting at the election, and shall forfeit the sum of $100 to any person who sues therefor.

Penalty for such conveyance by railway company.

"5. Any railway company which gives or furnishes a pass or ticket or other token, free or at a reduced rate, to any elector, or which carries or conveys any elector free or at a reduced rate, contrary to the provisions of this section, shall, for every such offence, forfeit the sum of $1,000 to any person who sues therefor.

Corrupt practice.

"6. Any person who violates any of the provisions of this section shall be guilty of a corrupt practice."

Illegal votes.

3. Every person who votes at an election knowing he has no right to vote at such election, and every person who induces or procures any other person to vote at an election knowing that such other person has no right to vote at the election, shall be guilty of a corrupt practice and shall be liable to a penalty of $100.

Corrupt practice.

Penalty.

Section 80 amended.

4. Section eighty-nine of the Dominion Elections Act is hereby amended by striking out all the words in the said section after the word "penalty" and snserting in lieu thereof

the words " not less than $20 nor exceeding $200, and to imprisonment for a term not less than ten days nor exceeding six months."

Personation charged at poll.

5. When a person is charged at a polling place with having committed the offence of personation, the deputy returning officer at such place may take the information on oath of the person making the charge; and it shall be the duty of the deputy returning officer to take the information as aforesaid, when requested to do so on behalf of any of the candidates.

Detention of person charged.

6. If a person against whom it is proposed to lay an information for personation has not left the polling place, the deputy returning officer may, either of his own motion, or at the request of any one proposing forthwith to lay an information against such person, detain or direct the detention of such person until an information can be drawn up.

Warrant for his arrest.

7. In case an information is laid, charging any person with the offence of personation as aforesaid, the deputy returning officer may on the polling day, but not afterwards, issue his warrant for the arrest of the person so charged, in order that he may be brought before a justice of the peace to answer to the said information, and to be further dealt with according to law.

Authority of peace officer.

8. The said warrant shall be a sufficient authority for any constable, peace officer, or gaoler to detain such person until he is brought before a justice of the peace as aforesaid.

If name of person charged is unknown.

9. In case the correct name of the person charged with the offence is unknown to the informant, it shall be sufficient in the information and other proceedings to describe the person charged as a person whose name is to the informant unknown, but who is detained under the order of the deputy returning officer; or the person charged may be described in such other manner as will suitably identify him.

If name is subsequently ascertained.

2. When the name of the person so charged is ascertained, such name shall be stated in any subsequent warrant or proceeding.

Constables.

10. Every poll clerk shall have the authority of a constable for the purpose of carrying out the provisions of this Act; and every deputy returning officer may appoint such special constables as he deems necessary for this purpose; and such persons shall have full power to act without taking any oath.

Informations and warrants formalities.

11. Informations or warrants with respect to the said offence may be in accordance with the forms DD and EE in the schedule hereto; but it shall not be necessary that a warrant issued by a deputy returning officer have a seal affixed thereto; and the absence of a seal where a warrant purports to be sealed shall not invalidate the warrant.

Printed forms to be supplied to returning officers.

12. The clerk of the Crown in chancery shall procure and keep on hand a sufficient supply of printed forms of informations and warrants suitable for facilitating action being taken

under this Act, and shall supply each returning officer with as many of such forms as are necessary for the use of his deputies; and every returning officer shall, before the polling day, furnish each deputy returning officer with at least ten of such forms of information and ten of such forms of warrant.

Application of section 5 of R.S.C., c. 8.

13. Section 105 of *The Dominion Elections Act* shall extend to any wilful misfeasance, or any wilful act or omission, of a deputy returning officer or poll clerk in contravention of this Act.

New form S.

14. Form S in the first schedule to the said Act, as amended by section eleven of chapter eleven of the Statutes of 1888, and by section sixteen of chapter nineteen of the Statutes of 1891, is hereby repealed and the following substituted therefor :—

"S.

"*Form of Oath of Qualification.*

"I, (A.B.), solemnly swear (*or if he is one of the persons permitted by law to affirm in civil cases*, solemnly affirm),—

"1. That I am the person named, or purporting to be named, by the name of
(*and if there are more persons than one of the same name on the said list, inserting also his addition or occupation*) on the list of voters for polling District No. , in the electoral district (*or* municipality)of :

"2. That I am a British subject, and that I am of the full age of twenty-one years :

"3. That I have not voted before at this election, either at this or any other polling place :

"4. That I have not received anything nor has anything been promised me, directly or indirectly, either to induce me to vote at this election or for loss of time, travelling expenses, hire of team or for any other service connected therewith :

"5. That I have not received, taken or accepted, or used, a pass, ticket or other token entitling or permitting me or the holder thereof to travel free or at the regular or a reduced rate on any railway, in coming to or on the way towards, or in returning from or on the way from, the polls to vote at this election :

"That I have not travelled to or to the neighbourhood of the polls, or any part of the way thereto, by railway (*or if the elector has travelled by railway*, that I have travelled in coming to the polls to vote at this election a part or the whole of the way by railway, but have paid the usual fare for such railway carriage out of my own proper moneys) :

"7. That I have not, directly or indirectly, paid or promised anything to any person, either to induce him to vote or to refrain from voting at this election. So help me God."

SCHEDULE.

DD.

Information on oath for the offence of Personation at a polling Place.

Province of
County of
City of

The information of of the City of (*occupation*) laid this day of before the undersigned, a deputy returning officer at a polling place held in for an election being held to choose a member of the House of Commons of Canada for the electoral district of

The said informant says that he believes that (1) on this day at the said polling place did commit the offence of personation, contrary to the election law of Canada, for that the said (2) did (3) at the said time and place apply for a ballot paper in the name of another person, that is to say in the name of

Taken and sworn (4) before me at the said polling place and on the day and year above mentioned.

NOTE (1). If the name of the person charged is unknown to the informant, substitute a person whose name is to the informant unknown, but who is now detained in the said polling place under my order."

(2). Or " the said person aforesaid whose name is unknown."

(3). Or " did at the same time and place apply for a ballot paper in his own name although he had previously voted at the same election."

(4). Or " if the informant is a person who may by law affirm in civil cases, then for 'sworn' substitute 'solemnly affirmed.'"

EE.

Form of Warrant for offence at Polling Place.

Province of
County of
City of

To all or any of the constables and other peace officers in the of

Whereas information on oath (*or* solemn affirmation) has this day been laid before the undersigned deputy returning officer at a polling place held in the city for an election being held to choose a member of the House of Commons of Canada for the electoral district of for (1) on this day at the said polling place did commit the offence of personation contrary to the election law of the Dominion of Canada, for that the said (2) did at the same time and place apply for a ballot paper in the name of

These are therefore to commend you in Her Majesty's name forthwith to apprehend the said and to bring him before the of the to answer to the said information and to be further dealt with according to law.

Given under my hand and seal this day of

NOTE.—(1). If the name of the person charged is unknown, substitute "a person whose name is unknown, but who is now detained in the polling place and is being delivered into the custody of a constable of the "

(2). Or "the said person aforesaid whose name is unknown."

No. 14.

6th Session, 7th Parliament, 59 Victoria, 1896

BILL.

An Act further to amend the Dominion Elections Act.

Received and read a first time, Tuesday, 14th January, 1896.
Second reading Wednesday, 15 January, 1896.

Mr. McCarthy.

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's most Excellent Majesty
1896

No. 14.] **BILL.** [1896.

An Act further to amend the Dominion Elections Act.

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

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

Construction.

1. This Act shall be read and construed as if incorporated with and forming part of *The Dominion Elections Act.*

R.S.C., c. 8, s. 88 amended.

2. Section eighty-eight of *The Dominion Elections Act*, chapter eight of the Revised Statutes, is hereby amended by adding the following subsections thereto:—

Providing conveyance of voters by railway, free or at reduced rate, illegal.

"2. The providing or furnishing conveyance or carriage by railway, free of charge or at a reduced rate, to convey any voter or voters to or from or on the way to or from the polls or the neighbourhood thereof, in going to or returning from an election, and whether a pass or ticket or any token is or is not supplied, shall be an illegal act; and every candidate or other person so offending, shall forfeit the sum of one hundred dollars for any such offence.

Penalty.

Disqualification of elector providing such conveyance.

"3. Every voter who provides or furnishes railway conveyance or carriage for a voter or voters as aforesaid, shall *ipso facto* be disqualified from voting at the election.

Disqualiffcation of elector accepting it, and penalty.

"4. Every voter who accepts a pass or ticket or other token entitling or permitting him to travel free or at a reduced rate on any railway, in going to or on the way to or in returning from or on the way from the polls, and avails himself of the same, or by which he travels free or at a reduced rate on any railway as aforesaid, shall *ipso facto* be disqualified from voting at the election, and shall forfeit the sum of one hundred dollars.

Penalty for such conveyance by railway company.

"5. Any railway company which, or any officer of any Government railway or railway company who, gives or furnishes a pass or ticket or other token, free or at reduced rate, to any voter, or any railway company which carries or conveys, or any officer of any Government railway or of any railway company who directs or authorizes the carriage or conveyance of, any voter free or at a reduced rate contrary to the provisions of this section, shall, for every such offence, forfeit the sum of two hundred dollars: Provided always that nothing in this section contained shall extend to the carriage of any voter as aforesaid at excursion or reduced rates of which due public notice has been given, so that any voter desiring to do so may avail himself thereof, nor to the regular servants or employees of any Government railway or of any railway company, nor to

Proviso: as to excursions, railway employees, and certain passes.

any voter holding a pass entitling him to travel free or at a reduced rate and issued to him prior to the date of the writ of election.

Illegal votes.

3. Every person who votes at an election knowing he has no right to vote at such election, shall be guilty of an illegal act and be liable to a penalty of one hundred dollars, and every person who induces or procures any other person to vote at an election knowing that such other person has no right to vote at the election, shall be guilty of a corrupt practice and be liable to a penalty of one hundred dollars.

Corrupt practice.

Penalty.

Section 80 amended.

4. Section eighty-nine of the Dominion Elections Act is hereby amended by striking out all the words in the said section after the word "penalty," and inserting in lieu thereof the words "not less than twenty dollars nor exceeding two hundred dollars, and to imprisonment for a term not less than six days nor exceeding six months."

Personation charged at poll.

5. When a person is charged at a polling place with having committed the offence of personation, the deputy returning officer at such place may take the information on oath of the person making the charge; and it shall be the duty of the deputy returning officer to take the information as aforesaid, when requested to do so on behalf of any of the candidates.

Detention of person charged.

6. If a person against whom it is proposed to lay an information for personation has not left the polling place, the deputy returning officer may, either of his own motion, or at the request of any one proposing forthwith to lay an information against such person, detain or direct the detention of such person for a reasonable time not exceeding twenty minutes until an information can be drawn up.

Warrant for his arrest.

7. In case an information is laid, charging any person with the offence of personation as aforesaid, the deputy returning officer may on the polling day, but not afterwards, issue his warrant for the arrest of the person so charged, in order that he may be brought before a justice of the peace to answer to the said information, and to be further dealt with according to law.

Authority of peace officer.

8. The said warrant shall be a sufficient authority for any constable, peace officer, or gaoler to detain such person until he is brought before a justice of the peace as aforesaid.

If name of person charged is unknown.

9. In case the correct name of the person charged with the offence is unknown to the informant, it shall be sufficient in the information and other proceedings to describe the person charged as a person whose name is to the informant unknown, but who is detained under the order of the deputy returning officer; or the person charged may be described in such other manner as will suitably identify him.

If name is subsequently ascertained.

2. When the name of the person so charged is ascertained, such name shall be stated in any subsequent warrant or proceeding.

10. Every poll clerk shall have the authority of a constable for the purpose of carrying out the provisions of this Act; and every deputy returning officer may appoint such special constables as he deems necessary for this purpose; and such persons shall have full power to act without taking any oath. Constables.

11. Informations or warrants with respect to the said offence may be in accordance with the forms DD and EE in the schedule hereto; but it shall not be necessary that a warrant issued by a deputy returning officer have a seal affixed thereto; and the absence of a seal where a warrant purports to be sealed shall not invalidate the warrant. Informations and warrants formalities.

12. The clerk of the Crown in chancery shall procure and keep on hand a sufficient supply of printed forms of informations and warrants suitable for facilitating action being taken under this Act, and shall supply each returning officer with as many of such forms as are necessary for the use of his deputies; and every returning officer shall, before the polling day, furnish each deputy returning officer with at least ten of such forms of information and ten of such forms of warrant. Printed forms to be supplied to returning officers.

13. Form S in the first schedule to the said Act, as amended by section eleven of chapter eleven of the Statutes of 1888, and by section sixteen of chapter nineteen of the Statutes of 1891, is hereby repealed and the following substituted therefor:— New form S.

"S.

"*Form of Oath of Qualification.*

"I, (A.B.), solemnly swear (*or if he is one of the persons permitted by law to affirm in civil cases*, solemnly affirm),—

"1. That I am the person named, or purporting to be named, by the name of
(*and if there are more persons than one of the same name on the said list, inserting also his addition or occupation*) on the list of voters for polling District No. , in the electoral district (*or* municipality)of :

"2. That I am a British subject, and that I am of the full age of twenty-one years:

"3. That I have not voted before at this election, either at this or any other polling place:

"4. That I have not received anything nor has anything been promised me, directly or indirectly, either to induce me to vote at this election or for loss of time, travelling expenses, hire of team or for any other service connected therewith:

"5. That I have not received, taken or accepted, or used, a pass, ticket or other token entitling or permitting me to travel free or at less than the regular rate on any railway, in coming to or on the way towards, or in returning from or on the way from, the polls to vote at this election:

"6. That I have not travelled to or to the neighbourhood of the polls, or any part of the way thereto, by railway (*or if the elector has travelled by railway*, that I have travelled in coming to the polls to vote at this election a part or the whole of the way by railway, but have paid the usual fare for such railway carriage out of my own proper moneys):

"7. That I have not, directly or indirectly, paid or promised anything to any person, either to induce him to vote or to refrain from voting at this election. So help me God."

Oath of voter travelling on a pass or at reduced rate.

14. Any voter who is prohibited by section eighty-eight of *The Dominion Elections Act*, as amended by this Act, from travelling by railway in coming to or returning from the polls or the neighbourhood thereof at any election, on a pass or at a reduced rate, may, instead of the oath prescribed in *The Dominion Elections Act*, as amended and referred to in the next preceding section, take the oath in the form FF in the schedule hereto.

SCHEDULE.

DD.

Information on oath for the offence of Personation at a polling Place.

Province of
County of
City of

The information of of (*occupation*) laid this day of before the undersigned, a deputy returning officer at a polling place held in for an election being held to choose a member of the House of Commons of Canada for the electoral district of

The said informant says that he believes that (1) on this day at the said polling place did commit the offence of personation, contrary to the election law of Canada, for that the said (2) did (3) at the said time and place apply for a ballot paper in the name of another person, that is to say in the name of

Taken and sworn (4) before me at the said polling place and on the day and year above mentioned.

A. B.,
Deputy Returning Officer.

NOTE (1). If the name of the person charged is unknown to the informant, substitute "a person whose name is to the informant unknown, but who is now detained in the said polling place under my order."

(2). Or "the said person aforesaid whose name is unknown."

(3). Or "did at the same time and place apply for a ballot paper in his own name although he had previously voted at the same election."

(4). Or if the informant is a person who may by law affirm in civil cases, then for "sworn" substitute "solemnly affirmed."

EE.

Form of Warrant for offence at Polling Place.

Province of
County of
City of

To all or any of the constables and other peace officers in the of Whereas information on oath (*or* solemn affirmation) has this day been laid before the undersigned deputy returning officer at a polling place held in the city for an election being held to choose a member of the House of Commons of Canada for the electoral district of for (1) on this

day at the said polling place did commit the offence of personation contrary to the election law of the Dominion of Canada, for that the said (2) did at the same time and place apply for a ballot paper in the name of

These are therefore to commend you in Her Majesty's name forthwith to apprehend the said and to bring him before any justice of the peace in and for the county or district of to answer to the said information and to be further dealt with according to law.

Given under my hand and seal this day of

NOTE.—(1). If the name of the person charged is unknown, substitute "a person whose name is unknown, but who is now detained in the polling place and is being delivered into the custody of a constable of the "

(2). Or "the said person aforesaid whose name is unknown."

FF

Form of Oath of Qualification of voter under section 14 *of the Act.*

I, (A.B.), solemnly swear (*or if he is one of the persons permitted by law to affirm in civil cases*, solemnly affirm)—

1. That I am the person named, or purporting to be named, by the name of (*and if there are more persons than one of the same name on the said list, inserting also his addition or occupation*) on the list of voters for polling District No. , in the electoral district *or* (municipality) of :

2. That I am a British subject, and that I am of the full age of twenty-one years :

3. That I have not voted before at this election, either at this or any other polling place :

4. That I have not received anything nor has anything been promised me, directly or indirectly, either to induce me to vote at this election or for loss of time, travelling expenses, hire of team or for any other service connected therewith :

5. That I have not received, taken or accepted, or used, a pass, ticket or other token entitling or permitting me to travel free or at less than the regular rate on any railway, in coming to or on the way towards, or in returning from or on the way from, the polls to vote at this election :

6. That I am a regular servant or employee of the (*insert name*) Railway, and, as such, travelled thereon in coming to or on the way towards the poll to vote at this election ; or

That I travelled on the (*insert name*) Railway to or on the way towards the poll to vote at this election on a pass or reduced rate ticket issued to me before the date of the writ of election ; or

That I travelled on the (*insert name*) Railway to or on the way towards the poll to vote at this election on a train or car at an excursion or a reduced rate, the runing of which train or car at such excursion or reduced rate I believe was after due public notice had been given :

7. That I have not, directly or indirectly, paid or promised anything to any person, either to induce him to vote or to refrain from voting at this election. So help me God.

No. 14.

6th Session, 7th Parliament, 59 Victoria, 1896

BILL.

An Act further to amend the Dominion Elections Act.

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

MR. MCCARTHY.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1896

No. 15.] **BILL.** [1896.

An Act further to amend the Acts respecting the North-West Territories.

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

1. Section fourteen of *The North-West Territories Act*, chapter fifty of the Revised Statutes, is hereby repealed. R.S.C., c. 50, s. 14 repealed.

2. The Legislative Assembly of the North-West Territories, in addition to the powers conferred upon it by section six of chapter twenty-two of the statutes of 1891, intituled *An Act to amend the Acts respecting the North-West Territories*, may make ordinances in relation to education. Powers of Assembly as to education.

3. Section eighteen of the Act in the last preceding section mentioned is hereby repealed. 1891, c. 22, s. 18 repealed.

No. 15.

6th Session, 7th Parliament, 59 Victoria, 1896

BILL.

An Act further to amend the Acts respecting the North-West Territories.

Received and read first time, Tuesday, 14th January, 1896.
Second reading, Wednesday, 15th January, 1896.

Mr. McCarthy.

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's most Excellent Majesty
1896

No. 16.] **BILL.** [1896.

An Act further to amend the Act respecting the House of Commons.

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

1. Section five of the *Act respecting the House of Commons*, chapter thirteen of the Revised Statutes, is hereby repealed and the following substituted in lieu thereof:— R.S.C., c. 13, s. 5 repealed.

"**5.** Any member of the House of Commons who wishes to resign his seat, may do so by giving, in his place in the House, notice of his intention to resign; and immediately after such notice has been given or received it shall be entered by the Clerk on the journals of the House. Resignation of member by giving notice in his place in the House. Entry on journals.

"2. Such member may address and cause to be delivered to the Speaker a declaration of his intention to resign his seat, made in writing under his hand and seal before two witnesses,— which declaration may be so made and delivered either during the session of Parliament or in the interval between two sessions; and if such declaration is made in the interval between two sessions, the Speaker shall, upon receiviug it, forthwith address his warrant, under his hand and seal, to the Clerk of the Crown in Chancery, for the issue of a writ for the election of a member in the place of the member so resigning, and a writ shall issue accordingly; and an entry of the declaration so delivered to the Speaker shall be thereafter made on the journals of the House. Resignation in writiug. If during recess, Speaker shall issue warrant for new writ of election. Entry on journals.

"3. The member so tendering his resignation shall be held to have vacated his seat, and shall cease to be a member of the House." Resignation vacates seat.

2. Subsection one of section eight of the said Act is hereby repealed and the following substituted therefor:— Section 8 amended.

"**8.** If any vacancy happens in the House of Commons by the death of any member or by his accepting any office in the interval between two sessions, the Speaker, on being informed of such vacancy by notice in writing under the hands and seals of any two members of the House, shall forthwith address his warrant to the Clerk of the Crown in Chancery for the issue of a new writ for the election of a member to fill the vacaucy; and a new writ shall issue accordingly." Vacancy during recess by death or acceptance of office.

3. If, within three days after the receipt by the Clerk of the Crown in Chancery of the Speaker's warrant, issued under the authority of the *Act respecting the House of Commons* or any other Act of the Parliament of Canada, or by the order of the House of Commons, or the receipt of the warrant of Powers of Clerk of Crown in Chancery in case of delay to hold election.

two members of the House, for the issue of a new writ for the election of a member to fill a vacancy in the membership of the House, the Governor in Council has not appointed the returning officer to hold the said election, or fixed the day for the nomination of candidates thereat, the Clerk of the Crown in Chancery shall, notwithstanding anything to the contrary contained in *The Dominion Elections Act* or in any other Act of the Parliament of Canada, direct or address the said writ to the sheriff or one of the sheriffs (if there are more than one) of the county or district in which is situate the said electoral district or part of the electoral district for which a new election is required; and such sheriff shall be the returning officer at the election to which such writ relates: Provided always, that if the sheriff to whom the writ is addressed, refuses or is disqualified or unable to act, the Clerk of the Crown in Chancery shall appoint one of the other sheriffs, (if there are more sheriffs than one who might have been originally appointed), or the registrar of deeds, or one of the registrars of deeds (if there are more than one), of the county or district in which the electoral district or part of the electoral district is situate, as such returning officer.

May issue writ to sheriff.

Proviso: if sheriff does not act.

Nomination day.

2. The Clerk of the Crown in Chancery shall, in and by the said writ, appoint a day for the nomination of candidates, which, while giving to the returning officer sufficient time to make and post the necessary proclamation, shall not be more than days after the date of the said writ.

Wilful contravention, a criminal offence.

4. Any wilful misfeasance or omission to conform to the provisions of the *Act respecting the House of Commons* or of this Act, on the part of the Clerk of the Crown in Chancery or returning officer, shall be a criminal offence and be punishable accordingly.

No. 16.

6th Session, 7th Parliament, 59 Victoria, 18

BILL.

An Act further to amend the Act respe
ing the House of Commons.

Received and read a first time, Tuesda
14th January, 1896.
Second reading, Wednesday, 15th Januar
1896.

MR. McCARTHY.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1896

No. 17.] **BILL.** [1896.

An Act to facilitate voting by employees at elections of members of the House of Commons.

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

Threats by employer to prevent voting by employee, an indictable offence.

1. Every employer of labour, or manager or officer of a company employing labour, who, directly or indirectly, by himself or by any other person on his behalf, makes use of any threat of loss of employment or reduction of wages or of other loss or injury to an employee, to prevent such employee leaving his employment during voting hours on the day of holding an election of a member to serve in the House of Commons, for at least two working hours for the purpose of voting, shall be deemed to have committed the offence of undue influence, and is guilty of an indictable offence, and shall forfeit the sum of two hundred dollars to any person who sues therefor.

No. 17.

6th Session, 7th Parliament, 59 Victoria, 1896

BILL.

An Act to facilitate voting by employees at elections of members of the House of Commons.

Received and read a first time, Tuesday, 9th January, 1896.
Second reading, Wednesday, 15th January, 1896.

MR. RIDER.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1896

No. 18] **BILL.** [1896.

An Act further to amend the Trade Mark and Design Act.

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

1. Section three of *The Trade Mark and Design Act*, chapter sixty-three of the Revised Statutes, is hereby amended by adding the following subsection thereto :— R.S.C., c. 63, s. 3 amended.

"3. All marks, names, brands, labels, packages or other business devices which are adopted for use by any association or union of workingmen in its trade, business, occupation or calling, for the purpose of distinguishing any manufacture, product or article of any description, manufactured, produced, compounded or packed by or through the labour of any of the members of such association or union of workingmen, and applied in any manner either to such manufacture, product or article, or to any package, parcel, case, box or other vessel or receptacle of any description containing the same, shall, for the purposes of this Act, be considered and known as trade marks, and may be registered for the exclusive use of the association or union of workingmen registering the same in the manner herein provided, and of the members of such association or union; and thereafter such association or union of workingmen and its members shall have the exclusive right to use the same to designate articles manufactured by or through the labour of the members of such association or union of workingmen, which for the purposes of this act shall be considered the proprietor of such trade mark." Marks, etc., of trade unions to be deemed trade marks. Exclusive right.

No. 18.

6th Session, 7th Parliament, 59 Victoria, 1896

BILL.

An Act further to amend The Trade Mark and Design Act.

Received and read a first time. Friday, 17th January, 1896.
Second reading. Monday, 20th January, 1896.

Mr. COATSWORTH.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1896

No. 19.] **BILL.** [1896.

An Act to abolish the Superannuation System as applied to the Civil Service of Canada.

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

Superannuation abolished.

1. Notwithstanding anything therein or in any other Act contained, so much of the *Civil Service Superannuation Act*, chapter eighteen of the Revised Statutes, as provides for the granting of a superannuation allowance or of a gratuity, shall not apply to any person now in the Civil Service of Canada, or appointed after the passing of this Act to a permanent position in any branch of the public service of Canada, save and except as hereinafter provided by this Act. R.S.C., c. 18.

Except in case of officer claiming his right thereto within stated time.

2. Any person now in the permanent Civil Service of Canada and having contributed to the superannuation fund shall be entitled to elect whether he shall retain his right to superannuation under the provisions of the said Act or abandon the same and accept in lieu thereof the provisions of this Act; but such choice shall be made by each civil servant now a contributer to the superannuation fund within twelve months after the passing of this Act.

Payment instead of superannuation allowance.

3. Any person now in the Civil Service of Canada or any person so appointed after the passing of this Act shall upon his retiring from the public service, or, if he dies when in the service, his legal representatives shall upon his death be entitled to the repayment of the whole amount of the deductions from his salary under the provisions of the said Act; and the Governor in Council may from time to time grant interest on the sums so deducted from the salary of each civil servant,—such interest to be added to the principal sum and to be paid out with the said principal as herein provided, but the rate of interest allowed shall not exceed four per cent per annum.

Deduction from salaries as heretofore.

4. The deductions from the salaries of the civil servants under the Superannuation Act referred to in section one of this Act or any amendment thereof, shall continue to be made from the salaries of all permanent civil servants, and shall be retained as a guarantee of good faith and efficient service on their part and be refunded as provided by sections two and three of this Act.

Pensions already granted not affected.

5. Nothing in this Act contained shall effect annuities already granted under *The Civil Service Superannuation Act*, to civil servants now on the superannuation list.

No. 19.

6th Session, 7th Parliament, 59 Victoria, 1896

BILL.

An Act to abolish the Superannuation System as applied to the Civil Service of Canada.

Received and read a first time, Friday, 17th January, 1896.
Second reading, Monday, 20th January, 1896.

MR. MCMULLEN.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1896

No. 20.] **BILL.** [1896.

An Act further to amend the North-West Territories' Representation Act.

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

1894, c. 15, sections 4, 5 and 6 repealed.

1. Sections four, five and six of chapter fifteen of the statutes of 1894, amending *The North-West Territories' Representation Act*, are hereby repealed, and sections thirty-one, thirty-two and thirty-three of the last cited Act are hereby revived as they existed previous to the passing of the said amending Act.

Sections revived.

1895, c. 11, section 2 amended.

2. Subsection one of section two of chapter eleven of the statutes of 1895, amending *The North-West Territories' Representation Act*, is hereby repealed, and section thirteen of chapter fifteen of the statutes of 1894 is hereby revived as it existed previous to the passing of the said amending Act.

Section revived.

No. 20.

6th Session, 7th Parliament, 59 Victoria, 1896

BILL.

An Act further to amend the North-west Territories' Representation Act.

Received and read a first time, Friday, 17th January, 1896.
Second reading, Monday, 20th January, 1896.

Mr. Davin.

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's most Excellent Majesty
1896

No. 21.] **BILL.** [1896.

An Act further to amend the Bank Act.

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

1. Section eighteen of *The Bank Act*, chapter thirty-one of the statutes of 1890, is hereby amended by adding the following subsection thereto:— 1890, c. 31, s. 18 amended.

"2. In addition to the foregoing provisions of this section, it is hereby enacted that every director of a bank who, directly or indirectly, in his own name or as endorser or surety, is indebted to the bank in a sum exceeding the total amount paid in by him on his shares in the stock, or authorizes or permits a loan by the bank to any of its officers, clerks or servants, shall thereupon, *ipso facto*, cease to be a director of the bank. Loans to directors limited. Director permitting loan to officer of bank.

No. 21.

6th Session, 7th Parliament, 59 Victoria, 1896

BILL.

An Act further to amend the Bank Act.

Received and read a first time, Wednesday, 22nd January, 1896.
Second reading, Thursday, 23rd January, 1896.

Mr. JEANNOTTE.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1896

No. 22.] **BILL.** [1896.

An Act further to amend chapter seven of the Revised Statutes, being the North-west Territories Representation Act.

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

R.S.C., c. 7, s. 33 amended.

1. Section thirty-three of *The North-west Territories' Representation Act*, chapter seven of the Revised Statutes, as amended by section six of chapter fifteen of the Statutes of 1894, is hereby further amended by adding at the end thereof the words "subject to be further corrected on the polling day as hereinafter provided."

Section 44 re-enacted.

2. The said Act is hereby further amended by re-enacting as section forty-four, in lieu of the section repealed by section fourteen of chapter fifteen of the Statutes of 1894, the following:—

"**44.** 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 P; and such oath having been taken, the deputy returning officer shall at one cause such person's name to be added to the voters' list, with the word 'sworn' written thereafter."

R.S.C., c. 8, not to apply.

3. Nothwithstanding anything in any Act to the contrary, nothing contained in chapter eight of the Revised Statutes or any amendments thereto shall affect the provisions of this Act.

No. 22.

6th Session, 7th Parliament, 59 Victoria, 1896

BILL.

An Act further to amend chapter seven of the Revised Statutes, being the North-west Territories' Representation Act.

Received and read a first time, Thursday, 23th January, 1896.
Second reading, Friday, 24th January, 1896.

MR. MARTIN.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1896

No. 23.] **BILL.** [1896.

An Act in further amendment of the Customs Tariff, 1894.

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

1894, c. 33, s. 15 repealed.

1. Section fifteen of *The Customs Tariff*, 1894, is hereby repealed and the following substituted therefor:—

Drawback on imported Indian corn.

"**15.** On imported Indian corn, to be ground into meal for food, or ground into meal and kiln-dried for food, under such regulations as are made by the Governor in Council, there may be allowed a drawback of ninety per cent of the duty paid."

No. 23.

6th Session, 7th Parliament, 59 Victoria, 1896

BILL.

An Act in further amendment of the Customs Tariff, 1894.

Received and read a first time Monday, 27th January, 1896.

Second reading, Tuesday 28th January, 1896.

M. McMULLEN.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1896

N° 24.] **BILL.** [1896.

An Act to prohibit the Importation and Immigration of Foreigners and Aliens under Contract or Agreement to perform Labour in Canada.

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

Assisting immigration of foreigners under contract to perform labor in Canada prohibited.

1. From and after the passing of this Act it shall be unlawful for any person, company, partnership or corporation, in any manner whatsoever to prepay the transportation, or in any way assist or encourage the importation or immigration of any alien or aliens, any foreigner or foreigners into Canada, under contract or agreement, parole or special, express or implied, made previous to the importation or immigration of such alien or aliens, foreigner or foreigners, to perform labour or service of any kind in Canada.

Such contract to be void.

2. All contracts or agreements, express or implied, parole or special, which may hereafter be made by and between any person, company, partnership or corporation, and any foreigner or foreigners, alien or aliens, to perform labour or service, or having reference to the performance of labour or service by any person in Canada, previous to the immigration or importation of the person or persons whose labour or service is contracted for into Canada, shall be void and of no effect.

Penalty.

3. For every violation of any of the provisions of section one of this Act, the person, partnership, company or corporation violating the same by knowingly assisting, encouraging or soliciting the immigration or importation of any alien or aliens, foreigner or foreigners into Canada, to perform labour or service of any kind under contract or agreement, express or implied, parole or special, with such alien or aliens foreigner or foreigners previous to becoming residents or citizens of Canada, shall forfeit and pay for every such offence the sum of one thousand dollars, which may be sued for and recovered by the Dominion of Canada, or any person who shall first bring his action therefor, including any such alien or foreigner who may be a party to any such contract or agreement, as debts of like amount are now recovered in any competent court of the Dominion of Canada, the proceeds to be paid into the hands of the Receiver General for the Dominion of Canada; and separate suits may be brought for each alien or foreigner being a party to such contract or agreement aforesaid, and it shall be the duty of the county attorney of the proper county to prosecute every such suit at the expense of the Dominion of Canada.

Mode of recovery.

As to master of ship landing such immigrant in Canada.

4. The master of any vessel who shall knowingly bring within the Dominion of Canada on any such vessel and land or permit to be landed from any foreign port or place any alien, labourer, mechanic or artizan who, previous to embarkation on such vessel, had entered into contract or agreement, parol or special, express or implied, to perform labour or service in the Dominion of Canada, shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not more than five hundred dollars for each and every such alien, labourer, mechanic or artizan so brought as aforesaid, and may also be imprisoned for a term not exceeding six months at hard labour.

Penalty.

Exemptions.

5. Nothing in this Act shall be so construed as to prevent any citizen or subject of any foreign country, temporarily residing in Canada, either in private or official capacity, from engaging, under contract or otherwise, persons not residents or citizens of Canada, to act as private secretaries, servants or domestics for such foreigner temporarily residing in Canada as aforesaid; nor shall this Act be so construed as to prevent any person or persons, partnership or corporation from engaging, under contract or agreement, skilled workmen in foreign countries to perform labour in Canada in or upon any new industry not at present established in Canada, provided that skilled labour for that purpose cannot be otherwise obtained; nor shall the provisions of this Act apply to professional actors, artists, lecturers or singers, nor to persons employed as personal or domestic servants: Provided, that nothing in this Act shall be construed as prohibiting any individual from assisting any member of his family, or any relative or personal friend, to migrate from any foreign country to Canada for the purpose of settlement here.

Servant of foreigner temporarily residing in Canada.

Skilled workman in new industry.

Actors, artists, lecturers, singers and domestic servants.

Intending settlers.

Immigrants unlawfully landed to be returned.

6. The collector of customs at any port in Canada, in case he shall be satisfied that an immigrant has been allowed to land in Canada contrary to the prohibition of this Act, shall cause such immigrant, within the period of one year after landing or entry, to be taken into custody and returned to the country from whence he came, at the expense of the owner of the migrating vessel, or, if entered from an adjoining country, at the expense of the person previously contracting for the services.

At whose expense.

Payment to informer.

7. The Receiver General for the Dominion of Canada may pay to any informer who furnishes original information that the law has been violated such a share of the penalties recovered as he may deem reasonable and just, not exceeding fifty per centum, where it appears that the recovery was had in consequence of the information thus furnished.

No. 24.

6th Session, 7th Parliament, 59 Victoria,

BILL.

An Act to prohibit the Importation Immigration of Foreigners and Al under Contract or Agreement to form Labour in Canada.

Received and read first time, Wednes 29th January, 1896.
Second reading, Thursday, 30th Janu 1896.

Mr. TAYLO

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1896

[No. 25.] **BILL.** [1896.

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

Preamble.

WHEREAS the St. Lawrence and Ottawa Railway Company has by its petition represented that it is empowered by the Parliament of Canada to sell and convey free from encumbrance certain of its lands, and that it would be to its advantage and that of all persons interested in such lands that the proceeds of any sale thereof be applied as hereinafter mentioned, and it has prayed that it be authorized so to apply such proceeds; and whereas it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1867, c. 20.
1872, c. 67.
1876, c. 47.
1884, c. 76.

Application of proceeds of sales of lands.

1. The net proceeds of any sale of any of the lands of the St. Lawrence and Ottawa Railway Company made in pursuance of the power already given by the Parliament of Canada, and with the consent of the Canadian Pacific Railway Company as lessees thereof, shall be set apart by the first named Company as a special fund, and shall be paid out only towards the substitution of iron bridges for wooden bridges, or towards such other permanent improvements, if any, of the roadbed or other railway properties of the said Company as are, from time to time, approved of in writing by the Minister of Railways and Canals or such other official as he appoints for that purpose.

No. 25.

6th Session, 7th Parliament, 59 Victoria, 1896

BILL.

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

Received and read a first time, Friday, 31st January, 1896.
Second reading, Monday, 3rd February, 1896.

(PRIVATE BILL)

Mr. McLeod.

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's most Excellent Majesty
1896

No. 26.] **BILL.** [1896.

An Act respecting the Nelson and Fort Sheppard Railway Company.

Preamble.

WHEREAS the Nelson and Fort Sheppard Railway Company has by its petition prayed that certain powers as hereinafter set forth be conferred upon the said Company; and whereas it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows:

Construction of telegraph and telephone lines.

1. The Company may construct, equip, work and maintain a telegraph line and telephone lines along the whole length of its railway and branches, and may establish offices for the transmission of messages for the public, and collect tolls for so doing; and for the purposes of erecting and working such telegraph and telephone lines, the Company may enter into a contract with any other company, foreign or domestic, or may lease any of the Company's lines or any portion thereof, to the Spokane Northern Telegraph Company.

Telegraph companies Act to apply.

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

Power to enter upon roads, etc.

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

And to erect poles and stretch lines.

And to break up roads.

Right of travel, etc., not to be impeded.

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

Height of wires.

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

Kind of poles.

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

Cutting of poles, etc., in case of fire,

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

Damages.

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

Trees.

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

Opening of streets, location of poles, etc.

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

As to future legislation.

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

Badge to be worn by company's servants.

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

Entering upon private property.

(*j.*) Nothing in this section contained shall be deemed to authorize the Company, its servants, workmen or agents, to enter upon any private property for the purpose of erecting, maintaining or repairing any of its wires, without the previous assent of the owner or occupant of the property for the time being.

Temporary removal of wires, etc.

(*k.*) If in the removal of buildings or in the exercise of the public right of travelling on, or using any public road, highway or street, it becomes necessary that the said wires or poles

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

Arrangements with other companies.

4. The Company may enter into arrangements with any other telegraph or telephone company, foreign or domestic, for the exchange and transmission of messages, or for the working in whole or in part of the lines of the Company.

Short title.

5. This Act may be cited as *The Nelson and Fort Sheppard Railway Company's Telegraph Act*, 1896.

No. 26.

6th Session, 7th Parliament, 59 Victoria, 1896

BILL.

An Act respecting the Nelson and Fort Sheppard Railway Company.

Received and read a first time Friday, 31st January.
Second reading Monday, 3rd February.

MR. MARA.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1896

No. 27.] **BILL.** [1896.

An Act respecting the Lindsay, Bobcaygeon and Pontypool Railway Company.

WHEREAS the Lindsay, Bobcaygeon and Pontypool Railway Company, has by its petition prayed for the passing of an Act to extend the time limited for the commencement and completion of its railway, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Time for commencement and completion of railway extended.

1. Notwithstanding anything contained in chapter seventy-eight of the statutes of 1894, the time for the commencement of the railway of the Lindsay, Bobcaygeon and Pontypool Railway Company and the expenditure of fifteen per cent on the amount of the capital stock as required by section eighty-nine of *The Railway Act* is hereby extended till the first day of August, one thousand eight hundred and ninety-eight, and the time for the completion of the railway as required by the said section is hereby extended till the first day of August one thousand nine hundred and one; and if such expenditure is not so made, and the railway is not so completed, on the said respective dates, then the powers granted to the Company shall cease and be null and void as respects so much of the railway as then remains uncompleted.

No. 27.

6th Session, 7th Parliament, 59 Victoria, 1896

BILL.

An Act respecting the Lindsay, Bobcaygeon and Pontypool Railway Company.

Received and read a first time, Friday, 31st January, 1896.
Second Reading, Monday, 3rd February, 1896.

(PRIVATE BILL.

Mr. FAIRBAIRN.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1896

No. 28.] **BILL.** [1896.

An Act to incorporate the Huron and Ontario Railway Company.

Preamble.

WHEREAS a petition has been presented praying for the incorporation of a company to construct and operate the following lines of railway, and for other purposes as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows:—

Incorporation.

1. A. McKinnon Cameron of Meaford, Josiah W. Curts of Port Perry, Albert E. Scanlon of Bradford, Henry J. Rolston of Shelburne, William Laidlaw of Durham, Henry Horton Miller of Hanover, M. McNamara of Walkerton, John Green Murdock of Lucknow, W. R. Thompson of Teeswater, Joseph Carter Graham of Tiverton and Andrew Malcolm of Kincardine, all in the Province of Ontario, together with such persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate, under the name of "The Huron and Ontario Railway Company," hereinafter called the Company.

Corporate name.

Head office.

2. The head office of the Company shall be in the City of Toronto, in the Province of Ontario.

Lines of railway described.

3. The Company may lay out, construct and operate lines of railway of the gauge of four feet eight and one-half inches.

(*a.*) From a point in or near the Town of Port Perry in the County of Ontario to the Town of Kincardine in the County of Bruce, touching at or near to Mount Albert, New market, Bradford, Beeton, Shelburne, Priceville, Durham and Walkerton;

(*b.*) From a point at or near Priceville through Meaford, Owen Sound, Southampton, Port Elgin and Tiverton to Kincardine;

(*c.*) From a point near Walkerton through Midmay, Teeswater and Lucknow to Goderich, with a connection between Lucknow and Kinloss.

Declaratory.

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

Power to build docks, etc.

5. The Company at any point where the railway, or any branch thereof, touches or crosses any navigable waters, may for the purposes of its business, build, equip, and operate docks and elevators, and steam and other vessels, and may

collect wharfage and storage charges for the use of its wharfs and buildings, and may, in connection with its railway convey passengers and freight, between ports in Canada and ports outside of Canada, and may carry on a general transportation service in connection with the said railway, and may sell and dispose of such vessels.

Water and steam power.

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

Provisional directors.

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

Vacancies.

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

Capital stock.

8. The capital stock of the Company shall be two 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.

Amount to be subscribed before construction.

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

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

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

Annual general meeting.

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

Election of directors.

11. At such annual meeting the subscribers for the capital stock assembled, who have paid all calls due on their shares,

shall choose nine persons to be directors of the company, one or more of whom may be paid directors of the Company.

Amount of bonds, etc., limited.

12. The company may issue bonds, debentures, or other securities to the extent of ten thousand dollars per mile of the railway and branches, and six thousand dollars per mile additional debentures for each mile double-tracked, and such bonds, debentures or other securities may be issued only in proportion to the length of railway constructed or under contract to be constructed.

Agreement with the Grand Trunk Ry. Co.

13. The Company may enter into an agreement with the Grand Trunk Railway Company for conveying or leasing to such company, the railway of the Company hereby incorporated, in whole or in part, or any rights 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 called for the purpose of considering the same,—at which meeting shareholders representing at least two-thirds in value of the stock are present in person or represented by proxy, and that such agreement has also received the sanction of the Governor in Council.

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

Agreement to be filed with Secretary of State.

14. A duplicate of the agreement, conveyance or lease referred to in section thirteen of this Act, duly ratified and approved, shall be filed in the office of the Secretary of State at Ottawa, and notice thereof shall be given by the Company in the *Canada Gazette*, and the production of the Gazette containing such notice shall be *prima facie* evidence of the requirments of this Act having been complied with.

Company may enter upon public roads.

15. With the consent of the municipal council having jurisdiction over the roads and streets of any city, town or municipality, the Company, may, by its servants, agents or workmen, enter upon any public road, highway, street, bridge, watercourse, navigable or non-navigable water or other such places in any city, incorporated town, village, county, municipality or other place, for the purpose of constructing, erecting, equipping, working and maintaining its line of railway and its line of telegraph or telephone, and lines for the conveyance of electric power, upon, along, across, over and under the same; and may erect, equip, and maintain such and so many poles or other works and devices as the Company deems necessary for making, completing and supporting, using, working and maintaining its railway system, and its system of communication by telegraph and telephone, and for supplying

May construct its railway, erect poles, etc.

And stretch wires.

electric power; and may stretch wires and other electrical contrivances thereon; and, as often as the Company, its agents, officers or workmen think proper, may enter upon, use, break up and open any part whatsoever of the said public roads, highways, streets, bridges, watercourses, navigable and non-navigable waters and other like places, subject, however, to the following provisions, that is to say:—

Travel not to be obstructed.

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

Height of wires.

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

Kind of poles.

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

Cutting poles in case of fire.

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

Liability for damages.

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

Trees.

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

Approval of municipality.

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

Company may be required to carry wires under ground.

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

Workmen to wear badges.

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

Private rights saved.

(*j.*) Nothing herein contained shall be deemed to authorize the Company, its servants, workmen or agents, to enter upon any private property for the purpose of erecting, maintaining or repairing any of its works, without the previous assent of the owner of the property for the time being;

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

Temporal removal of lines or poles.

Notice to company.

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

Time for construction limited.

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

Limitation of powers as to electric railways.

No. 28.

6th Session, 7th Parliament, 59 Victoria, 1896

BILL.

An Act to incorporate the Huron and Ontario Railway Company.

Received and read first time, Friday 31st January, 1896.
Second reading, Monday, 3rd February, 1896.

Mr. SPROULE.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1896

No. 29.] **BILL.** [1896.

An Act to amend the Act incorporating the Supreme Court of the Independent Order of Foresters.

Preamble.

WHEREAS the Supreme Court of the Independent Order of Foresters (hereinafter called the Society) has by its petition prayed for certain amendments to its Act of incorporation, and it is expedient to grant the prayer of the said petition and to amend the said Act in the manner hereinafter set forth: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada enacts as follows:—

1880, c. 104, s. 4 amended.

1. Section four of chapter one hundred and four of the statutes of 1889, intituled *An Act to incorporate the Supreme Court of the Independent Order of Foresters*, is hereby amended by striking out the word "one" in the third line and substituting therefor the word "five," and by striking out all the words after "situate" in the tenth line.

Section 6 amended.

2. Section six of the said Act is hereby amended by inserting after the words "shall" in the first line the words "subject to the provisions of section four hereof."

Investment of funds.

Outside of Canada.

3. Notwithstanding anything contained in the said Act, the Society may invest its surplus funds in any securities in which an insurance company licensed to transact business in Canada may invest its funds: Provided that at no time shall more than one-fourth of the available surplus funds of the Society be invested outside of Canada.

Deposit with Government.

Constitution and laws to be filed.

4. Notwithstanding anything contained in any Act of the Parliament of Canada, the Society may make the deposit required by section thirty-nine of *The Insurance Act*: Provided that at the time of making the said deposit, the Society shall file the constitutions and laws of the Society with the superintendent of insurance, whereupon the said constitutions and laws shall be binding upon the Society and upon every member thereof: Provided also that in the event of the Society at any time thereafter amending the said constitution and laws, such amendment shall forthwith after the adoption thereof by the Society be filed with the superintendent of insurance, and shall thereupon be binding upon the Society and upon every member thereof.

Yearly license from Government.

2. Upon the Society making such deposit and filing its constitutions and laws as aforesaid, the Society shall be entitled to receive a license,—renewable from year to year so long as the Society complies with the requirements of this Act,—to

undertake with its members contracts of insurance specified in the said constitutions and laws for sums not exceeding five thousand dollars upon any one life.

Annual statement to Government.

3. On or before the first day of March in each year, the Supreme Chief Ranger and the Supreme Secretary of the Society shall transmit to the superintendent of insurance a statement verified by their own oath, of the condition and affairs of the Society on the thirty-first day of December then next preceding, which statement shall exhibit the assets and liabilities of the Society and its income and expenditure during the previous year and such other information as is deemed necessary by the Minister of Finance and Receiver General.

Penalty for failure to make statement.

4. Any failure to make the said statement shall subject the Society to a penalty of ten dollars for each day during which such default continues; and such penalty shall be recoverable and enforceable with costs at the suit of Her Majesty instituted by the Attorney General of Canada.

Government inspection.

5. The superintendent of insurance may from time to time examine or cause to be examined at its head office the books, vouchers and securities of the Society, and its officers shall facilitate such examination so far as it is in their power; and he may address any inquiries to the said officers in relation to the assets, investments, liabilities, doings or conditions of the Society, and it shall be the duty of the officers so addressed to promptly reply in writing to such inquiries.

Superintendent of insurance to certify correctness of statement.

6. The superintendent of insurance shall from time to time, as required by the officers of the Society, give a certificate as to the correctness of the annual statement provided by this section.

Sections 8 and 9 repealed.

7. Sections eight and nine of the said Act of incorporation are hereby repealed.

Further deposit, if required.

5. In addition to the deposit required by section four of this Act, the Minister of Finance and Receiver General, upon the report of the superintendent of insurance, approved by the Treasury Board, may, from time to time, require such other and further deposit as is recommended in such report and so approved, to be made by the Society or deposited with trustees, to be named by the said Minister upon such trusts as are determined by the Governor in Council.

Liability of members for assessments, etc.

6. The liabilities of any member of the Society shall at any date be limited to the assessments, dues, fees, capitation tax and fines of which at that date notice has been actually given by the Society, or which under its constitution and laws have matured and become due: Provided that no member, or his beneficiary, shall be entitled to any pecuniary benefit of the Society during the time such member is in default with respect to the payment of any assesments, dues, fees, capitation tax or fines.

No. 29.

6th Session, 7th Parliament, 59 Victoria, 1896

BILL.

An Act to amend the Act incorporating the Supreme Court of the Independent Order of Foresters.

Received and read, a first time, Friday, 31st January, 1896.
Second reading, Monday, 3rd February, 1896.

(PRIVATE BILL.)

MR. MCGILLIVRAY.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1896

No. 29.] **BILL.** [1896.

An Act to amend the Act incorporating the Supreme Court of the Independent Order of Foresters.

(*Reprinted as amended and reported by the Select Standing Committee on Banking and Commerce*)

Preamble.

WHEREAS the Supreme Court of the Independent Order of Foresters (hereinafter called "the Society") has by its petition prayed for certain amendments to its Act of incorporation, and it is expedient to grant the prayer of the said petition and to amend the said Act in the manner hereinafter set forth: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1889, c. 104, s. 4 repealed.

1. Section four of chapter one hundred and four of the Statutes of 1889 is hereby repealed and the following substituted therefor:—

Limitation as to real property.

"**4.** The value of the real property which the Society or any branch thereof may hold shall not exceed, in the case of the Society, three hundred and fifty thousand dollars, and, in the case of any branch, twenty-five thousand dollars, except in the city of Toronto where each branch may hold real property to the value of ten thousand dollars and no more; but in towns having less than six thousand inhabitants the value of such real property shall not, in the case of any one branch, exceed five thousand dollars; and the Society may, by laws determine the manner in which such real property shall be held and conveyed, subject always to the laws of the province in which such real estate is situate."

Section 6 amended.

2. Section six of the said Act is hereby amended by inserting after the word "shall" in the first line the words "subject to the provisions of section four hereof."

Investment of funds outside of Canada.

3. Notwithstanding anything contained in the said Act, the Society may invest or deposit such portion of its funds in such government securities as is necessary for the maintenance of any branch outside the Dominion of Canada, provided that at no time shall more than one-fourth of the available surplus funds of the Society be invested outside of Canada

Deposit with government.

4. Notwithstanding anything contained in any Act of the Parliament of Canada, it shall be lawful for the Society to make the deposit required by section thirty-nine of *The Insurance Act*, in the securities required by the said Act; provided that at the time of making the said deposit, the Society shall

Constitutions and laws to be filed.

file the constitutions and laws of the Society with the superintendent of insurance, whereupon the said constitutions and laws shall be binding upon the Society and upon every member thereof: Provided also that in the event of the Society at

Amendments to be filed.

any time thereafter amending the said constitutions and laws, such amendment shall forthwith after the adoption thereof by the Society be filed with the superintendent of insurance, and shall thereupon be binding upon the Society and upon every

Amendments by Treasury Board.

member thereof: Provided also that in case of contradictory or repugnant provisions in the said constitutions and laws, or in the case of provisions conflicting with any statute law in force in Canada, the Treasury Board may, after due notice to the executive body of the Society and hearing what they may have to allege, amend by order of the board the said constitutions and laws, and from the date of such amendment the constitutions and laws so amended shall be binding upon the Society and every member thereof.

Yearly license from government.

2. Upon the Society making such deposit and filing its constitutions and laws as aforesaid, the Society shall be entitled to receive a license under *The Insurance Act*, renewable from year to year so long as the Society complies with the requirements of this Act, and with the provisions of the said *The Insurance Act* applicable thereto, to undertake with its members the contract or contracts of life, disability and sickness insurance specified in the said constitutions and laws for a sum or sums not exceeding, in addition to the sick and funeral benefits, the sum of five thousand dollars upon any one life.

Annual statement to government.

3. On or before the first day of March in each year, the Supreme Chief Ranger and the Supreme Secretary of the Society shall transmit to the superintendent of insurance a statement verified by their own oath, of the condition and affairs of the Society, at the thirty-first day of December then next preceding, which statement shall exhibit the assets and liabilities of the Society, and its income and expenditure during the previous year, and such other information as is deemed necessary by the Minister of Finance and Receiver General.

Penalty for failure to make statement.

4. Any failure to make the said statement shall subject the Society to a penalty of ten dollars for each day during which such default continues; and such penalty shall be recoverable and enforceable with costs at the suit of Her Majesty instituted by the Attorney General of Canada.

Government inspection.

5. The superintendent of insurance may from time to time examine or cause to be examined at its head office, the books, vouchers and securities of the Society, and its officers shall facilitate such examination so far as it is in their power; and he may address any inquiries to the said officers in relation to the assets, investments, liabilities, doings or conditions of the Society, and it shall be the duty of the officers so addressed to promptly reply in writing to such inquiries.

Payment of certificates and policies.

6. Every certificate and policy issued by the Society shall contain a promise to pay the whole amount therein mentioned out of the mortuary funds of the Society, and out of any moneys realized from assessments to be made for that purpose; and the Society shall be bound forthwith and from time to time to make assessments to an amount adequate with its other available funds to pay all obligations created under every such

certificate or policy heretofore issued or hereafter to be issued without deduction or abatement.

Notice to be printed on policies, &c.

7. Every application, policy and certificate issued or used by the Society in Canada shall have printed thereon in a conspicuous place, in ink of a colour different from that of the ink used in the instrument, and in good sized type, the following words :—" This Society is not required by law to maintain the reserve which is required of ordinary life insurance companies."

Words to be printed on policies, &c.

8. The words " assessment system " shall be printed in large type at the head of every policy and every application for the same, and also in every circular and advertisement issued or used in Canada in connection with the business of the Society.

Sections 8, 9, and 11 repealed.

9. Sections eight, nine and eleven of the said Act of incorporation are hereby repealed.

Annuities and endowments prohibited.

5. The Society shall not, after the date of the passing hereof, assure to any member a certain annuity, either immediate or deferred, whether for life or for a term of years, or any endowment whatever.

Further deposit, if required.

6. In addition to the deposit required by section four of this Act, the Minister, of Finance upon the report of the superintendent of insurance, approved by the Treasury Board, may from time to time require such other and further deposit as is recommended in such report and so approved, to be made by the Society or deposited with trustees, to be named by the Treasury Board, upon such trusts as are determined by the Governor in Council, provided that the amount of the deposits that may be required of the Society under sections four and six hereof shall not exceed in all the sum of five hundred thousand dollars.

Inconsistent provisions repealed.

7. So much of the Act referred to in the first section of this Act as is inconsistent with the provisions of this Act is hereby repealed, and so much of the provisions of the existing constitutions and laws, including the general laws, of the said Society as are inconsistent with this Act are hereby declared to be null and void.

Future legislation.

8. Nothing herein contained shall be held to exempt the Society from the effect of any legislation hereafter passed by the Parliament of Canada in respect to assessment or other insurance.

Liability of members for assessments, &c.

9. The liabilities of any member of the Society shall be limited to the assessments, dues, fees, capitation tax and fines of which, at the date at which he ceases to be a member by withdrawal, expulsion, suspension or non-payment of assessments or dues or otherwise, notice has been actually given by the Society, or which under its constitutions and laws have matured and become due: Provided that no member, or his beneficiary, shall be entitled to any pecuniary benefit of the Society during the time such member is in default with respect to the payment of any assessments, dues, fees, capitation tax or fines; and the provisions of this section shall be printed on each and every policy issued by the Society.

No. 29.

6th Session, 7th Parliament, 59 Victoria, 1896

BILL.

An Act to amend the Act incorporting the Supreme Court of the Independent Order of Foresters.

(Reprinted as amended and reported by the Select Standing Committee on Banking and Commerce.)

(PRIVATE BILL.)

MR. MCGILLIVRAY.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1896

No. 30.] **BILL.** [1896.

An Act respecting the Guelph Junction Railway Company.

Preamble.

WHEREAS the Guelph Junction Railway Company has, by its petition, prayed that the time be extended for the construction of a portion of its railway as hereinafter mentioned, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Time for construction extended.

1. The Guelph Junction Railway Company may proceed to construct the extension authorized by chapter fifty-nine of the statutes of 1887, provided that the said extension is commenced within three years and completed within five years from the passing of this Act, otherwise the powers hereby granted with respect thereto shall cease and be null and void as regards so much of the undertaking as then remains uncompleted

1887, c. 59.

No. 30.

6th Session, 7th Parliament, 59 Victoria, 1896

BILL.

An Act respecting the Guelph Junction Railway Company.

Received and read a first time, Friday, 31st January, 1896.
Second reading, Monday, 3rd February, 1896.

(PRIVATE BILL.)

Mr. Masson.

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's most Excellent Majesty
1896

No. 31.] **BILL.** [1896.

An Act to incorporate the Hudson's Bay and Pacific Railway Company.

Preamble.

WHEREAS a petition has been presented praying for the incorporation of a company to construct and operate a railway as hereinafter set forth, and it is expedient to grant the prayer of the said petition; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

1. Sir Somers Vine, Knight, Admiral Albert Hastings Markham, Captain E. Bourke, Josiah Harris, James Clifton Robinson, John Weston, and Joseph Nelson, all of London, England, Joseph Mylchrist, of the Isle of Man, John Ross, of Niagara Falls, Simon James Dawson, of Ottawa, Alexander Fraser, and M. Fulgie, of Ottawa, Frederick Smith Stimson, of Calgary, Robert Baity, of London, England, George Crain of Brockville, and John A. Cameron of Quebec, together with such persons as become shareholders in the company hereby incorporated, are hereby constituted a body corporate under the name of "The Hudson's Bay and Pacific Railway Company," hereinafter called "the Company."

Corporate name.

Head office.

2. The head office of the Company shall be in the City of London, England, or in such place in Canada as the directors from time to time determine by bylaw.

Line of railway.

3. The Company may lay out, construct and operate a railway, of the gauge of four feet eight and one-half inches, from a point at or near Port Churchill on Hudson Bay, through the territory of Kewatin south of Churchill River and north of Nelson River, to a point at or near Sea Falls on the said river, thence north of Lake Winnipeg through the territory of Saskatchewan to Prince Albert in the said territory, thence continuing through the said territory and the territory of Alberta in a direct line to Calgary in the last mentioned territory, and may also lay out, construct and operate a branch line from a point on the said railway near Manitou Lake, in the Territory of Saskatchewan, to Edmonton in the territory of Alberta.

Branch lines.

4. Subject to the provisions contained in sections one hundred and twenty-one and one hundred and twenty-two of *The Railway Act*, the Company may construct, operate and maintain one or more branches from convenient points on its main line to any mine adjacent to its main line: Provided however, that no such branch shall exceed ten miles in length.

Steamers.

5. The Company may construct, purchase or otherwise acquire, charter, control, navigate and keep in repair steamers and other vessels to ply between ports in Canada, and between ports in Canada and ports outside of Canada, and carry and convey passengers and freight and carry on a general transportation service in connection with the said railway and may sell or otherwise dispose of such vessels.

Ships, barges, etc.

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

Steam and water power for electricity, etc.

7. The Company may acquire and utilize water and steam power for the purpose of generating electricity for lighting and motor purposes, in connection with its railway or any branch or part thereof, bridges, docks, wharves, elevators and warehouses, and may operate the said railway, or any branch or part thereof, by electricity.

Telegraph and telephone lines.

8. The Company may construct, equip, work and maintain a telegraph line and telephone lines along the whole length of its railway and branches, and may establish offices for the transmission of messages for the public, and collect tolls for so doing; and for the purposes of erecting and working such telegraph and telephone lines, the Company may enter into a contract with any other company, or may lease any of the company's lines or any portion thereof.

Power to enter upon lands, etc.

9. With the consent of the municipal council or other authority having jurisdiction over the roads and streets of any city, town, municipality or district, the Company may, by its servants, agents or workmen, enter upon any public road, highway, street, bridge, watercourse, navigable or non-navigable water or other such places, in any city, incorporated town, village, county, municipality, district, or other place, for the purpose of constructing, erecting, equipping, working and maintaining its lines of telegraph and telephone upon, along,

And to erect poles and stretch lines.

across, over and under the same; and may erect, equip, and maintain such and so may poles or other works and devices as the Company deems necessary for making, completing and supporting, using, working and maintaining the system of communication by telegraph and telephone; and may stretch wires and other telegraphic and telephonic contrivances thereon;

And break up roads.

and, as often as the Company, its agents, officers or workmen think proper, may break up and open any part whatsoever of the said public roads, highways, streets, bridges, watercourses, navigable and non-navigable waters and other like places, subject, however, to the following provisions, that is to say:—

Right of travel, etc., not to be impeded.

(*a.*) The company shall not in the construction or operation of its telegraph or telephone lines interfere with the public right of travelling on or using such public roads, highways,

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

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

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

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

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

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

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

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

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

(*j.*) Nothing in this section contained shall be deemed to authorize the company, its servants, workmen or agents, to enter upon any private property for the purpose of erecting, maintaining or repairing any of its wires, without the previous assent of the owner or occupant of the property for the time being; Entering upon private property.

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

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

Notice by party requiring such removal.

Arrangements with telegraph or telephone companies.

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

Provisional directors.

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

Capital stock.

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

Annual general meeting.

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

Election of directors.

14. At such meetings the subscribers for the Capital Stock assembled, who have paid all calls due on their shares shall choose nine persons to be directors of the Company, one or more of whom may be paid directors of the Company.

Bonds may be issued.

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

Agreement with Canadian Pacific Railway Co. for sale or lease of railway, etc.

16. The Company may enter into an agreement with the Canadian Pacific Railway Company for conveying or leasing to such company the railway of the Company hereby incorporated, in whole or in part, or any rights or powers acquired under this Act, and also the franchises, surveys, plans, works, plant, material, machinery and other property to it belonging, or for an ammalgation 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 the same, at which meeting shareholders representing at least two thirds in value of the stock are present in person or represented by proxy, and that such agreement has also received the sanction of the Governor in Council.

Proviso: approval of shareholders.

Sanction of 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 two hundred and thirty-nine of *The Railway Act*, and also for a like period in one newspapers in each of the electoral districts through which the railway of the Company hereby incorporated runs and in which a newspaper is published. Notice of application for sanction.

17. The works authorized by this Act shall be commenced within five years and completed within ten years from the passing of this Act, otherwise the rights and powers hereby conferred shall cease and determine. Limitation of time.

No. 31.

6th Session, 7th Parliament, 59 Victoria, 1896

BILL.

An Act to incorporate the Hudson Bay and Pacific Railway Company.

Received and read a first time, Friday, 31st January, 1896.
Second reading Monday, 3rd February, 1896.

(PRIVATE BILL.)

MR. MACDONELL,
(Algoma.)

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1896

N° 32.] **BILL.** [1896.

An Act respecting the Winnipeg Great Northern Railway Company.

Preamble.

WHEREAS the Winnipeg Great Northern Railway Company has by its petition prayed that an Act be passed extending the time for the completion of that portion of the main line of its railway between Winnipeg and the Saskatchewan River and authorizing the company to build a branch line from Portage la Prairie or some other point on the Manitoba and North-Western Railway in the province of Manitoba to connect with the said main line, and it is expedient to grant the prayer of the said petition; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Substituted section 33 of c. 81 of 1887 repealed.

1. The section substituted by section one of chapter ninety-four of the Statutes of 1894 for section thirty-three of chapter eighty-one of the Statutes of 1887, is hereby repealed and the following substituted therefor:—

Time for construction extended.

"**33.** That portion of the main line of the Company's railway reaching to the Saskatchewan River shall be completed by the thirty-first day of December, one thousand eight hundred and ninety-eight, otherwise the powers granted with respect to such construction shall be null and void as respects so much of the railway as then remains uncompleted."

Branch line.

2. The Company may build a branch line from a point at or near Portage la Prairie, or some other point on the Manitoba and North-Western Railway in the Province of Manitoba, to connect with the Company's main line.

No. 32.

6th Session, 7th Parliament, 59 Victoria, 1896

BILL.

An Act respecting the Winnipeg Great Northern Railway Company.

Received and read a first time Friday, 31st January, 1896.
Second reading, Monday, 3rd February. 1896.

(PRIVATE BILL.)

Mr. BOYD.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1896

No. 33.] **BILL.** [1896.

An Act to incorporate the Equitable Benefit Company of Canada.

WHEREAS the persons hereinafter mentioned have by their petition prayed to be incorporated as a company for the purpose of carrying on the business of co-operative investment, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. Albert Hudson of Ottawa, Ont, Robert A. Purdon, Charles Stuart, Franck M. Sanders, Willis A. Coon, W. R. Hill, John Anderson, Wm. Hassard, Alex. Barclay, James L. Hughes, John W. Cheeseworth, J. Voss, and C R. Barber, all of the city of Toronto, Charles S. Chapman of the City of Minneapolis, Minn., James H. Elliott, Herman Empey, F. E. Hutchins and E. Mundy, all of the City of Montreal, Wm. C. Wright and L. Morrisson both of the City of Brockville, J. H. Hughes of North Bay, A. G. Manly of the City of Point Edward, Geo. P. Pike of Fort William, E. R. Parsonage, H. W. Cutter, W. J. Robinson, and W. C. Burney all of Farnham, Que., E. Reynolds of Quebec and W. Morden of London, together with such persons as become shareholders in the company hereby incorporated are hereby constituted a body corporate under the name of "The Equitable Benefit Company of Canada" hereinafter called "the Company." Incorporation. Corporate name.

2. The head office of the company shall be in the City of Toronto, in the Province of Ontario, and branches or agencies may be established and maintained either within Canada or elsewhere in such manner as the directors from time to time appoint. Offices.

3. The capital stock of the Company shall be one hundred thousand dollars divided into shares of one hundred dollars each. The directors may increase the amount or capital stock at any time or from time to time to any amount not exceeding five hundred thousand dollars, but the stock shall not be increased until the resolution of the board of directors authorizing such increase has been submitted to and been confirmed by a majority in number and amount of the shareholders at an annual general meeting of the Company or at a special meeting of the shareholders duly called for that purpose. Capital stock.

4. The first fifteen persons mentioned by name in the first section of this act, are hereby constituted provisional directors Provisional directors.

of the Company, and of such provisional directors five shall be a quorum for the transaction of business, and they may forthwith open stock-books, procure subscriptions of stock for the undertaking, make calls on stock subscribed, receive payments thereon and deposit the same in a chartered bank in Canada to the credit of the Company and withdraw the same for the purposes only of the Company.

Business of company.

5. The Company may make and effect contracts for the issuing and rsdemption of investment bonds with any person or corporation in or out of Canada, securing to the investor, or to his legal representative, the payment of a certain sum of money upon such lawful terms and conditions as are agreed upon.

Election of directors.

6. So soon as ten thousand dollars of the capital stock of the Company has been subscribed and fully paid to the provisional directors, a meeting of the shareholders of the company shall be called at some place to be named in the said city o ronto, at which general meeting the shareholders present in person or represented by proxy who hold fully paid up shares shall elect a board of directors.

Qualification.

2. No person shall be a director unless he holds in his own name and for his own use at least one fully paid up share of the capital stock of the Company.

Proxies and quorum.

7. The directors, either provisional or elected, may vote and act by proxy, but such proxies shall be held by directors only ; no director shall hold more than two proxies, and no proxy shall be valid unless it has been made or renewed in writing one year next preceding the time of such meeting, and no meeting of directors shall be competent to transact business unless at least three directors are present thereat in person.

Calls on shares.

8. The shares of capital stock subscribed for shall be paid by such instalments, and at such times and places as the directors appoint, except the first one hundred shares, which shall be fully paid.

Board of directors.

9. The affairs of the Company shall be managed by a board of not less than five nor more than nine directors, of whom not less than five shall form a quorum.

Annual and special meetings.

10. A general meeting of the Company shall be called at its head office once in each year after the organization of the Company and commencement of business ; and at such meeting a statement of the affairs of the Company shall be submitted ; and special meetings may be called at any time by the president, or general manager, or by any number of stockholders holding one-fourth part in value of the subscribed stock of the Company.

Notice.

2. Notice of such meeting shall be given by written or printed notice, specifying the object of such meeting, to each of the shareholders entitled to vote, properly mailed and addressed at least ten days before the day for which such meeting is called.

Investment of funds.

11. The Company may invest its funds in the debentures, bonds, stocks or other securities of Canada, or of any province of Canada, or of any municipal corporation in Canada, or in debentures of any building society, loan or investment company, or on the security of any of the said debentures, bonds, stocks, securities, or on the security of paid up shares of any building society, loan or investment company, and whether such debentures, bonds, stocks, securities, or shares are assigned absolutely or conditionally, or by assignment in the nature of a charge or mortgage thereon to the Company, or to any officer of the Company or other person in trust for the Company, and in or on the public consols, stocks, debentures, bonds, or other securities of the United Kingdom, or the United States or on the security of real estate, or in or on mortgage security thereon or on the security of leaseholds for a term or terms of years, or in ground rents on real estate or other estate or interests in real property or mortgage security thereon in any Province of Canada or elsewhere, and may take, receive and hold all or any of such securities in the name of the Company, or in the name of the trustees as aforesaid for the Company, whether for funds invested by being advanced or paid in the purchase of such securities or loaned by the Company on the security of any of such classes of property above referred to.

Conditions of investments.

2. Any investment or loan above authorized to be made may be on such terms and conditions and in such manner and at such times and for such sums and in such sums of repayment whether of principal or interest or principal and interest as the directors from time to time determine, and either in satisfaction of or as collateral security for debt to the Company or judgments recovered against any person or body corporate in its behalf, or in security for the payment thereof or of any part thereof.

Investment in foreign securities.

12. The Company may also invest or deposit such portions of its funds in foreign securities as is necessary for the maintenance of any foreign branch.

Additional security.

13. The Company may also take any additional security of any nature to further secure the repayment of any liability to the Company, or to further secure the sufficiency of any of the securities upon which the Company is above authorized to lend any of its funds.

Powers as to real estate.

14. The Company may hold such real estate as is *bona fide* mortgaged to it by way of security or conveyed to it in satisfaction of debts or judgments recovered: provided always that all real estate so mortgaged or conveyed as security as aforesaid and acquired by the Company, shall be disposed of and sold within seven years from the time of its becoming absolute property of the Company, otherwise it shall revert to the previous owner or to his heirs or assigns.

Annual statement to Government.

15. The Company shall prepare and transmit to the Minister of Finance a statement in duplicate, verified by the oath of the president, manager or secretary, setting forth the capital stock of the Company, the proportions thereof paid up, the assets and liabilities of the Company and such other details as the said Minister requires, and the said statement shall be made up to the thirty-first day of December in each year.

R.S.C., c. 124, s. 25 to apply.

16. This Act and the Company hereby incorporated and the exercise of the powers hereby conferred shall be subject to the provisions of section twenty-five of *The Insurance Act*, in so far as they relate to inspection and report by the Superintendent of Insurance.

R.S.C., c. 118.

17. *The Companies Clauses Act*, chapter one hundred and eighteen of the Revised Statutes, except sections nine, eighteen, thirty-nine, forty and forty-one thereof, shall extend and apply to the company hereby incorporated and shall be incorporated with and form part of this Act, in so far as it is not inconsistent with any of the provisions hereinbefore contained.

No. 33.

6th Session, 7th Parliament, 59 Victoria, 1896

BILL.

An Act to incorporate the Equitable Benefit Company of Canada.

Received and read a first time, Friday, 31st January, 1896.
Second reading, Monday, 3rd February, 1896.

(PRIVATE BILL.)

Mr. MACLEAN,
(York.)

OTTAWA
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1896

No. 34] **BILL.** [1896.

An Act to consolidate and amend certain Acts relating to the Nipissing and James Bay Railway Company.

Preamble.

WHEREAS the Nipissing and James Bay Railway Company has by its petition prayed for the consolidation of the Acts relating to the Company, for certain additional powers, and for a declaration that its railway is a work for the general advantage of Canada ; and whereas it is expedient to grant the prayer of the said petition : Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

Short title.

1. This Act may be cited as *The Nipissing and James Bay Railway Act*, 1896.

Repeal.

2. The Acts mentioned in the Schedule to this Act are hereby repealed and in lieu thereof this Act, and, in matters not provided for by this Act, *The Railway Act* and its amendments, shall apply to the Nipissing and James Bay Railway Company, hereinafter called "the Company," and to the undertaking of the Company.

Application of this Act.

Effect of repeal.

2. The said repeal shall not in any way affect the corporate existence of the Company, which, together with all such persons as hereafter become shareholders in the Company, shall continue to be the same body corporate.

Continuance of the corporation.

Head office.

3. The head office of the Company shall be at the city of Toronto and may be changed to such other place in Canada as is fixed by by-law passed at any annual general meeting or at any special meeting of shareholders duly called for that purpose.

Place of general meetings.

5. General meetings of the Company, whether annual or special, may be held at the city of Toronto, or elsewhere, as may be appointed by by-law of the Company.

Annual meeting.

2. The annual general meeting of the Company shall be held on the first Wednesday in September in each year

Capital stock.

6. The capital stock of the Company shall be two millions of dollars divided into shares of one hundred dollars each.

Paid-up stock.

2. 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 right of way, rolling stock or materials of any kind, and also for the services of contractors and engineers ; and also, when authorized by the shareholders at any general meeting or special

meeting called for the purpose, may accept payment in full for stock from any subscriber therefor at the time of making subscription thereof, or at any time before the making of a final call thereon, and may allow such percentage or discount as they deem expedient or reasonable, and such issue or allotment of stock shall be binding on the Company, and such stock shall not be assessable for calls.

Calls.

3. No call upon shareholders in respect of capital stock shall exceed ten per cent on the amount subscribed.

Present board of directors.

7. The present board of directors of the Company shall continue to be the directors of the Company until replaced by others elected under the provisions of *The Railway Act* and of this Act.

Number of directors.

2. The number of directors of the Company shall be, from time to time, determined by by-law, but shall not exceed nine nor be less than five, of whom a majority shall form a quorum.

Paid directors.

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

Regulations by directors.

4. All regulations not inconsistent with the laws of Canada, made by the directors in regard to the management and disposition of the stock, property, business and affairs of the Company and for the appointment of all officials, servants and artisans and prescribing their respective duties, shall be valid and binding and have the same effect as by-laws.

Line of railway.

8. The Company may lay out, construct and operate a railway of the gauge of four feet eight and half inches, from some point at or near the junction of what was formerly known as the Northern and Pacific Junction Railway with the Canadian Pacific Railway to Moose Factory, or some other point on James Bay.

Telegraph and telephone lines.

9. The Company may construct and operate lines of telegraph and telephone in connection with and along the line of the railway and branches, and may construct, equip, acquire and operate telegraph and telephone lines beyond the said railway to any point on James' Bay, Hudson's Bay and Hudson's Straits, and may lay submarine lines for telegraph and telephone connections between such points, and may undertake the transmission of messages for the public by all of such lines or any other portion thereof;

Company may enter upon public lands.

10. With the consent of the municipal council having jurisdiction over the roads and streets of any city, town or municipality, the Company may, by its servants, agents, or workmen, enter upon any public road, highway, street, bridge, watercourse, navigable or non-navigable water or other such places in any city, incorporated town, village, county, municipality or other place, for the purpose of constructing, erecting, equipping, working and maintaining its line or lines of telegraph and telephone upon, along, across, over and under the same; and may erect, equip and maintain such and so many poles and other works and devices as the Company deems necessary for making, completing and supporting, using, working and maintaining the system of communication by telegraph

and telephone; and may stretch wires and other telegraphic and telephonic contrivances thereon; and, as often as the Company, its agents, officers or workmen think proper, may break up and open any part whatsoever of the said public roads, highways, streets, bridges, watercourses, navigable and non-navigable waters and other like places, subject, however, to the following provisions, that is to say: May erect poles. May break up streets, etc.

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

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

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

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

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

(*f.*) The Company shall not cut down or mutilate any shade, fruit or ornamental tree, in carrying on any work under this section; Trees.

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

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

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

(*j.*) Nothing herein contained shall be deemed to authorize the Company, its servants, workmen or agents to enter upon any private property for the purpose of erecting, maintaining Private rights.

or repairing any of its works, without the previous assent of the owner or occupant of the property for the time being ;

Temporary removal of lines or wires.

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

Notice to the company.

Powers as to vessels.

11. The Company may build, purchase, acquire, charter, lease, possess, work and operate steam and other vessels on any lakes, rivers or navigable waters, for such purposes in connection with their undertaking, as they deem proper and expedient and may enter into arrangements and agreements with owners of steam and other vessels for such purposes.

Docks etc.

12. The Company may construct, purchase, lease or otherwise acquire or hold wharves, docks, elevators and warehouses in connection with the railway.

Expropriation of lands.

13. The Company, in addition to other powers under *The Railway Act*, may, if it cannot agree for the purchase thereof with the owner of the land required for wharves, docks, elevators and warehouses, cause a map or plan and book of reference to be made of the land required for any of the purposes aforesaid, and all the provisions of sections one hundred and seven to one hundred and eleven, both inclusive, of *The Railway Act*, shall apply to the subject-matter of this subsection and to the obtaining of such land and determining the compensation therefor.

Powers as to lands, etc.

14. The Company, for the purpose of aiding the construction, equipment or maintenance of their undertaking, may purchase from the Government of Canada, or from the Government of any province of Canada, or from any corporation, company or person, lands including water powers and mill privileges, and may hol , dispose of, sell, pledge or mortgage such lands and may acquire and utilize water and steam power for the purpose of generating electricity for lighting and motor purposes in connection with its railway or any branch or part thereof; and may operate the said railway or any branch or part thereof by electricity.

Electricity.

Issue of bonds.

15. 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 the Company 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 ninety-four 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.

Agreement with another company.

16. The Company may enter into an agreement with the Grand Trunk Railway Company of Canada, 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 the same, at which meeting shareholders representing at least two-thirds in value of the stock are present in person or represented by proxy, and that such agreement has also received the sanction of the Governor-in-Council.

Approval of shareholders and sanction of Governor in Council.

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

Declaratory.

17. The undertaking and works authorized and mentioned herein are declared to be works for the general advantage of Canada.

Sale of part of railway.

18. Notwithstanding anything hereinbefore contained, the Company may sell that portion of its line at present under construction from the junction of what was formerly known as the Northern and Pacific Junction Railway with the Canadian Pacific Railway to the town line between the townships of Ferris and Widdifield to the Grand Trunk Railway Company of Canada, with all the improvements thereon, provided that the agreement for such sale 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 the same, at which meeting shareholders representing at least two-thirds in value of the stock

Approval of shareholders.

are present in person or represented by proxy; and the said portion of its line, if so sold, shall not be subject to any lien or charge for any bonds thereafter issued by the Company.

Time for construction.

19. The railway of the Company shall be completed to Lake Tamogaming within three years, and to Lake Temiscamingue within five years, and the balance of the said railway within seven years from the passing of this Act, and upon failure to complete the same as herein provided, then the power thereafter to continue the construction shall cease and determine, but the right of the Company to the portion constructed shall not thereby be affected.

SCHEDULE

ACTS OF THE PARLIAMENT OF CANADA REPEALED BY THIS ACT.

Year.	Title.	Extent of Repeal.
47 Vict., c. 80.	An Act to incorporate the Lake Nipissing and James Bay Railway Company	The whole.
49 Vict., c. 77.	An Act to amend the Act to incorporate the Lake Nipissing and James Bay Railway Company	The whole.
51 Vict., c. 80.	An Act respecting The Lake Nipissing and James Bay Railway Company	The whole.
52 Vict., c. 81.	An Act respecting the Lake Nipissing and James Bay Railway Company and to change the name of the Company to the Nipissing and James Bay Railway Company	The whole.
55 & 56 Vict., c. 51.	An Act respecting the Nipissing and James Bay Railway Company	The whole.

No. 34.

6th Session, 7th Parliament, 59 Victoria, 189

BILL.

An Act to consolidate and amend certain Acts relating to the Nipissing and James Bay Railway Company.

Received and read a first time, Friday, 31st January, 1896.
Second reading, Monday, 3rd February, 1896

(PRIVATE BILL).

Mr. TISDALE.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1896

No. 35.] **BILL.** [1896.

An Act to incorporate the Canadian Electric Railway and Power Company.

WHEREAS a petition has been presented praying for the incorporation of a company to construct and operate a line of railway, and for other purposes as hereinafter set forth, and it is expedient to grant the prayer of the said petition : Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts is follows:— Preamble

1. Castle Smith of the City of London, England, James Kerr Osborne, Lyman Melvin Jones, George W. Beardmore, William Herbert Cawthra and Edmund Bristol, all of the City of Toronto, and Edward F. Fauquier of the City of Ottawa, in the County of Carleton, together with such other persons as become shareholders in the company hereby incorporated are hereby constituted a body corporate under the name of "The Canadian Electric Railway and Power Company", hereinafter called the Company. Incorporation. Corporate name.

2. The head office of the company shall be in the City of Toronto, in the county of York and Province of Ontario. Head office.

3. The Company may lay out, construct and operate a railway, with single or double track of the gauge of four feet eight and one-half inches, from a point in or near the city of Montreal, in the Province of Quebec, to the city of Windsor in the county of Essex and province of Ontario, passing through through the cities of Brockville, Kingston, Belleville, Toronto, Hamilton and London, and may build a branch line from Toronto or some other point on the main line to Suspension Bridge, and branch lines for a radius not exceeding twenty-five miles from any point or points on the main line. Line of railway described.

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

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

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

6. The capital stock of the Company shall be one million two hundred and fifty thousand dollars, and may be called up Capital stock.

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

Conditions precedent to commencement of operations.

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

As to second section of railway.

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

As to other sections.

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

Annual meeting.

8. The annual general meeting of the shareholders shall be held on the first Monday in October in each year.

Directors.

9. At such annual 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.

2. The number of the directors may be increased to such number as the directors deem proper under a by-law to be passed to that effect, and one or more of the directors may be paid directors.

Proxies and quorum.

10. The directors may act and vote by proxy, such proxy to be held by a director, and no director shall hold more than two such proxies, and at least three directors shall be personally present for the transaction of business. But if the number of directors is increased, no meeting of directors shall be competent to transact business unless at least five directors, or such additional number as the by-law sspecify, are present thereat in person.

Renewal of proxies.

2. No appointment of a proxy to vote at any meeting of the directors shall be valid for that purpose unless it has been made or renewed in writing within one year next preceding such meeting.

Docks, elevators and transportation service.

11. The Company, at any point where the railway or any branch thereof touches or crosses any navigable waters, may,

for the purposes of its business, lease or purchase, build, equip and operate docks and elevators and steam and other vessels, and may collect wharfage and storage charges for the use of its wharves and buildings, and may, in connection with its railway, convey passengers and freight between ports in Canada and ports outside of Canada, and may carry on a general transportation service in connection with the said railway, and may lease, sell and otherwise dispose of such vessels, docks and elevators, and may build, purchase, lease and manage hotels and parks along the line of its railway.

Electricity

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

Incidental powers.

13. The company may, for the purposes aforesaid,—

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

(*b.*) Build and maintain power houses and stations for the development of electrical force and energy, and buy or lease the factories or stations of other like companies, or lease their works, equipment and appurtenances or a portion thereof;

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

(*d.*) Sell or lease to any person or corporation any power which the Company develops or acquires 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 may be used.

Arrangements with other companies, etc.

14. The Company may enter into contracts and arrangements with all existing or authorized firms or corporations along the line of the said railway, particularly with existing street or electric railway, light or power companies, for the purpose of acquiring, leasing, taking over, amalgamating with or making running arrangements with then or to supply them with heat light, or power, and may establish, maintain and carry on street railway services in such cities and towns on the line of the said railway as the Company and municipalities agree on.

Issue of bonds limited.

15. The Company may issue bonds, debentures or other securities to the extent of twenty thousand dollars per mile of the railway and branches, and six thousand dollars per mile additional debentures for each mile double-tracked; and such bonds, debentures or other securities may be issued only in proportion to the length of railway constructed or under contract to be constructed.

Telegraph and telephone lines along railway.

16. The Company may construct, equip, work and maintain a telegraph line and telephone lines along the whole length of its railway and branches and across any rivers or canals that

intervene, and shall have and enjoy all the rights, powers, privileges and immunities, essential and appertaining to the construction and maintenance of such lines; and may establish offices for the transmission of messages for the public; and for the purposes of erecting and working such telegraph and telephone lines the Company may enter into a contract with any other company.

Connections with other telegraph and telephone lines.

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

Other lines not to be interfered with.

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

Territory limited.

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

Company may enter upon public roads.

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

May erect poles.

May break up roads, etc.

Travel not to be obstructed.

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

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

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

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

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

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

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

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

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

(*j.*) Nothing in this Act contained shall be deemed to authorize the Company, its servants, workmen or agents, to enter upon any private property for the purpose of erecting, maintaining or repairing any of its wires, without the previous assent of the owner or occupant of the property for the time being ; Private rights saved.

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

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

Working arrangements with other companies.

18. The Company may enter into arrangements with any other telegraph or telephone company for the exchange and transmission of messages, or for the working in whole or in part of the lines of the Company, or with any electrical power company for the use or lease by the Company of electric power force or energy to or from such company.

Lines along streets and highways.

19. The Company may construct and carry its lines of railway operated by electricity along and upon such streets and highways in any city, town, village or municipality when thereto authorized under any resolution of or agreement with the corporations respectively having jurisdiction over the same, and subject to any restrictions therein or herein contained, and under and subject to any agreements to be made between the councils of any of the said corporations and the Company; and it shall not be necessary for the line of railway when operated as aforesaid to be fenced, nor shall it be necessary for the Company in such case to erect cattle guards.

As to fences and cattle-guards.

Agreements with municipalities.

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

Agreement with another company.

21. The Company may enter into an agreement with the Canadian Pacific Railway Company, the Grand Trunk Railway Company of Canada, the Montreal Electric Railway Company, the Toronto Railway Company, the Hamilton Street Railway Company, or any other electric or street railway company in the Province of Ontario, for conveying or leasing to such company the railway of the company hereby incorporated in whole or in part or any rights or powers acquired under this Act, as also the 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, or to make running arrangements with such company on such terms and conditions as may be 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 in person or represented by proxy and that such agreement has also received the sanction of the Governor in Council.

Approval of shareholders and sanction of 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 two hundred and thirty-nine of *The Railway Act*, and also for a like period in one leading newspaper in the cities of Montreal, Kingston, Toronto, Hamilton, London and Windsor.

Application for sanction.

22. The directors, under the authority of the shareholders to them given at any general meeting specially called for the purpose, at which meeting shareholders representing at least two-thirds in value of the capital stock of the Company are present in person, may issue preference stock to an amount not exceeding one hundred shares of one hundred dollars each per mile, that is to say, ten thousand dollars per mile for every mile of railway or branches constructed or under contract to be constructed, entitling the holder thereof, in priority to all other shareholders, to a cumulative dividend payable thereon, at such rate, not exceeding eight per cent per annum, as the directors think fit, out of the net earnings of the Company after the interest on the first mortgage bonds is paid.

Preference stock.

2. The holders of such preference stock shall have the rights, privileges and qualifications of holders of capital stock for voting at meetings of the company or for being directors.

Rights of holders.

23. The directors of the Company elected by the shareholders may make and issue as paid-up stock shares in the ordinary stock of the Company, whether subscribed for or not, and may allot and hand over such stock in payment for right of way, plant, rolling stock or materials of any kind, and also for the services of contractors and engineers, and also in whole or partial payment for the purchase, lease or other acquisition of wharves, lands, ships, power, appurtenances, franchises and other property which the Company is authorized under the provisions of this Act to acquire, construct, operate or own ; and such issue and allotment of stock shall be binding on the Company, and such stock shall not be assessable for calls.

Paid-up stock.

24. The Company may issue the bonds and other securities authorized to be issued by this Act separately with respect to each section of twenty miles or more constructed or placed under contract for construction from time to time or on the whole line of the railway of the Company; and such bonds or other securities so issued shall, subject to the provisions contained in section ninety-four of *The Railway Act* form a first charge upon and be limited to the particular section with respect to which they are issued and upon the rents and revenues thereof and upon all the property of the Company properly belonging to such section.

Bonds may be issued on separate sections.

Expropriation of lands.

25. Where, by reason of the fact that the Company is unable to obtain the consent of the municipal council or other authority having jurisdiction over the roads and streets of any city, town, municipality or district through which the line of the Company's railway is intended to pass as provided by section seventeen of this Act, or by reason of the fact that such street is for physical or other reasons impracticable for such purpose and the Company therefore finds it advisable and expedient to exercise powers of expropriation under *The Railway Act*, the Company may take the levels and make the surveys of the lands through which the railway of the Company is to pass other than roads and highways as aforesaid, together with the map or plan thereof, and of its course and direction and of the lands intended to be passed over and taken therefor, so far as then ascertained, and also the book of reference for the railway, and shall deposit the same as required by the sections of *The Railway Act* and amendments thereto with respect to plans and surveys by sections or portions less than the whole length of the said railway authorized 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 railway all and every one of the sections of *The Railway Act* and the amendments thereto 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 railway as fully and effectually as if the levels and surveys had been taken and made of the lands through which the whole of said railway is to pass, together with the map or plan of the whole thereof and of its whole course and direction and of the lands intended to be passed over and taken and the book of reference for the whole of the said railway had been taken, made, examined certified and deposited according to the said sections of the said *Railway Act* and the amendments thereto respecting plans and surveys.

As to fences and cattle-guards.

26. Notwithstanding anything in *The Railway Act* it shall not be necessary for the Company so far as the line of the railway passes along the highway, road or street of any city, town or municipality to erect and maintain fences on each side thereof nor generally to erect fences or cattle guards as required by section one hundred and ninety-four of *The Railway Act* unless specially required by the city, town or municipality through which the railway passes or by the owner across whose land any portion of the railway may runs, and then only for the portion with respect to which such fences or cattle-guards are required.

No. 35.

6th Session, 7th Parliament, 59 Victo

BILL.

An Act to incorporate the Canadi
tric Railway and Power Comp

Received and read the first time, Fri
January, 1896.
Second reading, Monday, 3rd Februa

(PRIVATE BILL.)

Mr. COATSW

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent M
1896

No. 36.] **BILL.** [1896.

An Act to incorporate the South Shore Suburban Railway Company

Preamble.

WHEREAS a petition has been presented praying for the incorporation of a company to construct and operate a railway and a bridge across the river St. Lawrence, as hereinafter set forth, with lines to connect the said railway and bridge with the railway systems on both sides of the said river, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows:

Incorporation.

1. The Honourable Louis Tourville, Charles J. Chisholm, Robert Bickerdike, George Bury, G. N. Ducharme, E. P. Quirk, all of the city of Montreal, together with such persons as become shareholders in the company hereby incorporated, are hereby constituted a body corporate under the name of "The South Shore Suburban Railway Company," hereinafter called the Company.

Corporate name.

Declaratory.

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

Head office.

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

Line of railway described.

4. The Company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches, from a point at or near Longueuil, in the county of Chambly, to a point in or near Laprairie, in the county of Laprairie.

Power to build a bridge over the river St. Lawrence.

5. The Company may lay out, construct, operate and maintain a railway and general traffic bridge parallel to the Victoria Bridge, over the river St. Lawrence, from a point on the South Shore at or near St. Lambert to, a point on the north shore, at or near the western end of the Montreal harbour work commonly known as the "Guard pier," together with the necessary approaches, to connect with the Grand Trunk Railway, the Montreal Street Railway at or near St. Etienne Street, in the city of Montreal, and the Canadian Pacific Railway at or near Côte St. Antoine, and with one or more lines of railway to connect the said bridge with existing or future lines of railway on the south shore of said river St. Lawrence.

Change of location of bridge.

2. Should it be deemed advisable in the public interest to change the location of the above described bridge, but so as to be within the limits included between the Victoria Bridge and

a point in the vicinity of the Western end of St Helen's Island, then and in such case, the Company is by this Act empowered to so change the location of its bridge, subject to the provisions of section seven of this Act.

Tolls on bridge to be approved by Governor in Council.

6. If the Company construct or arrange the said bridge for the use of foot passengers, street cars, carriages and other vehicles, as well as for railway purposes, then the tolls to be charged for the passage of such foot passengers, street cars, carriages and other vehicles shall, before being imposed, first be submitted to and approved of, and may be amended and modified from time to time by the Governor in Council; but the Company may at any time reduce the same; and a notice showing the tolls authorized to be charged shall at all times be posted up in a conspicuous place on the said bridge.

Plans to be submitted to Governor in Council.

7. The Company shall not commence the said bridge, or any work thereunto appertaining, until it has submitted to the Governor in Council plans of such bridge and of all the intended works thereunto appertaining, nor until such plans have been approved by the Governor in Council, and such conditions as he thinks fit for the public good to impose touching the said bridge and works have been complied with; nor shall any such plans be altered or any deviation therefrom allowed, except with the permission of the Governor in Council and upon such conditions as he imposes: Provided always that the portion of the said bridge which crosses the navigable parts of the river St. Lawrence shall be at least sixty-five feet in clear height above the low water level, and that the span over the main channel shall not be less than three hundred and fifty feet in length.

Proviso.

And to Harbour Commissioners as to certain portions of works.

2. The Company shall also submit for the approval of the Harbour Commissioners of Montreal the plans 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.

No discrimination in rates of tolls.

8. So soon as the bridge is completed and ready for traffic, all railways and street railways connecting with the same, now constructed or hereafter to be constructed, and also the trains and cars of all companies whose lines connect with the line of any company so connecting with the said bridge and approaches, shall have and be entitled to the same and equal rights and privileges in the passage of the said bridge, so that no discrimination or preference in the passage of the said bridge and approaches, or in tariff rates for transportation, shall be made in favour of or against any railway whose trains, cars or business pass over the said bridge.

In case of disagreement, railway committee to decide.

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

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

11. The capital stock of the Company shall be one million dollars; and so soon as ten per cent of the capital stock 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 in the manner and for the purpose set forth and prescribed in section thirty-six of *The Railway Act.* Capital stock. First meeting of shareholders.

12. The annual general meeting of the shareholders shall be held on the first Wednesday in October of each year. Annual general meeting.

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

14. The Company may issue bonds, debentures or other securities to the extent of twenty-five thousand dollars per mile of its railway or tramway and branches, and such bonds, debentures or other securities may be issued only in proportion to length of railway or tramway constructed or under contract to be constructed, and shall be designated as "Series A"; and in addition thereto, bonds, debentures or other securities to the extent of one million five hundred thousand dollars may be issued in aid of the construction of the bridge mentioned in this Act, and shall be designated as "Series B"; and all such bonds shall be secured by a deed of mortgage specifying the security therefor, and such deed may provide that all tolls and revenues derived from the use of the bridge and other works of the Company by other corporations or persons, shall be specially charged and pledged as security for such bonds. Amount of bonds, etc., limited.

15. The Company may enter into an agreement with the Canadian Pacific Railway Company, the Grand Trunk Railway Company of Canada, the Atlantic and Lake Superior Railway Company, the Montreal Island Belt Line Railway Company, the Montreal Street Railway Company, the Montreal Park and Island Railway Company, the United Counties Railway Company, or the South Shore Railway Company, for conveying or leasing its railway or bridge to such company, in whole or in part, or any rights or powers acquired by it, as also the surveys, plans, works, plant, machinery and other property to it belonging, or for an amalgamation with either of such 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 sanctioned by two-thirds of the votes at a special general meeting of the shareholders duly called for the purpose of considering the same,—at which meeting shareholders representing at least Agreement with another company. Sanction of shareholders and of the Governor in Council.

two-thirds in value of the stock are present or represented by proxy,—and that such agreement has also received the approval of the Governor in Council.

Notice of application for approval.

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

No. 36.

6th Session, 7th Parliament, 59 Victoria, 1896

BILL.

An Act to incorporate the South Shore Suburban Railway Company.

Received and read a first time, Friday, 31st January, 1896.
Second reading, Monday, 3rd February, 1896.

(PRIVATE BILL.)

MR. LACHAPELLE.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1896

No. 37] **BILL.** [1896.

An Act to confirm a certain lease and agreement between the Grand Trunk Railway Company of Canada and the St. Lawrence and Adirondack Railway Company.

Preamble.

WHEREAS the Grand Trunk Railway Company of Canada have by their petition represented that they have entered into a certain lease and agreement, a copy of which is set forth in the schedule to this Act; and whereas the said Grand Trunk Railway Company of Canada and the St. Lawrence and Adirondack Railway Company have respectively by their petitions prayed that the said lease and agreement be confirmed and made legal and binding; and whereas it is expedient to grant the prayer of the said petitions: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Agreement in schedule confirmed.

1. The lease and agreement therein contained, which, except the plan annexed thereto, forms the schedule to this Act, are hereby confirmed and made valid in all respects as fully as if the several clauses and provisions thereof were set out at length in this Act.

SCHEDULE.

THIS INDENTURE made this 1st day of January in the year of Our Lord one thousand eight hundred and ninety-six, by and between:—

The Grand Trunk Railway Company of Canada, hereinafter called the Grand Trunk, of the first part, and The St. Lawrence and Adirondack Railway Company, hereinafter called the St. Lawrence Company, of the second part:

Whereas, the St. Lawrence Company desire instead of building an independent line of railway between Beauharnois and Valleyfield in the province of Quebec, to lease the line of the Grand Trunk between said points for the period and on the terms and conditions hereinafter expressed;

Therefore, these presents witness that the said parties hereto have and they hereby do for the considerations above and hereinafter expressed, demise, covenant and agree each with the other, each for themselves and their respective successors and assigns as follows, that is to say:—

1. The Grand Trunk hereby demise and lease to the St. Lawrence Company, all that portion of their line of railway, shown in red on the plan annexed hereto, and which is hereby made part of these presents, that is to say, from the southerly end of the curve, south of the present Beauharnois

station, to the present terminus at Valleyfield, together with all the stations, bridges, fences, buildings, sidings and fixtures of all kinds on the said line shown in red on the said plan between the points also shown in red on said plan, for and during and unto the full end and term of ninety-nine years, computing from the first day of January, in the year of Our Lord, One thousand eight hundred and ninety-six, the said St. Lawrence Company yielding and paying to the Grand Trunk the clear yearly rent of seven thousand dollars, in each year, during the said tenancy, such payment to be made to the Grand Trunk at their head office in the city of Montreal, and the first of such payments to be made on the first day of July, 1896, now next, and so on from half year to half year during the continuance of the said term. Said rent to commence on the opening of the through line from Beauharnois to Caughnawaga, now under construction by the South-western Railway Company.

2. The St. Lawrence Company covenant with the Grand Trunk, that they will pay the said rent, and will pay all taxes and assessments of all kinds imposed or levied on the said premises and property, during the said term.

3. That the St. Lawrence Company will re-construct and put the said line in good working order, as to stations, bridges, fences, tracks and other structures and buildings required for the proper working of the line.

4. That they will relay the said line with steel rails of not less than eighty pounds to the lineal yard.

5. That they at their own cost, will at all times during the said term, maintain and keep the said line and its appurtenances, including stations, bridges and other structures in good working order.

6. That the Grand Trunk shall have the right at all times during said term, with their own engines, to run one train each way, daily, passenger, freight or mixed, over said lines so completed and maintained, without any charge to the Grand Trunk; and the Grand Trunk shall also have the right to run additional trains at a charge of twenty-five cents per train, mile run, and if at any time the Grand Trunk shall see fit to sign an agreement waiving their right of trackage during the balance of this lease, the St. Lawrence Company agree to make the annual rental ten thousand dollars per annum.

7. That if the St. Lawrence Company extend the Beauharnois line to the mills at Valleyfield, the Grand Trunk for the charge aforesaid shall have the right to use such extension for their purposes, with their said trains or any of them.

8. The St. Lawrence Company shall give seven days notice to the Grand Trunk of its intention to change the time bills for said leased line, and shall provide in said time bills for the running of such trains as the Grand Trunk may desire to run, so far as can be done without inconvenience to the through service of the St. Lawrence Company. In case the Grand Trunk shall desire to change the time of its said trains, it shall give seven day's notice to the superintendent of the St. Lawrence Company of its desire to do so.

9. The order of precedence of trains shall be as follows:— Passenger trains of the St. Lawrence Company shall have precedence over all trains of the Grand Trunk. Mixed trains

of the St. Lawrence Company shall have precedence over mixed and freight trains of the Grand Trunk. Freight trains of the St. Lawrence Company shall have precedence over freight trains of the Grand Trunk. Passenger trains of the Grand Trunk shall have precedence over mixed and freight trains of the St. Lawrence Company. Mixed trains of the Grand Trunk shall have precedence over freight trains of the St. Lawrence Company.

10. The use of the said portion of the said line so leased may be exercised by the Grand Trunk under the rules, regulations and supervision of the superintendent of the St. Lawrence Company, and his orders and directions and rules and regulations for the working of the line not at variance with this agreement shall be observed by the Grand Trunk trains and servants, while on said portion of said line.

11. It is further agreed that without other charge by the St. Lawrence Company than the said mileage charge, the Grand Trunk shall have the right for their purposes, to use the telegraph lines of the Great North-western Telegraph Company under their present arrangement with the said telegraph company and that the rights of the said telegraph company are not to be impaired by this agreement.

12. The said parties hereto further agree that the Grand Trunk shall have the right to take freight or passengers from any point on their line beyond the portion so leased to any point on the line so leased, and also from any point on the portion so leased to any portion on the Grand Trunk line, beyond the said leased portion. The Grand Trunk may also do any local business either freight or passenger between Beauharnois and Valleyfield and intermediate stations. The Grand Trunk shall at Valleyfield and other points between Valleyfield and Beauharnois have the use of any sidings belonging to the St. Lawrence Company put in now or hereafter for the purposes of the business of the said line, with the use of the stations aud freight sheds, as may be necessary for the exercise of their said running powers. In case the Grand Trunk shall require the use of the present engine-house at Valleyfield, the St. Lawrence Company shall maintain it for the use and at the expense of the Grand Trunk. After cessation of user of line Grand Trunk may remove same to any other place.

13. The Grand Trunk when necessary shall have the right to take water at Valleyfield for their locomotive engines free of charge, (provided the people of Valleyfield do not object).

14. The Grand Trunk shall if they desire it have the use of the station at or near Beauharnois and the expense of working said station shall be apportioned between the Grand Trunk and the St. Lawrence Company, from time to time in proportion to the number of engines and cars, freight and passenger, that each company shall take in and out of the said station,—the object of this lease being that each party shall for the consideration above expressed have such use of the above line as the business of each shall require and in such a way as shall give the least possible inconvenience to the other and to the mutual advantage of each.

15. That in the use and maintenance and working of the said railway so leased the St. Lawrence Company shall be subject to and shall comply with and observe all the several

provisions of the General Railway Act or Acts of the Dominion of Canada in force for the time being respecting the working use and maintenance of Railways in Canada.

16. The Grand Trunk shall not be responsible for the acts or defaults of the servants of the St. Lawrence Company or for the efficiency or otherwise of the machinery and appliances or for the efficiency and stability of bridges and structures on the line or the state of the roadway, and the St. Lawrence Company shall not be responsible for the acts or defaults of the servants of the Grand Trunk or for the efficiency or otherwise of the machinery and appliances of the Grand Trunk used on said line, and in each case the party in default will save harmless and protect the other from all loss or damage to persons or property so caused.

17. Tools and movable property on the line hereby leased at the time this lease takes effect are not covered thereby or included therein.

18. It is further agreed that in default of payment of rent for six months after the same becomes due or the non-performance of any of the agreements or covenants above contained on the part of the St. Lawrence Company their successors or assigns shall give the Grand Trunk, their successors or assigns the right to re-enter and put an end to this lease and agreement without further action on the part of the Grand Trunk, but in the meantime and until such default the St. Lawrence Company shall have and enjoy the rights and possession above mentioned to the full extent above specified.

19. The Grand Trunk may use their own engines in doing for their purpose any necessary shunting. This is also covered by the above mentioned rate.

20. The St. Lawrence Company agree that at the end of said term or sooner determination of this lease, they their successors or assigns will yield up to the Grand Trunk their successors or assigns the said railway with all its bridges, stations, fixtures and appliances in good order.

21. Each of the parties hereto will use all reasonable means to procure the passing by the Dominion Parliament at the next or subsequent sittings thereof an Act to validate the above contained lease and agreement with such provisions as may be deemed necessary.

22. Each of the parties hereto covenants and agrees with the other to abide by, perform and keep the above covenants according to the spirit, true intent and meaning thereof.

In witness whereof the parties hereto have hereunto affixed their respective corporate seals on the day and year first above written.

Signed, sealed and delivered in presence of
CHAS. PERCY,
Treasurer.

THE GRAND TRUNK RAILWAY CO. OF CANADA,
CHAS. M. HAYS,
General Manager.

[L.S.]

FRANK G. SMITH,
Secretary.

THE ST. LAWRENCE & ADIRONDACK RAILWAY CO.,
WM. SEWARD WEBB,
President.

(L.S.)

No. 37.

6th Session, 7th Parliament, 59 Victoria, 1896

BILL.

An Act to confirm a certain lease and agreement between The Grand Trunk Railway Company of Canada and The St. Lawrence and Adirondack Railway Company.

Received and read a first time, Friday, 31st January, 1896.
Second reading, Monday, 3rd February, 1896.

(PRIVATE BILL.)

Mr. BERGERON.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1896

[No. 38.] **BILL.** [1896.

An Act respecting the Montreal and Ottawa Railway Company.

Preamble.

WHEREAS the Montreal and Ottawa Railway Company has, by its petition, prayed that the time for completing its railway be extended, and it is expedient to grant the prayer of petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Time for construction extended.

1. The Montreal and Ottawa Railway Company may complete its railway or any portions thereof within five years from the passing of this Act: provided that as to so much thereof as is not completed within that period the powers hereby granted shall cease and determine.

No. 38.

6th Session, 7th Parliament, 59 Victoria, 1896

BILL.

An Act respecting the Montreal and Ottawa Railway Company.

Received and read a first time, Friday 31st January, 1896.
Second reading, Monday, 3rd February, 1896.

(PRIVATE BILL.)

Mr. BERGERON.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1896

No. 39.] **BILL.** [1896.

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

Preamble.

WHEREAS the St. Lawrence and Adirondack Railway Company incorporated by an Act of the Parliament of Canada passed in the fifty-first year of Her Majesty's reign, chaptered sixty-four, and the Malone and St. Lawrence Railway Company, organized under the laws of the State of New York, one of the United States of America, have under the provisions of the Acts and laws relating to the said companies, entered into a joint agreement for the amalgamation and consolidation of the said two companies as one company, under the name of "The St. Lawrence and Adirondack Railway Company," which agreement has been duly sanctioned by the shareholders of the said St. Lawrence and Adirondack Company, and has also received the approval of the Governor in Council, and a true copy whereof is set out in the schedule to this Act; and whereas the said two companies have by their petition prayed for the passing of an Act ratifying and confirming the said agreement; and whereas the St. Lawrence and Adirondack Company has also by its petition prayed for the passing of an Act giving it further powers as hereinafter mentioned; and whereas it is expedient to grant the prayer of the said petitions: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Agreement confirmed.

1. The agreement of amalgamation and consolidation contained in the schedule to this Act is hereby ratified and confirmed and shall be taken and read as part of this Act, and the amalgamation and consolidation thereby effected is hereby declared to be valid and operative as and from the eleventh day of November, one thousand eight hundred and ninety-five.

Incorporation of new company.

Corporate name.

2. From the date last above mentioned, the said amalgamated companies and the shareholders thereof, shall be deemed to have become, and are hereby declared to have been and to be, a body corporate and politic under the name of "The St. Lawrence and Adirondack Railway Company," hereinafter called the Company, and from the said date shall be held to have been vested with and to have possessed all the rights, franchises, powers, privileges, property, and assets of the said amalgamating companies and each of them.

Existing rights, etc., not to be affected.

3. Nothing in this Act or in the said agreement of amalgamation shall be held to relieve either of the said companies from any contract or liability entered into or incurred before the said last mentioned date, but the company hereby incorporated

shall be liable for all debts, duties and obligations of each of the companies so amalgamated; and no proceedings of any nature, either by or against the said companies so amalgamated or either of them, shall be abated or discontinued, by reason of the said amalgamation or consolidation or of this Act, but the same shall be continued to their termination, as if the said amalgamation or consolidation had not been effected.

Declaratory.

4. All the lines and branch lines of railway constructed or authorised to be constructed in Canada, by the Acts of the Parliament of Canada relating to either of the said companies, are hereby declared to be works for the general advantage of Canada.

Railway Act to apply.

5. *The Railway Act* shall apply to "the Company."

SCHEDULE.

THIS JOINT AGREEMENT OF CONSOLIDATION, made and entered into this thirteenth day of December, one thousand eight hundred and ninety-four, by and between the directors of the Malone and St. Lawrence Railway Company, of the first part, a railroad corporation organized under the laws of the State of New York, and operating a railroad wholly within said State, and the directors of St. Lawrence and Adirondack Railway Company, of the second part, a railroad corporation organized under the laws of the Dominion of Canada, and operating a railroad wholly within the Province of Quebec, Dominion of Canada—

Witnesseth:

WHEREAS, the railroad owned and operated by the first above named Company within the State of New York, and the line or route of the railroad of the second above named Company within the Province of Quebec, Dominion of Canada, form a continuous and connected line of railroad with each other within the State of New York and the Province of Quebec, Dominion of Canada, and the directors of each of said companies have proposed to merge and consolidate the capital stock, franchises and property of each of the said companies above named with the other under "The Railroad Law" of the State of New York, and the several Acts amendatory thereof, and under the laws of the Dominion of Canada, into a new or consolidated corporation, so that the said railroad lines or routes of road, when taken together, shall form a continuous and connected line of railroad with each other, running from Malone, in the County of Franklin, and State of New York, to a point at or near the village of Salaberry de Valleyfield, in the Province of Quebec, and Dominion of Canada.

Now, therefore, the directors of each of the said companies above named do hereby enter into this joint agreement, under the respective corporate seals of each of the said companies for the purpose of effecting such consolidation, and do prescribe the following terms and conditions of such consolidation, which terms and conditions the said parties hereto mutually covenant, promise and agree to preserve, keep and perform, that is to say:

First.—The capital stock, franchises and property of each of the corporations above named are hereby merged and consolidated with the capital stock, franchises and property of each of the other corporations above named, into a new and consolidated corporation to be called and known by the corporate name of "The St. Lawrence and Adirondack Railway Company", which shall have and possess all and singular the rights, franchises, grants, powers, exemptions, immunities, privileges, capacities, properties and rights of way, and all the property, real, personal and mixed, of every name and nature, which are or have been granted to or conferred upon or possessed or enjoyed by either of the companies above named, by and under the laws and enactments of the State of New York and by and under the laws and enactments of the Dominion of Canada.

Second.—The number of directors of said Consolidated Company shall be nine, and the number of officers, four, viz: a president, a vice-president, a secretary and a treasurer.

Third.—The number of years that the said Consolidated Company is to continue is five hundred.

Fourth.—The principal place of business of said Consolidated Company shall be in the City of Montreal, Dominion of Canada.

Fifth.—The names and places of residence of the said nine directors, and of the other officers of said Consolidated Company, who shall be the first directors and officers thereof, and shall manage its affairs for the first year and until others are chosen in their places, are as follows, to wit:

Directors.—William Seward Webb, New York; Chauncey M. Depew, New York; Edgar Van Etten, New York; Martin F. McClary, Malone, N. Y.; John Jacob Astor, New York; Edward C. Smith, St. Albans, Vt.; Frank G. Smith, New York; Charles H. Burnett, New York; Henry L. Sprague, New York.

Officers:–William Seward Webb, president, N.Y.; Chauncey M. Depew, vice president, New York; Henry L. Sprague, Secretary, New York; Frank G. Smith, treasurer, New York.

Sixth.—The amount of capital stock of said Consolidated Company shall be five hundred and ninety thousand dollars—($590,000), and shall consist of five thousand nine hundred shares of the par value of one hundred dollars each.

Seventh.—The capital stock of the Malone and. St Lawrence Railway Company, of two hundred and forty thousand dollars ($240,000), shall be convertible into the capitals tock of the said Consolidated Company at the rate of one share of the capital stock of said Consolidated Company for one share of the capital stock of the said Malone and St. Lawrence Railway Company.

Eighth.—The capital stock of the St. Lawrence and Adirondack Railway Company of three hundred and fifty thousand dollars ($350,000) shall be convertible into the capital stock of the said consolidated company at the rate of one share of the capital stock of the said Consolidated Company for one share of the capital stock of the said St. Lawrence and Adirondack Railway Company.

Ninth.—The capital stock of each of said railroad companies shall be convertible upon presentation and surrender of any outstanding certificates of stock in either of said companies; and certificates of like amount of stock in said Consolidated company shall be issued to the holders thereof.

Tenth.—The first annual meeting of the stockholders of the said Consolidated Company, for the purpose of electing directors of the said Company for the year then ensuing, shall be held at the offices of said company in the city of Montreal, on the third Wednesday in April, eighteen hundred and ninety-six. Said directors shall be chosen by ballot at said meeting by a majority of the votes of the stockholders of said Consolidated Company voting at such election in such manner as may be prescribed in the by-laws of the said new corporation, and they may and shall continue to be directors of said Consolidated Company for one year from the date of their election, and until others are chosen in their places. Special meetings of the stockholders of said Consolidated Company may be called at any time by the president of said corporation, by a majority of the board of directors, or as the by-laws of said Consolidated Company may prescribe. Vacancies occurring in said board of directors may be filled at any time before the said first annual meeting of said Consolidated Company, by a majority vote of the directors present at any regular or special meeting of the board of directors of said Consolidated Company, and thereafter as the by-laws of said new corporation may prescribe.

The president, vice-president, secretary, and treasurer of said Consolidated Company shall be chosen by a majority vote and by ballot by the board of directors, immediately succeeding the annual election of directors: and other officers may be chosen and appointed by the board of directors as they may deem advisable.

The directors of the said Consolidated Company are hereby authorized to draft and adopt suitable by-laws for the use of said corporation, and to carry the within agreement of consolidation into effect by all necessary and proper acts for that purpose

And the said parties of the first and second parts, for the consideration aforesaid, DO MUTUALLY AGREE AND DECLARE that the said consolidation shall take effect immediately upon the due execution of the present articles and the consent thereto in the manner prescribed by law by the stockholders of the Malone and St. Lawrence Railway Company; by the stockholders of the St. Lawrence and Adirondack Railway Company; and on the approval of the Governor General in Council, as prescribed by the laws of the Dominion of Canada.

IN TESTIMONY WHEREOF, the parties hereto of the first and second parts have executed this joint agreement in duplicate, this thirteenth day of December, eighteen hundred and ninety-four.

DIRECTORS OF THE MALONE AND ST. LAWRENCE RAILWAY COMPANY.

(Sgd) FRANK G. SMITH,
MORGAN D. WILSON,
CHAS. R. WAGER,
(Seal.) JOHN K. TAYLOR,
D. B. BROWN,
HENRY L. SPRAGUE.

DIRECTORS OF THE ST. LAWRENCE AND ADIRONDACK RAILWAY COMPANY.

(Sgd) E. C. SMITH,
HENRY L. SPRAGUE,
(Seal.) MARTIN E. MCCLURY,
GEO. H. PHILLIPS,
W. SEWARD WEBB.

No. 39.

6th Session, 7th Parliament, 59 Victoria, 1896

BILL.

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

Received and read a first time, Friday, 31st January, 1896.
Second reading, Monday, 3rd February, 1896.

(PRIVATE BILL.)

Mr. BERGERON.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1896

No. 40.] **BILL.** [1896.

An Act respecting the South Ontario Pacific Railway Company.

Preamble.

WHEREAS the South Ontario Pacific Railway Company has by its petition prayed that the time for completing its railway be extended, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Time for construction extended.

1. The South Ontario Pacific Railway Company may complete its railway within five years and its bridge within seven years from the passing of this Act; otherwise the powers hereby granted shall cease and be null and void as respects so much of the undertaking as then remains uncompleted.

No. 40.

6th Session, 7th Parliament, 59 Victoria, 1896

BILL.

An Act respecting the South Ontario Pacific Railway Company.

Received and read a first time, Friday, 31st January, 1896.
Second reading, Monday, 3rd February, 1896.

(PRIVATE BILL.)

Mr. SUTHERLAND.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1896

No. 41.] **BILL.** [1896.

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

Preamble.

WHEREAS the Lake Erie and Detroit River Railway Company has by its petition prayed that certain additional powers, as hereinafter set forth, be conferred on the said company, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Extension authorized to Fort Erie.

1. The Lake Erie and Detroit River Railway Company, hereinafter called the Company, may lay out, construct, equip, finish and operate an extension of its line of railway from some point at or near the town of Simcoe, in the county of Norfolk, in the province of Ontario, to some point at or near the town of Fort Erie, in the county of Welland, in the said province; and all provisions of the Act incorporating the Company and amendments thereto relating to the issue of mortgage bonds, shall apply to the extension hereby authorized.

Time for construction.

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

No. 41.

6th Session, 7th Parliament, 59 Victoria, 1896

BILL.

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

Received and read a first time, Friday, 31st January, 1896.
Second reading, Monday, 3rd February, 1896.

(PRIVATE BILL.)

MR. MCGREGOR.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1896

No. 42.] **BILL.** [1896.

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

Preamble.

WHEREAS the Canada and Michigan Bridge and Tunnel Company has petitioned for an Act empowering it to construct a high-level bridge across the Detroit River, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows:—

1895, c. 71, s. 9 repealed.

1. Section nine of chapter seventy-one of the statutes of 1895, respecting the Canada and Michigan Tunnel Company, is hereby repealed, and the following section substituted therefor:—

Bridge not to interfere with navigation.

"**9.** The said bridge shall be constructed so as not to materially obstruct the navigation of the Detroit River, and shall have a draw or draws across the main channel of the river, leaving a clear waterway between the piers on which the draws will rest of not less than one thousand feet, and the intervals between the other piers shall be not less than five hundred feet, and the height of the arches and of the bridge above the river shall be not less than forty-five feet in the clear; and the said draws shall at all times during the season of navigation be kept open, except when actually required to be closed for the passage of railway trains; or, at the option of the Company, the said bridge shall be constructed as a high-level bridge without a draw, in which case the intervals between the piers on which the bridge will rest shall be not less than one thousand feet across the main channel of the river, and the intervals between the other piers shall be not less than five hundred feet, and the height of the arches and of the bridge above the river shall, over the main channel, be at least one hundred and forty feet in the clear, and over the other channels shall be not less than forty-five feet in the clear.

May be a high-level bridge.

Lights on bridge.

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

No. 42.

6th Session, 7th Parliament, 59 Victoria, 1896

BILL.

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

Received and read a first time, Friday 31st January, 1896.
Second reading, Monday, 3rd February, 1896.

(PRIVATE BILL.)

Mr. INGRAM.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1896

No. 43] **BILL.** [1896.

An Act to Incorporate The Queenston Heights Bridge Company.

Preamble.

WHEREAS certain persons hereinafter named have petitioned for power to construct, maintain and operate a bridge across the Niagara River as hereinafter set forth, and for the incorporation of a company to construct and operate the same and for other purposes, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

1. George Gooderham of the City of Toronto, Thomas Gibbs Blackstock of the same place, Alexander Fraser of the Town of Niagara Falls, in the Province of Ontario, William B. Rankine of the City of New York, in the State of New York and W. Caryl Ely of the City of Niagara Falls, in the State of New York, together with such persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of "The Queenston Heights Bridge Company," hereinafter called "the Company."

Corporate name.

Railway Act applicable.

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

Powers to construct bridge.

3. The Company hereby incorporated may construct, maintain and operate a bridge across the Niagara River at or near Queenston Heights in the county of Lincoln, for the passage of pedestrians and vehicles and for the passage of cars propelled by electrical or any power other than locomotive steam power; but the Company shall not commence the actual erection of the said bridge until an Act of the Congress of the United States, or an Act of the Legislature of the State of New York, has been passed authorizing or approving the bridging of the said river as aforesaid, nor until the Executive of the United States has consented to and approved such bridging, but the Company may in the meantime acquire the lands, submit their plans to the Governor in Council and do all other things authorized by this Act, except the commencement of the actual construction or erection of the bridge.

Approval of U. S. or of New York State.

Laying tracks on bridge.

Agreement for operating.

4. The Company may lay tracks upon the said bridge and the approaches thereto for the passage of the said cars, and may operate the same or enter into any contract or agreement with any individual, corporation or corporations with reference to operating the same, and may connect the same with any line or lines of railway other than a railway operated by locomotive steam power, and may amalgamate with any other

Amalgamation with other company.

Company incorporated or to be incorporated by the Legislature of the State of New York, or the Congress of the United States, for the same purpose.

Laying gas pipes, wires, cables, etc.

5. The Company may also lay and maintain along, upon or under the said bridge gas pipes and also wires, cables or other appliances for the transmission of electricity or other motive power, and may enter into contracts with any person or Com pany for the operation or use of the same.

Rate of tolls.

6. When the said bridge has been completed and its safety been certified to by such engineer as the Governor in Council appoints, the said corporation may erect a gate or gates and determine and establish the rate of tolls to be demanded for

Proviso.

going upon or crosssing the said bridge; provided always that the tolls to be charged and which may be collected and taken for the passage of such foot passengers, carriages and other vehicles shall, before being imposed, be first submitted to and approved and may be amended and modified from time to time by the Governor in Council, that but the Company may at any time

Tariff to be posted.

reduce the same; and a notice showing the tolls authorized to be charged shall at all times be posted up in a conspicuous place on the said bridge, and the charges, rates and payments to be made for the passage or transmission of street cars, trams, electric cars, or for railway purposes generally, shall, subject to the provisions contained in sections two hundred and twenty-four, two hundred and twenty-seven and two hundred and twenty-eight of *The Railway Act*, be such as are from time to time made and agreed upon by and between the Company and the companies or persons desirous of using the said bridge.

Approval of Governor in Council.

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

8. The Company may, after obtaining the sanction of the Governor in Council in the manner provided in section two hundred and thirty-nine of *The Railway Act*, and subject to the provisions contained in sections eleven and twelve of this Act,—

Union with U. S. Company.

(*a.*) Unite with any other company incorporated in and under the laws of the State of New York or of the United States, in building the bridge and its approaches, and in working, managing, maintaining and using the same, and may enter into any agreement with such company respecting the construction, maintenance, management and use of the said bridge and its appurtenances;

(*b.*) Unite with any other company incorporated under the laws of Canada or of the province of Ontario, or with any body corporate, in building the said bridge and approaches and in maintaining, working, managing and using the same, and may enter into any agreement with such company or corporation respecting the construction, maintenance, management and use thereof; Union with Canadian company.

(*c.*) Enter into any agreement with any other bridge or railway company or companies in the Dominion of Canada or in the United States, other than a railway company operated by locomotive steam power, for leasing the said bridge or the use thereof at any time or times or for any period to such railway company or companies, or for leasing or hiring from such company or companies any bridge or railway or part thereof not operated by locomotive steam power, or the use thereof, or for leasing or hiring motors, cars or movable property and generally make any agreement with any such company or companies part thereof or touching any services to be rendered by the one touching the use by one or the other or others of the bridge or railway or movable property of either or any of them or any company to the other or others and the compensation therefor; and any such bridge or railway or railroad company or companies may agree for the loan of its credit to or may subscribe to and become the owner of the stock of the Company hereby created, in like manner and with like rights as individuals; and any such agreement shall be valid and binding, and shall be enforced by courts of law according to the terms and tenor thereof; and any company accepting and executing such lease shall be and is hereby empowered to exercise all the rights and privileges by this Act conferred; but none of the above powers shall be exercised without the approval of the Governor in Council. Agreement for leasing bridge, etc.

9. The provisional directors may purchase the bridge now owned and operated by the Clifton Suspension Bridge Company and may remove and re-erect the same, or may contract to have the same removed and re-erected under the provisions of this Act, and may pay therefor in fully paid up stock or in bonds of the Company, or partly in stock and partly in bonds, as they deem most advantageous and conducive to the furtherance of the undertaking. Purchase of an existing bridge.

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

Approval of shareholders and sanction of 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 two hundred and thirty-nine of *The Railway Act*, and also for a like period in a newspaper published in the county of Lincoln.

No discrimination in tolls, etc.

11. So soon as the bridge is completed and ready for traffic, all street railways, either in Canada or the United States, now constructed or hereafter to be constructed, 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 traffic rates of transportation, shall be made in favour of or against any railway whose business or cars pass over the said bridge.

In case of disagreement.

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

Provisional directors.

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

Capital stock.

14. The capital stock of the Company shall be 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.

Head office.

15. The Head Office of the Company shall be at the Town of Niagara Falls in the province of Ontario.

Annual meeting.

16. The annual meeting of the shareholders shall be held on the second Tuesday in the month of July in each year at the head office of the Company, or at such other place in Canada as the shareholders by by-law appoint.

Directors.

17. At such meeting the subscribers for the capital stock assembled, who have paid all calls due on their shares, shall chose seven persons to be directors of the Company, three of whom shall be a quorum for the transaction of business, and one or more of whom may be paid directors of the Company.

Bonding pswers.

18. The Company may issue bonds, debentures or other securities to an amount not exceeding two hundred thousand dollars in aid of the construction of the bridge; and such bonds may be secured by a deed of mortgage; and such deed of mortgage may contain provisions that all tolls and revenues derived from the use of such bridge by other corporations or persons shall be specially charged and pledged as security for such bonds, and may also provide that the Company shall 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.

19. The directors of the Company under the authority of the shareholders at any annual general meeting of shareholders or at any special general meeting called for the purpose, at which meeting shareholders representing at least two-thirds in value of the subscribed stock of the company and who have paid all calls due thereon, are present or represented by proxy, may increase the capital stock of the company to an amount not exceeding one million dollars, by creating an additional number of shares not exceeding eight thousand shares of one hundred dollars each and may issue bonds to an extent not exceeding the capital stock. Increase of capital stock.

20. The work hereby authorized shall be commenced within two years after the Executive of the United States has consented to and approved such bridging, and be completed within five years from the passing of this Act, otherwise the powers granted under this Act shall cease and be null and void as respects so much of the undertaking as then remains uncompleted. Tims for construction of bridge.

21. In case the State of New York or the United States at any time provide for the appointment of a commission for regulating the working of the bridge, the use thereof and the compensation to be made therefor, and for settling any dispute in respect thereof, the Governor in Council may join in the appointment of the said commission on such terms as he thinks proper, and appoint one or more persons as members of the said commission; and the decisions of the said commission shall first be submitted to the Governor in Council, and if approved of, shall thereafter be final and conclusive to the extent to which the same are final and conclusive by virtue of the provisions made by the State of New York or the United States. Joint commission to regulate working of bridge.

No. 43.

6th Session, 7th Parliament, 59 Victoria, 1896

BILL.

An Act to incorporate the Queenston Heights Bridge Company.

Received and read a first time, Friday, 31st January, 1896.
Second reading, Monday, 3rd February, 1896.

(PRIVATE BILL.)

Mr. COATSWORTH.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1896

No. 44.] **BILL.** [1896.

An Act re'ating to the Board of Trade of the City of Toronto.

Preamble.

WHEREAS the Board of Trade of the City of Toronto was authorized by chapter fifty six of the statutes of 1886, intituled *An Act to amend the several Acts relating to the Board of Trade of the City of Toronto*, to create a gratuity fund in the manner and for the purpose therein specified and to assess the members of the corporation from time to time for such sum as is necessary to create and keep up such gratuity fund not exceeding forty dollars yearly for each member; and whereas it has been found impracticable to keep up the said gratuity fund, to the extent and in the manner intended by the said corporation, by assessments within the said limit of amount, and the said corporation is desirous of being enabled to assess the members, more equitably with regard to the age and insurable condition of each member thereof, and has therefore petitioned for an Act to amend the Act incorporating the said Board of Trade and the several Acts amending the same, in so far as relates to its gratuity fund and the administration thereof and to enable it to make such changes in the manner of working the gratuity fund as it sees fit and for other purposes, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada enacts as follows:—

1886, c. 56.

Certain changes may be made.

1. The Board of Trade of the City of Toronto may pass by-laws, from time to time, pursuant to the provisions of section seven of the Act, cited in the preamble, for re-arranging the plan of its gratuity fund and for fixing the several amounts assessable upon members of the corporation respectively, for the purpose of keeping up the said gratuity fund as recited in the preamble, and the same may exceed the sum of forty dollars yearly for any member, and section six of the said Act is hereby amended accordingly.

No. 44.

6th Session, 7th Parliament, 59 Victoria, 1896

BILL.

An Act relating to the Board of Trade of the City of Toronto.

Received and read a first time, Friday, 31st January, 1896.
Second reading, Monday, 3rd February, 1896.

(PRIVATE BILL.)

MR. COATSWORTH.

OTTAWA
Printed by S. E. DAWSON
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1896

No. 45.] **BILL.** [1896.

An Act to incorporate the Schomberg and Aurora Railway Company.

Preamble.

WHEREAS a petition has been presented praying for the incorporation of a railway company to construct and operate a railway as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

1. Lewis Elwood Hambly and Alfred Bosworth Armstrong both of the City of Toronto in the County of York and Benjamin Franklin Brown, Garret Brown, Jesse M. Walton, Joseph Hollingshead and John Pringle of the Township of King in the County of York and Province of Ontario, together with such persons as become shareholders of the Company hereby incorporated, are hereby constituted a body corporate under the name of "The Schomberg and Aurora Railway Company," hereinafter called "the Company."

Corporate name.

Head office.

2. The head office of the Company shall be in the City of Toronto in the County of York.

Line of railway described.

3. The company may lay out, construct and operate a line of railway of the guage of four feet, eight and one-half inches, from some point on the Northern Division of the Grand Trunk Railway of Canada between the stations known as King and Newmarket, by such route as may be found convenient, to a point at or near the village of Schomberg in the County of York, passing through or near the village of Kettleby in the said county.

Declaratory.

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

Powers as to electricity.

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

Provisional directors.

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

Vacancies.

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

Capital stock.

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

Annual general meeting.

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

Directors.

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

Issue of bonds.

10. The Company may issue bonds, debentures or other securities to the extent of fifteen 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 constructed or under contract to be constructed.

Agreement with the G. T. R. Co.

11. The Company may enter into an agreement with the Grand Trunk Railway Company of Canada for the carriage of passengers and freight, over their line or any branch thereof and for the use or partial use of their lines, tracks and rolling stock within or without the said county, and for conveying or leasing to such company the railway of the company hereby incorporated, in whole or in part, or any rights 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 called for the purpose of considering the same, at which meeting shareholders representing at least two-thirds in value of the stock are present in person or represented by proxy, and that such agreement has also received the sanction of the Governor in Council.

Approval of shareholders and sanction of Governor in Council.

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 two hundred and thirty-nine of *The Railway Act*, and also for a like period in one newspaper in the said County of York.

Agreement to be filed and notice published.

12. A duplicate of each agreement, conveyance or lease referred to in section eleven of this Act, duly ratified and approved, shall be filed in the office of the Secretary of State at Ottawa, and notice thereof shall be given by the Company in the *Canada Gazette*, and the production of the *Gazette* containing such notice shall be *prima facie* evidence of the requirements of this Act having been complied with.

Company may enter upon public roads.

13. With the consent of the municipal council having jurisdiction over the roads and streets of any city, town or municipality, the Company may, by its servants, agents or workmen, enter upon any public road, highway, street, bridge, watercourse, navigable or non-navigable water or other such places

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

May erect poles.

May break up streets, etc.

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

Travel not to be obstructed.

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

Height of wires, etc.

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

Kind of poles.

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

Cutting poles or wires in case of fire.

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

Liability for damages.

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

Trees.

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

Approval of municipality.

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

Carrying wires under ground.

Workmen to wear badges.

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

Private rights.

(*j.*) Nothing herein contained shall be deemed to authorize the company, its servants, workmen or agents, to enter upon any private property for the purpose of erecting, maintaining or repairing any of its works, without the previous assent of the owner of the property for the time being;

Temporary removal of wires.

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

No. 45.

6th Session, 7th Parliament, 59 Victoria, 1896

BILL.

An Act to incorporate the Schomberg and Aurora Railway Company.

Received and read a first time, Friday, 31st January, 1896.
Second reading, Monday, 3rd February, 1896.

(PRIVATE BILL.)

Mr. COATSWORTH.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1896

No. 46.] **BILL.** [1896.

An Act to promote the Safety of Railway Employees.

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

Air brakes on trains.

1. On and after the first day of January, 1900, it shall be unlawful for any railway company—

(*a*) To use any locomotive engine that is not equipped with an air brake in proper working order, or to 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—

Automatic couplers.

(*b*) To 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 its being necessary for men to go in between the ends of cars.

Qualifications of engine drivers and conductors.

2. On and after the passing of this Act, it shall be unlawful for any railway company to employ any person—

(*a*) As engine driver, who has not been employed for at least five years as fireman on a locomotive engine ; or—

(*b*) As conductor, who has not been employed for at least five years as a brakeman.

Penalty.

3. Any railway company violating any of the provisions of this Act shall be liable, on summary conviction, to a fine of not less than dollars nor more than dollars.

No. 46.

6th Session, 7th Parliament, 59 Victoria, 1896

BILL.

An Act to promote the safety of Railway Employees.

Received and read a first time, Friday, 31st January, 1896.

Second reading, Monday, 3rd February, 1896.

Mr. MACLEAN (York).

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1896

No. 47.] **BILL.** [1896.

An Act respecting the Brandon and South Western Railway Company.

Preamble.

WHEREAS the Brandon and South Western Railway Company has by its petition prayed for the passing of an Act to extend the time limited for the commencement and completion of its railway, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Time for construction extended.

1. Notwithstanding anything contained in chapter sixty-five of the statutes of 1894, the time limited therein for the commencement of the railway of the Brandon and South Western Railway Company, and for the expenditure of fifteen per cent on the amount of its capital stock as required by section eighty-nine of *The Railway Act*, is hereby extended for a period of three years from the first day of November, 1896; and if such expenditure is not so made, and if the railway is not completed within four years from the said first day of November, 1896, then the powers granted to the Company shall cease and be null and void as respects so much of the railway as then remains uncompleted.

No. 47.

6th Session, 7th Parliament, 59 Victoria, 1896

BILL.

An Act respecting the Brandon and South Western Railway Company.

Received and read for a first time, Monday, 3rd February, 1896.

Second reading, Wednesday, 5th February, 1896.

(PRIVATE BILL.)

Mr. DAVIN.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1896

No. 48.] **BILL.** [1896.

An Act respecting The Canadian Jockey Club.

Preamble.

WHEREAS, The Canadian Jockey Club (Limited) was incorporated by letters patent granted under the Great Seal of Canada, bearing date the sixth day of November, 1895, for the promoting and holding of exhibitions for the purpose of improving the breed of horses, for regulating and managing race meeting and exhibitions of horses throughout Canada, and for other purposes and objects connected therewith, as set forth in the said letters patent, and the said Club has been duly organized; and whereas the said club has by its petition prayed that its name be changed to "The Canadian Jockey Club" and that it be authorized to make and enforce by-laws, rules and regulations and adopt other means for the attainment of the objects hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Name changed.

1. The name of The Canadian Jockey Club (Limited) is hereby changed to "The Canadian Jockey Club"; but such change in name shall not in any way impair, alter or affect the powers, rights or liabilities of the Club, or any lien or charge upon its property or franchises, nor in any wise affect any suit or proceeding now pending or judgment existing, either by, in favour of or against the Club, which, notwithstanding such change in the name of the Club, may be prosecuted or continued and completed and enforced as if this Act had not been passed.

Existing rights not to be affected.

Club committee.

2. The board of directors of the Club shall hereafter be known as "The Club Committee", and shall in all respects administer the affairs of the Club; and in addition to the powers conferred by this Act the committee shall have all the powers of a board of directors as contained in the said letters patent and *The Companies Act*.

Constitution of committee.

3. The first Club Committee shall consist of the present board of directors of the The Canadian Jockey Club (Limited).

2. The Club Committee shall consist of thirteen members of the Club, and each duly incorporated racing or hunt Club in Canada, being the owner or lessee of a race track recognized by the Club, shall be entitled to have at least one member on the Club Committee; and if it is necessary, owing to the increase or decrease of such clubs, to increase or reduce the

number of the Committee, such increase or decrease, as the case may be, may from time to time be effected by by-law of the Club Committee.

Power to make by-laws.

4. The Club Committee shall have full power to enact and enforce by-laws, rules and regulations for :—

(*a*) The qualification and election of members of the Club ; the appointment, removal and defining the functions and duties of all officers, stewards and servants of the Club, and their remuneration ; the time and place of holding meetings of the Club and of the Club Committee, and the procedure in all things at such meetings ; the suspension, expulsion, disciplining and re-admission of members ; and generally all things appertaining or necessary to the internal organization or management of the Club ;

(*b*) The number, duration, time and period of all race meetings to be held on the race track of any incorporated company or club, but so that no one race meeting, on any one race track, shall extend beyond a period of fourteen days from the beginning to the end of the race meeting, the first and last days being both inclusive, and so that not less than sixty days shall elapse between the last day of one meeting and the first day of another, on the race track of any such company or club ;

(*c*) The promoting, holding and controlling of contests, race meetings and exhibitions of horses held on the race track of any incorporated company or club ;

(*d*) The preservation of order at any such contest, race meeting or exhibition ;

(*e*) The investigation of the pedigree of horses and the institution, maintenance and publication of a stud book or book of registry of horses in Canada ;

(*f*) The issue and revocation of licenses to, and the disqualification of, jockeys and trainers ;

(*g*) The promulgation and enforcement of a uniform code of racing rules for general use throughout Canada, subject to repeal or alteration by the Club, and generally with respect to all other matters necessary for the attainment of the objects set forth in this Act.

Approval of by-laws by general meeting.

5. The said by-laws, rules and regulations, and all amendments of, additions to and changes in the said by-laws, rules and regulations shall come into force when the same have been approved of at a general meeting of the Club duly called for that purpose.

Application of Act.

6. This Act shall not apply to race meetings held for trotting races only, or to races held upon any fair or exhibition grounds, under the auspices of any municipal or other corporation duly authorized to hold the same, and while such fair or exhibition is in progress.

No. 48.

6th Session, 7th Parliament, 59 Victoria,

BILL.

An Act respecting the Canadian Jo
Club.

Received and read a first time, Tuesday
February, 1896.
Second reading, Wednesday, 5th Febr
1896.

(PRIVATE BILL)

Mr. TISDA

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majest
1896

No. 48.] **BILL.** [1896.

An Act respecting The Canadian Jockey Club.

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

Preamble.

WHEREAS, The Canadian Jockey Club (Limited) was incorporated by letters patent granted under the Great Seal of Canada, bearing date the sixth day of November, 1895, for the promoting and holding of exhibitions for the purpose of improving the breed of horses, for regulating and managing race meetings and exhibitions of horses throughout Canada, and for other purposes and objects connected therewith, as set forth in the said letters patent, and the said Club has been duly organized; and whereas the said club has by its petition prayed among other things that its name be changed to "The Canadian Jockey Club" and that it be authorized to make and enforce by-laws, rules and regulations and adopt other means for the attainment of the objects hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Letters patent confirmed.

1. The Letters Patent set out in the schedule to this Act and granted under *The Companies Act*, chapter one hundred and nineteen of the Revised Statutes of Canada, to The Canadian Jockey Club (Limited), are hereby ratified and confirmed and held as binding as if originally granted by an Act of the Parliament of Canada, and the said Club shall have all the powers thereby conferred and shall be subject to the provisions of *The Companies Act*, and all proceedings taken by the Company in virtue thereof are hereby declared to be as valid and binding as if the powers granted by the said Letters Patent had been originally granted by an Act of the Parliament of Canada.

Name changed.

2. The name of the said Club is hereby changed to "The Canadian Jockey Club"; but such change in name shall not in any way impair, alter or affect the powers, rights or liabilities of the Club, or any lien or charge upon its property or franchises, nor in any wise affect any suit or proceeding now pending or judgment existing, either by, in favour of or against the Club, which, notwithstanding such change in the name of the Club, may be prosecuted or continued and completed and enforced as if this Act had not been passed.

Existing rights not to be affected.

Club committee.

3. The board of directors of the Club shall hereafter be known as "The Club Committee", and shall in all respects

administer the affairs of the Club; and in addition to the powers conferred by this Act the committee shall have all the powers of a board of directors as contained in the said letters patent and *The Companies Act*.

Constitution of committee.

4. The first Club Committee shall consist of William Hendrie, contractor, James M. Lottridge, brewer, William Hendrie, jun., contractor, all of the City of Hamilton, in the Province of Ontario, Andrew Smith, veterinary surgeon, Robert Davies, brewer, and George W. Beardmore, merchant, all of the City of Toronto, in the said Province of Ontario, John Davis, Customs official, and George M. Hendrie, contractor, both of the City of Windsor, in the said Province of Ontario, Adam Beck, merchant, of the City of London in the said Province of Ontario, and James P. Dawes, brewer, James H. Wardlaw, merchant, and H. Montague Allan, gentleman, all of the City of Montreal, in the Province of Quebec, being the present board of directors of the The Canadian Jockey Club (Limited).

2. The Club Committee shall consist of thirteen members of the Club, and each duly incorporated racing or hunt Club in Canada, being the owner or lessee of a race track recognized by the Club, shall be entitled to have at least one member on the Club Committee; and if it is necessary, owing to the increase or decrease of such clubs, to increase or reduce the number of the Committee, such increase or decrease, as the case may be, may from time to time be effected by by-law of the Club Committee.

Power to make by-laws

5. The Club Committee shall have full power to enact and enforce by-laws, rules and regulations for—

(*a*) The qualification and election of members of the Club; the appointment, removal and defining the functions and duties of all officers, stewards and servants of the Club, and their remuneration; the time and place of holding meetings of the Club and of the Club Committee, and the procedure in all things at such meetings; the suspension, expulsion, disciplining and re-admission of members; and generally all things appertaining or necessary to the internal organization or management of the Club;

(*b*) The number, duration, time and period of all race meetings to be held on the race track of any incorporated company or club, subject always to the provisions of section eight of this Act;

(*c*) The promoting, holding and controlling of contests, race meetings and exhibitions of horses held on the race track of any incorporated company or club;

(*d*) The preservation of order at any such contest, race meeting or exhibition;

(*e*) The investigation of the pedigree of horses and the institution, maintenance and publication of a stud book or book of registry of horses in Canada;

(*f*) The issue and revocation of licenses to, and the disqualification of, jockeys and trainers;

(*g*) The promulgation and enforcement of a uniform code of racing rules for general use throughout Canada, subject to repeal or alteration by the Club, and generally with respect to

all other matters necessary for the attainment of the objects set forth in this Act.

Approval of by-laws by general meeting.

6. The said by-laws, rules and regulations, and all amendments of, additions to and changes in the said by-laws, rules and regulations shall come into force when the same have been approved of at a general meeting of the Club duly called for that purpose.

Force of by-laws.

7. The by-laws of the Club when duly sanctioned as aforesaid and after notice thereof has been duly published in one issue of the "Canada Gazette," shall have the same force and effect and be as binding upon all persons and corporations as if set forth in this Act.

Duration of race meetings.

8. No one race meeting or any one race track of any incorporated company or club shall extend beyond a period of fourteen days from the beginning to the end of the race meeting, (the first and last days being both inclusive), and not less than sixty days shall elapse between the last day of one meeting and the first day of another on the race track of any such company or club.

Application of Act.

9. This Act shall not apply to race meetings held for trotting races only, or to races held upon any fair or exhibition grounds, under the auspices of any municipal or other corporation duly authorized to hold the same, and while such fair or exhibition is in progress.

SCHEDULE.

JOHN J. MCGEE,
Deputy Governor.

CANADA.

VICTORIA, BY THE GRACE OF GOD, OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND, QUEEN, DEFENDER OF THE FAITH, &c., &c., &c.

To all to whom these Presents shall come, or whom the same may in anywise concern,

GREETING:

Whereas, in and by the Revised Statutes of Canada, chapter 119, and known as "The Companies Act," it is, amongst other things, in effect enacted, that the Governor in Council may, by Letters Patent, under the Great Seal, grant a charter to any number of persons, not less than five, who petition 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 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, upon the applicants therefor establishing to the satisfaction of the Secretary of State, or of such other officer as may be charged by the Governor in Council to report

thereon, due compliance with the several conditions and terms in and by the said Act set forth and thereby made conditions precedent to the granting of such charter.

And whereas, William Hendrie, contractor, and James M. Lottridge, brewer, both of the City of Hamilton in the Province of Ontario; John Davis, customs official, and George M. Hendrie, contractor, both of the City of Windsor in the said Province; Andrew Smith, veterinary surgeon, Robert Davies, brewer, and George W. Beardmore, merchant, all of the City of Toronto in said Province of Ontario; Adam Beck, of the City of London in said Province, merchant, and James P. Dawes, brewer, and James H. Wardlaw, merchant, both of the City of Montreal in the Province of Quebec, all in our Dominion of Canada, have petitioned for a charter under the said Act, constituting them and such others as may become shareholders in the Company thereby created, a body corporate and politic, under the name of "The Canadian Jocky Club" (Limited), for the purposes hereafter mentioned, and have established to the satisfaction of the Secretary of State for Canada (no other officer having been charged by the Governor in Council to report thereon), due compliance with the several conditions and terms above referred to.

And whereas, among other things, it is in the notice of this application and in the said petition averred, and it has been established, that the amount of the capital stock of the intended Company is ten thousand dollars, divided into two hundred shares of fifty dollars each, that the said William Hendrie and and James M. Lottridge have each taken ten shares of the said stock and have each paid in thereon the sum of fifty dollars. That the said John Davis and George M. Hendrie have each taken ten shares of the said stock and have each paid in thereon the sum of fifty dollars. That the said James P. Dawes and James H. Wardlaw have each taken ten shares of the said stock and have each paid in thereon the sum of fifty dollars. That the said George W. Beardmore and Adam Beck and Robert Davies have each taken ten shares of the said stock and have each paid in thereon the sum of fifty dollars. That the said Andrew Smith has taken twenty shares of the said stock and has paid in thereon the sum of one hundred dollars.

That the aggregate of the capital stock taken is five thousand five hundred dollars, and the aggregate paid in thereon is five hundred and fifty dollars. Such aggregate has been paid in to the credit of Andrew Smith and Robert Davies as trustees for the said Company in the Dominion Bank in the City of Toronto aforesaid, being a chartered bank in Canada, and is now standing at such credit.

Now Know Ye, that, by and with the advice of Our Privy Council for Canada, and under the authority of the hereinbefore in part recited Act, and of any other power and authority whatsoever in Us vested in this behalf, We do, by these Our Letters Patent, constitute the said William Hendrie, James M. Lottridge, John Davis, George M. Hendrie, James P. Dawes, James H. Wardlaw, George W. Beardmore, Andrew Smith, Adam Beck, and Robert Davies, and all others who may become shareholders in the said company, a body corporate and politic, by the name of "The Canadian Jockey

Club" (Limited) with all the rights and powers given by the said Act, and for the following purposes, namely :—

The investigating, ascertaining and keeping a record of the pedigree of horses, the instituting, maintaining, controlling and publishing of a Stud Book or Book of Registry of Horses in Canada, the promoting and holding of exhibitions for the purposes of improving the breed of horses, the holding of contests, race meetings and other exhibitions of horses, the acquiring and maintaining of grounds and premises for the purposes of the club, with power to make by-laws, rules and regulations not inconsistent with the laws of Canada or of any of the provinces thereof, and affected thereby, for the regulation and management of race meetings and exhibitions and the preservation of order, and to enter into agreements with any one or more jockey clubs in Canada in reference to such meetings and exhibitions, and for the purposes of effectively carrying out the objects of the club.

That the place within the Dominion of Canada which is to be the chief place of business of the said Company, is the city of Toronto in the Province of Ontario. The capital stock of the said Company shall be ten thousand dollars, divided into two hundred shares of fifty dollars each, subject to the increase of such capital stock under the provisions of the said Act.

That the said William Hendrie, James M. Lottridge, John Davis, George M. Hendrie, James P. Dawes, James H. Wardlaw, George W. Beardmore, Andrew Smith, Adam Beck and Robert Davies, are to be the first or the Provisional Directors of the Company.

Provided always, that nothing in these presents, expressed or contained, shall be taken to authorize the construction or working of railways, or the business of banking, and the issue of paper money, or the business of insurance by the said Company.

In testimony whereof We have caused these Our Letters to be made Patent and the Great Seal of Canada to be hereunto affixed.

Witness; John Joseph McGee, Esquire, Deputy of Our Right Trusty and Right Well Beloved Cousin and Councillor The Right Honourable Sir John Campbell Hamilton-Gordon, Earl of Aberdeen, Viscount Formartine, Baron Haddo, Methlic, Tarves and Kellie in the Peerage of Scotland, Viscount Gordon of Aberdeen, County of Aberdeen, in the Peerage of the United Kingdom, Baronet of Nova Scotia, Knight Grand Cross of Our Most Distinguished Order of Saint Michael and Saint George, etc., etc., Governor General of Canada.

At Our Government House, in Our City of Ottawa, this sixth day of November in the year of Our Lord one thousand eight hundred and ninety-five, and in the fifty-ninth year of Our Reign.

By command,

L. A. CATELLIER,

Under Secretary of State.

No. 48.

6th Session, 7th Parliament, 59 Victoria, 189(

BILL.

An Act respecting the Canadian Jockey Club.

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

(PRIVATE BILL)

Mr. TISDALE.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1896

No. 48.] **BILL.** [1896.

An Act respecting The Canadian Jockey Club.

(Reprinted as amended and Reported by the Select Standing Committee on Miscellaneous Private Bills).

Preamble.

WHEREAS, The Canadian Jockey Club (Limited) was incorporated by letters patent granted under the Great Seal of Canada, bearing date the sixth day of November, 1895, for the promoting and holding of exhibitions for the purpose of improving the breed of horses, for regulating and managing race meetings and exhibitions of horses throughout Canada, and for other purposes and objects connected therewith, as set forth in the said letters patent, and the said Club has been duly organized; and whereas the said club has by its petition prayed among other things that its name be changed to "The Canadian Jockey Club" and that it be authorized to make and enforce by-laws, rules and regulations and adopt other means for the attainment of the objects hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Letters patent confirmed.

1. The Letters Patent set out in the schedule to this Act and granted under *The Companies Act*, chapter one hundred and nineteen of the Revised Statutes of Canada, to The Canadian Jockey Club (Limited), are hereby ratified and confirmed and held as binding as if originally granted by an Act of the Parliament of Canada, and the said Club shall have all the powers thereby conferred and shall be subject to the provisions of *The Companies Act*, and all proceedings taken by the Club in virtue thereof are hereby declared to be as valid and binding as if the powers granted by the said Letters Patent had been originally granted by an Act of the Parliament of Canada.

Name changed.

Existing rights not to be affected.

2. The name of the said Club is hereby changed to "The Canadian Jockey Club"; but such change in name shall not in any way impair, alter or affect the powers, rights or liabilities of the Club, or any lien or charge upon its property or franchises, nor in any wise affect any suit or proceeding now pending or judgment existing, either by, in favour of or against the Club, which, notwithstanding such change in the name of the Club, may be prosecuted or continued and completed and enforced as if this Act had not been passed.

Club committee.

3. The board of directors of the Club shall hereafter be known as "The Club Committee", and shall in all respects

administer the affairs of the Club; and in addition to the powers conferred by this Act the committee shall have all the powers of a board of directors as contained in the said letters patent and *The Companies Act*.

Constitution of committee.

4. The first Club Committee shall consist of William Hendrie, James M. Lottridge, and William Hendrie, jun., all of the City of Hamilton, in the Province of Ontario, Andrew Smith, Robert Davies, and George W. Beardmore, all of the City of Toronto, in the said Province, John Davis, and George M. Hendrie, both of the City of Windsor, in the said Province, Adam Beck, of the City of London in the said Province, and James P. Dawes, James H. Wardlow, and H. Montague Allan, all of the City of Montreal, in the Province of Quebec, being the present board of directors of the The Canadian Jockey Club (Limited).

2. The Club Committee shall consist of twelve members of the Club, and each duly incorporated racing or hunt Club in Canada, being the owner or lessee of a race track affiliated with the Club, shall be entitled to have at least one member on the Club Committee; and if it is necessary, owing to the increase or decrease of such clubs, to increase or reduce the number of the Committee, such increase or decrease, as the case may be, may from time to time be effected by by-law of the Club Committee.

Power to make by-laws.

5. The Club Committee shall have full power to enact and enforce by-laws, rules and regulations for—

(*a*) The qualification and election of members of the Club; the appointment, removal and defining the functions and duties of all officers, stewards and servants of the Club, and their remuneration; the time and place of holding meetings of the Club and of the Club Committee, and the procedure in all things at such meetings; the suspension, expulsion, disciplining and re-admission of members; and generally all things appertaining or necessary to the internal organization or management of the Club;

(*b*) The number, duration, time and period of all race meetings to be held on the race track or tracks of the Club, and on the race track or tracks of any incorporated company or club affiliated with the Club;

(*c*) The promoting, holding and controlling of contests, race meetings and exhibitions of horses held on the race track or tracks of the Club, or on the race track or tracks of any incorporated company or club affiliated with the Club;

(*d*) The preservation of order at any such contest, race meeting or exhibition;

(*e*) The investigation of the pedigree of horses and the institution, maintenance and publication of a stud book or book of registry of thoroughtred horses in Canada;

(*f*) The issue and revocation of licenses to, and the disqualification of, jockeys and trainers riding or training on the race track or tracks of the Club, or on the race track or tracks of any incorporated company or club affiliated with the Club;

(*g*) The promulgation and enforcement of a uniform code of racing rules for general use throughout Canada on the track

or tracks of the Club or on the track or tracks of any incorporated company or club affiliated with the Club, subject to repeal or alteration by the Club; and

(*h.*) Generally, with respect to all other matters necessary for the attainment of the objects set forth in this Act.

Approval of by-laws by general meeting.

6. The said by-laws, rules and regulations, and all amendments of, additions to and changes in the said by-laws, rules and regulations shall come into force when the same have been approved of at a general meeting of the Club duly called for that purpose.

Force of by-laws.

7. The by-laws of the Club, when duly sanctioned as aforesaid and after notice thereof has been duly published in one issue of the "Canada Gazette," and a copy thereot has been mailed to every incorporated company or club affiliated with the Club, shall have the same force and effect and be as binding upon all persons and corporations as if set forth in this Act.

Application of Act.

8. This Act shall not apply to race meetings held for trotting and pacing races only, or to races held upon any fair or exhibition grounds, under the auspices of any municipal or other corporation duly authorized to hold the same, and while such fair or exhibition is in progress.

SCHEDULE.

JOHN J. MCGEE,
Deputy Governor.

CANADA.

VICTORIA, BY THE GRACE OF GOD, OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND, QUEEN, DEFENDER OF THE FAITH, &c., &c., &c.

To all to whom these Presents shall come, or whom the same may in anywise concern,

GREETING:

Whereas, in and by the Revised Statutes of Canada, chapter 119, and known as "The Companies Act," it is, amongst other things, in effect enacted, that the Governor in Council may, by Letters Patent, under the Great Seal, grant a charter to any number of persons, not less than five, who petition 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 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, upon the applicants therefor establishing to the satisfaction of the Secretary of State, or of such other officer as may be charged by the Governor in Council to report thereon, due compliance with the several conditions and terms in and by the said Act set forth and thereby made conditions precedent to the granting of such charter.

And whereas, William Hendrie, contractor, and James M. Lottridge, brewer, both of the City of Hamilton in the Province of Ontario; John Davis, customs official, and George M. Hendrie, contractor, both of the City of Windsor in the said Province; Andrew Smith, veterinary surgeon, Robert Davies, brewer, and George W. Beardmore, merchant, all of the City of Toronto in said Province of Ontario; Adam Beck, of the City of London in said Province, merchant, and James P. Dawes, brewer, and James H. Wardlaw, merchant, both of the City of Montreal in the Province of Quebec, all in our Dominion of Canada, have petitioned for a charter under the said Act, constituting them and such others as may become shareholders in the Company thereby created, a body corporate and politic, under the name of "The Canadian Jocky Club" (Limited), for the purposes hereafter mentioned, and have established to the satisfaction of the Secretary of State for Canada (no other officer having been charged by the Governor in Council to report thereon), due compliance with the several conditions and terms above referred to.

And whereas, among other things, it is in the notice of this application and in the said petition averred, and it has been established, that the amount of the capital stock of the intended Company is ten thousand dollars, divided into two hundred shares of fifty dollars each, that the said William Hendrie and and James M. Lottridge have each taken ten shares of the said stock and have each paid in thereon the sum of fifty dollars. That the said John Davis and George M. Hendrie have each taken ten shares of the said stock and have each paid in thereon the um of fifty dollars. That the said James P. Dawes and James H. Wardlaw have each taken ten shares of the said stock and have each paid in thereon the sum of fifty dollars. That the said George W. Beardmore and Adam Beck and Robert Davies have each taken ten shares of the said stock and have each paid in thereon the sum of fifty dollars. That the said Andrew Smith has taken twenty shares of the said stock and has paid in thereon the sum of one hundred dollars.

That the aggregate of the capital stock taken is five thousand five hundred dollars, and the aggregate paid in thereon is five hundred and fifty dollars. Such aggregate has been paid in to the credit of Andrew Smith and Robert Davies as trustees for the said Company in the Dominion Bank in the City of Toronto aforesaid, being a chartered bank in Canada, and is now standing at such credit.

Now Know Ye, that, by and with the advice of Our Privy Council for Canada, and under the authority of the hereinbefore in part recited Act, and of any other power and authority whatsoever in Us vested in this behalf, We do, by these Our Letters Patent, constitute the said William Hendrie, James M. Lottridge, John Davis, George M. Hendrie, James P. Dawes, James H. Wardlaw, George W. Beardmore, Andrew Smith, Adam Beck, and Robert Davies, and all others who may become shareholders in the said company, a body corporate and politic, by the name of "The Canadian Jockey Club" (Limited) with all the rights and powers given by the said Act, and for the following purposes, namely:—

The investigating, ascertaining and keeping a record of the pedigree of horses, the instituting, maintaining, controlling

and publishing of a Stud Book or Book of Registry of Horses in Canada, the promoting and holding of exhibitions for the purposes of improving the breed of horses, the holding of contests, race meetings and other exhibitions of horses, the acquiring and maintaining of grounds and premises for the purposes of the club, with power to make by-laws, rules and regulations not inconsistent with the laws of Canada or of any of the provinces thereof, and affected thereby, for the regulation and management of race meetings and exhibitions and the preservation of order, and to enter into agreements with any one or more jockey clubs in Canada in reference to such meetings and exhibitions, and for the purposes of effectively carrying out the objects of the club.

That the place within the Dominion of Canada which is to be the chief place of business of the said Company, is the city of Toronto in the Province of Ontario. The capital stock of the said Company shall be ten thousand dollars, divided into two hundred shares of fifty dollars each, subject to the increase of such capital stock under the provisions of the said Act.

That the said William Hendrie, James M. Lottridge, John Davis, George M. Hendrie, James P. Dawes, James H. Wardlaw, George W. Beardmore, Andrew Smith, Adam Beck and Robert Davies, are to be the first or the Provisional Directors of the Company.

Provided always, that nothing in these presents, expressed or contained, shall be taken to authorize the construction or working of railways, or the business of banking, and the issue of paper money, or the business of insurance by the said Company.

In testimony whereof We have caused these Our Letters to be made Patent and the Great Seal of Canada to be hereunto affixed.

Witness; John Joseph McGee, Esquire, Deputy of Our Right Trusty and Right Well Beloved Cousin and Councillor The Right Honourable Sir John Campbell Hamilton-Gordon, Earl of Aberdeen, Viscount Formartine, Baron Haddo, Methlic, Tarves and Kellie in the Peerage of Scotland, Viscount Gordon of Aberdeen, County of Aberdeen, in the Peerage of the United Kingdom, Baronet of Nova Scotia, Knight Grand Cross of Our Most Distinguished Order of Saint Michael and Saint George, etc., etc., Governor General of Canada.

At Our Government House, in Our City of Ottawa, this sixth day of November in the year of Our Lord one thousand eight hundred and ninety-five, and in the fifty-ninth year of Our Reign.

By command,

L. A. CATELLIER,

Under Secretary of State.

No. 48.

6th Session, 7th Parliament, 59 Victoria, 1896

BILL.

An Act respecting the Canadian Jockey Club.

(Reprinted as amended and reported by the Select Standing Committee on Miscellaneous Private Bills.)

(PRIVATE BILL)

Mr. TISDALE.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1896

No. 49.] **BILL.** [1896.

An Act respecting the Huron and Erie Loan and Savings Company.

WHEREAS the Huron and Erie Loan and Savings Company have by their petition represented that they are a loan company duly incorporated by the laws of the province of Ontario; that their business is the investment of money upon securities within the Province of Ontario; that their powers of lending money are confined to investment on mortgages of real estate, stock or securities of the Dominion of Canada or Province of Ontario, debentures of municipal or public school corporations or of building and loan companies incorporated under the same Acts of the Province of Ontario as this company; that they are prohibited from lending upon personal security; that they are empowered by the Parliament of Canada to borrow money by way of debentures and to receive money deposits as a savings bank, subject to restrictions imposed, that such debentures and money deposits shall be of certain amounts, proportionate to the subscribed, fixed and permanent capital of the Company; Preamble.

And whereas the said company have further shown that on the First day of January in the year of our Lord one thousand eight hundred and ninety-five, the fixed and permanent capital of the company consisted of sixty thousand shares of fifty dollars each, whereof twenty thousand shares, amounting to one million dollars, have been fully paid up, and upon the remaining forty thousand shares, the residue of the said capital specially subscribed under the provision of the statute of Canada passed in the forty-first year of Her Majesty's reign, chaptered twenty-two, the sum of four hundred thousand dollars, or twenty per cent, has been paid up and the remaining unpaid eighty per cent is liable to calls to the amount of the said unpaid balance, all of which share capital, including the said last mentioned forty thousand shares and the unpaid balance thereof when the same shall be received by the said company, is not liable to be withdrawn from the capital of the company;

And whereas the said company have by their petition further shown that they have at the said last mentioned date a reserve fund on which dividends are not paid, amounting to seven hundred thousand dollars;

And whereas the said company have by their petition further shewn that it has been for many years the practice of the company, in accordance with the provisions of a by-law to that effect, passed by the directors of the Company, not to make loans upon the security of their own stock nor to make loans to any director or other officer of the company upon any

security whatever, and they believe it will tend to the stability and advantage of the company to have a legislative withdrawal of the power to make such loans ;

And whereas the said Company desire that the extent of their powers of borrowing and of receiving money deposits and creating liabilities of every kind and conducting their business as determined by general Acts, should be made to appear in one and the same Act and have shown that the declaring and setting forth in one Act of the said matters, will aid and benefit their operations ;

And whereas it is expedient to grant the prayer of the said petition ;

Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts and declares as follows :

Short title.

1. This Act may be cited as "The Huron and Erie Loan and Savings Company's Act, 1896."

Amount of liabilities limited.

2. The aggregate amount of money deposits of the company together with the amount of the debentures issued or to be issued as hereinafter provided and remaining unpaid may be equal to, but shall not at any time exceed, double the aggregate amount of the paid up unimpaired fixed and permanent capital of the company not liable to be withdrawn therefrom, together with a further sum which may be equal to, but shall not exceed the amount remaining unpaid on the subscribed, fixed and permanent capital upon which not less than twenty per cent has been paid ; but in no case shall the total liabilities of the company to the public at any time exceed three times the amount actually paid up in respect of fixed and permanent capital of the company, nor shall they at any time exceed the amount of principal remaining unpaid on the mortgages at such time held by the company ; provided that the amount held by the company on deposit shall not at any time exceed the amount of the paidand unimpaired capital of the company.

As to reserve fund.

2. For the purposes of this section the reserve fund of the said company shall be treated as and deemed to be part of the fixed and permanent capital of the said company, and the same shall not withdrawable from the said company or applicable to the payment of dividends.

Loans to shareholders and officers prohibited.

3. It shall not be lawful for the said company to make loans or advances to their shareholders upon the security of their stock in the said company, nor to make loans or advances to any director or other officer of the company upon any security whatever.

Voting.

4. At all meetings of shareholders of the Company the shareholders shall have one vote for each share held by them respectively.

Issue of debentnres.

5. The board of directors may issue debentures of the company for such sums not being less than one hundred dollars each, and in such currency as they deem advisable and payable in the Dominion of Canada or elsewhere, not less than one year from the issue thereof, subject to the limitations

hereinbefore mentioned, and may also issue interest coupons upon such debentures, and such debentures and interest coupons may be in the form and executed in the manner indicated in the schedule A to this Act or to the like effect.

Transfer of debentures.

6. Such debentures or any of them may, in the option of the company, contain a provision in the following words: "This debenture or any interest therein is not transferable except by entry, by the manager or other proper officer of the said company, in the debenture registry book of the said Company," or to the like effect.

Registration of transfers.

7. The said company shall cause every transfer of such last mentioned debentures to be entered in a proper debenture registry book to be kept for that purpose, and such entry shall not be made except upon the written authority of the person last entered in such book as the owner of such debentures or of his executor or administrators or of his or their lawful attorney, which authority shall be retained by the said company and duly filed.

By what officer.

8. Such last mentioned debentures shall only be transferable by entry by the manager or other proper officer of the said company in such debenture registry book, from time to time. of transfers of such debentures as the same are authorized by the owner thereof or his attorney.

As to future legislation.

9. Nothing herein contained shall be construed as entitling the said Company to be exempt from the effect of any amendments or alterations which it may be deemed proper to make in the general Acts respecting building societies carrying on business in Ontario.

SCHEDULE A.

Under the authority of Acts of the Parliament of Canada, 37 Vic., cap. 50, and 60 Vic., cap. , and of the Revised Statutes, of Ontario, 1887, cap. 169.

Debenture No. (transferable.)

The president and directors of the Huron and Erie Loan and Savings Company (acting for and on behalf of the said company) promise to pay to

or order dollars on the day of in the year of our Lord, 189 , at the office of the company, London, Ontario, with interest at the rate of per cent per annum, to be paid half-yearly on presentation of the proper coupons for the same as hereunto annexed, say on the day of and the day of in each year at the office of the company, in the City of London, Ontario.

Dated at London, in the Province of Ontario, Canada, this day of , 189 .

For the president and directors of the Huron and Erie Loan and Savings Company.

President (*or Vice-President.*)

Manager (*or Accountant.*)

COUPON.

The Huron and Erie Loan and Savings Company of London, Ontario.

No. $

Half-yearly dividend due , 189 , on debenture No. , issued by this company on the day of , 189 , for $ at per cent per annum at the office of the Company in the city of London, Ontario.

This coupon is payable to or order.

For the president and directors

President, Vice-President or Manager.

Accountant.

(Or, if manager has not already signed, *Manager.*)

No. 49.

6th Session, 7th Parliament, 59 Victoria, 1896

BILL.

An Act respecting the Huron & Erie Loan and Savings Company.

Received and read a first time, Tuesday, 4th February, 1896.

Second reading, Wednesday, 5th February, 1896.

(PRIVATE BILL.)

Sir JOHN CARLING.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1896

No. 49.] **BILL.** [1896.

An Act respecting the Huron and Erie Loan and Savings Company.

(Reprinted as proposed to be amended by the Select Standing Committee on Banking and Commerce.)

Preamble.

WHEREAS the Huron and Erie Loan and Savings Company have by their petition represented that they are a loan company duly incorporated by the laws of the late province of Canada ; that their business is the investment of money upon securities within the Dominion of Canada; that their powers of lending money are confined to investment on mortgages of real estate, stock or securities of the Dominion of Canada or Province of Ontario, debentures of municipal or public school corporations or of building and loan companies incorporated under the same Acts of the Province of Ontario as this company; that they are prohibited from lending upon personal security; that they are empowered by the Parliament of Canada to borrow money by way of debentures and to receive money deposits as a savings bank, subject to restrictions imposed, that such debentures and money deposits shall be of certain amounts, proportionate to the subscribed, fixed and permanent capital of the Company ;

And whereas the said company have further shown that on the First day of January in the year of our Lord one thousand eight hundred and ninety-five, the fixed and permanent capital of the company consisted of sixty thousand shares of fifty dollars each, whereof twenty thousand shares, amounting to one million dollars, have been fully paid up, and upon the remaining forty thousand shares, the residue of the said capital specially subscribed under the provision of the statute of Canada passed in the forty-first year of Her Majesty's reign, chaptered twenty-two, the sum of four hundred thousand dollars, or twenty per cent, has been paid up and the remaining unpaid eighty per cent is liable to calls to the amount of the said unpaid balance, all of which share capital, including the said last mentioned forty thousand shares and the unpaid balance thereof when the same shall be received by the said company, is not liable to be withdrawn from the capital of the company;

And whereas the said company have by their petition further shown that they have at the said last mentioned date a reserve fund on which dividends are not paid, amounting to seven hundred thousand dollars ;

And whereas the said company have by their petition further shewn that it has been for many years the practice of the company, in accordance with the provisions of a by-law to that effect, passed by the directors of the Company, not to make loans upon the security of their own stock nor to make loans to any director or other officer of the company upon any

security whatever, and they believe it will tend to the stability and advantage of the company to have a legislative withdrawal of the power to make such loans ;

And whereas the said Company desire that the extent of their general powers of borrowing and of receiving money deposits and creating liabilities of every kind as determined by general Acts, should be made to appear in one and the same Act and have shown that the declaring and setting forth in one Act of the said matters, will aid and benefit their operations ;

And whereas it is expedient to grant the prayer of the said petition ;

Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts and declares as follows :

Short title.

1. This Act may be cited as "The Huron and Erie Loan and Savings Company's Act, 1896."

Amount of liabilities limited.

2. The aggregate amount of money deposits of the company together with the amount of the debentures issued or to be issued as hereinafter provided and remaining unpaid may be equal to, but shall not at any time exceed, double the aggregate amount of the paid up unimpaired fixed and permanent capital of the company not liable to be withdrawn therefrom, together with a further sum which may be equal to, but shall not exceed the amount remaining unpaid on the subscribed, fixed and permanent capital upon which not less than twenty per cent has been paid ; but in no case shall the total liabilities of the company to the public at any time exceed three times the amount actually paid up in respect of fixed and permanent capital of the company, nor shall they at any time exceed the amount of principal remaining unpaid on the mortgages at such time held by the company ; provided that the amount held by the company on deposit shall not at any time exceed the amount of the paidand unimpaired capital of the company.

As to reserve fund.

2. For the purposes of this section the reserve fund of the said company shall be treated as and deemed to be part of the fixed and permanent capital of the said company, not liable to be withdrawn therefrom, and the same shall not be applicable to the payment of dividends or distributable among the shareholders of the said company.

Loans to shareholders and officers prohibited.

3. It shall not be lawful for the said company to make loans or advances to their shareholders upon the security of their stock in the said company, nor to make loans or advances to any director or other officer of the company upon any security whatever.

Voting.

4. At all meetings of shareholders of the Company the shareholders shall have one vote for each share held by them respectively irrespective of the amount paid upon each share, and shareholders may vote by proxy.

Issue of debentnres.

5. The board of directors may issue debentures of the company for such sums not being less than one hundred dollars each, and in such currency as they deem advisable and payable in the Dominion of Canada or elsewhere, not less than one year from the issue thereof, subject to the limitations

hereinbefore mentioned, and may also issue interest coupons upon such debentures, and such debentures and interest coupons may be in the form and executed in the manner indicated in schedule A to this Act or to the like effect.

Transfer of debentures.

6. Such debentures or any of them may, in the option of the company, contain a provision in the following words: "This debenture or any interest therein is not transferable except by entry in the debenture registry book of the said Company," or to the like effect.

Registration of transfers.

7. The said company shall cause every transfer of such last mentioned debentures to be entered in a proper debenture registry book to be kept for that purpose, and such entry shall not be made except upon the written authority of the person last entered in such book as the owner of such debentures or of his executor or administrators or of his or their lawful attorney, which authority shall be retained by the said company and duly filed.

By what officer.

8. Such last mentioned debentures shall only be transferable by entry in such debenture registry book, from time to time. of transfers of such debentures as the same are authorized by the owner thereof or his attorney.

As to future legislation.

9. Nothing herein contained shall be construed as entitling the said Company to be exempt from the effect of any amendments or alterations which it may be deemed proper to make in the general Acts respecting building societies carrying on business in Ontario.

SCHEDULE A.

Under the authority of Acts of the Parliament of Canada, 37 Vic., cap. 50, and 60 Vic., cap. , and of the Revised Statutes, of Ontario, 1887, cap. 169.

$.....

Debenture No. (transferable.)

The president and directors of the Huron and Erie Loan and Savings Company (acting for and on behalf of the said company) promise to pay to

or order dollars on the day of in the year of our Lord, 189 , at the office of the company, London, Ontario, with interest at the rate of per cent per annum, to be paid half-yearly on presentation of the proper coupons for the same as hereunto annexed, say on the day of and the day of in each year at the office of the company, in the City of London, Ontario.

Dated at London, in the Province of Ontario, Canada, this day of , 189 .

For the president and directors of the Huron and Erie Loan and Savings Company.

President (or Vice-President.)

Manager (or Accountant.)

COUPON.

The Huron and Erie Loan and Savings Company of London, Ontario.

No. $

Half-yearly dividend due , 189 , on debenture No. , issued by this company on the day of , 189 , for $ at per cent per annum at the office of the Company in the city of London, Ontario.

This coupon is payable to or order.

For the president and directors

President, Vice-President or Manager.

Accountant.

(Or, if manager has not already signed, *Manager.*)

No. 49.

6th Session, 7th Parliament, 59 Victoria, 1896

BILL.

An Act respecting the Huron & Erie Loan and Savings Company.

(Reprinted as proposed to be amended by the Select Standing Committee on Banking and Commerce.)

(PRIVATE BILL.)

Sir JOHN CARLING.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1896

No. 50.] **BILL.** [1896.

An Act respecting the South-Western Railway Company and the St. Lawrence and Adirondack Railway Company.

WHEREAS the South-Western Railway Company, incorporated by chapter fifty-two of the Statutes of 1888, and the St. Lawrence and Adirondack Railway Company, a corporation formed by the amalgamation and consolidation of another company, of the same name, with the Malone and St. Lawrence Railway Company, under an agreement for amalgamation and consolidation dated the thirteenth day of December, one thousand eight hundred and ninety-four, and duly confirmed by an Act passed by the Parliament of Canada at its present session, have by their petitions represented that they have entered into an agreement for amalgamation and consolidation, a true copy whereof is contained in the Schedule to this Act, and have prayed for the passing of an Act ratifying and confirming the said agreement and granting certain powers hereinafter mentioned; and whereas it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. The agreement of amalgamation and consolidation, dated the seventeenth day of December, one thousand eight hundred and ninety-five, between the St. Lawrence and Adirondack Railway Company and the South-Western Railway Company, a true copy whereof is contained in the Schedule to this Act, is hereby ratified and confirmed, and shall be taken and read as a part of this Act, and the amalgamation and consolidation thereby agreed to is hereby declared to take effect on the first day of May, one thousand eight hundred and ninety-six. Agreement confirmed.

2. From the date last above mentioned the said amalgamated companies, and the shareholders thereof, shall be deemed to have been and to be a body corporate and politic, under the name of "The St. Lawrence and Adirondack Railway Company," hereinafter called "the Company," and from that date the Company shall be held to have been vested with and to have possessed all the rights, franchises, powers, privileges, property, leases, leaseholds, and other assets of the said amalgamating companies and each of them. Incorporation of amalgamated company. Corporate name.

3. Nothing in this Act or in the agreement of amalgamation shall be held to relieve either of the said companies from any contract or liability entered into or incurred before the said last mentioned date; but the company hereby incorporated Existing rights saved.

shall be liable for all debts, duties and obligations of each of the companies so amalgamated ; and no proceedings of any nature, either by or against the said companies so amalgamated or either of them, shall be abated or discontinued by reason of the said amalgamation or consolidation or of this Act, but they shall be continued to their termination as if the said amalgamation or consolidation had not been effected.

Head office.

4. The head office of the Company shall be in the City of Montreal; and the annual general meeting of the shareholders shall be held on the first Wednesday in May of each year.

Declaratory.

5. All the lines and branch lines of railway constructed or authorized to be constructed in Canada, under the Acts of the Parliament of Canada relating to either of the said companies, are hereby declared to be works for the general advantage of Canada.

Issue of bonds limited.

6. In lieu of the provisions relating to the issue of bonds contained in any of the Acts respecting the amalgamating companies, the Company may issue bonds, debentures or other securities to the extent of thirty thousand dollars per mile of the railway and branches of the Company ; 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.

Power to purchase other railways.

7. The Company may purchase the whole or any part of the railway and its appurtenances of any other company in Canada which has then been empowered, either in general terms or by special enactment, by the parliament of Canada to sell the same to the Company, or to either of the amalgamating companies, and for such price and upon such terms and conditions as are from time to time agreed upon by the boards of directors of the respective contracting companies ; and any conveyance made in pursuance of this enactment shall be as valid and effectual as if it had been set out and specially authorized and confirmed by this Act.

Validity of deed.

Working arrangements with other companies.

8. The Company may enter into working arrangements with, or may enter into a lease of or acquire running powers over, or the right to work the line of, any other company in Canada which has been empowered by the Parliament of Canada to make or grant the same to or with the Company, or either of the amalgamating companies, and upon such terms and conditions and for such period as are from time to time agreed upon by the board of directors of the respective contracting companies.

Arrangements with companies out of Canada.

9. The Company may make working arrangements with, or may lease or acquire running powers over, or the right to work the line of, any railway company outside of Canada upon such terms and conditions as the Company's board of directors considers advantageous.

Approval of shareholders.

10. Every such purchase or other transaction authorized by any one of the next three preceding sections shall be subject to

the approval of two-thirds of the shareholders of the Company present or represented at an annual general meeting, or a special general meeting duly called for that purpose; and after any such purchase or other transaction, the Company may acquire and hold bonds, shares and other securities of such other company.

Agreement with other companies.

11. The Company may enter into an agreement with any other company in Canada which has been empowered, either in general terms or by special enactment, by the Parliament of Canada to purchase or lease the same, for conveying or leasing to such company the railway of the Company, in whole or in part, or any of its rights or powers, as also the surveys, plans, works, plant, material, machinery, and other property belonging to it, 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 the same, at which meeting shareholders representing at least two-thirds in value of the stock are present in person or represented by proxy, and that such agreement has also received the sanction of the Governor in Council.

Proviso: approval of shareholders.

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

Time for construction limited.

12. The time for the completion by the Company, or by the South Western Railway Company, of the lines of railway authorized to be constructed, by the Acts relating to the latter company, is hereby extended for five years from the passing of this Act; and if the said lines of railway are not then completed, the powers granted for such construction, by the said Acts and this Act shall be null and void, as respects so much of the said lines of railway as then remains uncompleted.

Railway Act to apply.

13. *The Railway Act* shall apply to the Company.

When Act shall come into force.

14. This Act shall come into force, on the first day of May, one thousand eight hundred and ninety-six, if it receives the assent of the Governor General on or before that date, and if not, then, upon the first day of the month next after the date of such assent.

SCHEDULE.

This agreement made the 17th day of December 1895, between The St. Lawrence & Adirondack Railway Company, party of the first part, hereinafter called "The St. Lawrence Company," being a company formed by the amalgamation and consolidation of another company of the same name, with

the Malone & St. Lawrence Railway Company, under an agreement for amalgamation and consolidation dated 13th December, 1894, which amalgamation and consolidation of said two companies was authorized by an Act of the Parliament of Canada, passed in the 57th-58th year of Her Majesty's reign, chaptered ninety-three, and The South-Western Railway Company, party of the second part, a corporation incorporated by an Act of the Parliament of Canada, passed in the 51st year of Her Majesty's reign, chaptered fifty-two, hereinafter called "The South-Western Company."

Whereas the said two companies propose to amalgamate and to unite together as one company, and the directors of one Company have agreed with the directors of the other Company upon the terms of such amalgamation and other matters relating thereto and it is desirable to embody the same in this agreement, but subject to ratification by the shareholders of the respective companies and to the approval of Parliament.

An whereas the St. Lawrence Company has entered into an indenture of lease and agreement with the Grand Trunk Railway Company of Canada, dated 1st January, 1896, for a lease of the line of said latter Company, extending from the village of Valleyfield, to the village of Beauharnois, in the province of Quebec, a distance of about 13 miles, subject to ratification and approval by the shareholders of the St. Lawrence Company and ratification and confirmation by Parliament, it being the intention of the parties to this agreement, when united into one company and when said lease shall have been approved by Parliament, to operate said leased line as part of the railway system of said united company.

Now this indenture witnesseth and the parties of the first and second parts respectively do mutually covenant and agree to and with each other in manner following :—

1. The said two railway companies do hereby agree to amalgamate and to unite together, and that they shall become and be one company, to be styled and known as the St. Lawrence and Adirondack Railway Company, such united company being hereinafter called and referred to as "the United Company".

2. The capital stock of the United Company shall be equal to the present combined capital stock of the two companies, that is to say, one million and ninety thousand dollars, and the several shareholders of the St. Lawrence Company and of the South-Western Company shall be entitled in lieu of the shares held by them respectively in these companies or either of them to receive shares in the United Company to the like amount; and the shares to which each shareholder shall be entitled in the United Company shall be fully paid up shares or partly paid up shares according as the shares held by such shareholder in the St. Lawrence Company or in the South-Western Company were fully or partly paid up, and if partly paid up then to the same extent as his shares in the original company were paid up.

3. The board of directors of the United Company shall consist of nine members together with any *ex-officio* directors under the provisions of *The Railway Act* of Canada, and the qualification for directors shall be the same as provided in said *Railway Act.*

4. The head office of the United Company shall be at the City of Montreal, in the Province of Quebec, and its annual general meeting shall be held on the first Wednesday in May in each year.

5. The first board of directors of the United Company shall be William Seward Webb, Chauncey M. Depew, Edgar Van Etten, Martin E. McClary, John Jacob Astor, Edward C. Smith, Reuben W. Leonard, Charles H. Burnett, and Henry L. Sprague, who shall hold office until the first annual general meeting of shareholders of the United Company. The first officers of the United Company shall be William Seward Webb, president; Chauncey M. Depew, vice-president; and Frank C. Smith, secretary and treasurer, who shall hold office until others are appointed after the first election of directors of the United Company.

6. The United Company shall be invested with and have all the franchises, rights, powers and property and be responsible for all the liabilities of the said respective companies, and any right or claim which could be enforced by or against either of them may on and after the date of such union be enforced by or against the United Company; and any suit, action, or proceeding pending at the date of such union by or against either of the companies may be continued and completed by or against the United Company: Provided always that the rights of any person or corporation having any special lien, charge or privilege claim upon the lands and buildings, tolls, revenues or other property real or personal of either of such companies or upon any part thereof shall not be impaired by such union.

7. All the privileges, powers, rights and franchises possessed or enjoyed by either of the said companies under their respective Acts of incorporation and amendments in force at the date of such union shall be continued to and possessed by the United Company which may use or exercise the same as fully as the company which immediately before the date of such union possessed or enjoyed the same except as in this agreement expressly varied or herein otherwise expressly provided; but generally except as aforesaid the United Company shall continue to be carried on and managed and all by-laws, rules and regulations of the South-Western Campany in use when this agreement takes effect shall have effect and shall until changed or altered by the United Company be binding on all the officers, agents, servants and employees of the United Company and all others affected thereby as if the United Company were the same company as the South-Western Company and as if the whole undertaking of the United Company had been originally the undertaking of the South-Western Company; and in case of any conflict between the provisions of the Acts relating to the South-Western Company and of the Acts relating to the St. Lawrence Company, the Acts relating to the St. Lawrence Company shall prevail and be applicable to the whole property of the United Company, but where there is no conflict the whole of the said enactments shall apply cumulatively.

8. The United Company shall succeed to all the rights, franchises, powers, property and privileges of the St. Lawrence Company under the said lease and agreement between the said Company and the Grand Trunk Railway of Canada for

the lease of the line of the Grand Trunk Railway Company extending between the village of Valleyfield and the village of Beauharnois, in the province of Quebec, a distance of about thirteen miles, and subject to all the duties and obligations contained in said agreement.

9. This agreement is made subject to the same being sanctioned by the necessary number and proportion of the shareholders of the St. Lawrence Company in accordance with the Acts relating to that Company, and to the same being approved by the necessary number and proportion of the shareholders of ths South Western Company in accordance with the Acts relating to that company.

In case of such approval by the shareholders of the respective companies, the two companies agree to assist by all lawful means in obtaining an Act of the Parliament of the Dominion of Canada confirming and approving of this agreement, and declaring the railway and undertaking of the United Company to be a work for the general advantage of Canada.

In witness whereof the respective companies have hereunto set their corporate seals under the hands of the president or vice-president and secretary of each company.

The St. Lawrence and Adirondack Railway Company:

W. SEWARD WEBB, *president.*
FRANK G. SMITH, *secretary.*

[Corporate Seal.]

The South Western Railway Company:
CHAUNCEY M. DEPEW, *vice-president.*
FRANK G. SMITH, *secretary.*

[Corporate Seal.]

Signed sealed and delivered in the presence of }
CHARLES H. BURNETT.

No. 50.

6th Session, 7th Parliament, 59 Victoria, 18

BILL.

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

Received and read a first time, Tuesday, February, 1896.
Second reading, Wednesday, 5th Februa 1896.

(PRIVATE BILL.)

MR. BERGERON.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1896

No. 51.] **BILL.** [1896.

An Act respecting Insolvency.

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

PRELIMINARY.

1. This Act may be cited as "The Insolvency Act, 1896." Short title.

2. This Act shall come into force on the first day of July, one thousand eight hundred and ninety-six. Commencement of Act.

3. In this Act, unless the context otherwise requires, or it is otherwise specially provided:— Interpretation.

(*a.*) "Insolvent" means a person in reference to whom or to whose estate an insolvency order has been made under this Act; "Insolvent."

(*b.*) "Creditor" means any person, co-partnership or company to whom the debtor is indebted, whether primarily or otherwise, and whether as principal or surety, and whether such indebtedness is wholly or in part due and payable or not; "Creditor."

(*c.*) "Court," when used in reference to proceedings for the discharge of an insolvent under this Act, whether under a deed of composition and discharge, or otherwise, and in all cases of proceedings under this Act for an insolvency order in reference to an incorporated company alleged to be insolvent and in all proceedings under this Act in reference to an incorporated company in respect of which an insolvency order is made, means the Superior Court in the province of Quebec, the Court of Queen's Bench in the province of Manitoba, the High Court of Justice in the province of Ontario, and the Supreme Court in the other provinces and the North-west Territories. "Court" respecting composition and discharge, and incorporated companies.

In reference to all other proceedings "Court" means the County Court in the provinces of Ontario, New Brunswick, Nova Scotia, Prince Edward Island, Manitoba and British Columbia, the Superior Court in the province of Quebec, and the Supreme Court in the North-west Territories, having jurisdiction in the district wherein proceedings are instituted under this Act, or if there is no such court having jurisdiction in a district in which proceedings may be instituted under this Act, then it means the court having jurisdiction in the nearest district in which there is such court. "Court" respecting all other proceedings.

In the Province of Manitoba the Court of Queen's Bench shall have jurisdiction in all proceedings under this Act. Judge.

Any action or proceeding to be taken or application or order made before, to or by any court having jurisdiction under this Act may be taken or made before, to or by a judge thereof, or

before, to or by a junior or deputy judge when such is appointed, at chambers, or at any circuit, or session or sittings of the court, wherever held.

"District." (*d.*) "District" means a county or district as defined for judicial purposes by the legislature of the province in which it is situated, or by the Governor in Council in regard to the North-west Territories of Canada, and includes territorial, provisional or temporary districts.

"Clerk of the court." (*e.*) "Clerk of the court" means the prothonotary, clerk or registrar of the court or any division thereof.

"Official Gazette." (*f.*) "Official Gazette" means the Official Gazette published under the authority of the Government of the province or territory wherein the proceedings under this Act are carried on.

'Date of insolvency." (*g.*) "Date of insolvency" means the date of the making of an insolvency order under this Act.

"Secured creditor" (*h.*) "Secured creditor" means a creditor holding a mortgage, hypothec, charge or lien on the property of the debtor, or any part thereof, as security for a debt due to him from the debtor, and any creditor specially declared to hold security within the meaning of this Act.

"Contributory." (*i.*) The expression "Contributory" means a person liable to contribute to the assets of an incorporated company subject to the provisions of this Act. It also in proceedings for determining persons who are to be deemed contributories includes a person alleged to be a contributory.

"Official receiver." (*j.*) The word "liquidator," includes the official liquidator and the creditors' liquidator.

PART I.—APPLICATION OF ACT.

To whom Act applies. **4.** This Act applies only (*a.*) To persons who as a means of livelihood, manufacture, buy, or otherwise acquire goods, wares, merchandise or commodities, ordinarily the subject of trade and commerce, and sell or otherwise dispose of the same to others, including commission merchants, whether they sell by auction or otherwise, and (*b.*) To persons who as a means of livelihood make available for sale the natural products of the country.

Continues to apply in certain cases. 2. If a person to whom this Act appplies ceases to carry on the business which makes him subject to its provisions, he shall nevertheless continue to be so subject so long as he has outstanding debts and liabilities contracted or incurred in the course of such business, which would under this Act be provable against his estate and which are not barred or prescribed by any Statute of Limitations or otherwise, but no proceedings shall be instituted against such person by a creditor under this Act unless founded upon a debt or liability contracted or incurred in the course of such business.

Companies to which Act does not apply. 3. Nothing in this Act shall be construed to make any of its provisions apply to the following companies, societies, or corporations, or any of them, that is to say, incorporated banks, savings banks, insurance companies, loan companies, building societies, railway companies (including electric and street railway companies), telegraph or telephone companies, or municipal, school, or other corporations of a public nature.

PART II.—PROCEEDINGS FROM ACT OF INSOLVENCY TO DISCHARGE OF DEBTOR.

ACTS OF INSOLVENCY.

5. A person to whom this Act applies commits an act of insolvency, and becomes liable to have proceedings instituted against him under it in any of the following cases:—

(*a.*) If he ceases to meet his liabilities generally as they come due; Failure to meet liabilities generally

(*b.*) If he calls a meeting of his creditors for the purpose of compounding with them; or if he exhibits a statement showing his inability to meet his liabilities; or if he gives notice to any of his creditors that he has suspended or is about to suspend payment of his debts; or if he otherwise acknowledges his insolvency; Acknowledgment of insolvency.

(*c.*) If he absconds or is about to abscond from any province in Canada with intent to defraud his creditors, or any of them, or to defeat or delay the remedy of any creditor, or to avoid being arrested or served with legal process; or if being out of any province in Canada, he so remains with a like intent; or if he conceals himself within the limits of Canada with a like intent; Absconding.

(*d.*) If he secretes or is about to secrete any part of his estate or effects with intent to defraud his creditors, or any of them, or to defeat or delay their remedies or demands; Secretion of property.

(*e.*) If he assigns, removes, or disposes of, or is about or attempts to assign, remove, or dispose of any of his property with intent to defraud, defeat, or delay his creditors, or any of them; Fraudulent assignment.

(*f.*) If he makes any general conveyance or assignment of his property for the benefit of his creditors; or if being unable to meet his liabilities in full he makes any sale or conveyance of the whole or of the main part of his stock in trade or assets without the consent of his creditors, or without satisfying their claims; General assignment or sale of stock.

(*g.*) If he permits any execution issued against him under which any of his chattels, stock in trade, assets, land, or property is seized, levied upon, or taken in execution, to remain unsatisfied until within four days of the time fixed by the sheriff or seizing officer for the sale thereof, or to remain unsatisfied for fifteen days after such seizure; Allowing execution to remain unsatisfied.

(*h.*) If with intent to defeat, defraud, or delay his creditors or any of them, he procures his chattels, stock in trade, assets, land, or property, or any portion thereof, to be seized, levied on, or taken under or by any process or execution. Procuring seizure of goods, &c.

INSOLVENCY ORDER.

6. Subject to the conditions of this Act, if a person to whom it applies commits an act of insolvency, the court may on the application of a creditor, and upon such facts and circumstances being shown as satisfy the court that the order should be made, make an insolvency order under this Act. (Form No. 1.) Court may make insolvency order.

2. Such insolvency order shall name as official liquidator, the official liquidator asked for by the creditor so applying, but such creditor must ask for the appointment of an official liquidator entitled to act under the provisions of this Act.

Conditions on which creditor may apply for insolvency order.

7. A creditor shall not be entitled to make application for an insolvency order unless—

(*a.*) The act of insolvency on which the application is founded, which act shall be disclosed in the affidavits in support of such application, occurred within three months immediately preceding the date of the making of such application ;

(*b.*) The debt owing to the creditor, or if two or more creditors join in the application the aggregate amount of debts owing to such creditors, amounts to not less than two hundred and fifty dollars ;

(*c.*) The debt is a liquidated sum payable either immediately or at some certain future time ;

(*d.*) The debt had not been in whole or in part procured by the creditor to enable him to take proceedings under this Act, and the applicant is not acting in collusion with the debtor, or to procure him any undue advantage against his creditors or any of them ;

(*e.*) The debtor had at the time of the committing of the act of insolvency, or one of the acts of insolvency, upon which the application is founded, his residence, or his place of business, or his chief place of business, or one of his principal places of business, within the jurisdiction of the court.

Secured creditor making application, shall

Value security held by him.

Or state willingness to assign security for benefit of creditors generally.

8. A secured creditor making application for an insolvency order shall either

(*a.*) Set a value upon the security held by him, and in such case he shall be considered as a creditor for the purposes of the application for the amount of the debt owing to him over and above the value so set; or

(*b.*) State that he is willing to assign the security so held by him for the benefit of the creditors generally in the event of an insolvency order being made, in which case he shall be considered a creditor for the full amount of the debt owing to him.

Verification of facts by affidavit.

9. All facts and circumstances relied upon by the creditor or creditors applying for an insolvency order shall be verified by affidavit, and the court may require such further and other proof, by affidavit or otherwise, as it deems necessary.

Cases in which order may be made only after notice given to debtor of intention to apply therefor.

10. No insolvency order shall be made upon the ground that the debtor has ceased to meet his liabilities generally as they become due unless it is shown to the satisfaction of the court that notice of the time and place of making the application for an insolvency order together with copies of the affidavit or affidavits in support of such application, have been served on him at least three clear days before the time named in such notice for the making of the application, but the court may on special cause shown reduce the time of such notice as to it seems meet. (Form No. 2.)

Service of copy of order &c.

11. A copy of the insolvency order and of the affidavit or affidavits on which the order was made, shall (unless the same have been already served) immediately upon the making of the order be served upon the insolvent, and, if the application is made without previous notice to him and the creditor or creditors making the application, or any of them, does not reside within the jurisdiction of the court, the insol-

vent shall also be served with a notice setting forth the name and place of residence or place of business of some person within the jurisdiction of the court, on whom or at whose place of residence or business any notices or other documents may be served in case the insolvent applies to set aside the insolvency order as hereinafter provided.

Application to annul order made without previous notice.

12. If the insolvency order has been made without previous notice to the insolvent of application therefor he may, within five days after service of the copy of the insolvency order and of the other papers, notices and documents as provided in the last preceding section, and on one day's previous notice to the creditor or creditors, upon whose application the order was made or any of them, apply to the court to annul the insolvency order so made, and the court may extend the time for making such application.

Cases in which court may refuse application or annul order.

13. If on an application for an insolvency order after notice to the debtor, or on an application to annul an insolvency order made without previous notice to the debtor, the court is satisfied that the debtor has not committed the alleged act or acts of insolvency, or that he is not indebted to the creditor making the application, or that he is not indebted in an amount sufficient to entitle such creditor to make application for an insolvency order under this Act, or that the claim of the creditor was procured in whole or in part to enable him to take proceedings under this Act, or that, if the act of insolvency or one of the acts of insolvency upon which the application is based is an act of insolvency under subheading (*a*) or (*g*) in section four of this Act, the debtor is able to pay his debts and his ceasing to meet his liabilities or failing to satisfy the execution was only temporary and was not done by the debtor with any fraudulent intent or caused by any fraud or by the insufficiency of the assets of the debtor to meet his liabilities, the court may refuse the application or may annul the insolvency order and may make such order as to the costs of the proceedings as it thinks just.

Costs.

Court may refuse order when application is made merely to enforce payment of debt.

2. If it appears to the court on an application for an insolvency order that the proceedings were taken by the creditor without reasonable grounds and merely as a means of enforcing payment of the debt due to him under colour of proceeding under this Act, the court may refuse the application and may order the creditor, in addition to the payment of costs of the proceedings, to pay to the debtor a sum of money not exceeding treble the amount of such costs, saving and reserving to the debtor any remedy or right of action he may have against the creditor for damages in consequence of the proceedings so instituted or taken.

Court may annul order of debts paid in full.

3. The court may at any time annul an insolvency order if it is satisfied that the debts of the insolvent are paid in full, and a debt which is disputed by the insolvent is to be considered as paid in full if the insolvent gives security to the satisfaction of the court to pay the amount to be recovered in any proceeding for the recovery of or concerning such debt, with costs, and any debt due to a creditor who cannot be found or cannot be identified is to be considered as paid in full if paid into court.

Sales, &c., made valid where order s annulled.

14. When an insolvency order is annulled under this Act all sales and dispositions of property, payments made and acts theretofore lawfully done under and by virtue of this Act by the official liquidator, or any person acting under the authority of either of them, or by the court, are valid, but the estate and property of the insolvent shall upon such order being annulled vest in such person as the court may appoint, or, in default of such appointment, in the insolvent on such terms and subject to such conditions, if any, as the court may determine.

How estate and property may be vested.

Notice of order by court annulling insolvency order to be published.

2. Notice of an order of the court annulling an insolvency order and of any terms and conditions therein contained shall be published by the official liquidator, or by the insolvent, in the same manner as in this Act provided for notice of the appointment of the official liquidator.

What order shall be acted on if insolvency orders made in different districts.

15. If applications are made in different districts and a insolvency order is made in more than one district, the insolvency order made by the court having jurisdiction in the district within which was the chief place of business of the insolvent, or, if there is no recognized chief place of business, the insolvency order made on the application presented by creditors to the largest amount, shall first be acted upon, and the proceedings on the other insolvency orders shall on application of any interested party be stayed; but the court may, in any of the other districts, make any order it thinks necessary in the interests of the creditors for the proper protection of the estate of the insolvent within its jurisdiction.

Transfer of proceedings to another district.

16. If an insolvency order has been made, and it is made to appear to the court by which such order is made, upon an application by any official liquidator, or by a creditor having an unsecured claim of one hundred dollars or upwards, that from the situation of the property of the insolvent, or from other causes, the estate and effects could be better wound up and distributed in some other part of Canada, the court may, after such inquiry and on such terms as to it seem right, make an order that the estate of the insolvent be thereafter wound up and distributed in the district or place in Canada named in such order, and thereupon all subsequent proceedings in connection with the winding up and distribution of the estate shall be taken and had in the place or district named in such order, in all respects as if the receiving order had been made by the court having jurisdiction in such place or district; but no order made under this section shall in any way affect the validity of the insolvency order or of any proceedings lawfully taken under or by virtue thereof.

Effects of insolvency order as to remedies of creditors.

17. After the making of an insolvency order no creditor shall have any remedy against the estate of the insolvent in respect of any debt provable under this Act except as in this Act provided, and no action shall be begun or instituted, nor shall actions then pending against the insolvent be continued, except with the leave of the court in which the same are instituted or pending, or a judge thereof, and on such terms as to such court or judge seem just; but, except as in this Act otherwise provided, nothing herein shall be construed to prevent a creditor having security for his debt or any

Secured debts may be realized.

part thereof from realizing upon or otherwise dealing with such security or any part thereof in the same manner and to the same extent as if the insolvency order had not been made.

OFFICIAL LIQUIDATORS.

Boards of Trade may appoint official liquidator.

18. The Board of Trade of every city in Canada whose population by the last decennial census exceeds twenty thousand may, at a meeting called for the purpose, of which at least three weeks' notice shall be given, appoint an official liquidator under this Act; cities whose population by the last decennial census exceeds fifty thousand may in like manner appoint one official liquidator for every fifty thousand persons and portion thereof which it has according to the last decennial censes.

Must not be a Senator or Civil Servant.

2. No such person so appointed shall be a member of the Senate or House of Commons of Canada or of the Civil Service of Canada.

Such appointment may be rescinded.

3. After one year has elapsed from the time of such appointment of any person as official liquidator, such appointment may be rescinded at a meeting of the board called for that purpose, of which at least three weeks' notice shall be given, and provided at least two-thirds of the members voting on the resolution to rescind such appointment vote in favor thereof.

Appointment of official liquidators.

19. The Governor in Council, on the recommendation of the Treasury Board, may at any time after the passing of this Act, and from time to time, appoint such persons, not being members of either the Senate or House of Commons of Canada, or the civil service of Canada, as he thinks fit, to be official liquidators under this Act for the several districts, or such portions thereof as the Governor in Council thinks proper, and may remove any person so appointed, and the same person may be appointed to act in more than one district.

Official liquidator to be officer of the court.

20. An official liquidator appointed under this Act shall be an officer of the court of the district in which he may act.

Official liquidators under section 19 to act in their own district only.

21. An official liquidator appointed under section nineteen of this Act may only act as liquidator for the estate of a person whose residence or place of business or one of whose places of business is in the district for which he is appointed.

Official liquidator appointed under section 18 may act at any place in province.

22. An official liquidator appointed under section eighteen of this Act may act as liquidator for the estate of any person whose residence or place of business or one of whose places of business is in the province in which the city is situate whose board of trade appointed him.

As to official liquidators appointed by Winnipeg Board of Trade.

23. Any official liquidator appointed by the board of trade of the city of Winnipeg may act as liquidator for the estate of any person whose residence or place of business or one of whose places of business is in the North-west Territories.

Security to be given by liquidator.

24. Each official liquidator before being eligible to act as such shall give security to Her Majesty for the due fulfilment and discharge of his duties under this Act. Such security

shall be in bonds of a guarantee company or in such other form as is approved of or prescribed by the Treasury Board, and shall be in such sum, not less than two thousand dollars and not more than twenty thousand dollars, as the Treasury Board requires, and shall be held as security for the benefit of the creditors of all estates which may come into his possession as official liquidator. Such securities shall be deposited in the department of the Secretary of State, and a certificate of the security being so deposited and of the amount thereof, and of every renewal thereof, or change therein, shall, upon such security or renewal thereof or change therein being approved by the Treasury Board, be issued under the hand of the Secretary of State and filed with the clerk of the court having jurisdiction in the district for which the official liquidator depositing the security is appointed, and in every district in which such official liquidator may act.

Nature and amount.

Deposit of securities.

Vesting of property under receiving order.

25. The insolvency order shall vest in the official liquidator therein named, and on the appointment of the creditors' liquidator in the creditors' liquidator, all the estate, right, title and interest of the insolvent in and to all property, real, personal and mixed, immovable and movable, including all books of account, vouchers, letters, accounts, titles to property and other papers and documents relating to his business and estate, moneys and negotiable papers, stocks, bonds and other securities, and generally all assets of every kind and description whatsoever and wheresoever situate, of which the insolvent may be possessed or to which he may be entitled at the date of insolvency, or which he may thereafter acquire, or to which he may become entitled at any time prior to his discharge under this Act, and the official liquidator shall hold the same, and in case a creditors' liquidator is appointed, such creditors' liquidator shall hold the same in trust for the benefit of the insolvent and of his creditors, subject to the provisions of this Act; but such insolvency order shall not vest in the official liquidator such property as is exempt from seizure and sale under execution by virtue of the several statutes in that behalf in the several provinces and territories of the Dominion respectively, nor any property which the insolvent holds as trustee for others, nor any money earned or received by the insolvent after the date of insolvency as salary or wages for services performed or rendered by him.

Certain property exempted.

Liquidator to take possession.

26. The official liquidator shall forthwith either personally, or by his agent, or deputy, take possession of the property vested in him by virtue of the insolvency order, and he shall make such arrangements for its safe keeping and protection, by insurance or otherwise, as he thinks most expedient in the interests of the estate; and if the official liquidator, or his agent or deputy is unable to obtain access to the interior of any house, shop, store, warehouse, or other premises of the insolvent, or in which the said property so vested in him, or any part thereof, is situate, by reason of the same being locked, barred, or fastened in any way, he may forcibly open the same in the presence of at least one witness.

Powers for that purpose

Liquidator order to be registered

2. The official liquidotor shall, on becoming aware of the insolvent holding real estate, forthwith register, in the proper

registry office for the registry of transactions in connection with such real estate, a certificate of the clerk of the court under the seal of the court of the making of the insolvency order or a certified copy of the insolvency order. In the province of Quebec such certificate or certified copy shall be accompanied with a description of the real or immovable estate of the insolvent, and a notice that the same has by virtue of such insolvency order been transferred to the official receiver. against real estate.

3. The court may, on the application for the insolvency order or at any time thereafter before the first meeting of creditors, on the application of any creditor who has proved an unsecured claim to the amount of two hundred and fifty dollars or upwards, or, if two or more creditors join in the application, of creditors having unsecured claims aggregating two hundred and fifty dollars or upwards, and if it appears in the interest of the estate, make an order directing the official liquidator to institute any proceedings which may be urgently necessary for the protection of the estate, or for the recovery or realization of any portion of the assets of the estate which might otherwise be lost, in whole or in part, or might become seriously depreciated in value before such meeting; or to sell and dispose of any portion of the estate which may be of a perishable nature; or to carry on until the first meeting of the creditors of the estate the business of the insolvent; and the court may by the same order appoint one or more persons (not exceeding three in all) being creditors having unsecured claims against the estate amounting to five hundred dollars and upwards or the employees or nominees of such creditors, to superintend and direct until the first meeting of creditors the official liquidator in the performance of his duties under such order; and in default of such appointment the official liquidator shall perform his duties under the direction and control of the court; and the official liquidator may employ such clerks and other assistants as may be necessary to enable him to perform the duties imposed upon him by such order. Court may direct official liquidator in certain cases to take proceedings, carry on business, &c. Provisional inspectors. Clerks and assistants.

4. The official or creditors' liquidator may by a general or special waiver, waive the necessity of presentment, protest and notice of dishonour of bills or notes drawn or endorsed by the insolvent and maturing after the date of the Insolvency order. Waiver of presentment, &c., by liquidator.

PROCEEDINGS CONSEQUENT ON ORDER.

27. The official liquidator immediately upon an insolvency order being made shall publish notice thereof (Form No. 3) in the Official Gazette, and in at least one newspaper published in the district in which the proceedings are instituted. Such notice shall be published only once in each paper, unless the court when making the order deems it expedient that more extended notice should be given, either in the district in which the proceedings are instituted or elsewhere, and in such case the court shall determine the notice to be given and the time, place and manner of publication thereof. Publication of notice of order.

28. The insolvent shall immediately after the service of the insolvency order, unless he makes an application to set the same aside, and, in such case, immediately after the refusal of such application, prepare for and furnish to the official creditor or liquidator a statement of all his liabilities direct and indirect, Statement of liabilities and assets to be furnished by insolvent

contingent and otherwise, showing the nature and amount thereof, together with the names and addresses of his creditors and the securities held by them so far as may be known to him, and also a statement of all his property and assets, which statements shall follow as nearly as may be Form No. 4 to this Act, and shall be accompanied with a full, clear and specific statement by the insolvent of the causes to which he attributes his insolvency, and such statements shall be verified by the insolvent under oath in Form No. 5.; and any statements or affidavits so made as in this section provided may be inspected without charge by any creditor, his clerk or agent, who may make copies thereof or extracts therefrom.

Statement under oath by insolvent of causes of insolvency.

In case of neglect court may order statements to be made, &c.

2. If the insolvent neglects or refuses to prepare and furnish such statements, or to verify the same under oath, or if he unduly delays the preparation thereof, the court may, on the application of a creditor having an unsecured claim against the estate of one hundred dollars or upwards, or of the liquidator, make an order directing such statements to be prepared, verified and furnished within the time named in such order, and in default of obedience by the insolvent to the order so made, the court may direct him to be imprisoned for a period of not more than six months, but in no case shall the holding of the first meeting of the creditors be delayed by the court or otherwise by reason of non-compliance with the requirements of this section.

Penalty for disobedience to order of court.

First meeting of creditors.

29. The official liquidator shall, immediately after the expiry of the time reserved to the insolvent to move to set aside the insolvency order if no such motion is made, or immediately after such motion is refused if made, or immediately after the making of the insolvency order with the consent in writing of the insolvent or without such consent where no right to move against the order is reserved to the insolvent by this Act, call a meeting of the creditors of the insolvent, to be held at the official liquidator's office, or at some other convenient place.

Time for its holding and notice thereof.

2. Such meeting shall be held within ten days from the date after which the same may be called as aforesaid, and notice thereof (Form No. 6), shall be mailed, postpaid and registered, six days before the day named for holding such meeting, to each creditor of whose name and address the official liquidator is cognizant, which notice shall be accompanied by a list of creditors having claims against the estate of one hundred dollars or upwards, with their addresses and the amount of their respective claims, and the aggregate amount of the claims of creditors under one hundred dollars, so far as known to the official liquidator.

Calling meeting when liquidator omits to do so.

3. If the official receiver omits to call the meeting as in this section provided, the court shall, on the application of any person interested, order the meeting to be called at the earliest practicable day thereafter, and if the omission has arisen through the neglect of the official receiver, the court shall order him to pay the costs of the application, otherwise the court may make such order as to the costs of the application as to it seems just.

Costs of application.

Adjournment of meeting in certain cases.

4. The court may, on the application of a creditor having an unsecured claim against the estate of one hundred dollars or upwards, and on being satisfied that there are creditors

whose claims amount to at least one-third of the insolvent's direct liabilities, resident in any place or places whence their claims cannot with due diligence be received at or before the day appointed for the meeting, order the meeting to be adjourned to some day not later than two weeks from the day named in the notices calling the meeting, and such order shall be served on the official liquidator, who shall forthwith mail to each creditor notice of such adjournment, and if such adjournment is ordered no business shall be transacted at the meeting first called, but the first meeting of creditors shall be held on the day named in the order. Notice.

5. The first or any meeting of creditors may be adjourned from time to time and no notice or advertisement of such adjournment shall be necessary. Adjournments.

6. The insolvent shall attend the first meeting of his creditors and any adjournment thereof. Insolvent to attend first meeting.

30. The creditors may at their first meeting confirm the appointment of the official liquidator or appoint some other person as creditors' liquidator of the estate of the insolvent and they may at a meeting specially called for the purpose, remove such official liquidator or creditors' liquidator and appoint another in his stead, or they may at any meeting appoint a liquidator in the stead of a liquidator who has died, resigned or refused to act. Appointment, &c., of liquidator.

2. If the liquidator so appointed is required to give security for the due performance of his duties, and if he fails to give the same within the time limited therefor as in this Act provided, or if he refused to act, or if he dies before the transfer of the estate to him, the inspectors may, within two days after the expiration of the time limited for the giving of security, or within two days after such refusal to act or death, appoint a liquidator subject to confirmation at the next meeting of the creditors. Liquidator may be appointed by inspectors in certain cases.

3. In the following cases the official liquidatar shall report the facts to the court :— Court to make appointment in certain cases.

(*a.*) If the inspectors fail to appoint a liquidator within the delay limited in the next preceding subsection;

(*b.*) If no inspectors are appointed;

in each of which two cases the said report shall be made upon the expiration of the time limited for giving security;

(*c.*) If the liquidator refuses to act;

(*d.*) If the liquidator dies;

(*e.*) If the liquidator is appointed by the creditors at their first meeting, in which case the report shall be made as soon as possible after the close of such meeting.

And thereupon in every case the court shall appoint the liquidator.

4. The liquidator shall without delay give notice of his appointment as such (Form No. 7) by advertisement to be inserted once in the Official Gazette and once in one newspaper (if any) published in the district in which the proceedings are pending, and by notice mailed, post-paid, to each creditor. Liquidator to give notice of his appointment.

31. No secured creditor nor his partner, agent, clerk or employee shall be appointed liquidator or be eligible to act as liquidator. No secured creditor his partner, agent clerk or employee to act as liquidator.

Official liquidator to account for and transfer estate to liquidator.

32. The official liquidator shall, in case of the appointment of some person other than himself as liquidator and without any delay from any cause or upon any pretence whatsoever, account to the liquidator for all the estate and property of the insolvent which has come into his possession, and pay over and deliver to the liquidator all such estate and property, including all sums of money, books, bills, notes, statements, accounts, proofs of claims, minutes of proceedings at meetings, papers and documents whatsoever, in his hands belonging to the estate, after deducting from the funds in his hands (if any) his remuneration, if the same is then fixed as hereinafter provided and agreed to by him, and all lawful costs, charges, expenses and disbursements paid or incurred by him in any way in connection with the estate; and he shall also execute a deed of transfer of such estate and effects to the liquidator (Form No. 8), which shall be registered in case of the insolvent holding real estate in the proper registry office.

Costs and expenses of official liquidator how defrayed.

33. All necessary costs, charges, expenses and disbursements, including travelling expenses, paid or incurred by the official liquidator in connection with the performance of the duties imposed upon him by this Act, shall be defrayed by him out of the moneys which come into his hands as official liquidator; but if the insolvent has no available assets the official liquidator shall not be required to incur any expense in relation to his estate.

Remuneration of official liquidator.

2. In case the official liquidator is not confirmed by the creditors as liquidators the remuneration for his services as official liquidator may be fixed by the creditors at their first meeting, or by the inspectors, and in default of the amount being so fixed and agreed to by the official liquidator at the time of the transfer of the estate as hereinbefore provided, or in case the amount so fixed by the creditors or by the inspectors is considered by the official liquidator as insufficient remuneration for the services performed, the official liquidator may apply to the court, giving notice to the liquidator of such application, and the court shall thereupon decide and determine the amount of such remuneration, having regard to the nature and value of the estate, the work done and services performed by the official liquidator, and the responsibility involved.

Lien on estate for remuneration.

3. The official liquidator shall have a first lien and charge upon the estate of the insolvent in the hands of the liquidator for his remuneration, expenses and disbursements, until the same are paid; and if any dispute arises as to any amount claimed, charged, incurred or disbursed by the official liquidator, the dispute shall be referred to and decided by the court.

Court to decide disputes.

Costs.

4. The costs of all proceedings under this section shall be in the discretion of the court.

INSPECTORS.

Creditors to appoint inspectors.

34. The creditors may at any meeting appoint one or more inspectors, not exceeding five in all, who shall superintend and direct the proceedings of the liquidator in the management and winding up of the estate, and the creditors may confer upon the inspectors such special powers as they think proper, and they may revoke, change or annul such special

Powers and duties.

powers, and they may also, at any subsequent meeting held for that purpose, revoke the appointment of any or all of the said inspectors, and upon such revocation, or in case of death, resignation, or absence from the province of an inspector, may appoint another in his stead; and anything to be done by the inspectors may be done by the majority, or by the sole inspector, if there is only one; but no inspector shall be paid any remuneration for his services unless the amount thereof is voted by the creditors at a general meeting, or at a meeting specially called for the purpose.

Remuneration of inspectors voted by creditors.

CONTROL OVER PERSON AND PROPERTY OF INSOLVENT.

35. The insolvent shall until he has obtained his discharge give such information to the official or creditors' liquidator, or inspectors, respecting his estate and affairs, attend at such times on the official or creditors' liquidator, or inspectors, and at such meetings of his creditors, execute at the expense of the estate such powers of attorney, conveyances, deeds and instruments, and generally do all such acts and things in relation to his property and to the distribution of the proceeds thereof amongst his creditors, as are reasonably required by the official or creditor's liquidator, or inspectors, or as are prescribed by general rules made by virtue of this Act, or as are directed by the court by any special order made in reference to any particular case or made on the occasion of any special application by the official or creditors' liquidator, or any creditor, or person interested; and he shall aid to the utmost of his power in the realization of his property and the distribution of the proceeds thereof among his creditors.

Duty of insolvent until discharge.

2. The liquidator may from time to time, with the consent of the creditors or of the inspectors, make such allowance as he thinks just to the insolvent out of the estate as compensation for his services in connection with the winding up of his estate, but any such allowance may be reduced by the court.

Compensation to insolvent for services.

36. The creditors or the inspectors shall direct the insolvent to be examined upon oath before the liquidator, or before such person as they may name, touching his estate and effects, assets and liabilities, the conduct and management of his business, the causes of his insolvency and his affairs generally, and such liquidator or person may administer any necessary oath.

Examination of insolvent on oath.

2. Such examination shall take place at such time and place as is appointed by the creditors, or by the inspectors, and it may be adjourned from time to time, but the court may, on the application of any person interested, and on being satisfied that the affairs of the insolvent have been sufficiently investigated, make an order directing that the examination be concluded by such time as is named in the order.

Time and place.

3. Such examination may be conducted by counsel or by such persons as are appointed by the creditors or inspectors, and notes of the evidence given at such examination, which may be taken in shorthand, shall be deposited with the liquidator, and shall be open to inspection, without charge, by any creditor or by the duly authorized representative of any creditor.

Conduct of examination.

Penalty for non-compliance by insolvent.

4. In case the insolvent neglects or refuses to appear, or to be sworn, or to answer any proper questions, the court may, on the application of the examiner, or of any person interested, order that the insolvent be committed as for a contempt of court; and the court may make such order as to the payment of the costs of any application under this section as to it seems right.

Summoning persons to give information as to the insolvent or his estate.

37. The court may on the application of the liquidator, or of a creditor having an unsecured claim of one hundred dollars or upwards, summon before it any person, including the husband or wife of the insolvent, known or suspected to have in his possession any of the estate or effects of the insolvent, or any person who is represented to the court as capable of giving information concerning the insolvent, his dealings or property, and the court may require any such person to produce any documents in his custody or power or under his control, relating to the insolvent, his dealings or property.

Warrant may be issued to compel attendance.

2. If the person so summoned, after having been tendered the ordinary witness fees allowed in suits before the court and conduct money, without reasonable excuse, refuses to come before the court at the time appointed, the court may by warrant cause him to be apprehended and brought before it.

Examination may be on oath.

3. Such person may be examined upon oath concerning the insolvent, his dealings or property, by or before the court or by or before such person and in such manner as the court directs, and such court or person may administer any necessary oath, and notes of the evidence given at any such examination,

Notes thereof to be filed.

which may be taken in shorthand, shall be deposited with the clerk of the court, and a copy thereof shall be deposited with the liquidator and shall be open to inspection, without charge,

Costs of examination.

by any creditor, or the duly authorized representative of any creditor, and the court may make such order as to the payment of the costs of any such examination as to it seems right.

Order to deliver property.

4. If on such examination such person admits that he has in his possession any property belonging to the insolvent, and to which the liquidator is legally entitled, the court may order him to deliver to the liquidator, such property, or any part thereof, at such time, in such manner and on such terms as to the court seems just.

Penalty for non-compliance with above provisions.

5. In case of refusal to appear, or to be sworn, or to answer any questions that may lawfully be asked touching the insolvent, his dealings or property, or to produce any document which he is required to produce, or to obey any order of the court made under and by virtue of this section, the person so refusing may be committed as for a contempt of court.

When warrant for arrest of insolvent may be issued.

38. The court may, at the time of making an insolvency order or at any time thereafter, on the application of the liquidator, by warrant to the sheriff of the district, or other proper officer, cause the insolvent to be arrested, and any books, papers, moneys and goods in his possession to be seized, and him and them to be safely kept as prescribed until such time as the court orders, if such facts and circumstances are shown by affidavit as satisfy the court—

If he is about to abscond or conceal himself.

(*a.*) That there is good and probable cause for believing that the insolvent is about to abscond and conceal himself to avoid service of papers, notices or documents required by this Act to

be served on him, or to avoid appearance at any meeting of his creditors at which he is required to appear, or to avoid examination in respect of his affairs, or otherwise to avoid, delay, or embarrass any proceedings against him under this Act; or

If he is about to remove, conceal or destroy goods or documents.

(*b.*) That there is good and probable cause for believing that he is about to remove his goods with intent to prevent or delay possession being taken of them by the official receiver, or by the liquidator, or that he has concealed or destroyed or is about to conceal or destroy, any of his goods, or any books, documents, or writings, which might be of use to his creditors in the course of the proceedings under this Act; or

If he removes or disposes of goods exceeding $25 in value.

(*c.*) That without the leave of the liquidator, he has removed or disposed of any goods in his possession, which form a part of the estate vesting in the liquidator, and which exceed in value the sum of twenty-five dollars; or

If he fails to attend meeting.

(*d.*) That without good cause shown he has failed to attend any meeting which he was required to attend under the provisions of this Act.

Postmaster may be ordered to send insolvent's letters to liquidator.

39. The court may, on the application of the liquidator, and on special cause shown therefor, from time to time order that for such time, not exceeding three months, as the court thinks fit, the postmaster at the place of residence or at any place where the insolvent carried on business shall deliver, redirect, or send to the liquidator of the estate of the insolvent, all letters and other mailable matter received by such postmaster addressed to the insolvent. All such letters or mailable matter so received by the liquidator shall be opened and read by him in the presence of the insolvent, or after notice given him by letter through the post, and if they relate to the business of the insolvent or his estate they shall be retained by the liquidator, otherwise they shall be resealed and endorsed as having been opened as aforesaid and shall be delivered or mailed to the insolvent. A register shall be kept by the liquidator of all letters and mailable matter so received as aforesaid and the disposition thereof, which register and all letters and mailable matter so retained as aforesaid shall be open to inspection by the insolvent.

How letters so sent are to be dealt with.

Register to be kept of them.

Insolvent to have access thereto.

Insolvent's duty as to letters about estate business.

2. It shall be the duty of the insolvent at all times to deliver or transmit by post to the liquidator all letters or other mailable matter received by him and appertaining to the business of the estate.

DISCHARGE OF INSOLVENT WITH CONSENT OF CREDITORS.

Meeting to consider composition and discharge, how and when called.

40. If the insolvent, at or any time after the first meeting of creditors, files with the liquidator a deed of composition and discharge executed by creditors entitled to vote who represent at least three-fourths in value of the claims of all the creditors then entitled to vote and a majority in number of such creditors having claims of one hundred dollars and upwards, the liquidator shall call a meeting of the creditors of the estate to take such deed of composition and discharge into consideration (Form No. 9), which meeting shall, unless the time for holding the same is extended by the court on the application of a

creditor having an unsecured claim of one hundred dollars or upwards, be held within fourteen days from the date of the filing of the deed with the liquidator, and such meeting shall be attended by the insolvent, who shall be subject to examination thereat touching his property, conduct, dealings and affairs generally.

Notice of meeting.

2. Such meeting shall be called by advertisement published once in the Official Gazette and once in one newspaper (if any) published in the district in which the proceedings are pending, stating the time, place, and object of the meeting, and also by notices, post-paid, mailed at least ten days before the meeting to the insolvent and to each of the creditors known to the liquidator or to the insolvent; and such notices to the creditors, in addition to stating the time, place and object of the meeting, shall state generally the terms of the deed of composition and discharge.

Provision for neglect or refusal to call meeting.

3. In case of neglect or refusal on the part of the liquidator to call such meeting so that it may be held within the time above provided, the court may, on the application of the insolvent, or of any creditor having an unsecured claim of one hundred dollars or upwards, direct such meeting to be held at such date and on such notice as to it seem proper; and the court shall, unless reasonable excuse for such neglect or refusal on the part of the liquidator is shown, order him personally to pay the costs of the application.

What deed must provide.

41. In no case shall a meeting be called to consider a deed of composition and discharge, nor shall the same be confirmed or any discharge thereunder effected, unless such deed provides for the immediate payment in full of all costs, charges and disbursements in connection with proceedings under this Act then remaining unpaid and of all claims declared by this Act to be privileged claims, and for the payment within one year from the date of such confirmation of at least one-half of the amount of claims provable against the estate, and no deed of composition and discharge, nor any discharge of the insolvent thereby effected, shall be binding on the creditors until such deed is confirmed by the court as hereinafter provided.

Deed not binding till confirmed by court.

Creditor may file letters of approval or disapproval of deed.

42. Any creditor may at any time before such meeting file with the liquidator a letter or document expressing his approval of or objection to such deed of composition and discharge, and such creditor shall thereupon be considered as having voted for or against the discharge of the insolvent as indicated by the tenor of such letter or document, and the deed may be executed by any creditor entitled to execute it at any time before it is filed by the liquidator with the clerk of the court.

Execution of deed.

Liquidator's certificate and what it shall contain.

43. The liquidator shall, after the holding of the meeting to take the deed of composition and discharge into consideration, annex to such deed a certificate in which he shall set forth:

(*a.*) The total amount of claims then proved against the estate in respect of which the creditors proving the same are entitled to vote, and the total amount of such claims represented by creditors who had executed the deed of composition and discharge;

(*b.*) The total number of creditors who had then proved claims, in respect of which they were entitled to vote, of one hundred dollars and upwards, and the total number of such creditors who had executed the deed of composition and discharge;

(*c.*) The number of creditors, who had proved claims on which they were entitled to vote, present or represented at the meeting to consider the deed, distinguishing the creditors having claims of under one hundred dollars from those having claims of one hundred dollars and upwards, and the respective amount of their claims.

(*d.*) The terms of any resolution relating to the discharge of the insolvent passed at such meeting, and the number of creditors voting for and against the same, distinguishing the creditors having claims of under one hundred dollars from those having claims of one hundred dollars and upwards, and the respective amount of their claims;

(*e.*) The ratio of dividend likely to be realized from the estate for the unsecured creditors, and the dividend or dividends declared, (if any).

Documents to be annexed to certificate.

2. The liquidator shall annex to such certificate copies of all documents filed with him, approving of or objecting to the confirmation of the deed or to the discharge of the insolvent thereunder, indicating the amount of claims represented by the several creditors who filed such documents, and he shall annex copies of the minutes of any examination of the insolvent and of any statements of the assets and liabilities of the insolvent.

How unproved or unaffected claims are to be treated.

3. If there are creditors, who voted or offered to vote for or against any resolution or filed any letters or documents as aforesaid, or who executed such deed, and if such creditors have not proved their claims as required by this Act, or if their claims are of such a nature that in the opinion of the liquidator they are not affected by the discharge, or if such creditors are not entitled to vote in respect of such claims, the liquidator shall not include such creditors among those voting for or against the resolution, or as having executed such deed, but he shall in his certificate indicate the number of such claims and the amount and nature thereof, distinguishing the number of such creditors in favour of, and the number opposed to the confirmation of the deed, or to the discharge of the insolvent thereunder.

Liquidator to file deed, certificate, &c., with clerk of court.

Copy to be kept on file in liquidator's office.

4. The liquidator shall, within one week after the holding of the said meeting to take the deed of composition and discharge into consideration, file the deed, together with his certificate and all annexed papers and documents as above provided, with the clerk of the court, and shall keep a copy thereof on file in his own office, and the copy on file at the office of the liquidator shall be open at all reasonable hours to inspection, without charge, by the insolvent, or by any creditor, and the insolvent or any creditor may copy the same or make extracts therefrom.

Notice of insolvent's application for confirmation.

44. So soon as the deed of composition and discharge is filed by the insolvent with the liquidator, as hereinbefore provided, the insolvent may give notice (Form No. 10) of his intention to apply to the court for confirmation thereof, which notice shall be published once in the Official Gazette

and once in one newspaper (if any) published in the place in which the proceedings are pending, and shall be mailed, post-paid, to the liquidator and to each of the creditors, at least twenty-one days before the day therein named for the hearing of the application.

Confirmation may be opposed.

45. The confirmation of such deed of composition and discharge may be opposed by the liquidator under the authority of the creditors or of the inspectors, or by any creditor, notwithstanding such creditor has executed such deed of composition and discharge.

Creditor who has executed deed may oppose confirmation thereof.

2. If a creditor who has executed a deed of composition and discharge opposes the confirmation thereof or the discharge of the insolvent thereunder, his claim shall be dealt with as if he had not executed such deed of composition and discharge, and if in consequence of such opposition the confirmation of the deed is refused on the ground that it has not been assented to by the requisite proportion of creditors in number or value, the creditor so opposing such confirmation shall pay all the costs of the insolvent in connection with such application for confirmation, unless it appears to the satisfaction of the court that he had just grounds for his action or for opposing the confirmation of the deed.

Payment of costs in such cases.

Hearing of application to confirm.

46. On the day named in the notice given by the insolvent in manner hereinbefore provided, or so soon thereafter as the court appoints, the court shall hear the application of the insolvent to confirm the deed of composition and discharge, and any person in objection or opposition thereto, and may thereupon make an order confirming the same; but no such order shall be made, nor shall the deed be confirmed unless it is shown to the satisfaction of the court, by affidavit or in such other way as the court directs, that all the notices, formalities and requirements of this Act in connection with the application of the insolvent to confirm the deed and the holding of the meeting of the creditors to consider the same and the filing of the deed and certificate of the liquidator and other documents, have been given, observed and complied with, and that the deed has been executed by creditors entitled to vote representing at least three-fourths in value of the claims of all creditors entitled to vote at the time of the filing of the deed by the liquidator with the clerk of the court and a majority in number of such creditors having claims of one hundred dollars or upwards, and that the deed in all respects conforms to the provisions of this Act, and that the examination under oath as provided by section thirty-six of this Act has been concluded; and the insolvent shall as a condition precedent to the confirmation of such deed make affidavit in form No. 11 hereto.

Requisites for order of confirmation.

Affidavit to be made.

Cases in which deed shall not be confirmed.

47. The deed of composition and discharge shall not be confirmed if it appears to the satisfaction of the court that the insolvent is guilty of an indictable offence under this Act, or has committed any act or made or entered into any contract, conveyance, mortgage, hypothec, sale, deposit, pledge, transfer, assignment, or payment, with intent to defraud his creditors or any of them or to give any creditor a fraudulent preference over other creditors, or is guilty of fraud or

fraudulent practice in procuring the execution by his creditors, or any of them, of such deed, or is guilty of fraudulent retention, concealment or disposal of some portion of his estate and effects, or of evasion, prevarication, or false swearing upon examination as to his estate and effects, or of any fraud or fraudulent breach of trust.

Notice of application by insolvent for discharge without consent of creditors.

48. At or after the expiration of one year from the date of insolvency the insolvent may give notice (Form No. 12) of his intention to apply to the court for a discharge under this Act without consent of creditors, by publishing such notice for one month in the Official Gazette, and once a week for four weeks in one newspaper (if any) published in the district in which the proceedings are pending, and also by mailing such notice, post-paid, to each of his creditors at least one month before the time named therein for such application.

What must be proved before discharge may be granted.

49. The court may, on such application, make an order for the discharge of the insolvent, on proof being made to its satisfaction by affidavit or in such other manner as it directs, that all the notices, formalities and requirements of this Act in reference to such application for discharge have been given, observed and complied with, and that the insolvent has delivered to the official receiver or liquidator all the property and assets of the estate which vested in them and all books of accounts and documents in any way relating to his estate, and has attended all meetings of creditors which he has been required to attend, and has submitted to examination as herein provided, and has aided by all means in his power in the discovery of his property and the realization thereof, and in every way has conformed to the provisions of this Act.

Opposition to confirmation of discharge.

50. Any creditor to whose claim the discharge would apply, or the liquidator under the authority of the creditors or of the inspectors, may oppose the application for discharge, and in such case the court shall hear under oath all parties and all evidence adduced, but nothing herein contained shall prevent the court, whether the application is opposed or not, from making, or ordering to be made in such manner as it thinks most expedient, any further or other investigation into the affairs of the insolvent, or the conduct or management of his business, or the method in which his books of accounts have been kept, or the dividend realized or likely to be realized from his estate, or his affairs generally, as it thinks right, or from refusing the discharge, or suspending the operation thereof, or imposing terms in connection therewith, as hereinafter provided; but in no case shall the discharge be granted if it appears to the court that the insolvent has been guilty of any act by reason of which, under the provisions of section forty-seven of this Act, he would not be entitled to the confirmation of a deed of composition and discharge.

Powers of court as to further investigation, or refusal or suspension of discharge.

When discharge shall not be granted.

Cases in which confirmation may be refused or be made conditional.

51. The court may, on proof of any of the facts hereinafter set forth, refuse to grant the discharge, or may suspend the operation thereof for such period not exceeding five years as it thinks proper, or may grant such discharge subject to the payment by the insolvent, out of future earnings or after—

acquired property, of the balance, or such part of the balance of the debts provable against his estate, in such manner and on such terms as the court may direct, and the court may, after the expiration of one year, modify such last mentioned order if it is satisfied by the insolvent that there is no reasonable probability of his being able to comply with the terms thereof.

2. The facts referred to in this section are—

(*a.*) That the insolvent has omitted to keep or has been negligent in keeping such books of account as are usual and proper in the business carried on by him and as would sufficiently disclose his business transactions and financial position within the three years immediately preceding the date of insolvency;

(*b.*) That he continued to trade after he believed himself or had good reason to believe himself to be insolvent;

(*c.*) That he contracted a debt provable against his estate without a reasonable expectation of being able to pay it (proof of which reasonable expectation as to debts contracted within thirty days before the date of insolvency shall be upon him);

(*d.*) That he has failed to account satisfactorily for any loss of assets or for any deficiency of assets to meet his liabilities;

(*e.*) That he has brought on or contributed to his insolvency by rash or hazardous speculations, or by unjustifiable extravagance in living, or by gambling, or by culpable neglect of his business affairs, or by recklessness in endorsing or becoming surety for others;

(*f.*) That he has put any of his creditors to unnecessary expense by a frivolous or vexatious defence to any action properly brought against him;

(*g.*) That he has on any previous occasion been adjudged bankrupt or insolvent, or made a composition or arrangement with his creditors, or has been refused his discharge under any insolvency Act, either under a deed of composition and discharge or otherwise;

(*h.*) That he has neglected or refused to attend a meeting of his creditors which he should have attended, or to give any information, or to answer any questions touching his estate, dealings or property, which he should have given or answered, or is wilfully in default in obeying any order lawfully made under this Act.

APPEAL IN CASES OF DISCHARGE.

By whom and when appeal may be had

52. The insolvent, or the liquidator under the authority of the creditors or of the inspectors, or any creditor, may appeal from any order of the court, or of a judge thereof, granting, refusing, or suspending such discharge, or the confirmation of a deed of composition and discharge, or imposing any conditions in connection therewith; but no appeal shall be allowed on the part of the liquidator, or of a creditor, unless he appeared at the hearing and opposed the discharge of the insolvent, or the confirmation of the deed; and the appeal in cases of composition and discharge shall be had only with the leave of the court or judge appealed from, and if the appeal is made from an order confirming, refusing or suspending the operation of a deed of composition and discharge, and it is made to appear to the satisfaction of the court, or of the judge, making the order, on the application of the insolvent, or of the liquidator

Power of court to annul deed of composition when appeal causes injus-

under the authority of the creditors or of the inspectors, that in consequence of such appeal and the delay thereby occasioned the terms of the deed of composition and discharge cannot be carried into effect without injustice, or undue delay or loss to the creditors, or to the insolvent, the court may order that such deed of composition and discharge be cancelled and annulled, and that the liquidator proceed to wind up the estate as if such deed had not been executed.

tice or undue delay, &c., in carrying out deed.

RECONVEYANCE OF ESTATE TO INSOLVENT.

53. The reconveyance of the estate of the insolvent by the liquidator to the insolvent, when such estate is to be reconveyed under the terms of a deed of composition and discharge confirmed by the court, may be by deed of transfer in Form No. 13 to this Act, duly executed according to the requirements of the law of the place where the same is executed or is to be registered, and such reconveyance shall vest in the insolvent the estate so conveyed subject to all terms and conditions contained in the deed of composition and discharge and in the order of the court confirming the same and subject to the provisions of this Act.

Form and effect of deed of reconveyance.

54. If the estate of the insolvent is reconveyed subject to the terms of a deed whereby his discharge is made conditional upon the composition or any portion thereof being paid, and default is made in any payment according to the terms of such deed, and such deed and the discharge therein contained cease to have effect, the liquidator may thereupon immediately resume and take possession of the estate and effects of the insolvent in the state and condition in which they then are, and he shall have the same powers and duties in reference thereto as if he had been appointed the liquidator thereof at the time he resumed and took possession thereof; but the title of any *bona fide* purchaser of any of the assets of the estate shall not be impaired or affected by such resumption of possession.

Revesting of estate in liquidator when conditions of composition are not fulfilled.

Powers and duties.

Proviso, as to purchasers.

2. In case the liquidator resumes possession of the estate and effects of the insolvent in manner in this section provided, the creditors whose claims were provable against the estate prior to the confirmation of the deed of composition shall have claims against the estate so resumed and be entitled to vote only for and in respect of the balance of the composition remaining unpaid, and all creditors whose claims were incurred subsequent to such confirmation shall have claims against the estate so resumed and be entitled to vote for and in respect of the full amount of their claims, but the claims of creditors for the balance of composition and for the full amount as aforesaid shall be concurrent claims and shall be paid and discharged in equal proportions, and upon their being paid and discharged in full, the creditors whose claims were provable before the confirmation of the deed shall become creditors of the estate for the amount unpaid of their original claims against the estate of the insolvent.

Ranking of creditors in case of resumption of possession of estate by liquidator.

EFFECT OF DISCHARGE.

55. The confirmation of a deed of composition and discharge or the order for the discharge of the insolvent as herein-

Debts from which dis-

charge frees insolvent.

before provided shall, subject to the terms and conditions of such deed or to any conditions contained in such order of discharge, free and discharge the insolvent from all debts and liabilities whatsoever (except such as are herein otherwise specially excepted) provable against his estate, by any creditor to whom he sent notice of his intention to apply for the confirmation of such deed or for such discharge, and whose name is set forth in any statement of liabilities or list of creditors furnished by him to the liquidator prior to the giving by him of notice of his intention to apply for the confirmation of the deed or for his discharge, or by any creditor who at any time files a proof of claim under this Act; provided always that if the holder of any negotiable paper is unknown, the insertion of the particulars of such paper in any statement of affairs or list of creditors, with the declaration that the holder thereof is unknown, shall bring the debt represented by such paper and the holder thereof within the operation of this section.

Provision for negotiable paper.

Debts which are unaffected by discharge except with consent of creditors.

56. A discharge under this Act shall not apply without the express consent of the creditor to any privileged claim under this Act, nor to any judgment debt due by the insolvent as damages for assault, seduction, libel, slander, malicious prosecution or false arrest, nor to any debt due for the maintenance of a parent, wife or child, or as a penalty for any offence of which he had been convicted, nor to any debt due by him as assignee, tutor, curator, trustee, executor, or administrator, or under any order of court, or as a public officer, nor to debts or liabilities incurred by means of any fraud or fraudulent breach of trust to which he has been a party, nor to any debt or liability whereof he has obtained forbearance by any fraud to which he has been a party; and the creditor of any such debt may claim and accept a dividend thereon from the estate, or from the insolvent, without being by reason thereof in any respect affected by the discharge obtained by the insolvent.

Effect of discharge upon persons secondarily liable.

57. A discharge, or a deed of composition and discharge confirmed under this Act, whether consented to by the creditor or not, shall not affect the liability of any person secondarily liable to such creditor for the debts of the insolvent, as drawer or endorser of negotiable paper, or as guarantor, surety or otherwise, or in the liability of a partner or other person liable jointly with the insolvent to such creditor for any debt, nor shall it, without the consent of the creditor, affect any mortgage, hypothec, lien or collateral security held by such creditor as security for a debt thereby discharged.

Upon mortgages, &c.

Fraudulent and collusive discharges null.

58. Every discharge, or confirmation of discharge, obtained by fraud or fraudulent preference or practice, or by means of the consent of a creditor being procured by the payment, or promise of payment to such creditor, or to any creditor, or to any one on behalf of such creditor or of any creditor, of any valuable consideration for such consent, or by any fraudulent contrivance or practice whatever, shall be null and void.

Application of this Act in certain cases where a gen-

59. Any person who, since the repeal of "The Insolvent Act of 1875" and before the coming into operation of this Act, made a general assignment of all his estate and effects for the

benefit of all his creditors without preference or priority of any kind, may apply for a discharge under this Act at any time within three years after this Act comes into force, provided that the assignment made by the applicant was made at least one year before notice of the making of the application. eral assignment has been made before the passing of this Act.

2. The applicant shall give notice of his intention to make such application by publishing the same and sending the same to his creditors in the manner provided in case of an insolvent making application for a discharge under this Act without the consent of his creditors; and the application may be opposed by any creditor on the same grounds, and the court shall have the same powers as in the case of an insolvent making application for discharge without consent of creditors, and the court may grant such application or may refuse it, or may suspend its operation or make it subject to conditions, or may make any order it may make in the case of an insolvent making application for discharge under this Act without consent of creditors, and the court may, at or before the hearing of any application under this section, direct the applicant to be examined under oath before such person as the court directs as to his estate and effects, assets and liabilities, the conduct and management of his business, the causes of his insolvency, and his affairs generally. Notice thereof. Powers of court. Applicant may be examined under oath.

3. A discharge granted under this section shall, subject to the terms of the assignment and to any terms imposed by the court, free and discharge the applicant from all debts and liabilities to which the discharge of an insolvent under this Act would apply, due or owing by the applicant to creditors to whom notice of his intention to apply therefor was sent by the applicant; but a discharge under this section shall not make any change in nor affect in any way the liability of any person secondarily liable for a debt of the applicant as drawer, endorser, guarantor, surety, or otherwise, or in the liability of a partner or other person liable jointly with the applicant, nor shall it in any way affect, except as to the personal liability of the applicant, any mortgage, hypothec, registered judgment or execution, lien, or collateral security held by as creditor a security for any indebtedness of the applicant. Effect of discharge. Discharge not to affect in any way a person secondarily liable for debt of person discharged.

4. The costs of any proceedings under this section shall be paid by the applicant, and the court may make such order as to the time and manner of payment thereof as to it deems right. Costs.

PART III.—ADMINISTRATION OF PROPERTY.

DEBTS PROVABLE AGAINST THE ESTATE.

60. Demands in the nature of unliquidated damages arising otherwise than by reason of a contract, promise, or breach of trust, are not provable under this Act against the estate of the insolvent; but, save as aforesaid, all debts and liabilities, present or future, certain or contingent, direct or indirect, secured or unsecured, in whole or in part, to which the insolvent is subject at the date of insolvency, or to which he may become subject before his discharge by reason of any obligation incurred before the date of insolvency, are debts provable under this Act against his estate, all debts owing but not actually payable at such date being subject to rebate of interest. All debts provable against estate except certain unliquidated demands. Rebate of interest.

As to ranking of costs.

2. No costs incurred after the date of insolvency in suits against the insolvent shall be provable against the estate, but all the taxable costs incurred in proceedings against him up to that time shall be added to the debt or demand for the recovery of which such proceedings were instituted, and shall be provable against the estate as if they formed part of the original debt.

Rights of unpaid vendor and claim for provisions in Quebec.

3. In the province of Quebec, the rights of the unpaid vendor shall cease from the delivery of the goods sold and all claims for provisions shall be considered as ordinary claims.

Claims to be proved by affidavit.

61. All debts provable against the estate shall be proved by affidavit (Form No. 14) filed with the ilquidator. Such affidavit shall set forth the nature and particulars of the debt and

What is to be stated in affidavit.

the amount due or owing, and whether or not security is held for the whole or any part of the debt, and the nature and particulars of such security, and whether such security has been assigned for the benefit of the estate or is retained by the creditor, and, if retained, the amount at which it is valued ; and the

Address of creditor.

affidavit shall be accompanied with the address of the creditor proving the debt, or an address, to which may be sent all notices required by this Act. If the claim is based in whole or in part

List of negotiable instruments to be annexed.

on negotiable instruments, a list of such instruments shall be annexed to the proof of claim, setting forth the amount of each such instrument, its due date, and the names of all persons liable thereon, and in what capacity and in what order liable.

Law of set-off to apply.

62. The law of set-off as administered by the courts, whether of law or equity, shall apply to all debts provable under this Act, and also to all suits instituted by a liquidator for the recovery of debts due to the insolvent, in the same manner and to the same extent as if the insolvent were plaintiff or defendant, as the case may be, except in so far as any claim for set-off is affected by any of the provisions of this Act; and the claim of a creditor against the estate shall, unless herein otherwise specially provided, be the amount of his unsecured claim over and above any such set-off.

Privileged claims and how paid.

63. The following shall be privileged claims and shall be paid by the liquidator out of the assets in his hands in the order named, and before any dividend is paid to the creditors as hereinafter provided :—

Liquidator's remuneration, &c.

(*a.*) The remuneration, charges and disbursements of the official liquidator as hereinbefore provided in cases where the official liquidator is not confirmed by the creditors as liquidator ;

Costs, &c., and liquidator's remuneration.

(*b.*) All necessary and proper costs, charges and disbursements up to the time of the declaration of a dividend paid by the liquidator in winding up the estate or in connection therewith ; and the liquidator before declaring the final dividend shall set aside and reserve a sufficient amount to enable him to pay all necessary and proper costs, charges and disbursements in winding up the estate, including his own remuneration and costs of discharge ;

Salaries and wages.

(*c.*) Any arrears of salary or wages due or owing and unpaid to persons in the employ of the insolvent at the date of insolvency, or within one month prior thereto, not exceeding three months of such arrears, but for any further arrears such per-

sons shall have claims against the estate provable in the same way and with the same rights as to voting or otherwise as other unsecured creditors;

(*d.*) All claims in respect of rent made privileged claims by the fifth subsection of section seventy-eight of this Act. Claims for rent.

64. In the case of partners the joint estate shall be applicable in the first instance in payment of their joint debts and the separate estate of each partner shall be applicable in the first instance in payment of his separate debts. If there is a surplus of the separate estates it shall be dealt with as part of the joint estate. If there is a surplus of the joint estate it shall be dealt with as part of the respective separate estates in proportion to the right and interest of each partner in the joint estate. Joint and separate estates of partners, how to be treated.

65. A secured creditor may before proving his claim assign the security to the official receiver, or to the liquidator, for the benefit of the estate, in which case he shall have a claim against the estate as an unsecured creditor for the full amount of his claim. Secured creditor may assign security.

2. If the creditor does not assign his security as above provided, he shall in his proof of claim set a value thereon, and the difference between the value so set, or any amendment thereof, and the amount of the claim of such creditor, shall be the amount of his claim against the estate, and the creditor shall at any time within twenty days in the case of security on personal property, or at any time within sixty days in the case of security on real or immovable property, after the appointment of the liquidator, if the claim was proved before such appointment, otherwise after the date of filing the proof of claim or amended proof of claim, at the request of the liquidator and on payment of the value or amended value then set upon such security, assign and transfer the same to the liquidator for the benefit of the estate. Otherwise must value security. Liquidator may demand assignment at value set.

3. The creditor may at any time amend the valuation and proof on showing to the satisfaction of the liquidator, or of the court, that the valuation and proof were made *bonâ fide* on a mistaken estimate, or that the security has diminished or increased in value since its previous valuation, but every such amendment shall be made at the cost of the creditor and upon such terms as the court orders, unless the liquidator allows the amendment without application to the court. Amendment of valuation.

4. When a valuation has been amended as hereinbefore provided, the creditor shall forthwith repay any surplus dividend which he may have received in excess of that to which he would have been entitled on the amended valuation, or, as the case may be, shall be entitled to be paid, out of any money for the time being available for dividend, any dividend or share of dividend which he may have failed to receive by reason of the inaccuracy of the original valuation, before that money is made applicable to the payment of any future dividend, but he shall not be entitled to disturb the distribution of any dividend declared before the date of the amendment. Payment by or to creditor in respect of amended valuation.

5. Upon a claim or amended claim being filed with a valuation of the securities as aforesaid, it shall be the duty of the liquidator to procure the authority of the inspectors, or of the Liquidator's duty as to valued securities.

creditors, at their first meeting thereafter, to consent to the retention of such security by the creditor, or to require from him an assignment and delivery thereof as aforesaid, and if at such meeting of inspectors or creditors no decision is arrived at as to the course to be adopted, or if such meeting is not held within two weeks from the time of the appointment of the liquidator, if the proof of the claim is then filed, or, if not then filed, within two weeks from the time of filing such claim or amended claim, the liquidator shall act in the premises according to his discretion.

How amount of claims is to be settled when creditor realizes security.

6. If a secured creditor sells or disposes of or realizes upon his security within the period during which he may be required to assign the same as herein provided, unless with the consent in writing of the official receiver or liquidator, the amount to be deducted from the claim as being the value of the security sold shall be the value set thereon in his proof of claim or amended claim, or the amount realized therefrom, whichever is the greater.

Conditional and contingent claims, how valued.

66. If a creditor has a claim provable under this Act which is dependent upon a condition or contingency or for any other reason does not bear a certain value, such creditor shall in his proof of claim make an estimate of the value of such claim, or if such claim is not proved at the time of the declaration of the first dividend and the condition or contingency has not then happened or the debt become certain, the liquidator under the instructions of the inspectors shall make an estimate of the value thereof, and any estimate so made by the claimant or by the liquidator may be amended and the claim revalued upon the happening of the condition or contingency, or upon the debt becoming certain at any time prior to the declaration of the last dividend. If any estimate so made is not agreed to between the claimant and the liquidator and no agreement can be reached by them as to the value of the claim, the matter shall be referred to the court, which shall direct the value to be assessed in such a way as to it seems most expedient and just in the interests of all concerned, and the value when so assessed and approved by the court, over and above any set-off or the value of any security held by the creditor, shall be the amount of the claim of such creditor against the estate. All costs in connection with the assessment of the value of such claim shall be in the discretion of the court.

Court to direct assessment of value when claimant and liquidator disagree.

Costs.

Sureties who pay debts to have a claim against estate.

67. A person who being a surety or otherwise liable for a debt of the insolvent pays such debt, may prove a claim against the estate, and shall have the same rights as the person to whom he made such payment would have had on proving a claim in respect of such debt, or, if a claim has been proved against the estate in respect of such debt, he shall be substituted for the creditor so proving such claim, and the amount of such last mentioned creditor against the estate shall be reduced by the amount of the claim so substituted.

Amount of claim to be calculated from separate items of claim.

68. The amount due to a creditor upon each separate item of his claim at the date of insolvency, which remains due at the time of proving such claim, shall form part of the claim of such creditor against the estate until such item of

claim is paid in full, except in cases of the deduction of the proceeds or of the value of his security as in this Act provided; but, except as herein otherwise specially provided, no claim, or part of a claim, shall be permitted to be proved against the estate more than once, whether the claim to prove is made by the same person or by different persons; and the liquidator may at any time require from any creditor a supplementary affidavit declaring what amount, if any, such creditor has received in payment of any item of the debt upon which his claim is founded, subsequent to the making of such claim, together with the particulars of such payment; and until the creditor makes and files such affidavit with the liquidator, he shall not be collocated in any subsequent dividend sheet, and no dividend then declared shall be paid to such creditor.

Supplementary affidavits may be required.

EFFECT OF INSOLVENCY ON ANTECEDENT TRANSACTIONS.

69. No creditor shall be entitled, except as is herein otherwise provided, to retain as against the liquidator any lien or privilege upon either the real or personal property of the insolvent given or created by the law of the province in which such property is situate for the amount of any debt, or of any interest thereon or any costs, by the issue or delivery to the sheriff or other proper officer of any writ of attachment or execution, or any other writ, or by levying upon or seizing under such writ the effects or estate of the insolvent, if a insolvency order is made and notice thereof published or served on the sheriff before payment over to the creditor or creditors of the moneys actually levied under such writ; and the sheriff shall, upon demand and on payment of his costs in connection with such attachment, execution, levy or seizure, deliver the property so levied, seized or attached, or the proceeds thereof, to the liquidator; provided, however, that in case real or immovable property has been advertised by him for sale, it may be sold by him in manner hereinafter provided.

Liens under writs or seizures not to avail against insolvency order if sheriff has notice.

Sheriff to deliver property

But may sell real property if sale advertised.

2. No creditor shall be entitled, except as is herein otherwise provided, to retain as against the liquidator any lien or charge upon the real property of the insolvent given or located by the law of the province in which such property is situate for the amount of any debt, interest thereon or costs by the registration of any judgment or execution against such real property.

3. Nothing herein shall affect any lien or privilege of a creditor on or against the real or immovable property of the insolvent acquired under the law of the province in which such property is situate by the registration of a judgment or of an execution, or of any memorial or notice thereof, if such lien or privilege was so acquired prior to the coming into operation of this Act, or if acquired since the coming into operation of this Act such lien or privilege was acquired at least three months prior to the date of insolvency.

Cases in which liens under registered judgments or executions are not affected.

70. The issue of an insolvency order renders null and void as against the official receiver or liquidator—

(*a.*) Every gratuitous contract or conveyance, or contract without consideration, or with a merely nominal consideration, respecting either real or personal estate, or immovable or

Effect of insolvency order as to acts of insolvent before its issue.

Gratuitous contracts and conveyances.

movable property, or any sale, conveyance or assignment of his property constituting an act of insolvency under this Act, made by the insolvent with or to any person whomsoever, whether a creditor or not, within three months next preceding the date of insolvency;

Contracts, conveyances etc., done with intent to defraud.

(*b.*) Every contract, mortgage, hypothec, or conveyance made, or act done by the insolvent in respect of any estate, real or personal, immovable or movable, with intent fraudulently to impede, obstruct or delay his creditors in their remedies against him, or with intent to defraud his creditors, or any of them, and so made, done and intended with the knowledge of the person contracting or acting with the insolvent, whether a creditor or not, and having the effect of impeding, obstructing or delaying the creditors in their remedies, or of injuring them, or any of them, notwithstanding that such contract, mortgage, hypothec, conveyance or act is in consideration or in contemplation of marriage; and if made or done by a debtor unable to meet his engagements, and afterwards becoming insolvent, to or with a person knowing such inability or having probable cause for believing such inability to exist, or after such inability is public and notorious, whether such person is a creditor or not, it shall be presumed *primâ facie* to be made or done by such debtor with intent to defraud his creditors;

Presumption of intent to defraud.

Preferences to creditors.

(*c.*) Every sale, mortgage, hypothec, deposit, pledge, or transfer of any property, real or personal, immovable or movable, or of any securities, rights or effects, made by the insolvent in contemplation of insolvency by way of payment or as security for payment to any creditor, whereby such creditor obtains a preference over the other creditors, and if made within thirty days next before the date of insolvency it shall be presumed *primâ facie* to have been so made in contemplation of insolvency;

Presumption thereof.

Payments within 30 days before insolvency.

(*d.*) Every payment made within thirty days next before the date of insolvency by the insolvent, being then unable to meet his engagements in full, to a person knowing such inability or having probable cause for believing the same to exist, and if any valuable security is given up in consideration of such payment, such security, or the value thereof, shall be restored to the creditor upon the repayment of the amount so paid;

Restitution.

Transfers and assignments of debts within 30 days before insolvency.

(*e.*) Every transfer or assignment of a debt or claim due by the insolvent, made within thirty days next before the date of insolvency to a person indebted to the insolvent and knowing or having probable cause for believing that he was then unable to meet his engagements in full, or made in contemplation of such insolvency, for the purpose of enabling the person to whom the same was transferred to set up the debt or claim so transferred by way of set-off or compensation against any debt or claim owing by him to the insolvent. The debt or claim due to the estate shall not be compensated or affected in any manner by a debt or claim so acquired, but the person to whom the same was so transferred may have a claim on the estate in the place and stead of the original creditor.

Contracts and conveyances voidable in certain cases.

71. A contract or conveyance for consideration respecting either real or personal estate by which creditors are injured or obstructed, made by a debtor afterwards becoming insolvent, and who was then unable to meet his engagements, with

a person ignorant of such inability, whether a creditor or not, and before such inability has become public and notorious, but within thirty days next before the date of insolvency, is voidable and may be set aside by any court of competent jurisdiction, upon such terms as to the protection of such person from actual loss or liability by reason of such contract or conveyance as the court may order.

Wife's rights under marriage contract in province of Quebec.

72. In the province of Quebec, if the insolvent has a marriage contract with his wife, by which he gives or promises to give, or pays or promises to pay, or cause to be paid, any right, property, or sum of money, and such contract is not registered within thirty days from the execution thereof, or within thirty days from the coming into operation of this Act, if made prior thereto and not registered,—the wife shall not be permitted to avail herself of the provisions of such contract in any claim under this Act upon the estate of such insolvent for any advantage conferred upon or promised to her by its terms, but she shall not be deprived by reason of its provisions of any advantage or right upon the estate of her husband to which in the absence of any such contract she would have been entitled by law; provided always, that in no case shall she be permitted to avail herself of any such contract registered within thirty days next preceding the date of insolvency, unless at the time of execution thereof or of entering into the same the insolvent was able to pay his debts and liabilities in full, including any liability incurred by the contract itself, irrespective of the right, property or money conveyed or referred to in such contract, and without calculating among his assets any property conveyed by the contract.

REALIZATION OF PROPERTY.

Disposal of estate by liquidator.

73. The creditors may at any meeting pass any resolution or order directing the liquidator how to dispose of the estate, or any part thereof; and in default of their so doing he shall be subject to the directions, orders and instructions he may from time to time receive from the inspectors with regard to the mode, terms and conditions, on which he may dispose of the whole or any part of the estate, and if there are no inspectors he shall sell and dispose of the same in such manner as seems to him most advantageous in the interests of the estate, subject always to the provisions of this Act; but the liquidator or any inspector shall not purchase, directly or indirectly, any part of the stock in trade, debts, or assets of any description of the estate.

Not to be purchased by liquidator or inspector.

Sales *en bloc*.

74. A sale of the estate *en bloc* may be made, but only with the previous sanction of the creditors given at the first or any general meeting of the creditors or at a meeting specially called for the purpose, and no such sale shall in any way affect any mortgage or lien on the estate or property of the insolvent or any portion thereof. When such sale *en bloc* is so authorized it may be made on such terms as the creditors shall determine, and real or immovable property, or any interest therein, may be included in any such sale *en bloc* without reference to the requirements of this Act as to the sale of real property; but

such real or immovable property shall remain subject to all mortgages, hypothecs, or liens thereon, and the sale thereof shall vest in the purchaser the same title as if the same had been sold in the manner hereinafter provided for the sale of real or immovable property.

Suits and proceedings to be taken in liquidator's or official receiver's name.

75. The liquidator, in his own name as such, shall have the exclusive right to sue for the recovery of all debts due to or claimed by the insolvent of every kind and nature whatsoever, and for the rescinding of agreements, deeds and instruments made in fraud of creditors, and for the recovery of moneys, securities and effects alleged to have been paid or delivered in fraud of creditors; and he may take, both in the prosecution and defence of all suits, any proceedings that the insolvent might have taken in such suit, or that any creditor might have taken for the benefit of the creditors generally; and he may intervene and represent the insolvent in all suits or proceedings by or against him, which are pending at the date of insolvency, and on his application may have his name inserted therein in the place of that of the insolvent, and if the insolvent after the date of insolvency and before his discharge under this Act institutes or continues any suit or proceeding he shall give to the opposite party, before such party shall be bound to appear or plead or take any further proceedings thereon, such security for the costs thereof as is ordered by the court before which such suit or proceeding is pending.

Creditor's liquidator may be substituted in proceedings for official liquidator.

2. The creditors' liquidator may be substituted for the official liquidator in any proceedings to which the latter is a party.

Partnership dissolved by insolvency order against a partner.

76. If an insolvency order is issued in regard to the estate of a partner in a company or co-partnership, such partnership shall thereby be dissolved, and the liquidator of the estate of the insolvent partner shall have all the rights of action and remedies against the other partners in such company or co-partnership that the insolvent partner could have or exercise by law or in equity against his co-partners after the dissolution of the firm, and may avail himself of such rights of action and remedies, as if such co-partnership or company had expired by efflux of time.

Rights of liquidator against the other partners

Sales of debts.

77. The liquidator may, with the sanction of the inspectors or creditors, sell by public auction, on such terms and after such advertisement thereof as he thinks best, any or all debts due the estate, and pending such sale the liquidator shall keep a list of the debts to be sold open to inspection at his office, and shall also give free access to all documents and vouchers explanatory of such debts.

Rights of purchasers of debts.

2. The person who purchases a debt from the liquidator may sue for it in his own name as effectually as the liquidator might do, and a bill of sale (Form No. 15), signed and delivered to him by the liquidator, shall be *prima facie* evidence of such purchase, without proof of the handwriting of the liquidator, and the debt sold shall vest in the purchaser without signification or notice to the person owing the debt, but no warranty of any kind whatever shall be created by such sale and conveyance.

78. If the insolvent, at the date of insolvency, is a tenant of property, the liquidator shall, notwithstanding any condition, covenant, or agreement that such tenancy should determine in case of the bankruptcy or insolvency of the tenant, have the right to hold and retain such property for a period not exceeding three months from the date of insolvency, or until the expiration of the tenancy, or until the expiration of the current year of tenancy, whichever shall first happen, on the same terms and conditions as the insolvent might have held such property had no insolvency order been made. Liquidator's rights under tenancy of insolvent, notwithstanding determination of lease by insolvency.

2. If the insolvent at the date of insolvency is a tenant of property, the tenancy of which is not determined by his insolvency, the liquidator under the authority of the court or of the creditors or of the the inspectors, may give notice in writing to the lessor of his wish to determine the same at the expiration of three months from the giving of such notice and such tenancy shall terminate at the expiration of such three months; but nothing here in shall prevent the liquidator under the authority of the creditors, or of the inspectors, from selling, transferring, sub-letting or otherwise disposing of any lease, or leasehold premises, or any interest of the insolvent therein, for the unexpired term thereof, or any part thereof, to as full an extent as could have been done by the insolvent had an insolvency order not been made; and if there is any covenant, condition or agreement that the lessee or his assigns should not assign or sublet the property without the leave or consent of the lessor or other person, such covenant, condition or agreement shall be of no effect in case of such sale, transfer, sub-lease or disposition of the lease or leasehold property as aforesaid, if the court, on the application of the liquidator and after notice of such application to the lessor or other person whose leave or consent is required, approves of the sale, transfer, sub-lease or disposition so made of the lease or leasehold property. Determination of tenancy in other cases. Sale, &c., of lease. Provisions in case lease contains a covenant against subletting.

3. The lessor may, in the event of the tenancy being determined by the liquidator by notice in manner hereinabove provided, file a claim against the insolvent's estate for the damages (if any) sustained in consequence of such termination, which claim shall be proved in a similar manner to ordinary claims against the estate; and in his proof of claim he shall set forth the amount of damages claimed and how such amount is arrived at; and any such claim may be objected to in the same manner as hereinafter provided in regard to claims made against the estate; and the lessor, on his claim being established or allowed, shall have all the rights of voting and otherwise enjoyed by ordinary unsecured creditors who have proved claims against the estate. Lessor may claim for damages, and rank as an ordinary creditor.

4. In estimating such damages regard shall be had to the rental payable under the tenancy so determined and to the yearly value of the property at the time of such termination, and regard shall also be had to the additional value given to the property by any buildings, fixtures or improvements placed thereon by the insolvent or those through whom he claims, but no regard shall be had to the chance of leasing the property at a greater or less rent than that payable by the insolvent or his estate at the time of the determination of the tenancy. Estimation of lessor's damages.

Lessor's privileged claims for arrears of rent.

5. The lessor shall have a privileged claim against the estate of the insolvent for arrears of rent due or accruing due in respect of the three months next preceding the date of insolvency, together with all costs of distraint properly made before the date of insolvency in respect to the rent, or any part of the rent, hereby made a privileged claim, but for all other arrears of rent he shall have a claim provable against the estate as an ordinary creditor. He shall also have a privileged claim against the estate for all rent accruing due after the date of insolvency, during the period the property and premises are held by the official receiver or liquidator. No provision in a lease by which future rent is to become due by virtue of insolvency or by virtue of any other event happening shall have any effect as against the liquidator, and the rent to the estate of the insolvency order shall only be collectable from the liquidator, subject to the provisions hereof as to rent of premises while occupied by the liquidator,

For future rent.

Distraint.

6. The lessor shall not be entitled to distrain upon the goods of the insolvent after they become vested in the liquidator, and all goods then distrained upon shall, on demand, be delivered by the person holding them to the liquidator, but the lessor shall not by reason of such delivery be deprived of any lien or rights in reference to such goods which he may have acquired by such distress, should the goods be claimed by and be delivered to any person other than the liquidator.

Lessor not entitled to rent except as herein provided.

7. The lessor shall not be entitled to any further or other rent from the insolvent, or from his estate, than as set forth in this section.

Sales of real estate in province of Quebec.

79. In the province of Quebec no sale of real estate shall be made unless after advertisement thereof for a period of two months, and in the same manner as is required for the actual advertisement of sales of real estate by the sheriff in the district or place where such real estate is situate, and to such further extent as the liquidator deems expedient; provided that the period of advertisement may be shortened to not less than one month by the creditors with the approbation of the court; but such abridgment shall not take place without the consent of the hypothecary creditors upon such real estate if there are any; and if the price offered for any real estate at any public sale duly advertised as aforesaid is more than ten per cent less than the value set upon it by the liquidator under the authority of the creditors or the inspectors, the sale may be adjourned for a period not exceeding one month, when, after such notice as the liquidator deems proper to give, the sale shall be continued, commencing at the last bid offered on the previous day when the property was put up at auction, and if no higher bid is then offered, the property shall be adjudged to the person who made such last bid; provided that with the consent of the hypothecary and privileged creditors, or where there are no hypothecary or privileged creditors with the approbation of the creditors or of the inspectors, the liquidator may postpone the sale to such time as may be deemed most advantageous for the estate, and whenever the sale has been so postponed beyond one month, the last bidder shall be discharged from any obligation under the bid he may have made on the previous day when the property was offered for sale by auction.

Sales of real estate in other provinces.

80. In any province other than the province of Quebec, the liquidator, under the authority of the creditors or of the inspectors, may sell the real estate of the insolvent at public auction or by tender, in such manner, after such advertisements and on such terms and conditions as to credit, security for any unpaid portion of the purchase money, or otherwise, as the creditors or the inspectors determine. The liquidator, under the authority of the creditors or inspectors, may before any such sale set a value upon such real property, and if the amount offered therefor does not reach such value the liquidator may, and if the amount so offered is more than ten per cent below such value the liquidator shall, postpone such sale to such time, giving such notice thereof, as he thinks most advantageous in the interest of the estate, or as is directed by the creditors or by the inspectors, or he may dispose of the property by private sale, with the sanction and under the direction of the creditors or inspectors.

Effect of sale by liquidator as to vesting property.

81. A sale of real estate or immovable property so made by the liquidator shall vest in the purchaser all the legal and equitable estate of the insolvent therein, subject to any mortgage, hypothec or lien thereon, and the conveyance or transfer thereof (Form No. 16) shall be executed in the manner prescribed by, and in accordance with, the requirements of the law of the province wherein the real estate so sold is situate. The liquidator may in such conveyance or transfer reserve a special hypothec or mortgage on the property sold for the payment of the unpaid portion of the purchase money, or any part thereof, which special hypothec or mortgage on being satisfied may be released and discharged by the liquidator of the estate by instrument in Form No. 17 to this Act, duly executed in the same manner as is required by the law of the province wherein such real estate is situate for the release or discharge of hypothecs or mortgages in respect of real estate; provided always that in the province of Quebec such sale shall in all respects have the same effect as to mortgages, hypothecs or privileges then existing thereon as if the sale had been made by a sheriff under a writ of execution issued in the ordinary course, but shall have no other, greater, or less effect than such sheriff's sale, and the title created thereby shall have equal validity with a title created by a sheriff's sale, and the deed so executed shall have the same effect as a sheriff's deed, and no credit shall be given for any part of the purchase money coming to any hypothecary or privileged creditor without the consent of such creditor.

Effect as to hypothecs, &c., in Quebec.

Further provisions as to sales of immovables in Quebec.

82. In the province of Quebec sales of immovable property may be made subject to all such charges and hypothecs as are permitted by the law of the province to remain chargeable thereon when sold by the sheriff, and also subject to such other charges and hypothecs thereon as are not due at the time of the sale, the time of payment whereof shall not however be extended by the conditions of such sale; and also subject to such other charges and hypothecs as may be consented to in writing by the holders or creditors thereof; and an order of re-sale for false bidding may be obtained from the court by the liquidator upon summary petition, and such re-sale may be

proceeded with, after the same notices and advertisements, and with the same effect and consequence as to the false bidder and all others, and by means of proceedings similar to those provided in ordinary cases for such re-sales, in all essential particulars and as nearly as may be without being inconsistent with this Act. As soon as immovables are sold by the liquidator he shall procure from the registrar of the registration division in which each immovable is situate a certificate of the hypothecs charged upon such immovable and registered up to the date of insolvency. Such certificate shall contain all the facts and circumstances required in the registrar's certificate obtained by the sheriff subsequent to the adjudication of an immovable in conformity with the law of the province of Quebec, and shall be made and charged for by the registrar in like manner, and the provisions of the said law as to the collocation of hypothecary and privileged creditors, the necessity for and the filing of oppositions for payment and the costs thereon, shall apply thereto under this Act as nearly as the nature of the case will admit; and the collocation and distribution of the moneys arising from such sale shall be made in the dividend sheet among the creditors having privileged or hypothecary claims thereon after the collocation of such costs and expenses as were necessary to effect such sale, or were incident thereto, in the same manner as to all essential parts thereof as the collocation and distribution of moneys arising from the sale of immovables are made in the appropriate court in ordinary cases, except in so far as the same may be inconsistent with the provisions of this Act; but no portion of the general expenses incurred in the winding up of the estate shall be chargeable to or payable out of the said moneys, except on such balance as may remain after the payment of all privileged and hypothecary claims. Any balance remaining after the collocation of said necessary costs and expenses and of the privileged and hypothecary claims shall be added to and form part of the general assets of the estate.

Order in Quebec for sale without delay.

83. In the province of Quebec any privileged or hypothecary creditor, whose claim is actually due and payable, shall have the right to obtain from the court an order that the liquidator proceed without delay to the sale in the mode in this Act prescribed of any immovable or movable property which is subject to his privileged or hypothecary claim, and such creditor may, at the expiration of one month after the sale has taken place, or of one month after the liquidator has received the price thereof, if not paid at the time of sale, obtain an order from the court to compel the liquidator to make a dividend of the proceeds of such sale.

Order for dividend.

As to sales advertised before date of insolvency.

84. If at the date of insolvency any real estate or immovable property of the insolvent seized by the sheriff or other proper officer under any writ of execution or other order of a competent court is advertised for sale by such sheriff or officer, such sale shall be proceeded with by him unless stayed by order of the court upon the application of the liquidator, upon special cause shown and after notice to the plaintiff, reserving to the party prosecuting the sale his privileged claim on the proceeds of any subsequent sale for such costs as

he would have been entitled to out of the proceeds of the sale of such property, if made under such writ or order; but if such sale is proceeded with, the moneys levied therefrom shall be returned into the court on whose order the sale was made to be distributed and paid over to the creditors who have any privileged, mortgage or hypothecary claims therein, according to the rank and priority of such claims; and the balance of such moneys after the payment of such claims shall be ordered to be paid to the liquidator to be distributed with the other assets of the estate.

Disclaimer of property by liquidator in certain cases.

85. When any part of the property of the insolvent consists of shares or stocks in companies, or unprofitable contracts, or of any other property that is not saleable or readily saleable by reason of its binding the possessor thereof to the performance of any onerous act or to the payment of a sum of money, the liquidator may, with the authority of the creditors or of the inspectors, by writing under his hand, disclaim such property at any time within six months from the date of his appointment, notwithstanding that he has endeavoured to sell, or has taken possession of such property, or has exercised any act of ownership in relation thereto; provided that when any such property has not come to the knowledge of the liquidator within six months after his appointment he may disclaim such property at any time within six months after he first became aware thereof.

Operation of disclaimer.

2. Such disclaimer shall operate to determine, as from the date thereof, the rights, interests and liabilities of the insolvent and his property in or in respect of the property disclaimed, and shall also discharge the liquidator from all personal liability in respect of the property disclaimed as from the date when the property vested in him, but shall not, except so far as is necessary for the purpose of releasing the insolvent and his property and the liquidator from liability, affect the rights or liabilities of any other person.

Disclaimer not allowed in certain case.

3. The liquidator shall not be entitled to disclaim any property in pursuance of this section in any case where an application in writing has been made to the liquidator by any person interested in the property, requiring him to decide whether he will disclaim or not, and the liquidator has for a period of one month after the receipt of the application, or such extended period as may be allowed by the court, declined or neglected to give notice whether he disclaims the property or not; and in the case of a contract, if the liquidator, after such application as aforesaid, does not within the said period or extended period disclaim the contract, he shall be deemed to have adopted it.

Court may rescind contracts.

4. The court may, on the application of any person who is, as against the liquidator, entitled to the benefit of or subject to the burden of a contract made with the insolvent, make an order rescinding the contract on such terms as to payment by or to either party of damages for the nonperformance of the contract, or otherwise, as to the court may seem equitable, and any damages payable under the order to any such person may be proved by him as a debt provable under this Act against the estate of the insolvent.

Damages provable as debts.

Further powers of court as to disclaimed property, etc.

5. The court may, on application by any person either claiming an interest in any disclaimed property, or under any liability not discharged by this Act in respect of any disclaimed property, and on hearing such persons as it thinks fit, make an order for the vesting of the property in or delivery thereof to any person entitled thereto, or to whom it may seem just that the same should be delivered by way of compensation for such liability as aforesaid, or a trustee for him, and on such terms as the court thinks just; and on any such vesting order being made the property comprised therein shall vest accordingly in the person named therein in that behalf without any conveyance or assignment for the purpose.

Vesting order.

Injury provable as claim.

6. Any person injured by the operation of a disclaimer under this section shall be deemed to be a creditor of the insolvent to the extent of the injury and may prove the same as a debt provable under this Act against the estate of the insolvent.

Exception as to leases

7. The provisions of this section shall not extend to leases or leasehold property.

Meaning of "court" in this section.

8. The court referred to in this section is the court authorized to grant a discharge under this Act.

DISTRIBUTION OF PROPERTY.

Preparation of dividend sheets.

86. The liquidator shall prepare dividend sheets of the estate of the insolvent whenever the amount of money realized will justify a division thereof, and also whenever he is required by the inspectors or ordered so to do; and so soon as a dividend sheet is prepared he shall notify the inspectors (if any are appointed) that such dividend sheet has been prepared, and after the same has been examined by the inspectors as hereinafter provided, notice thereof (Form No. 18) shall be mailed, post-paid and registered, to each creditor, with which shall be inclosed a copy of the dividend sheet, with the claims objected to noted thereon, and such notice shall name a date, being not less than ten days from the date of the mailing of such notice, before which date objection may be made to such dividend sheet, or to any item therein, and after the date so named all dividends which have not been objected to within that period shall be paid.

Notice.

Filing and inspection.

2. Every dividend sheet so prepared shall be filed in the office of the liquidator and shall be open to inspection at all reasonable hours by the insolvent, or any creditor, or the duly authorized representative of a creditor.

Dividends not to be paid till claims proved.

87. No dividend shall be allowed or paid to any creditor until the amount of his claim against the estate has been proved, determined and established as in this Act provided, but the liquidator shall reserve a sufficient amount to pay such dividends on all claims provable against the estate of which he has knowledge which have not been so proved, determined or established.

On claims based on negotiable instruments.

88. No dividend shall be paid on any claim based upon a negotiable instrument, unless the creditor claiming such dividend produces to the liquidator the original instrument, and the liquidator may endorse on such instrument a memorandum

of the amount paid by him thereon, or unless it is established to the satisfaction of the liquidator that such instrument has been lost and consequently cannot be produced, in which case the dividend may be paid on the claimant making the affidavit as aforesaid and giving security to the satisfaction of the liquidator, or of the court, indemnifying the estate against loss in the case of the production of such instrument and the dividend thereon being claimed by any other person.

Allowance to insolvent, how made.

89. The creditors may allot to the insolvent, by way of gift or allowance, any sum of money or any property they think proper, and the allotment so made shall be inserted in the then next dividend sheet; but no such allotment shall be valid unless assented to by creditors representing the majority in number of creditors having claims for one hundred dollars and upwards, and three-fourths in value of the claims of all creditors entitled to vote, whether or not such creditors were present at the meeting at which the allotment was made; and such allotment shall be subject to contestation like any other item collocated in the dividend sheet, but only on the ground of fraud or deceit in procuring it, or of the absence of the consent of a sufficient proportion of the creditors in number or value.

Examination and contestation of claims, when there are inspectors.

90. It shall be the duty of the inspectors, from time to time, to examine with the liquidator each claim made against the estate and each dividend sheet prepared and to instruct the liquidator as to what claims, or what portions of such claims, shall be contested (if any), and in case the liquidator is instructed by the inspectors or by the creditors to contest a claim, or a portion of a claim, he shall forthwith serve the claimant with a notice that his claim, or the portion thereof objected to, is contested and the grounds of such contestation, and a claim may be contested, notwithstanding a dividend has been paid thereon.

When no inspectors.

2. If there are no inspectors, the liquidator may, with the consent in writing and under the authority of three creditors having each claims of one hundred dollars and upwards, contest such claims as he thinks should be contested, and it shall be his duty in any case to report to the creditors at each meeting what claims have been or should in his opinion be contested, and the reasons therefor.

Costs.

3. The costs of any contestation made by the liquidator in accordance with this section shall, if not recovered from the opposite party, be paid out of the estate, and the liquidator shall set aside and reserve pending the contestation proceedings an amount sufficient to pay any dividends that may be declared in respect of a claim so contested, and all costs connected with the contestation of such claim,

Notice of contestation and service.

4. The notice of contestation by the liquidator shall contain the name and place of business of an attorney or a solicitor duly authorized to practice in the courts of the province wherein the estate is being wound up, upon whom service of the writ may be made; and service upon such attorney or solicitor shall be deemed sufficient service of the writ or of any other papers or documents in connection with the contestation.

Proceedings on contestation by liquidator.

91. If notice of contestation of a claim is served by the liquidator upon a claimant as provided in the next preceding section and no agreement as to such claim can be reached between the parties, the claimant may within thirty days after the receipt of the notice, or such further time as the court may on application allow, bring an action against the liquidator to establish the claim, or the portion thereof contested, in the court having jurisdiction to entertain an action against the insolvent in respect thereof, and in default of such action being brought within the time aforesaid the claim so contested shall cease to be provable against the estate.

Payment of dividends when contested by insolvent or creditor.

92. If before a dividend is paid the liquidator is served with notice in writing by the insolvent, or by any creditor, that he contests the payment of all or any of the dividends, or the claim of any creditor, or the amount thereof, or the ranking or privilege of any creditor, and the liquidator is also served with an order of the court allowing such contestation, which order may be granted by the court on the application of the insolvent or of a creditor having an unsecured claim against the estate of one hundred dollars or upwards, the liquidator shall not make any payment in respect of the dividend or dividends or claim contested until such contestation is determined as in this section provided, but no such order shall be given unless it is shown to the satisfaction of the court that otherwise substantial injustice would result.

Procedure on such contestation.

2. The grounds of contestation shall be distinctly stated in the notice so served as aforesaid, and the contestant shall file at the same time the evidence of previous service of a copy thereof on the claimant, and the claimant shall have three days thereafter to answer the same, which time may be enlarged by the court, with a like delay to the contestant to reply ; and upon the completion of an issue upon such contestation the liquidator shall transmit to the clerk of the court the dividend sheet, or a copy thereof, with all the papers and documents relating to such contestation, and shall notify the contesting party thereof, who shall within one week thereafter make application to the court to name a day, of which two days' notice shall be given to the adverse party, or such further notice as the court may direct, for proceeding to take evidence thereon before the court, and proceedings thereon shall continue from day to day until the evidence has been closed, the case heard and the judgment rendered, which judgment may be appealed from in the manner hereinafter provided.

Hearing.

Security for costs.

3. The court may at any stage of the proceedings, on the application of any person interested, order the contestant to give security for the costs of the proceedings, or it may dismiss the proceedings, with or without costs, in case of delay, or it may make any order in reference to or in connection with such proceedings as it deems just.

Creditors not claiming, how treated.

93. If the liquidator becomes aware that the insolvent has creditors to whose claims a discharge under this Act would apply, who have not proved such claims, it shall be his duty to reserve dividends for such creditors according to the nature of their claims and to notify them of such reservation, and if such creditors do not prove their claims and apply for such

dividends before the declaration of the last dividend, the dividends reserved for them shall be treated in the same manner as other unclaimed dividends.

Unclaimed dividends

94. All dividends remaining unclaimed at the time of the discharge of the liquidator and all moneys belonging to the estate then in the hands of the liquidator shall be by him deposited in a chartered bank at interest, in the name of the person entitled thereto, and notice of such deposit and of the amount and terms thereof shall be sent by the liquidator to the Minister of Finance and Receiver General of Canada. The moneys so deposited unless claimed shall remain in such bank for three years, and if then unclaimed shall forthwith be paid over by such bank, together with all interest accrued thereon, to the Minister of Finance and Receiver General of Canada; and if afterwards claimed shall be paid over to the persons entitled thereto, with interest from the time of the reception thereof by the Minister of Finance and Receiver General of Canada at the rate from time to time paid to depositors in the Post Office Savings Banks.

Unclaimed balances in banks.

2. All amounts and balances held by any chartered bank, either before or after the coming into operation of this Act, and which were deposited in such bank by an assignee under an assignment made to him before the coming into operation of this Act by a debtor for the benefit of his creditors, or under any bankruptcy or insolvency Act, and which are included in any return made by such bank to the Minister of Finance and Receiver General, under the provisions of the eighty-eighth section of *The Bank Act* shall immediately upon the coming into operation of this Act, or, in case of returns made, after the coming into operation of this Act, immediately upon the making of such returns, be paid over by the bank to the Minister of Finance and Receiver General of Canada, and shall be by him held, and if claimed, paid over to the person entitled thereto with interest as above provided in the case of unclaimed dividends and moneys deposited in the bank by the liquidator and paid by such bank to the Minister of Finance and Receiver General.

Balance of estate to go to insolvent.

95. If any balance remains of the estate of the insolvent, or of the proceeds thereof, after the payment in full of all his debts and liabilities and the costs of winding up his estate, such balance shall be paid or transferred to the insolvent.

Percentage retained for Building and Jury Fund in Quebec.

96. One per centum upon all moneys proceeding from the sale by a liquidator under the provisions of this Act of any immovable property in the province of Quebec shall be retained by the liquidator out of such moneys, and shall by such liquidator be paid over to the sheriff of the district, or of either of the counties of Gaspé or Bonaventure, as the case may be, within which the immovable property sold is situate, to form part of the building and jury fund of such district or county.

Authority to impose tax for court-houses and jails in Quebec not interfered with.

2. This Act shall not interfere with the powers with respect to imposing a tax or duty upon proceedings hereunder, which are conferred upon the Lieutenant-Governor in Council by the Revised Statutes of the province of Quebec for

the purpose of making provision for the erection and repair of court-houses and jails.

BENEFIT OF PROCEEDINGS.

Creditor may obtain order to take proceedings in name of liquidator.

97. If at any time any creditor desires to cause any proceeding to be taken which in his opinion would be for the benefit of the estate, and the liquidator, under the authority of the creditors or of the inspectors, refuses or neglects to take such proceeding, after being duly required so to do, such creditor shall, on satisfying the court that he is acting *bonâ fide* and not in collusion with the liquidator, have the right to obtain an order of the court authorizing him to take such proceedings in the name of the liquidator, but at his own expense and risk, upon such terms and conditions as to indemnity to the liquidator as the court prescribes, and thereupon any moneys resulting from such proceedings shall be applied first in payment of the costs of and expenses connected with the proceedings, and then in payment to the creditor taking such proceedings of the full amount of his claim against the insolvent or his estate, and the remainder shall form a part of the estate of the insolvent; provided always that if before such order is granted the liquidator signifies to the court his readiness to institute such proceedings for the benefit of the creditors, an order shall be made prescribing the time within which he shall do so, and in that case the advantage derived from such proceedings, if instituted within such time, shall appertain to the estate.

Distribution of moneys resulting from such proceedings.

PART IV.—SMALL ESTATES.

Estates under $5,000 may be administered summarily.

98. The court may, at the time of or at any time after the making of the insolvency order, on being satisfied by affidavit or otherwise that the assets of the insolvent are not likely to exceed in value the sum of five thousand dollars, make an order that the debtor's estate be administered in a summary manner, and thereupon the provisions of this Act shall be subject to the following modifications:—

Modifications of Act.

Inspectors.

(*a.*) The number of inspectors shall not exceed three, and the court may appoint inspectors to act until the first meeting of creditors;

Advertising.

(*b.*) The advertising in the Official Gazette and in the local papers may be dispensed with except in reference to the notice of the appointment of the liquidator;

Composition and discharge.

(*c.*) No meeting shall be required to be held to consider a deed of composition and discharge, but in all other respects no modification shall be made in the provisions of this Act relating to a deed of composition and discharge, or to the discharge of the insolvent;

Powers to liquidator to modify procedure.

(*d.*) The liquidator with the consent of the creditors, or of the inspectors, may make such modifications in the procedure laid down in this Act in connection with the holding of meetings of creditors, proving of claims, the realization of the assets and the distribution of the estate as he considers advisable with a view to saving expense and to the immediate winding up of the estate.

PART V.—LIQUIDATORS.

Security may be required from liquidator.

99. The creditors may, at the first or at any subsequent meeting, require the liquidator to give security in addition to the security provided for by section twenty-four hereof for the due performance of his duties as such, such security to be to such an amount and of such a character, personal or otherwise, as the creditors determine, and they may at any meeting increase the amount of such security so required, or may direct any change in the securities given, or in the character thereof.

Liquidator not to act or to cease to act till security given.

2. In any such case the liquidator shall not be deemed to be appointed under this Act, or if appointed shall cease to act as such, until he has provided the necessary security to the satisfaction of the inspectors of the estate, or, if there are no inspectors, to the satisfaction of the court, or to the satisfaction of such person or persons as may be indicated in the resolution passed in reference thereto.

Time for giving security.

3. If not otherwise specified in the resolution, the security, or increase, or change of security shall be given or made within one week from the close of the meeting at which such resolution was passed, and if not given or made within such time the resolution appointing the liquidator shall be deemed to be cancelled, or if a liquidator has been appointed he shall be considered as removed from office.

Deposit of security.

4. Any security given under this section shall be deposited with the clerk of the court, who shall be responsible for its safe keeping, and it shall be by him kept as part of the records of the court subject to the right of any person entitled to sue thereon to such production and delivery thereof as may be necessary in order to exercise such right.

Inspection and provision for insufficiency of security.

5. Any creditor may inspect such security, and the court may, on the application of any creditor having an unsecured claim of one hundred dollars or upwards, and on being satisfied that the security given is insufficient, make such order with reference thereto and to the costs of such application as it deems right.

Register to be kept by liquidator.

100. The liquidator shall keep a register showing the name of the insolvent, his residence, place of business and the nature of his trade or business, the date of the issue of the insolvency order, the date of each meeting of creditors and of the appointment of the liquidator, a summarized statement of the liabilities and assets of the estate, the claims proved dividing them according to their nature, the ratio of each dividend declared and the amount paid on each claim, and if a discharge is granted to the insolvent the date thereof, and if under a deed of composition and discharge the terms and conditions thereof, and any conditions imposed on the insolvent by the court in connection with his discharge, or the confirmation of a deed of composition and discharge, and such other information as the liquidator deems of general interest with reference to the estate; and he shall also keep regular accounts of the affairs of the estate, which register and accounts shall be open to the inspection of the inspectors and of the creditors, or their duly authorized agents, during business hours at the office of the liquidator.

Particulars to be entered therein.

Accounts.

Disposal of books in case of death or removal of liquidator.

2. Such register and all books, papers and documents in any way relating to the estate shall on the death or removal from office of the liquidator before the final winding-up of the estate be transferred to the clerk of the court to be by him transferred to the liquidator thereafter appointed, and on the final winding-up of the estate shall be deposited with the clerk of the court.

Moneys to be deposited in bank.

101. The liquidator shall from time to time deposit the moneys of the estate in his hands in some chartered bank to be indicated by the creditors or by the inspectors, and whenever such moneys amount to over two hundred dollars in addition to such sum as the inspectors may direct to be kept by the liquidator to meet ordinary current expenses connected with the winding-up of the estate, they shall be deposited at interest in such bank, or in some other chartered bank to be indicated as aforesaid, and the interest accruing on any such deposit shall be part of the estate and shall be accounted for and distributed by the liquidator in the same manner and subject to the same rights and privileges as the capital from which such interest accrued.

Interest.

Deposits and withdrawal of moneys.

2. Every deposit shall be made by the liquidator as liquidator of the estate, and in no case shall any moneys of the estate be deposited by the liquidator as a part of his private account. Withdrawals of moneys of the estate so deposited shall be made only on the joint cheque of the liquidator and of one of the inspectors, in case inspectors have been appointed; otherwise on the cheque of the liquidator. The bank pass-book or books shall be open at all times to the inspection of the inspectors, or of any creditor, and shall be produced at all meetings of creditors for the inspection of the creditors present thereat.

Liquidator not to advance &c., money on security of claims.

102. No liquidator shall directly or indirectly at any time advance or lend to any creditor any money, or become liable for any creditor to any other person for any money, upon the security, or collateral security, of such creditor's claim against the estate, or of any dividend declared or to be declared, or of any security held by or for such creditor upon the estate.

Employment of counsel.

103. No liquidator shall employ in or about the business of the estate any counsel or attorney-at-law or solicitor without the consent of the inspectors, or of the creditors, but expenses incurred by employing such counsel or attorney or solicitor with such consent shall be paid out of the estate, if not otherwise paid, and in no case shall any liquidator employ any inspector, nor shall any inspector employ any person being his partner or being the partner of any liquidator, or the partner of any inspector, as counsel, advocate, attorney, solicitor or agent in respect of such estate.

Remuneration of liquidator.

104. The liquidator shall receive such remuneration as may be voted him by the creditors, or in default thereof fixed by the inspectors; but if such remuneration is not voted by the creditors, or fixed by the inspectors, before the declaration of the final dividend, or the preparation of the final account of the liquidator, if there is no dividend, or if so voted or fixed,

Court to determine remuneration

the liquidator is dissatisfied with the amount so voted or fixed he may apply to the court, giving notice to the inspectors of such application, and the court shall thereupon determine the amount of such remuneration, having regard to the nature and value of the estate, the work done and services performed by the liquidator, and the responsibility involved. In certain cases.

2. The costs of all proceedings under this section shall be in the discretion of the court. Costs.

105. Upon the death of a liquidator, or upon his removal from office, the estate shall remain under the control of the court until the appointment of another liquidator, and the court may, upon the application of the inspectors, or of any creditor, order the holding of a meeting, at such time and on such notice as the court may order, for the appointment of a liquidator; and upon such appointment being made the estate and all papers and records relating thereto shall become vested in the liquidator so appointed. Provision in case of death or removal of liquidator.

106. After the declaration of the final dividend, or if after using due diligence the liquidator has been unable to realize any assets to be divided, he shall prepare his final account and make application to the court for his discharge, giving at least ten days' previous notice of such application to the insolvent, and to the inspectors, if any have been appointed, and to the creditors by circular; and he shall produce and file on such application a bank certificate of the deposit of any dividends remaining unclaimed, and of any balance in his hands, and also a statement under oath showing the nominal and realized value of the assets of the insolvent, the amount of claims proved dividing them into classes according to the nature thereof, the amount and rate upon the dollar of dividends paid to the creditors, and the entire expense of winding up the estate. The court may, after causing the accounts of the liquidator to be audited by the inspectors, or by such creditor or creditors, or by such other competent person or persons, as the court may name, and after hearing all parties interested, grant conditionally or unconditionally the application for discharge, or refuse it. Discharge of liquidator, when and how obtained.

2. Any liquidator who neglects to make application for discharge within six months after the declaration of the final dividend, or, if it has been ascertained that there are no assets wherewith to declare a dividend, within three months after he has been required by the inspectors or by any creditor of the estate to make such application, shall incur a penalty of one hundred dollars. Penalty for not applying for discharge.

3. Such penalty may be recovered before any two justices of the peace or any magistrate having the powers of two justices of the peace, and one half thereof shall belong to Her Majesty and the other half thereof to the informer. Recovery of penalty.

PART VI.—OFFENCES AND PENALTIES.

107. Any person, who for himself or for any firm, partnership or company of which he is a member, or of which he is a director, or as the manager, trustee, agent, or employee of any person, firm, co-partnership, or company, subject to the Persons being insolvent purchasing goods on credit, &c., with intent to defraud.

provisions of this Act, purchases goods on credit, or procures any advance in money, or procures the endorsement or acceptance of any negotiable paper without consideration, or induces any person to become security for him or for the person, firm, co-partnership or company for which he is acting, knowing or having probable cause for believing himself, or such person, firm, co-partnership or company, to be unable to meet his or its engagements, and concealing the fact from the person thereby becoming such creditor or surety, with the intent to defraud such person, which intent shall be presumed from such knowledge and from such concealment, or who, by any false pretense, or by exhibiting a false balance sheet, or by any other fraudulent method, obtains a term of credit for the payment of any advance or loan of money, or of the price, or any part of the price, of any goods, wares, or merchandise, or the discount of any negotiable paper purporting to be for a certain value when no such value or no value whatever has been given, with the intent to defraud the person thereby becoming his creditor, or the creditor of such person, firm, copartnership or company, and who has not afterwards paid or caused to be paid the debt or debts so incurred, is guilty of an indictable offence and liable to two years' imprisonment, or to any greater punishment attached to the offence by any other statute.

Or obtaining credit by false pretences, &c.

Guilty of indictable offence.

Indictable offences by insolvent, or persons connected with business of insolvent or insolvent company.

108. The insolvent, or his partner, or any director, member, manager or employee of a company subject to the provisions of this Act, or any person in any way connected with the business of the insolvent or of the insolvent company, who does, or neglects, or refuses to do, any of the acts or things following with intent to defraud or to defeat the rights of his or its creditors, or to conceal the state of his or its affairs, or to defeat the object of this Act or any part thereof, is guilty of an indictable offence, and is liable, at the discretion of the court before which he is convicted, to punishment by imprisonment for not more than three years, or to any greater punishment attached to the offence by any other statute:—

Penalty.

Not making full discovery of property, and causes of insolvency.

(*a.*) If he does not fully and truly disclose to the best of his knowledge and belief all the property, real and personal, debts and credits, belonging to the insolvent or to the insolvent company, and how and to whom, and for what consideration, and when the same or any part thereof were disposed of, assigned or transferred, and fully, clearly and truly state the causes to which the insolvency is owing;

Not delivering up all property, books, &c.

(*b.*) If he does not deliver to the official receiver or liquidator all such property as is in or may come into his possession, custody, or under his control (except such part thereof as does not vest in the liquidator as hereinbefore provided), and all money and securities for money, books, letters or other documents, papers and writings in his possession, custody or under his control relating to the property or affairs of the insolvent or of the insolvent company;

Concealing or secreting property.

(*c.*) If within thirty days prior to the date of insolvency he removes, conceals, or secretes any part of such property, to the value of fifty dollars or upwards;

Not disclosing false claims.

(*d.*) If in case of any person having to his knowledge or in his belief proved a false claim against the insolvent estate he fails to disclose the same to the liquidator within one month after coming to the knowledge or belief thereof;

(*e.*) If he wilfully and fraudulently omits from any statement any of the effects or property whatsoever of the insolvent or of the insolvent company ; Wilful omissions from statements.

(*f.*) If he conceals, or prevents, or withholds the production of any book, deed, paper or writing relating to such property, dealings or affairs ; Concealment of books, &c.

(*g.*) If he parts with, assigns, conceals, destroys, alters, mutilates, or falsifies, or causes to be concealed, destroyed, altered, mutilated or falsified any book, paper, writing, security or document relating to the property, trade, dealings or affairs of the insolvent or of the insolvent company ; or makes, or is privy to the making of any false or fraudulent entry or statement in or omission from any book, paper, document, or writing relating thereto ; Mutilation or falsification of books, etc. False entries.

(*h.*) If at any examination or at any meeting of creditors held under this Act he attempts to account for the non-production or absence of any such property by representation of fictitious losses or expenses ; False representation of losses, etc.

(*i.*) If within the three months next preceding the date of insolvency he pawns, pledges or disposes of, otherwise than in the ordinary way of trade, any of such property, goods or effects, the price of which remains unpaid by him at the date of insolvency. Disposing of property unpaid for.

109. If after the date of insolvency the insolvent retains or receives any portion of his estate or effects, or of any moneys, securities for money, business papers, documents, books of account, or evidences of debt, belonging or appertaining to his business or estate, or any director, manager, employee or officer of an incorporated company subject to the provisions of this Act retains or receives any of the estate or effects of such company, or of any moneys, securities for money, business papers, documents, books of account or evidences of debt, belonging or appertaining to the business or estate of such company, and retains and withholds the same from the liquidator, without lawful right, the liquidator may apply to the court for an order for the delivery thereof to him, and in default of delivery in conformity with such order of the court the insolvent may be imprisoned in the common jail until the same are delivered, or for such time, not exceeding one year, as the court may order ; but nothing herein shall interfere with or diminish any other penalty to which under this Act he may be subject in consequence of the non-delivery of such property, effects, documents or money. Court may cause insolvent to deliver books, &c., to liquidator. Penalty for disobeying. Proviso, as to other penalties.

2. The word "insolvent" in this section shall be construed to include any director, manager, employee or officer of an incorporated company subject to the provisions of this Act who retains or receives any portion of the estate or effects of such company, or any moneys, securities for money, business papers, documents, books of account or evidences of debt belonging to or appertaining to the business or estate of such company, and retains or withholds the same from the liquidator without lawful right. "Insolvent" includes directors, officers, &c., of incorporated company.

110. If any creditor, directly or indirectly, takes or receives from the insolvent any payment, gift, gratuity, or preference, or any promise of payment, gift, gratuity, or preference, as a con- Indictable offences by creditor.

sideration or inducement to consent to the discharge of such insolvent, or to execute a deed of composition and discharge ; or if any person proves, or causes, or permits to be proved, a claim on the insolvent's estate for a sum of money not owing by the insolvent or by his estate to the person so proving the claim, or on whose behalf the claim is proved, such person knowing the same to be not so owing to him by the insolvent or by his estate, or if he votes, or offers to vote at any meeting of creditors upon any such claim, or upon any such claim being collocated in a dividend sheet he does not disclaim the same previous to the date on which the dividend becomes payable ;

Penalty.

—such creditor or person shall pay to the liquidator of the estate for the benefit of the estate twice the amount or value of the payment, gift, gratuity or preference so taken, received or promised, or of the claim so proved or permitted to be proved, and the amount so payable shall be recoverable by the liquidator in any court of competent jurisdiction, and such creditor or person is also guilty of an indictable offence and liable to three years imprisonment or to any greater punishment attached to the offence by any other statute.

Indictable offences by liquidator.

111. The liquidator is guilty of an indictable offence and liable to three years' imprisonment if in any certificate required by this Act he wilfully misstates or falsely represents any material fact, or if he makes any false entry in any pass-book, book of account, register, or other book, paper or document relating to or connected with the estate.

Further indictable offences by liquidator.

2. If the liquidator takes or receives directly or indirectly for his own use, whether by commission, discount or otherwise, any part of the moneys charged against the estate of the insolvent as disbursements, or if he charges in his accounts against the estate as a disbursement any sum not actually and *bonâ fide* paid by him, or if he enters into any arrangement or agreement whereby he receives or is to receive, directly or indirectly for his own use, any commission, discount, payment or consideration in respect of any sum charged against the estate as a disbursement, he shall pay to the estate twice the amount so taken or received, and the same shall be recoverable for the benefit of the estate by suit in any court of competent jurisdiction by the liquidator in case the amount is payable by the official receiver, or by the inspectors or by any creditor in case the amount is payable by the liquidator, and such liquidator is also guilty of an indictable offence and liable to three years' imprisonment.

Penalty.

Penalty for voting on unauthorized telegrams.

112. Any person, who votes at any meeting of creditors, or does any other act as agent of or as representing a creditor, under the authority of a telegraphic message, which he knows to be unauthorized, is guilty of an indictable offence and liable to three years' imprisonment.

PART VII.—PROCEDURE GENERALLY.

MEETINGS OF CREDITORS.

Calling of meetings.

113. The liquidator shall call meetings of creditors whenever required in writing so to do by the inspectors, or by five creditors for over one hundred dollars each if there are five or more, or by all the creditors for over one hundred dollars each if there are less than five; and every notice of a meeting of creditors shall state in general terms the object of such meeting.

How notices may be given.

2. Notices of meetings of creditors and all other notices required to be given to creditors, where not otherwise provided by this Act, shall be given by one advertisement in a newspaper published in the district in which the proceedings are pending, and by registered letter, mailed to the creditors or to the representatives within Canada of foreign creditors, or to the address given by any creditor, at least ten clear days before the date on which the meeting or other proceeding is to take place.

Place of meeting.

114. The creditors may at any meeting determine where subsequent meetings shall be held, but in default of their doing so all such meetings after the first meeting shall be held at the office or place of business of the liquidator.

Cha an.

115. The official liquidator, or in his absence such person as the creditors present at such meeting may appoint, shall be chairman at the first meeting of creditors. At subsequent meetings the creditors may appoint the chairman, and in default of such appointment the liquidator shall be chairman.

Powers as to decision of disputes.

2. The chairman shall decide all disputes or questions that may be raised at such meeting as to the eligibility of a creditor to vote, or as to the amount on which he should vote, on any other question of procedure at such meetings.

Minutes.

3. The chairman shall cause to be kept full minutes of all proceedings, resolutions and decisions at such meeting, and shall include therein an accurate list of the creditors present or represented, which minutes shall be signed by him and shall be filed with and kept by the liquidator and on the final discharge of the liquidator shall be deposited with the clerk of the court.

When and to what extent creditors may vote.

116. A creditor shall be entitled to vote at any meeting of creditors in respect of and to the extent of his claim against the estate as determined by this Act, but such creditor shall not be entitled to vote at any meeting of creditors until he has proved his claim in manner hereinbefore provided, and, if his claim is dependent upon a condition or contingency, or for other reason does not bear a certain value, not until the value of such claim has been ascertained in manner hereinbefore provided.

Status of creditor whose claim is contested.

2. In the case of contested claims the creditor shall, until such contestation is decided, or an agreement between such creditors and the liquidator is arrived at, be considered as a creditor for the amount proved, and thereafter as a creditor for the amount decided or agreed to.

Certain persons not entitled to vote.

3. Persons purchasing claims against the estate after the date of insolvency, and creditors to whom a discharge under this Act does not apply, shall not be entitled to vote in respect of such claims, but shall in all other respects unless otherwise specially provided have the same rights as other creditors.

Rights of liquidator as to voting.

4. The liquidator, his partner, agent, clerk or employee, or any person in the employ of a partnership or company of which he is a member, shall not be entitled to vote upon any resolution affecting the remuneration, or removal from office, or the conduct of the liquidator, or the security to be given by him, but on all other questions, if creditors, they may vote as such creditors.

Vote to be personal or by written proxy.

117. Except as herein otherwise provided, no creditor shall vote at any meeting unless present personally or represented by some person having written authority, which may be by power of attorney, letter, post-card, or telegraphic message, such authority to be filed with the liquidator. Such authority may be either general or limited, but in no case shall the liquidator, his partner, or any one in his employ, or in the employ of a partnership, or company of which he is member, act for or represent any creditor of the estate except himself.

Who may not act for creditors.

Resolutions how decided.

118. All questions at meetings of creditors shall be decided by a resolution passed by creditors present or represented at the meeting and entitled to vote and representing a majority in value of the claims of all creditors present or represented at such meeting in respect of which they are entitled to vote, whether they vote or not; and whenever in this Act anything is to be done or proceeding to be taken under or on the authority or by the direction of the creditors, such authority or direction shall be evidenced and given by a resolution of the creditors passed as in this section provided.

POWERS AND JURISDICTION OF COURT.

Liquidators to be officers of court.

119. Every liquidator shall be subject to the summary jurisdiction of the court in the same manner and to the same extent as the ordinary officers of the court are subject to its jurisdiction, and the court may compel them to perform their duties, or may restrain them from taking or continuing proceedings which are not in the interest of the estate, or of the creditors generally, and obedience by the liquidator, to any order of the court may be enforced by the court under the penalty of imprisonment as for contempt of court, and by removal from his office.

Province of Quebec.

120. In the province of Quebec rules of practice for regulating the due conduct of proceedings under this Act before the court or a judge thereof, and tariffs of fees for the officers of the court and for advocates and attorneys practising in relation to such proceedings, or for any service performed or work done for which costs are allowed by this Act but the amount whereof is not hereby fixed, shall be made forthwith after the passing of this Act, and when necessary repealed or amended, and shall be so made, repealed, or amended, and shall be promulgated under and by the same authority and

Rules of practice and tariffs of fees.

in the same manner as the rules of practice and tariff of fees of the superior courts of law, and shall apply in the same manner and have the same effect in respect of proceedings under this Act as the rules of practice and tariff of fees of the Superior Court apply to and affect proceedings before that court; and bills of costs upon proceedings under this Act may be taxed and proceeded upon in the like manner as bills of costs are now taxed and proceeded upon in the said Superior Court.

Taxation of costs.

2. In the province of Ontario the judges of the Court of Appeal or any three of them, of whom the Chief Justice shall be one, in the province of Manitoba the judges of the court of Queen's Bench or a majority of them, and in the other provinces and in the North-west Territories the judges of the Supreme Court of Judicature in such province or in the North-west Territories, or a majority of them, shall forthwith make and frame and settle the rules and regulations to be followed and observed in the said provinces respectively, or in the North-west Territories, in proceedings under this Act, and shall fix and settle the costs, fees and charges which shall or may be had, taken or paid in all such cases by or to attorneys, solicitors, counsel, and officers of the court, whether for the officer, or for the Crown as a fee for the fee fund or otherwise, or for any service performed or work done for which costs are allowed by this Act.

Other provinces and N.W.T.

Rules, regulations.

Costs and fees.

3. Until the rules of procedure are made, and the costs, fees and charges to be taken or paid are settled as above provided, the proceedings under this Act shall follow as nearly as may be similar proceedings in ordinary suits before the court in which the proceedings under this Act are had, and the same fees and charges shall be taxed as are taxed and allowed for similar proceedings in such ordinary suits.

Temporary provision for procedure and costs, &c.

121. In the absence of the judge from the chief place of any district in the province of Quebec, or in case of his death or inability to act, the prothonotary of the court may make any order which the judge is empowered to make, but if any objection in writing to such order is filed with such prothonotary within two days from the date thereof, such order shall not be executed, but the papers and proceedings relating thereto shall be referred to the judge, or in case of his death, absence from the province, or inability to act, to the judge of the Superior Court of the district nearest to that in which the proceedings are instituted, and such judge shall adjudicate upon the same

Absence of judge in Quebec.

2. In the other provinces in case of the death, absence or inability to act from any cause of the judge of the County Court having jurisdiction, any proceedings under this Act may be had before the judge of the County Court of the district nearest to the place in which such proceedings are instituted.

Absence of judge in other provinces.

122. The court or judge shall have the same power and authority in respect of the issuing and dealing with commissions for the examination of witnesses as are possessed by the ordinary courts of record in the province in which the proceedings are being carried on, and may order a writ of *subpœna ad testificandum* or *subpœna duces tecum* to issue, com-

Commissions for examining witnesses.

Writs of *subpœna.*

manding the attendance as a witness, or for examination under the provisions of this Act, of any person within the limits of Canada.

Compelling attendance and testimony of witnesses.

2. In case any person so served with a writ of subpœna does not appear according to the exigency of such writ, the court or the judge on whose order or within the limits of whose territorial jurisdiction the same is issued, may, upon proof made of the service thereof, and of such default, if the person served therewith has his domicile within the limits of the province within which such writ issued, constrain such person to appear and testify, and punish him for non-appearance or for not testifying in the same manner as if such person had been summoned as a witness before such court or judge in an ordinary suit, but subject to the same excuses, defences or justification for not appearing under such writs, as in cases before the ordinary courts. And if the person so served and making default has his domicile beyond the limits of the province within which such writ issued, such court or judge may transmit a certificate of such default to any of Her Majesty's superior courts of law or equity in that part of Canada in which the person so served resides; and the court to which such certificate is sent shall thereupon proceed against and punish such person so having made default in like manner as it might have done if such person had neglected or refused to appear to a writ of subpœna or other similar process issued out of such last mentioned court. Such certificate of default, attested by the court or judge before whom default was made, and the copies of such writ and of the return of service thereof certified by the clerk of the court in which the order for transmission is made, shall be *prima facie* proof of such writ or order, service, return, and of such default. No such certificate of default shall be so transmitted, nor shall any person be punished for neglect or refusal to attend for examination in obedience to any subpœna or other similar process, unless it is made to appear to the court or judge transmitting, and also to the court or judge receiving such certificate, that a reasonable and sufficient sum of money, according to the rate per diem and mile allowed witnesses by the law and practice of the court within the jurisdiction of which such person was found, to defray the expenses of coming and attending to give evidence and of returning from giving evidence, had been tendered to such person at the time when the writ of subpœna or similar process was served upon him.

Procedure where witness is domiciled out of the province.

Expenses to be tendered.

Enlargements, extensions and adjournments.

123. Unless otherwise specially provided, the court shall have power, on cause shown therefor, to enlarge or extend the time named in this Act for taking any proceedings hereunder, or to adjourn such proceedings from time to time, but such power shall not be exercised if it appears that such enlargement, or extension, or adjournment will be prejudicial to the interests of the creditors or of the insolvent.

What judgments are final.

124. All decisions, judgments, rules and orders made by the court, in respect of the appointment of a liquidator or of the performance by the liquidator of his duties under this Act, or in respect of the security, charges, remuneration, fees or disbursements of the liquidator, or in respect of any matter apper-

taining to the discipline of the court, or in respect of any matter of routine in the proceedings for winding up an estate, shall be final and conclusive.

Appeal in other cases.

2. In all other cases appeal may be taken from any decision, judgment, rule or order of the court.

Review and appeal in Quebec.

3. In the province of Quebec all such decisions, judgments, rules or orders may be inscribed for revision or may be appealed from by the parties aggrieved in the same cases and in the same manner as they might be inscribed for revision or appeal from the decision, judgment, rule or order of the Superior Court in ordinary cases under the law in force when such decision is rendered. In the other provinces appeal may be made—in the province of Ontario to the Court of Appeal; in the province of Manitoba to the Court of Queen's Bench of the said province; and in the other provinces to the Supreme Court of Judicature of the province; and in the North-west Territories to the Supreme Court.

Appeal in other provinces and N.W Territories.

Limit of time for appeal.

4. No such appeal or proceedings in revision or on review shall be entertained, unless the appellant or party appealing has within ten days from the rendering of the order or judgment appealed from or adopted proceedings on the said appeal, revision, or review, nor unless he has within such time made a deposit, or given security to the satisfaction of the court, that he will prosecute such appeal or proceedings on revision or review and pay such damages and costs as may be awarded to the respondent. If the party appellant does not proceed with his appeal, or on review as the case may be, according to the law or rules of practice, and without delay, the court on application of the respondent may dismiss the appeal and may make such order as to the costs thereof as to it seems just.

Security for appeal.

Dismissal for non prosecution.

Appeal to Supreme Court of Canada.

5. The judgments of the Court of Appeal in Ontario, the Superior Court in Quebec, the Court of Queen's Bench in Manitoba, and the Supreme Court in the other provinces and the North-west Territories, may be appealed to the Supreme Court of Canada, under the same circumstances and subject to the same rules as other judgments of the said courts.

Court may enforce judgments, &c.

125. All judgments, orders or rules made by any court having jurisdiction under this Act, and all costs in connection therewith, shall be enforceable and recoverable in the same manner as judgments, rules, orders and costs in ordinary suites before such court are enforceable and recoverable.

OTHER MATTERS OF PROCEDURE.

Appeal by creditors from resolutions, orders, decisions at meetings, &c.

126. Any one or more creditors whose claims in the aggregate exceed ten per cent in value of all claims ranking against the estate, who are entitled to vote, and who are dissatisfied with any resolution adopted, or order made by the creditors or the inspectors, or with any action of the liquidator for the disposal of the estate, or any part thereof, or for postponing the disposal of the same, or with reference to any matter connected with the management or the winding up of the estate, or with any decision of the chairman of a meeting, may, within twenty-four hours after the adopting of the resolution, or the making of the order or decision, or the performance of the action complained of, give to the liquidator notice that he

Notice.

Powers of court.

Costs.

or they will apply to the court on the day and at the hour fixed in such notice, not being later than forty-eight hours after such notice has been given, or as soon thereafter as the parties may be heard before such court, to rescind such resolution or order, or to reverse such decision, or for such order of the court as is indicated in such notice, and the court, after hearing the inspectors, the liquidator and creditors present at the time and place so fixed, may approve of, rescind or modify the said resolution or order, decision or action, or make such order in the premises as to the said court seems proper. In case of the application not being proceeded with or being refused, the party applying shall pay all costs occasioned thereby, otherwise the costs and the expenses shall be at the discretion of the court.

Affidavits, before whom made.

127. Any affidavit required in proceedings under this Act may be made by the person interested, his agent, or other person, having a personal knowledge of the matters therein stated, and may be sworn in Canada before the liquidator, or before any judge, notary public, commissioner for taking affidavits, or justice of the peace; and out of Canada, before the judge of a court of record, any duly appointed commissioner for taking affidavits to be used in the province in which the proceedings are instituted, a notary public, the mayor or chief municipal officer of any town or city, or any British consul or vice-consul, or before any person authorized by any statute of the Dominion, or of any province thereof, to take affidavits to be used in any court of justice in any part of Canada.

Notice in cases not specially provided for.

128. Except when otherwise provided by this Act, or except when in the opinion of the court further notice is necessary, one clear juridical day's notice of any petition, application, motion, order or rule, shall be sufficient; and service of any rule, writ of subpœna, order or warrant issued by any court or judge in any matter or proceeding under this Act, or of any notice or other paper or document required to be served under this Act, shall be made in the manner prescribed for service of an ordinary writ in suits before the court, or for similar service in the province within which the service is to be made, or in such manner as is prescribed by any general or special rules made under this Act, or in such manner as the court directs; and any such service may be validly made and enforced in any part of Canada upon any party affected or to be affected thereby, and the person charged with such service shall make his return thereof under oath, or if a sheriff or bailiff in the province of Quebec may make such return under his oath of office.

Service of writs, &c.

Service may be made anywhere in Canada.

Return of service.

Amendment of pleadings.

129. The rules of procedure as to amendment of pleadings, which are in force at any place where any proceedings under this Act are being carried on, shall apply to all proceedings under this Act; and no pleading or proceeding shall be void by reason of any irregularity or default which can and may be amended under the rules and practice of the court.

Provision in case of insolvent's death.

130. The death of the insolvent pending proceedings under this Act shall not affect or interrupt such proceedings, and

the provisions of this Act shall apply to his heirs, executors, administrators or other legal representatives, but only in their capacity as such heirs, executors, administrators or representatives, and without their being held to be liable for the debts of the deceased to any greater extent than they would have been if this Act had not been passed.

Representatives, how far liable.

131. No plea or exception alleging or setting up any discharge, or certificate of discharge, granted under the bankruptcy or insolvency law of any country whatsoever beyond the limits of Canada, shall be a valid defence or bar to any action instituted in any court of competent jurisdiction in Canada for the recovery of any debt or obligation contracted within Canada.

Discharge under foreign insolvency law not a valid defence.

132. Deeds of transfer made under the provisions of this Act, or in the province of Quebec authentic copies thereof, or a copy of the receiving order or any order of a court under this Act certified by the clerk of the court making the same under the seal of the court, and copies of all resolutions, and copies of minutes of the proceedings at any meeting of creditors signed by or purporting to be signed by the chairman of such meeting and certified by the liquidator as deposited with him as resolutions passed at or as the minutes of such meeting, shall be, without any proof of any seal or handwriting, *primâ facie* evidence in all courts, whether civil or criminal, of any such deeds, orders, resolutions or proceedings, and of the regularity of all necessary proceedings in connection therewith.

Form of deeds, &c., and effect as evidence.

133. If the insolvent at the date of insolvency is confined in jail or on the jail limits in any civil suit, and such insolvent makes application to the court having jurisdiction in the district in which he is confined, such court may on such application appoint a day for his examination for discharge from custody under this Act, which day so appointed shall be subsequent to the first meeting of his creditors, and notice thereof shall be served on the official receiver, or liquidator, and on the plaintiff or his attorney in the suit in respect of which the insolvent is confined ; and on the day appointed the insolvent shall be examined, and if it appears to the satisfaction of the court that he has submitted to examination at such meeting of creditors, and made a full disclosure of his affairs, and that he has not been guilty of any fraudulent disposal, or concealment, or retention of his estate, or of any part thereof, or of his books or accounts, or any material portion thereof, and that he has not otherwise contravened the provisions of this Act, the court may make an order for his discharge from confinement as aforesaid, and on production of such order to the sheriff or jailer, the insolvent shall forthwith be discharged.

Discharge of insolvent if imprisoned at date of insolvency.

Notice.

Examination.

Order of court.

2. If thereafter he is arrested in any civil suit for causes of action arising previous to the date of insolvency, he may be forthwith discharged on application to any judge and on producing the previous discharge, but nothing herein is to interfere with the imprisonment of the insolvent under the provisions of this Act.

Effect of such discharge.

Compelling attendance of insolvent so imprisoned.

3. In case of the confinement of the insolvent as aforesaid at the date of the first or any meeting of creditors, the court may, on application of the official liquidator, or of any creditor, make an order for his attendance at such meeting in custody of the sheriff or jailer, and any costs and expenses in connection with such attendance shall be paid out of his estate.

Liability of sheriff and jailor.

4. The sheriff or jailer, while obeying any order of the court under this section, shall not be liable for any action for escape of the insolvent from his custody, unless the escape has happened through his default or negligence.

PART VIII.—INCORPORATED COMPANIES.

SECTIONS APPLICABLE ONLY TO INCORPORATED COMPANIES.

Certain sections apply only to incorporated companies.

134. Sections one hundred and thirty-four to one hundred and fifty-eight inclusive apply only to incorporated companies to which this Act applies; and the word "company" when used in such sections means an incorporated company to which this Act applies; and, subject to the provisions of such sections, all the other provisions of this Act, so far as applicable, apply to such companies.

CONTRIBUTORIES.

List of contributories.

135. As soon as may be after his appointment the liquidator shall prepare a list or lists of contributories, and in any such list persons who are contributories in their own right shall be distinguished from persons who are contributories as representatives of or liable for the debts of others, and it shall not be necessary where the personal representative of any deceased contributory is placed on the list to add the heirs or devisees of such contributory, but such heirs or devisees may be added if and when the liquidator thinks fit.

Liability of shareholders to contribute.

136. Every shareholder or member of the company, or his representative, shall be liable to contribute the amount unpaid in his shares of the capital, or on his liability to the company, or to its members or creditors, as the case may be, under the Act, charter, or instrument of incorporation of the company or otherwise, and the amount which he is liable to contribute shall be deemed an asset of the company and a debt due to the company payable as directed or appointed under this Act.

Transfers of shares void in certain cases.

137. All transfers of shares, unless made with the sanction of the official receiver or of the liquidator, and every alteration in the status of the members of the company after the service upon the company of notice of application for a receiving order, shall, if such order is made, be void.

Liability in certain cases of shareholder who has transferred his shares.

138. If a shareholder has transferred his shares under circumstances which do not by law free him from liability in respect thereof, or, if he is by law liable to the company or to its members or creditors as the case may be, to an amount beyond the amount unpaid on his shares, he shall be deemed a member of the company for the purposes of this Act, and

shall be liable to contribute as aforesaid to the extent of his liability to the company or to its members or creditors independently of this Act, and the amount which he is so liable to contribute shall be deemed an asset and a debt as aforesaid.

Liability of contributory when due and payable.

139. The liability of any person to contribute to the assets of the company under this Act in the event of the receiving order being made shall create a debt accruing due from such person at the time when his liability commenced, but payable at the time or respective times when calls are made as hereinafter mentioned for enforcing such liability, and in the case of the insolvency of any contributory the estimated amount of his liability to future calls, as well as calls already made, may be proved against his estate.

List of contributories to be filed and notices served on contributories.

140. The liquidator shall file with the clerk of the court a copy of each list of contributories prepared by him, and shall cause notice (Form No. 19) to be served on each person named in such list, notifying such person of the amount for which he is placed on such list as a contributory and requiring him within ten days after service of such notice to file with the clerk of the court objections, if any, to his being placed on such list and to serve a copy on the liquidator, and to give an address within the province in which the proceedings are pending where future proceedings may be served upon him.

If no objections filed person to be contributory for amount in list.

2. If within such ten days, or such further time as is allowed by the court on the application of the person so served, no such objections are filed and served, such person so served shall be a contributory to the amount for which he is named in the list as such.

Court to determine objections.

3. If such objections are so filed and served, the court shall, on the application of the liquidator or of the contributory, appoint a day for the trial of the same, and notice of such appointment shall be given by the one to the other, and the court may receive evidence upon such trial by affidavit or by oral testimony as to it seems proper, and shall determine whether the name of the person so objecting shall be struck out of the list of contributories, or, if retained, the amount for which such person shall be a contributory, and the list of contributories shall be altered in accordance with the determination of the court.

Books of company to be *primâ facie* evidence.

141. The books of the company shall, as between a contributory and the liquidator, and as between the contributories themselves, be *prima facie* evidence of the truth of the matters purporting to be therein recorded.

Inspection of books and papers of company.

142. After an insolvency order is made, the court may make such order for the inspection by the creditors, shareholders, members or contributories of the company, of its books and papers as the court thinks just, and any books and papers in the possession of the company may be inspected in conformity with the order of the court, but not further or otherwise.

Contributory, &c., may be ordered to pay

143. The court may, at any time after making the insolvency order, require any contributory for the time being settled on the

over balance and deliver books, &c.

list of contributories, or any trustee, receiver, banker, broker, agent or officer of the company to pay, deliver, convey, surrender or transfer forthwith, or within such time as the court directs, to or into the hands of the liquidator, any sum or balance, books, papers, estate or effects which are in his hands for the time being, and to which the company is *prima facie* entitled.

Calls by liquidator on contributories.

144. The liquidator may, at any time after an insolvency order is made and either before or after he has ascertained the sufficiency of the assets of the company, make calls on all or any of the contributories for the time being settled on a list of contributories, to the extent of their liability, for the payment of such sums as he deems necessary to satisfy the debts and liabilities of the company, and the costs, charges and expenses of the liquidation, and for the adjustment of the rights of the contributories amongst themselves, and the liquidator may in making a call take into consideration the probability that some of the contributories upon whom the same is made may partly or wholly fail to pay their respective portions of the said call, and in case of default by any contributory in payment of any such call the court may, on the application of the liquidator, make an order directing payment thereof at such time and in such manner as directed by the said order, but no call shall compel the payment of a claim before the maturity thereof, and the extent of the liability of any contributory shall not be increased by anything in this section contained.

Court may order payment by contributory of moneys due company exclusive of calls.

145. The court may, at any time, on the application of the liquidator, make an order on any contributory for the time being settled on the list of contributories, directing payment to be made in the manner in such order mentioned of any moneys due from him or from the estate of the person whom he represents to the company, exclusive of any moneys which he, or the estate of the person whom he represents, is liable to contribute by virtue of any call made in pursuance of this Act.

Moneys may be ordered to be paid into court.

146. The court may, on the application of any person interested and on cause shown therefor, order a contributory to pay into some chartered bank, or into the post-office savings bank or other Government savings bank, to the account of the court, or of such officer of the court as the court directs, any sum or sums of money which otherwise would be payable under this Act to the liquidator, and any moneys so paid shall be disposed of in such manner as the court directs.

Adjustment of rights of contributories

147. The liquidator, subject to review by the court, shall adjust the rights of the contributories among themselves and distribute among the persons entitled thereto any surplus that remains.

Liquidator to be subject to nspectors.

148. The liquidator shall in all proceedings in reference to contributories be subject to the directions of the inspectors of the estate (if any) in the same manner and to the same extent as in case of other proceedings under this Act, and no list of contributories shall be filed with the clerk of the court, or notice served, in manner hereinbefore provided, on any person

named in any such list, nor shall any adjustment or distribution be made as in the last preceding section provided, unless the list so prepared or the proposed method of adjustment or distribution has first been submitted to the inspectors of the estate. Lists of contributories, &c., to be submitted to inspectors.

149. Any powers conferred on the court are in addition to, and not in restriction of any other powers subsisting, either at law or in equity, of instituting proceedings against any contributory, or the estate of any contributory, or against any debtor of the company for the recovery of any call or other sums due from such contributory or debtor, or his estate, and such proceedings may be instituted accordingly. Powers conferred on court are in addition to subsisting powers.

150. The costs of all proceedings in reference to contributories under this Act shall be in the discretion of the court, and the court may make such order as to the payment thereof, or security therefor, as to it seems just. Costs in discretion of court.

EXAMINATIONS, ETC., OF DIRECTORS AND OFFICERS.

151. The creditors or the inspectors may direct any director, officer or employee of the company to be examined upon oath before the liquidator or before such person as they may name, touching the estate and effects, assets and liabilities of the company, the conduct and management of its business, the causes of its insolvency and its affairs generally; and the court may, on the application of a creditor or creditors entitled to rank on the estate for the sum of five hundred dollars or upwards, direct any such person to be so examined before the court or before the liquidator or before an officer of the court, and such court, liquidator or officer may administer any necessary oath. Sub-sections two and three of section thirty-six of this Act shall apply to such examination. Directors, &c., of company may be examined under oath.

2. If any such person neglects or refuses to appear, or to be sworn, or to answer any questions that are lawfully asked, or to produce any documents touching the affairs of the company he may be required to produce, or to obey any order of the court made under or by virtue of this section, he may be committed as for a contempt of court, and the court may make such order as to the payment of the costs of any examination or application under this section as to it seems right. Penalty for neglect to appear, &c.

152. The court may at any time before or after it has made the insolvency order, upon proof that there is reasonable cause for believing that any contributory, or any past or present director, manager, officer or employee of the company is about to quit Canada or otherwise abscond, or to remove or to conceal any of his goods or chattels for the purpose of evading payment of calls, or for avoiding examination in respect of the affairs of the company, cause such person to be arrested and his books, papers, moneys, securities for moneys, goods and chattels to be seized, and him and them to be safely kept for such time as the court may order. Contributory or official about to abscond, &c., may be arrested. And his papers, &c., may be seized.

153. If in the course of the liquidation of the affairs of a company under this Act it appears that any past or present Officer, &c., of company misapplying

money may be compelled to repay.

director, manager, liquidator, receiver, employee or officer of such company has misapplied or retained in his hands, or is liable or accountable for any moneys of the company, or is guilty of any misfeasance or breach of trust in relation to the company, the court may, on the application of the liquidator, or of the inspectors, or of any creditor or contributory of the company, notwithstanding that the offence is an indictable offence under this or any Act, examine into the conduct of such director, manager, liquidator, receiver, officer or employee, and compel him to repay any moneys so misapplied or retained, or for which he is liable or accountable, together with interest at such rate as the court thinks just, or to contribute such sums of money to the assets of the company by way of compensation in respect of such misapplication, retention, misfeasance or breach of trust, as the court thinks fit, but nothing herein shall relieve him from punishment for any indictable offence of which he may be guilty.

OTHER PROVISIONS.

Insolvency order against company to be made only after notice.

154. An insolvency order shall not be made with respect to a company unless it is shown to the satisfaction of the court that notice of the time and place of making the application therefor, together with copies of the affidavits in support of such application, have been served upon the company at least three clear days before the time named in such notice for the making of the application.

Applications under *The Winding Up Act*, R.S.C., c. 129.

155. After this Act comes into force, no winding-up order on the application of a creditor shall be made under *The Winding-up Act* in the case of a company; and pending an application for an insolvency order under this Act, and after the making of such insolvency order, no winding-up order under *The Winding-up Act* shall be made on the application of a shareholder in the case of the company in respect of which such application for a insolvency order and such insolvency order are made, but should such receiving order be set aside or should the company obtain the confirmation of a deed of composition and discharge, the right of the shareholder to apply for a winding-up order under *The Winding-up Act* shall be the same as if such insolvency order had not been made.

Representation of Company in liquidation.

156. The directors or the shareholders of the company may appoint one or more persons, not exceeding three, to represent the company in all matters relating to the liquidation, and anything, which under this Act may be done by an individual insolvent in respect of his estate, may be done by the persons so appointed, or a majority of them, in respect of the estate of the insolvent company.

Disposition of property and assets of company.

157. The property of the company shall be applied in the manner in this Act provided in satisfaction of its liabilities and the charges incurred in the liquidation, and unless it is otherwise provided by law, or by the Act, charter or instrument of incorporation, any property or assets remaining shall be distributed among the members or shareholders according to their rights and interests in the company.

158. After an insolvency order is made the court may from time to time, by order of reference, refer and delegate, according to the practice and procedure of such court, to any officer of the court, any of the powers conferred upon the court by this Act as to the court seems meet (subject to an appeal according to the practice of the court in like cases) except such powers as are conferred on the court with reference to the confirmation of a deed of composition and discharge, which last named powers shall only be exercised by the court, or by a judge thereof. Delegation of powers by Court. Exception.

PART IX.—STATISTICS AND FORMS.

159. The liquidator shall be subject to the provisions of Chapter fifty-nine of the Revised Statutes of Canada, *An Act respecting Statistics*, and every amendment thereof. Statistics.

160. The forms appended to this Act, or other forms equivalent thereto, shall be used in the proceedings for which such forms are provided. Forms.

SCHEDULE OF FORMS.

NOTE.—The notes appended to these forms are not parts of the forms themselves, but are for the guidance of persons using them.]

FORM No. 1.—(SECTION 6.)

Insolveney Order.

The Insolvency Act, 1896.

Province of

In the [*name of Court.*]

In the matter of A.B. [*or*, A.B. & Co., *or as the case may be*] an Insolvent.

On the application of C.D. of a creditor, it is ordered that G.H., an Official Liquidator under the Insolvency Act, 1896, be constituted Official Liquidator of the estate of [*here insert name, address and description of insolvent.*]

Dated

By the Court,

Clerk [*or as the case may be.*]

[Seal of Court]

FORM No. 2.—(SECTION 10.)

Notice of Application for Insolvency Order.

The Insolvency Act, 1896.

Province of
In the [*name of Court.*]

To [*name, address and description of debtor*].
Take notice that on the day of instant [*or*, next] an application will be made by [*name, address and description of creditor*] to [*name of Judge*] Judge of above named Court at [*place where application will be made*] for a insolvency order under the above cited Act in respect of your estate on the ground that you have ceased to meet your liabilities as they came due, and that on such application the affidavit [*or*, affidavits] a copy [*or*, copies] of which is [*or*, are] hereto annexed will be read in support of such application.

Dated, &c.,

[*Signature of Applicant or his Attorney.*]

FORM No. 3.—(SECTION 27.)

Notice of Appointment of Official Liquidator.

The Insolvency Act, 1896.

In the [*name of Court.*]
In the matter of A. B. [*or*, A. B. & Co.] an insolvent.
Notice is hereby given that aa Insolvency Order was made in the above matter on the day of and that I was thereby constituted official liquidator of the estate of the above named A.B. Creditors are requested to file their claims with me without delay at [*here state full address of official receiver.*]

G. H.,
Official Liquidator.

Form No. 4.—(Section 28.)

Statement of Assets and Liabilities of Insolvent.

The Insolvency Act, 1896.

In the matter of A. B., an Insolvent.

STATEMENT OF AFFAIRS.

Note.—This statement and the annexed lists are to be signed by the insolvent.

Liabilities.		Assets.	
Unsecured Creditors as per annexed list A.....		Stock in trade at per annexed list G	
Creditors fully secured as per annexed list B.		Book debts as per annexed list H., estimated to produce.....	
Estimated value of securities...			
		Cash on hand.....	
Surplus to contra $			
Creditors partly secured as per annexed list C.		Bills receivable and similar securities as per annexed list I	
Estimated value of securities...			
		Trade furniture and fittings as per annexed list G.....	
Creditors for privileged claims as per annexed list D. Amount payable in full.....			
		Household effects as per annexed list G.....	
Balance to rank on estate...			
Other liabilities as per annexed list E. $———— of which it is expected will rank against the estate for dividend.....		Real estate as per annexed list J..	
		Other assets as per annexed list G	
Liabilities on bills and notes discounted other than insolvent's own acceptances and notes as per annexed list F. $———— of which it is expected will rank against the estate for dividend.....		Surplus from securities in hands of creditors fully secured—see contra.....	
Total Liabilities....$		Total Assets.....$	

Deficiency $————————for explanation see list K.

List A.—Unsecured creditors.

Name of Creditor.	Address and Occupation.	Nature of Debt.	Amount of Debt.

List B.—Creditors fully secured.

Name of Creditor.	Address and Occupation.	Amount of Debt.	Particulars of Security.	Estimated Value of Security.	Estimated Surplus from Security.

List C.—Creditors partly secured.

Name of Creditor.	Address and Occupation.	Amount of Debt.	Particulars of Security.	Estimated Value of Security.	Balance of debt unsecured.

List D.—Privileged claims.

Name of Creditor.	Address and Occupation.	Nature of Claim.	Amount of Claim.	Amount Payable in full.	Amount to rank for Dividend.

List E.—Liabilities not otherwise scheduled.

Name of Claimant.	Address and Occupation.	Nature and particulars of claim.	Amount of claim.	Amount expected to rank for Dividend.

List F.—Liabilities on bills and notes discounted other than insolvent's own acceptances and notes.

Name and Address of acceptor of Bill or Drawer of Note.	Holder's Name and Address.	When due and where Payable.	Amount.	Amount Expected to rank for Dividend.	Any other Particulars.

List G.—Property.

Every description of property and assets vesting in Official Liquidator and not in another list, to be given in this list.

Full Statement and Nature of Property vested in Official Liquidator.	Estimated to Produce.
Stock in trade.....Cost $ Furniture, fixtures and fittings on trade premises..... Household furniture and effects..... Other property (state particulars).....	

List H.—Debts due to the estate.

Name of Debtor.	Residence and Occupation.	Amount of Debt			Estimated to Produce.	Particulars of Securities held, if any.
		Good.	Doubtful.	Bad.		

List I.—Bills receivable and similar securities available as assets.

Name of Acceptor of Bill or Maker of note.	Address and Occupation.	Other particulars as to endorsers or security for payment.	Amount of Bill or Note.	Date when due.	Estimated to produce.

LIST J.—REAL ESTATE.

Particulars of.	Amount and particulars of Mortgages or liens thereon, if any.	Estimated value over and above Mortgages or liens.

LIST K.—STATEMENT OF THE CAUSES TO WHICH THE INSOLVENT ATTRIBUTES HIS INSOLVENCY.

NOTE.—This must contain explanations of losses and other causes of the difference between the liabilities and the assets.

Date.

Signature of the Insolvent.

FORM No. 5.—(SECTION 28.)

Affidavit by Insolvent of Statement of Assets and Liabilities.

The Insolvency Act, 1896.

In the matter of A.B., an Insolvent.

I, A.B., being duly sworn, make oath and say :—

1. I am the insolvent above named.

2. The annexed statement and the details thereof signed by me contain a full and true account to the best of my knowledge and belief of all debts of whatever nature due to me and of all my assets, estate and effects, real and personal, wheresoever situate, vested in the official liquidator under the above named Act, and the said statement contains a full and true account of all debts due by me or liabilities or demands upon me.

3. List K of the statement hereto annexed contains a correct statement of the causes to which I attribute my insolvency, and such statement is as full, clear and specific as I can make it.

4. I have delivered up all the books, documents, accounts, vouchers and papers of every kind belonging to me, which in any way relate to my estate, and which were in my possession or custody, or under my control, and of which I have any knowledge, and I have made a full disclosure of every particular relating to my affairs.

Sworn, &c.

[NOTE.—In cases of partnership, the statements and affidavits are to be altered so as to make each partner's statement and affidavit cover above particulars in reference to both the partnership and his individual estate.]

FORM No. 6.—(SECTION 29.)

Notice of First Meeting of Creditors.

The Insolvency Act, 1896.

In the matter of A. B., an Insolvent.

An Insolvency Order having been issued in this matter, the creditors of the above named A. B. are notified to meet at my office on street, in the of on the day of at o'clock, in the noon, to receive statements of his affairs and to appoint a liquidator and inspectors, and for the transaction of such other business as may lawfully be transacted at said meeting, and for the ordering of the affairs of the estate generally. Creditors are requested to file their claims with me without delay.

Dated at this day of 18

G. H.,
Official Liquidator.

[NOTE.—This form with necessary alterations may be used in calling other meetings of creditors under this Act.]

FORM No. 7.—(SECTION 30.)

Notice of Appointment of Liquidator.

The Insolvency Act, 1896.

In the matter of A.B., an Insolvent.

I, the undersigned [*name and address*] have been appointed liquidator in this matter. Creditors are requested to file their claims with me without delay.

Dated at this day of 18

L. M.,
Liquidator.

FORM No. 8.—(SECTION 32.)

Transfer from Official Liquidator to Creditor's Liquidator.

The Insolvency Act, 1896.

In the matter of A. B., an Insolvent.

This deed of transfer made under the provisions of the above cited Act between G. H., the Official Liquidator under said Act of the estate of the said A. B., of the first part, and L. M. of the second part:

Whereas at a meeting of the creditors of the said A. B duly called and held at the of on the

day of 18 [*or as the case may be*] the said party of the second part was appointed liquidator of the estate of the said A. B., [and has given the security required to be given by him for the due performance of his duties as such liquidator:] Now therefore these presents witness that the said party of the first part in his said capacity of Official Liquidator hereby transfers to the said party of the second part in his capacity of liquidator the estate and effects of the said A. B., in conformity with the provisions of the said Act, and for the purposes therein set forth.

In witness whereof, &c.

[NOTE.—This form may be adapted in the province of Quebec to the notarial form of documents prevailing there.]

FORM No. 9.—(SECTION 40.)

Notice of Meeting to consider Deed of Composition and Discharge.

The Insolvency Act, 1896.

In the matter of A. B., an Insolvent.

The above named insolvent has filed with me a deed of composition and discharge executed by his creditors as required by the above named Act, and notice is hereby given that a meeting of the creditors of the above named A. B. will be held at my office, on street in the of on the day of at o'clock in the noon, to take such deed into consideration and to transact such business as may lawfully be transacted at such meeting.

In the notices sent to creditors shall be added the following:—

The terms of such deed are:—[*Here set out briefly the terms thereof.*]

L. M.,
Liquidator.

FORM No. 10.—(SECTION 44.)

Notice by Insolvent of intention to apply for Confirmation of Deed of Composition and Discharge.

The Insolvency Act, 1896.

Province of
In the [*name of Court.*]
In the matter of A. B., an Insolvent.

The above named insolvent, having filed a deed of composition and discharge, duly approved by his creditors, with the liquidator of his estate under the above cited Act, hereby gives notice that he will on the day at o'clock in the noon, apply to the Honourable Judge of the said court, at [*place where application will be heard*] for a confirmation of such deed of composition and discharge.

In the notices sent to creditors the following shall be added:—

The terms of such deed are:—[*here set out briefly the terms thereof.*]

Dated, &c.

[*Signature of Insolvent or his Attorney.*]

FORM No. 11.—(SECTION 46.)

Affidavit of Insolvent on application for Confirmation of Deed of Composition and Discharge.

The Insolvency Act, 1896.

Province of
In the [*name of Court.*]

In the matter of A.B. an Insolvent,

I., A.B., of , an insolvent now making application to this Honourable Court for the confirmation of a deed of composition and discharge under the above cited Act, being duly sworn, depose and say :—

That no one of my creditors who executed or in any way approved of such deed of composition and discharge, was induced so to do by any payment, promise of payment, or advantage whatsoever, made, secured or promised to him, or to any one on his behalf, by me, or with my knowledge by any person on my behalf.

And further that I have not, nor has with my knowledge any person on my behalf paid, given or promised any sum of money, or other consideration, or advantage, to any of my creditors, or to any one on behalf of any of my creditors, in connection with the procuring or obtaining of the execution or approval thereof by such creditor, or the procuring by him, either directly or indirectly, of the execution or approval thereof by any other of my creditors, or for the purpose, or in the hope of influencing the action in the premises of my said creditors, or any of them.

Sworn, &c.

(*Signature of Insolvent.*)

FORM No. 12.—(SECTION 48.)

Notice by Insolvent of intention to apply for Discharge without consent of Creditors.

The Insolvency Act, 1896.

Province of
In the (*name of Court.*)
In the matter of A.B., an Insolvent.

On the day of at o'clock in the noon the said insolvent will apply to the Honourable Judge of the said court at [*state particular place where application will be made*] for a discharge under the said Act without consent of creditors.

Dated, &c.

(*Signature of Insolvent or his Attorney.*)

FORM No. 13.—(SECTION 53.)

Reconveyance to Insolvent.

The Insolvency Act, 1896.

In the matter of A.B., an Insolvent.

This deed of transfer made under the provisions of the above named Act between L.M., liquidator of the estate of A. B., of , the above named insolvent, of the first part, and the said A.B., of the second part :—

Whereas a deed of composition and discharge made by the said A.B. and duly executed by his creditors has been confirmed by order of the Honourable Judge of the [*name of Court*] dated the day of

Now therefore these presents witness that the said L.M., in his capacity as liquidator of the estate of the said A.B., hereby transfers to the said A.B. the estate and effects vested in the said L.M., as liquidator of the estate of the said A.B.: To have and to hold the same unto the said A.B., his heirs, executors, administrators and assigns forever, subject to the provisions of the said deed of composition and discharge, and of the order of the Court aforesaid, and the provisions of the above cited Act.

In witness whereof, &c.

[NOTE.—This form may be adapted in the province of Quebec to the notarial form of documents prevailing in that province.]

FORM No. 14.—(SECTION 61.)

Proof of Debts.

The Insolvency Act, 1896.

In the matter of A. B., an Insolvent, and claimant.

I, of , being duly sworn in this matter, depose and say :—

1. I am the claimant [*or*, a member of the firm of the claimants herein, and the said firm is composed of myself and , *or*, the duly authorized agent of the claimant in this behalf,] and I have a personal knowledge of the matters herein deposed to.

2. The insolvent is indebted to me [*or*, to the claimant, *as the case may be*] in the sum of $ for [*here state nature and particulars of debt for which purpose reference may be had to documents annexed.*]

3. Annexed hereto, marked , is a list of negotiable instruments on which my claim [*or*, the claim of the claimant] is based in whole [*or*, in part, *as the case may be*] and the particulars of such negotiable instruments as given in such list are correct. [*This is to be added in case the claim is based in whole or in part on negotiable instruments, and a list of such instruments must be annexed, setting forth the amount of each such instrument, its due date, and the names of all persons liable thereon, and in what capacity, and in what order liable.*]

4. I, [*or*, the claimant, *as the case may be*,] hold no security for the said claim or any part thereof.

Or, I hold the following and no other security for the said claim, that is to say : [*state fully the particulars of such security*] and the said security is hereby valued at the sum of $.

Or, I held security for my claim, which I have assigned to the liquidator for the benefit of the estate, and I now hold no security for my said claim or any part thereof.

Sworn, &c.

[*The proof of claim shall be accompanied with the following notice.*]

The Insolvency Act, 1896.

In the matter of A.B., an Insolvent.

To L.M., liquidator of the above estate.

The following is the address to which all notices to be sent to me under the above Act may be sent [*here state address.*]

[*Signature of claimant*
or person on his behalf.]

FORM No. 15.—(SECTION 77.)

Transfer of Debts.

The Insolvency Act, 1896.

In consideration of the sum of $, whereof quit, L.M., of , liquidator of the estate and effects of the above named insolvent and acting in that capacity, hereby sells and assigns to , accepting thereof, all claim by the insolvent against of with the evidences of debt and securities thereto appertaining, but without any warranty of any kind or nature whatsoever.

In witness whereof, &c.

FORM No. 16.—(SECTION 81.)

Transfer of Real Estate.

The Insolvency Act, 1896.

In the matter of A.B., an Insolvent.

This deed made under the provisions of the above cited Act this day of A.D. between L. M., of , in his capacity of liquidator of the estate and effects of the above named A.B., of the one part, and P.Q., of [*the purchaser*] of the other part, witnesseth :

That the said liquidator in his said capacity, having taken the steps necessary for the sale of the real estate hereinafter referred to, doth hereby grant, bargain, sell and assign unto the said P.Q., his heirs and assigns, for ever, all the rights and

interests of the said insolvent in that certain parcel or tract of land, &c., [*here insert a description of the property sold, and in the province of Quebec omit the words "the rights and interests of the said insolvent in"*] : To have and to hold the same, with the appurtenances thereof, unto the said P.Q., his heirs and assigns for ever, subject to all mortgages, hypothecs or liens thereon. The said sale is made for and in consideration of the sum of $ in hand paid by the said P.Q. to the said liquidator, the receipt whereof is hereby acknowledged.

Or,

Of which the said P.Q. hath paid to the said liquidator the sum of $, the receipt whereof is hereby acknowledged, and the balance of such sum of $ the said P.Q. hereby promises to pay to the said liquidator in his said capacity as follows:—To wit: [*here state terms of payment*], the whole with interest at the rate of per centum per annum, payable , and as security for the payment so to be made the said P.Q. hereby mortgages and hypothecates to and in favour of the said liquidator in his said capacity the lot of land and premises hereby sold.

In witness whereof, &c.

Signed, sealed and delivered, &c.

[NOTE.—This form shall in the province of Quebec be adapted to the notarial form of execution of documents prevailing there.]

FORM No. 17.—(SECTION 81.)

Discharge of Mortgage contained in Deed of Transfer of Real Estate by Liquidator.

The Insolvency Act, 1896.

In the matter of A. B., an Insolvent.

To all whom it may concern, I [*name of liquidator*] the liquidator of the estate and effects of the above named A. B. send greeting.

Whereas, under and by virtue of a certain deed made under the provisions of the above cited Act on the day of A.D. between me, in my capacity of liquidator of the estate and effects of the above named A.B., of the one part, and P.Q., of [*the purchaser*] of the other part, I, the said liquidator in my said capacity, having taken the steps necessary for the sale of the real estate hereinafter referred to, did thereby grant, bargain, sell and assign unto the said P.Q., his heirs and assigns, for ever, all the rights and interests of the said insolvent in that certain parcel or tract of land, &c , [*here insert a description of the property sold, and in the province of Quebec omit the words "the rights and interests of the said insolvent in"*] : To have and to hold the same, with the appurtenances thereof, unto the said P.Q., his heirs and assigns for ever, subject to all mortgages, hypothecs or liens

thereon, and the said P.Q., did by such deed as security for certain payments to be made by him as therein set forth mortgage and hypothecate to and in favour of the said liquidator in his capacity the lot of land and premises thereby sold :—

Now therefore know ye that all moneys payable under and by virtue of the said deed to the liquidator of the said estate have been fully paid and satisfied, and I do hereby, in my said capacity of liquidator of the said estate and under the provisions of the above cited Act, release and discharge the said land and premises of and from any mortgage or hypothecation or charge therein, under and by virtue of the deed hereinbefore referred to in respect of any moneys payable thereunder to the estate of the said insolvent.

In witness whereof, &c., &c.

[NOTE.—This form shall, in the province of Quebec, be adapted to the notarial form of execution of documents prevailing there.]

FORM No. 18.—(SECTION 86.)

Notice of Dividend.

The Insolvency Act, 1896.

In the matter of A.B., an Insolvent.

A dividend sheet has been prepared, open to objection until the day of , after which dividends not objected to will be paid.

Dated at this day of

L.M.,
Liquidator.

FORM No. 19.—(Section 140).

Notice to Contributory.

THE INSOLVENCY ACT, 1896.

In the matter of [*name of Company*] an Insolvent Incorporated Company.

To [*name and address of Contributory.*]

Take notice that you have been placed on the list of contributories to the assets of the above named company for the sum of $ and you are hereby required within ten days after service of this notice on you to file with the clerk of the [*name of court*] at his office in [*place where office is situate*] any objections you may have to being placed on such list for the amount above named, or for any amount, and to serve a copy on the undersigned at [*place where service may be made*] together with an address within this province where future

proceedings may be served on you, and take notice that if no such objections are filed and served as aforesaid within the time above limited you will be liable under the provisions of the above cited Act to contribute to the assets of the above named company the amount above named.

Dated at this day of

L. M.,
Liquidator.

No. 51.

6th Session, 7th Parliament, 59 Victoria, 1896

BILL.

An Act respecting Insolvency.

Received and read a first time, Tuesday, 4th February, 1896.
Second reading, Wednesday, 5th February, 1896.

Mr. MARTIN.

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's most Excellent Majesty
1896

No. 52.] **BILL.** [1896.

An Act to incorporate the Hudson's Bay Canal and Navigation Company.

WHEREAS a petition has been presented praying for the incorporation of a company for the purposes and with the powers hereinafter set forth, and it is expedient to grant the prayer of the said petition; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. Archibald Wright, Thomas C. Scoble, Nathaniel F. Hagel, Frank A. Fairchild, Hugh Armstrong, Richard Radcliffe Taylor, Josiah T. Robarts, George T. Orton, Edward D. Moore, Stewart Macdonald, William J. Boyd, Robert R. Scott, William Crawford, Colin Campbell, Richard W. Jamieson, David W. Bole, John A. Howard, Charles W. A. Kennedy, William Bathgate, Charles H. Allen, James Scott, William D. Douglass, Frank J. Clarke, John Dick, William W. Watson, Robert Gerrie, Alfred J. Andrews, Robert Rogers, Elias G. Conklin, James E. Steen, James C. Sproule, George H. Campbell and Thomas, W. Taylor, together with such persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of the "Hudson's Bay Canal and Navigation Company" hereinafter called "the Company." Incorporation. Corporate name.

2. The head office of the Company shall be in the city of Winnipeg in the province of Manitoba, or in such other place as is fixed by a by-law passed at any annual or special general meeting of the shareholders of the Company. Head office.

3. The Company may improve and connect the waterways for the purposes of navigation and traffic thereon, between Lake Winnipeg and Hudson's Bay, by canals or otherwise, and may erect and maintain dams for the purpose of such canals; and may in like manner connect and improve the navigation of any or all waterways tributary to Lake Winnipeg so as to secure continuous navigation on the same. Line of canal and works.

4. The Company may impose and collect such uniform rates, tolls, fees and fines, upon all persons and corporations using the canals and improved waterways constructed or effected by the Company, as may from time to time be fixed by the Board of Directors and approved by the Governor in Council, but such schedule of rates, tolls, fees or fines shall not be less than sufficient to realize to the shareholders ten per centum per annum. upon the actual cost of the said canals and improvements. Tolls.

Government may assume canal.

5. The Government of Canada may, after ten years enjoyment by the Company of the franchises herein granted to the Company, acquire by purchase, the canals and improvements in waterways constructed or effected by the Company between Nelson River and Hudson's Bay at the cost price of the said works; but this option shall not apply to the navigating plant or other real or personal property of the Company, or to the power to use the same herein granted in other respects.

Building and hiring of steam and other vessels.

6. The Company may purchase, build, lease or charter, equip and operate, and sell, lease or charter steam and other vessels to ply upon the waterways and canals connecting with or tributary to Lake Winnipeg or Hudson's Bay; and may carry passengers and freight thereon; and may impose and collect tolls therefor, and may make agreements by charter or otherwise with railway companies or vessel owners to take over and transport such passengers and freight from the terminal at Hudson's Bay or elsewhere, to their or its ultimate destination.

Real estate, piers, docks, wharves, etc.

7. The Company may acquire and hold as its own absolute property, such real estate and water lots as may be requisite, and may build and erect thereon, piers, docks, wharfs, elevators, storehouses and other structures for the use of the Company and for the service of the public, and may impose and collect tolls for the use of the same, and may dredge, enlarge and deepen channels leading to the same; and may use, sell, lease or convey the said real estate, water lots, piers, docks, wharves, elevators, storehouses, and other structures, or any portion thereof.

No obstruction to navigation.

2. No such works or structures shall be constructed or effected so as to cause any obstruction in, or impede the free navigation of, any navigable water, without the consent previously obtained, of the railway committee of the Privy Council.

Electric tramways.

8. The Company may construct and operate electric or other tramways along the line of, or connecting with, the canals and waterways constructed or improved by the Company, and such tramways may be used for the purpose of towing, or for the carriage of passengers and freight along such route and may impose and collect tolls therefor.

Telegraph and telephone lines.

9. The Company may establish, maintain and operate electric, telegraph or telephone lines, or submerge cables along their lines of route for their own purposes and for the public service; and may develop hydraulic and generate electric power, and use, lease or sell the same as motive power for towing or for manufacturing or for other purposes; and may impose and collect tolls, rents and charges for such services from all persons or corporations using the same.

Mines and mining lands.

10. The Company may acquire, receive, hold and sell coal, iron, mineral and timber lands, and may mine for coal and other minerals, and sell and dispose of the product in a crude

or partially or wholly manufactured state ; and may erect and operate works for the partial or complete manufacture of the same.

Provisional directors.

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

Capital stock and shares.

12. The capital stock of the Company shall be five million dollars, divided into shares of one hundred dollars each, which shares shall be transferable in such manner and upon such conditions as shall be provided by the by-laws of the Company, and such shares or any part thereof, may be granted and issued as paid up shares for value *bona fide* received by the Company, either in money at par, or at such price and upon such conditions as the Board of Directors may fix, or as part of the consideration of any contract made by the Company.

Annual meeting.

13. The annual general meeting of the shareholders shall be held on the second Monday in January in each year.

Election of directors.

14. At such meeting the subscribers for the capital stock assembled in person, or by proxy, who have paid all calls due on their shares, shall choose seven persons to be directors of the Company, one or more of whom may be paid directors of the Company.

Bond issue.

15. The Company may issue bonds, debentures or other securities to the extent of fifty thousand dollars per mile of canal or improved waterway constructed or effected by the Company.

Railway Act to apply.

16. The *Railway Act* so far as applicable and when not inconsistent with this Act, is hereby incorporated with and made part hereof, and shall be construed herewith as forming one Act, in such manner as to apply to the Company hereby incorporated, and to the undertaking of the Company ; provided that wherever the word "railway" occurs in *The Railway Act* it shall be construed as applying to the undertaking of the Company, and that wherever the word "Company" occurs in *The Railway Act* it shall be construed as applying to the Company ; and provided also that section one hundred and five, and sections one hundred and seventy-eight to one hundred and ninety-nine of *The Railway Act*, both inclusive, shall not apply to the Company or to its undertakings.

No. 52.

6th Session, 7th Parliament, 59 Victoria, 1896

BILL.

An Act to incorporate the Hudson's Bay Canal and Navigation Company.

Received and read a first time, Wednesday, 5th February, 1896.
Second reading, Thursday, 6th February, 1896.

(PRIVATE BILL.)

Mr. Boyd.

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's most Excellent Majesty
1896

No. 52.] **BILL.** [1896.

An Act to incorporate the Hudson's Bay Canal and Navigation Company.

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

Preamble.

WHEREAS a petition has been presented praying for the incorporation of a company for the purposes and with the powers hereinafter set forth, and it is expedient to grant the prayer of the said petition; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

1. Archibald Wright, Thomas C. Scoble, Nathaniel F. Hagel, Frank A. Fairchild, Hugh Armstrong, Richard Radcliffe Taylor, Josiah T. Robarts, George T. Orton, Edward D. Moore, Stewart Macdonald, William J. Boyd, Robert R. Scott, William Crawford and Colin Campbell, together with such persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of the "Hudson's Bay Canal and Navigation Company," hereinafter called the Company.

Corporate name.

Head office.

2. The head office of the Company shall be in the city of Winnipeg in the province of Manitoba, or in such other place in Canada as is fixed by a by-law passed at any annual or special general meeting of the shareholders of the Company.

Works authorized.

3. The Company may improve and connect the waterways, for the purposes of navigation and traffic thereon, between Lake Winnipeg and Hudson's Bay, *via* the Hayes River, by canals or otherwise, and may erect and maintain dams for the purpose of such canals; and may in like manner improve the navigation of the Red River, excepting those portions of the Red River known as the St. Andrew's Rapids, the Union Point Shoal, the Elm Point Shoal, the Two Point Shoal, and the South Bend Shoal, the improvement of which rapids and shoal by the Company shall be subject to the provisions hereinafter contained.

In the Red River,

In certain portions of the Red River.

4. The Company may, upon obtaining authority from the Governor in Council, improve, for the purposes of navigation and traffic thereon, those portions of the Red River hereinbefore excepted, provided that the plans and specifications of such improvements and the works connected therewith shall be first approved by the Governor in Council, and that the works shall be carried out and completed under the supervision of the Governor in Council. The tolls and rates to be

received and collected by the Company with respect to the waterway so constructed shall also be fixed and established, and may from time to time be revised by the Governor in Council.

Expropriation by Her Majesty.

2. Her Majesty may at any time during or after the construction of such improvements and works, expropriate and take them or any of them over from the Company, in which case the Company shall be entitled, as compensation therefor, to an amount not exceeding the actual cost of the construction thereof; and, for the purpose of ascertaining such cost, the Company shall keep special books of account showing from time to time the details of expenditure for, and the total actual cost of, all the improvements and works so constructed, which books shall be at all reasonable times open for inspection and examination by Her Majesty or Her duly authorized officers or agents.

Subsidy to be deducted from compensation.

3. The amount of any subsidy paid by the Government of Canada to the Company shall be deducted from the amount of the said compensation.

Arbitration.

4. All disagreements as to such cost shall be settled by arbitration, one arbitrator being appointed by the Governor in Council, one by the Company, and a third by the other two: Provided that such arbitration shall not prejudice any other right of expropriation which Her Majesty now has.

Tolls.

5. The Company may, subject to and in accordance with the provisions of *The Railway Act*, impose and collect rates and tolls upon all persons and corporations using the canals and improved waterways constructed or effected by the Company: Provided always that no tolls or rates shall be collected on any vessel, raft or craft using any of the waters of the Red River between Emerson and Lake Winnipeg, unless they pass through some lock on the said river constructed by the Company for the purpose of improving the said navigation.

On the Red River.

Plans of works to be approved by Governor in Council.

6. 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; and such plans, so far as the Red River is concerned, shall not be approved unless and until the Company satisfies the Governor in Council that it has the necessary financial ability to carry out the work; and the Company shall not be entitled to exercise any rights or franchises with regard to the said Red River under this Act until such plans are so approved.

Works may be taken over by Government.

7. With respect to the improvements and works of the Company, other than those of which the expropriation is provided for by section four of this Act, Her Majesty may, at any time, assume the possession and property of the said improvements and works, and of all the rights, privileges and advantages of the Company, (all of which shall, after such assumption, be vested in Her Majesty,) on giving to the Company one week's notice thereof, and on paying to the Company the value of the same, to be fixed by three arbitrators, or the majority of them, one to be chosen by the Governor in Council,

Arbitration.

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.

Steam and other vessels.

8. The Company may purchase, build, lease or charter, equip and operate, and sell, lease or charter steam and other vessels to ply upon the waterways and canals connecting with or tributary to Lake Winnipeg or Hudson's Bay; and may carry passengers and freight thereon; and may make agreements by charter or otherwise with railway companies or vessel owners to take over and transport such passengers and reight from the terminal at Hudson's Bay or elsewhere, to their or its ultimate destination.

Real estate, piers, docks, wharves, etc.

9. The Company may acquire by purchase and hold as its own absolute property, such real estate and water lots as may be requisite, and may build and erect thereon, piers, docks, wharfs, elevators, storehouses and other structures for the use of the Company and for the service of the public, and may impose and collect tolls for the use of the same, and may dredge, enlarge and deepen channels leading to the same; and may use, sell, lease or convey the said real estate, water lots, piers, docks, wharves, elevators, storehouses, and other structures, or any portion thereof.

No obstruction to navigation.

2. No such works or structures shall be constructed or effected so as to cause any obstruction in, or impede the free navigation of, any navigable water, without the consent previously obtained, of the railway committee of the Privy Council.

Electric tram ways.

10. The Company may construct and operate outside the limits of the Province of Manitoba electric or other tramways along the line of, or connecting with each other, the canals and waterways constructed or improved by the Company, and such tramways may be used for the purpose of towing, or for the carriage of passengers and freight along such route; and may, subject to and in accordance with the provisions contained in *The Railway Act*, impose and collect tolls therefor.

Hydraulic and electric power.

11. The Company may develop hydraulic and generate electric power, and use the same as motive power for towing, and also for lighting purposes in connection with its works, and may lease or sell any surplus power, and may, subject to and in accordance with the provisions contained in *The Railway Act*, impose and collect tolls, rents and charges for such services from all persons or corporations using the same.

Telegraph and telephone lines.

12. The Company may construct and operate lines of telegraph and telephone in connection with and along the line of its canal and works. and may lay such submarine lines for telegraph and telephone connection as are necessary to make connection along such line, and may undertake the transmission of messages for the public by all of such lines or any portion thereof.

Company may enter upon public lands.

13. With the consent of the municipal council having jurisdiction over the roads and streets of any city, town or municipality, the Company may, by its servants, agents, or workmen, enter upon any public road, highway, street, bridge, watercourse, navigable or non-navigable water or other such places in any city, incorporated town, village, county, municipality or other place, for the purpose of constructing, erecting, equipping, working and maintaining its line or lines of telegraph and telephone and lines for the conveyance of electric power upon, along, across, over and under the same ; and may erect, equip and maintain such and so many poles and other works

May erect poles.

and devices as the Company deems necessary for making, completing and supporting, using, working and maintaining the system of communication by telegraph and telephone and for supplying power ; and may stretch wires and other electrical contrivances thereon ; and, as often as the Company, its

May break up streets, etc.

agents, officers or workmen think proper, may break up and open any part whatsoever of the said public roads, highways, streets, bridges, watercourses, navigable and non-navigable waters and other like places, subject, however, to the following provisions, that is to say :—

Travel not to be obstructed.

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

Height of wires, etc.

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

Kind of poles.

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

Cutting poles or wires in case of fire.

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

Liability for damages.

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

Trees.

(*f.*) The Company shall not cut down or mutilate any shade, fruit or ornamental tree, in carrying on any work under this section ;

Approval of municipality.

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

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

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

(*j.* Nothing herein contained shall be deemed to authorize the Company, its servants, workmen or agents to enter upon any private property for the purpose of erecting, maintaining or repairing any of its works, without the previous assent of the owner or occupant of the property for the time being ; Private rights.

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

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

15. 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 ; but no one call shall exceed ten per cent on the shares subscribed. Capital stock and shares.

16. The annual general meeting of the shareholders shall be held on the second Monday in January in each year. Annual meeting.

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

18. The Company may issue bonds, debentures or other securities to an amount not exceeding one million of dollars upon the canal and works constructed, in the Red River, and Bond issue.

also to an amount not exceeding four millions of dollars upon the canal and works constructed by the Company elsewhere than in the Red River.

1888, c. 29.

19. The *Railway Act*, so far as applicable and when not inconsistent with this Act, is hereby incorporated with and made part hereof, and shall be construed herewith as forming one Act, in such manner as to apply to the Company hereby incorporated, and to the undertaking of the Company; provided that wherever the word "railway" occurs in *The Railway Act* it shall be construed as applying to the undertaking of the Company, and that wherever the word "Company" occurs in *The Railway Act* it shall be construed as applying to the Company; and provided also that section one hundred and five, and sections one hundred and eighty-two to one hundred and ninety-nine of *The Railway Act*, both inclusive, shall not apply to the Company or to its undertakings.

No. 52.

6th Session, 7th Parliament, 59 Victoria, 1896

BILL.

An Act to incorporate the Hudson's Bay Canal and Navigation Company.

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

(PRIVATE BILL.)

MR. BOYD.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1896

No. 53.] **BILL.** [1896.

An Act respecting the Pontiac Pacific Junction Railway Company.

Preamble.

WHEREAS the Pontiac Pacific Junction Railway Company has by its petition prayed that the Acts relating to the Company be amended as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Powers as to construction of railway lines, under 1880, c. 55; 1882, c. 69; 1887, c. 73; and 1890, c. 98, revised and confirmed.

1. The Pontiac Pacific Junction Railway Company, hereinafter called "the Company", may lay out, construct and operate such of the lines and portions of lines of railway and works connected therewith, not already constructed, as it was by the Parliament of Canada, under and by virtue of chapter fifty-five of the statutes of 1880, chapter sixty-nine of the statutes of 1882, chapter seventy-three of the statutes of 1887, and chapter sixty-eight of the statutes of 1890, authorized to lay out, construct and operate; and all the franchises, powers rights and privileges conferred upon the Company, under and by virtue of the said Acts, and the provisions of the said Acts in so far as they related or were applicable to the lines or portions of lines and works aforesaid, are hereby revived, declared to be in force, and confirmed.

Limitation of time for construction.

2. The said lines and portions of lines and works connected therewith shall be completed within five years from the passing of this Act, otherwise the powers granted by the said Acts and by this Act, in so far as they relate to the said lines and portions of lines and other works in connection therewith, not already constructed, shall cease and be null and void as respects so much of the said lines or portions of lines or other works as aforesaid, as then remains uncompleted.

Powers as to bridges over the Ottawa river revived and confirmed.

2. The Company may erect, construct, work, maintain, manage, and use such bridge or bridges over the Ottawa River, and such approaches thereto and other works in connection therewith, as it was under and by virtue of the said Acts of the Parliament of Canada authorised to erect, construct, work, maintain, manage and use; and all the franchises, powers, rights and privileges conferred upon the Company, under and by virtue of the said Acts, and the provision, of the said Acts, in so far as the same related or were applicable to such bridges or any of them, or to any of such approaches or other works in connection therewith as aforesaid, are hereby revived, declared to be in force, and confirmed.

Limitation of time for construction.

2. The said bridges, approaches and other works in connection therewith, shall be completed within five years from the

passing of this Act, otherwise the powers granted by the said Acts and by this Act, in so far as they relate to the said bridges or of any of them, or to the said approaches or other works in connection therewith, shall cease and be null and void as respects such of the said bridges, approaches or other works as then remains uncompleted.

Powers as to bridging the Ottawa at or near the city of Ottawa confirmed.

3. The rights, powers and franchises conferred upon the Company by the Acts relating to the Company, with respect to the construction, maintenance and operation of a bridge over the Ottawa River at or near the City of Ottawa, and works in connection therewith, are, notwithstanding anything in the said Acts contained, hereby declared to have continued and to be still in force.

Time for completion of bridge limited.

2. The said bridge shall be completed within five years after the passing of this Act, otherwise the powers granted for such construction by the said Acts and by this Act shall cease and be null and void.

Power to acquire the railways of other companies.

4. The company may acquire by lease or purchase the whole or any part of the railway and its appurtenances of any other company in Canada empowered, either in general terms or by special enactment, to lease or sell the same to the Company, for such price and upon such terms and conditions as are from time to time agreed upon by the boards of directors of the respective companies; and any conveyance made in pursuance of this enactment shall be as valid and effectual as if it had been set out and specially authorized and confirmed by this Act.

Working arrangements with other companies.

5. The company may enter into working arrangements with, or may acquire running powers, over or the right to work the line of, any other company empowered to make or grant the same to the Company, upon such terms and conditions and for such period, as are from time to time agreed upon by the boards of directors of the respective companies.

Arrangements with companies outside of Canada.

6. The Company may make working arrangements with, or may lease or acquire running powers over, or the right to work the line of, any railway company outside of Canada, upon such terms and conditions as the Company's board of directors considers advantageous.

Approval of shareholders required for such purchase or arrangement.

7. Every such purchase, lease or other transaction authorized by any one of the next three preceding sections shall be subject to the approval of two-thirds of the votes at a special general meeting of the shareholders duly called for the purpose of considering the same, at which meeting shareholders representing at least two-thirds in value of the stock are present in person or represented by proxy; and after any such purchase or other transaction, the Company may acquire and hold bonds, shares and other securities of such other company.

Agreement with other companies.

8. The Company may enter into an agreement with any other company in Canada empowered, either in general terms or by special enactment, to purchase or lease the same, for conveying or leasing to such other company the railway of the Company in

whole or in part, or any of its rights and powers, as also the surveys, plans, work, plant, material, machinery, bridges and other property belonging to it, or for an amalgamation with any other company empowered, either in general terms or by special enactment, to amalgamate with the 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 the same, at which meeting shareholders representing at least two-thirds in value of the stock are present in person or represented by proxy, and that such agreement has received the sanction of the Governor in Council.

Proviso: approval of shareholders.

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

Notice of application for approval.

9. In the event of the purchase by the Company of the railway, in whole or in part, of any other railway company or of an amalgamation of the Company with any other railway company, the company or amalgamated company, as the case may be, may, after such purchase or amalgamation, issue bonds, debentures or other securities to the extent of twenty thousand dollars per mile of the railway and branches of the Company and of the railway and branches, in whole or in part, which it so purchases, or, in the event of an amalgamation, may issue bonds, debentures or other securities, at the same rate per mile, of the railway of the amalgamated company,—such issue to be in lieu of the then outstanding or authorized bond issue of the companies so selling and purchasing, or amalgamating, with respect to the whole of the said railways, or of such portion or portions thereof as are affected by such sale or amalgamation, as the case may be; and such bonds, debentures or other securities may be issued only in proportion to the length of railway then constructed or under contract to be constructed.

Issue of bonds on completion of agreement.

No. 53.

6th Session, 7th Parliament, 59 Victoria, 1896

BILL.

An Act respecting the Pontiac Pacific Junction Railway Company.

Received and read a first time, Wednesday, 5th February, 1896.
Second reading, Thursday, 6th February, 1896.

(PRIVATE BILL.)

SIR JAMES GRANT.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1896

No. 53.] **BILL.** [1896.

An Act respecting the Pontiac Pacific Junction Railway Company.

(*Reprinted as amended by the Sub-committee of the Railway Committee.*)

Preamble.

WHEREAS the Pontiac Pacific Junction Railway Company has by its petition prayed that the Acts relating to the Company be amended as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows:—

Lines of railway authorized.

1. In addition to its line of railway already constructed, the Pontiac Pacific Junction Railway Company may lay out, construct, maintain and operate, with single or double track of the standard gauge of four feet eight and one-half inches, the following lines of railway:

Extension from Waltham to Sault Ste. Marie.

(*a.*) An extension of its present line from its present north-westerly terminus at or near Waltham in the county of Pontiac, crossing the Ottawa River at Allumette Island, to the town of Pembroke in the province of Ontario, and thence in a north-westerly direction beyond Pembroke, passing to the South of Lake Nipissing and crossing the Gravenhurst and Callender Railway at a point about twenty miles south of Callender station, to Sault Ste Marie;

Extension N. W. from Waltham.

(*b.*) A branch or extension of its line from its present terminus at or near Waltham aforesaid, in a north-westerly direction through the province of Quebec, to some point in the county of Pontiac;

Extension from Aylmer to Ottawa.

(*c.*) An extension of its line from its present south-westerly terminus at or near the village of Aylmer in the county of Ottawa to some point in or near the city of Hull, and thence across the Ottawa River to some point in the city of Ottawa

Time for construction limited.

2. The said extensions shall be commenced within three years and completed within five years from the passing of this Act, otherwise the powers granted for the construction thereof shall cease and be null and void as respects so much of the said extensions as then remains uncompleted.

Bridges over the Ottawa at Allumette Island.

3. The Company may lay out, construct, maintain, operate, manage, and use a bridge or bridges for railway and other purposes over the Ottawa River from a point on the line of its railway in the county of Pontiac at Allumette Island to some point on the line of its railway in the province of Ontario, and may construct, maintain, operate and equip all the necessary approaches and terminal facilities for such bridges.

Lights on bridges.

2. From sundown until sunrise during the season of navigation, lights shall always be maintained by the Company on the piers of the bridges over such channel or channels as are navigable to guide vessels approaching them.

Agreement with another company.

3. The Company may unite with any other companies for the construction and maintenance of the said bridges and approaches as a joint work, or for the joint working, managing, and using the same, and may enter into any agreement with any such company respecting the construction, maintenance, management and use thereof.

Plan of bridges to be approved by Governor in Council.

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

Rate of tolls to be approved by Governor in Council.

5. If the said bridges are 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 conspicious place on the said bridge.

Equal rights in passage of bridge.

6. So soon as each bridge is completed and ready for traffic all trains and cars of all railways connecting with the same, now constructed or hereafter to be constructed, and also the trains and cars of all companies whose lines connect with the line of any company so connecting with the said bridges 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 tariff rates for transporation, shall be made in favour of or against any railway whose business or trains pass over the said bridge.

Disputes to be settled by railway committee.

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

Certain provisions declared to be in force.

8. The rights, powers and franchises conferred upon the Company by the Acts relating to the Company with respect to the construction, maintenance, issue of bonds in respect of,

and operation of, a bridge over the Ottawa River at or near the city of Ottawa and works in connection therewith are, notwithstanding anything in any of the said Acts or in any other Act contained, hereby declared to have continued and to be still in force.

Time for construction of bridges.

9. The said bridges shall be completed within five years from the passing of this Act, otherwise the powers granted for such construction shall cease and be null and void as respects such of the said bridges as are not then completed.

Issue of bonds other than bridge bonds.

10. In lieu of the provisions relating to the issue of bonds contained in any of the Acts respecting the Company, except as to bridge bonds, the Company may issue bonds, debentures or other securities to the extent of twenty thousand dollars per mile of the railway and branches of the Company, 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: Provided that until the withdrawal or payment and cancellation of the bonds, debentures or other securities, if any, of the Company issued and outstanding at the time of the passing of this Act, the authority contained in this section to issue bonds, debentures or other securities shall be exercised only to the extent of the difference in amount between the said bonds, debentures or other securities so issued as aforesaid and outstanding and the said twenty thousand dollars per mile of the railway and branches of the Company constructed or under contract to be constructed.

Working arrangements with other companies.

11. The Company may enter into working arrangement[8] with, or may acquire running powers, over or the right to work the line of, any other company empowered to make or grant the same to the Company, upon such terms and conditions and for such period, as are from time to time agreed upon by the boards of directors of the respective companies.

Arrangements with companies outside of Canada.

12. The Company may make working arrangements with, or may lease or acquire running powers over, or the right to work the line of, any railway company outside of Canada, upon such terms and conditions as the Company's board of directors considers advantageous.

Approval of shareholders required for such purchase or arrangement.

13. Every such agreement authorized by any one of the next two preceding sections shall be subject to the approval of two-thirds of the votes at a special general meeting of the shareholders duly called for the purpose of considering the same, at which meeting shareholders representing at least two-thirds in value of the stock are present in person or represented by proxy; and after any such agreement has been made the Company may acquire and hold bonds, shares and other securities of such other company.

Agreement with other companies.

14. The Company may enter into an agreement with the Canadian Pacific Railway Company, the Ottawa and Gatineau Railway Company, the Canada Atlantic Railway Company, the Ottawa, Arnprior and Parry Sound Railway Company,

the Kingston, Smith's Falls and Ottawa Railway Company, or the Montreal and Ottawa Railway Company for conveying or leasing to such company the railway of the Pontiac Pacific Junction Railway Company, in whole or in part, or any of its rights and powers, as also the franchises, surveys, plans, work, plant, material, machinery, bridges and other property belonging to it, 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:

Proviso: approval of shareholders.

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

And of Governor in Council.

Notice of application for approval.

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

Issue of bonds on completion of agreement.

15. In the event of the purchase by the Company of the railway, of the Ottawa and Gatineau Railway Company or of the sale of the railway of the Company to the Ottawa and Gatineau Railway Company, or of an amalgamation of the said two companies, the Company, or the Ottawa and Gatineau Railway Company, or such amalgamated company, as the case may be, may, after such purchase, sale, or amalgamation, as the case may be, in lieu of the provisions relating to the issue of bonds, excepting the bridge bonds, contained in any of the Acts respecting the said two companies, issue bonds, debentures or other securities to the extent of twenty thousand dollars per mile of the said railways and their branches constructed or under contract to be constructed: Provided that, until the withdrawal or payment and cancellation of the bonds, debentures or other securities of the Company issued and outstanding at the time of such sale, purchase, or amalgamation, as the case may be, the authority contained in this section to issue bonds, debentures or other securities shall be exercised only to the extent of the difference in amount between the said bonds, debentures or other securities so issued as aforesaid and outstanding and the said twenty thousand dollars per mile of the said railways and their branches, constructed or under contract to be constructed.

No. 53.

6th Session, 7th Parliament, 59 Victoria

BILL.

An Act respecting the Pontiac Junction Railway Company.

(Reprinted as amended and reported Sub-committee of the Railway Committee

(PRIVATE BILL.)

SIR JAMES GRANT

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1896

No. 54.] **BILL.** [1896.

An Act to incorporate the Edmonton District Railway and Improvement Company.

WHEREAS a petition has been presented praying for the incorporation of a company to construct and operate a railway as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. Herbert Charles Wilson, William Summerville Edmiston, John Edmund Kelly, Colin Ferrie Strang, John Cameron, Thomas Bellamy, Joseph Henry Picard, all of Edmonton, and William Tyndale Jennings, of Toronto, together with such persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of "The Edmonton District Railway and Improvement Company", hereinafter called "the Company." Incorporation. Corporate name.

2. The head office of the Company shall be in the town of Edmonton, in the district of Alberta. Head office.

3. The Company may lay out, construct and operate a railway of the gauge of four feet eight and a half inches from some point within the town of Edmonton, in the district of Alberta, North West Territories of Canada; thence in a southerly direction to a point in South Edmonton on the Calgary and Edmonton Railway and to connect therewith; also from some point within the said town of Edmonton, thence in a north-westerly direction via the village of St. Albert to a point on the Athabasca River, at or near Fort Assiniboine,, with a branch to Stony Plains; also from some point within the said town of Edmonton, thence in a north-easterly direction to a point at or near Fort Saskatchewan, together with a branch to a point on Sturgeon River. Line of railway described.

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

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

6. The annual general meeting of the shareholders shall be held on the first Monday in October. Annual general meeting.

Election of directors.

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

Amount of bonds, etc., limited.

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

Agreement with another company.

9. The Company may enter into an agreement with the Calgary and Edmonton Railway Company, the Canadian Pacific Railway Company, the Trans-Canadian Railway Company, or any other railway company, for conveying or leasing to such company the railways of the Company hereby incorporated, in whole or in part, or any rights or powers acqnired 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 may 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 the same, at which meeting shareholders representing at least two-thirds in value of the stock are present in person or represented by proxy, and that such agreement has also received the sanction of the Governor in Council.

Approval of shareholders and sanction of 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 two hundred and thirty-nine of *The Railway Act*, and also for a like period in one newspaper in the district through which the railways of the Company hereby incorporated run.

General powers.

10. The Company may,—

(*a*) For the purposes of its business and in connection with its railways construct, purchase or otherwise acquire, charter, obtain, control, equip, navigate and keep in repair and sell, passenger, freight and ferry steamers and other vessels, upon or across the Saskatchewan, Pembina and Athabasca rivers and upon the lakes and streams forming part thereof or tributary thereto and may construct, purchase, own, lease or otherwise acquire, hold and sell, wharves, docks, elevators, warehouses and other works for facilitating transportation for passengers and freight upon or across the said rivers, lakes and streams ;

Power to build steamers, etc.

Wharves.

Electricity and water power.

(*b.*) 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 its railways or any branch or part thereof, and may operate the said railways or any branch or part thereof by steam, compressed air or electricity, and may also sell or otherwise dispose of surplus electricity or other power generated by the Company's works and not required for operating its railways or other works ;

Water works.

(*c.*) Construct, purchase, lease or otherwise acquire and hold lands, buildings and other erections for the purpose of sup-

plying water for the use of its railways and branches and sell or otherwise dispose of to municipalities and individuals the surplus water produced from any of the works of the Company and not required for use in running the railways and branches and other works of the Company ;

Mines.

(*d.*) Work mines and petroleum wells and search for, prospect, purchase and acquire mines and mining rights and explore and develop the same and smelt, dress and prepare the products of such mines and wells for market and maintain crushing, smelting or refining works, furnaces and other conveniences and constructions necessary for the working of the Company's business.

Company may enter upon public roads.

11. With the consent of the municipal council or other body having jurisdiction over the roads and streets of any city, district, town, village or municipality the Company may, by its servants, agents or workmen, enter upon any public road, highway, street, bridge, water-course, navigable or non-navigable water, or other such places in any city, district, town, village, municipality or other place for the purpose of constructing, erecting, equipping, working and maintaining its line or lines of telegraph and telephone, electric wires, poles, compressed air and water pipes, and where the railway is operated by electricity its line or lines of railway, and other works necessary for operating the same, upon, along, across, over and under the same, and may work, equip and maintain such and so many poles or other works and devices for making, completing and supporting, using, working and maintaining the system of communication by telegraph and telephone and for operating the railway, and may construct wires and other telegraphic and telephonic contrivances thereon and as often as the company, its agents, officers or workmen think proper may break up and open any part whatsoever of the said public roads, highways, streets, bridges, water-courses, navigable and non-navigable waters and other like places, subject, however, to the following provisions, that is to say :—

May erect poles.

Travel, etc., not to be obstructed.

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

Height of wires, etc.

(*b.*) The Company shall not affix any wire less than eighteen feet above the surface of the street or road, nor without the consent of the municipal council or other body having jurisdiction over the roads or streets of the municipality, erect more than one set of poles along any street or road.

Kind of poles.

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

Cutting poles or wires in case of fire.

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

Liability for damage.

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

Trees.

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

Approval of municipality.

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

Carrying wires under ground.

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

Workmen to wear badges.

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

Entering upon private property.

(*k.*) Nothing herein contained shall be deemed to authorize the Company, its servants, workmen or agents, to enter upon any private property for the purpose of erecting, maintaining or repairing any of its works, without the previous assent of the owner or occupant of the property for the time being.

Temporary removal of poles, etc.

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

Town of Edmonton may provide for payment of bonus.

12. In addition to the powers conferred by section thirty-eight of *The Railway Act*, the municipal corporation of the Town of Edmonton having passed a by-law or by-laws for subscribing for shares in the capital stock of the Company, or for granting a bonus or bonuses to the Company, in aid of its railway or railways, and for issuing debentures for payment of such stock or bonus, as the case may be, the said municipal corporation may, in the same by-law or by-laws, provide for

payment of such debentures and interest thereon, within thirty years from the date on which the said by-law or by-laws take effect; but in all other respects, except as to the said period, such by-law or by-laws shall be subject to the limitations and restrictions imposed by the ordinances of the North-West Territories.

No. 54.

6th Session, 7th Parliament, 59 Victoria, 1896

BILL

An Act to incorporate the Edmonton District Railway and Improvement Company.

Received and read a first time, Wednesday, 5th February, 1896.
Second reading, Thursday, 6th February, 1896.

(PRIVATE BILL.)

Mr. DAVIS.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1896

No. 55.] **BILL.** [1896.

An Act further to amend the Dominion Elections Act.

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

Certain false statements concerning a candidate to be a corrupt practice.

1. Every person who, or the directors of any body corporate which before or during any election of a member to serve in the House of Commons, for the purpose of affecting the return of any candidate at such election, makes or publishes any false statement of fact in relation to the personal character or conduct of such candidate, is guilty of a corrupt practice within the meaning of *The Dominion Elections Act:* provided, that no person shall be deemed to be guilty of such corrupt practice if he can show that he had reasonable grounds for believing, and did believe, the statement made by him to be true.

Injunction against person making false statement.

2. Any person who makes or publishes a false statement of fact as aforesaid may be restrained by interm or perpetual injunction by any judge of a superior court from a repetition of such false statement or making or publishing a false statement of a similar character in relation to such candidate.

2. For the purpose of granting an interm injunction *primâ facie* proof of the falsity of the statement shall be sufficient.

No. 55.

6th Session, 7th Parliament, 59 Victoria, 1896

BILL.

An Act further to amend the Dominion Elections Act.

Received and read a first time, Thursday, 6th February, 1896.
Second reading, Friday, 7th February, 1896.

Sir CHARLES HIBBERT TUPPER.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1896

No. 56.] **BILL.** [1896.

An Act respecting the Montreal Island Belt Line Railway Company.

WHEREAS the Montreal Island Belt Line Railway Company, has by its petition prayed for the passing of an Act for the purposes hereinafter mentioned, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. The head office of the Montreal Island Belt Line Railway Company, hereinafter called the Company, shall continue to be at the city of Montreal. Head office.

2. The election of the board of directors at the meeting of shareholders held on the eighteenth day of September, one thousand eight hundred and ninety-five, is hereby confirmed and declared to be valid. Election of directors confirmed.

3. The number of directors may be increased to twelve or reduced to seven, by by-law passed or approved by the shareholders. Number of directors.

4. Subsection two of section nine of chapter eighty-three of the Statutes of 1894, is hereby repealed. 1894, c. 83, s. 9 amended.

5. Section twenty-six of the said Act is hereby amended by inserting after the word "Company" in the eighth line thereof the words "the Chateauguay and Northern Railway Company, the Jacques Cartier Union Railway Company." Section 26 amended.

6. Section twenty-seven of the said Act is hereby repealed and the following substituted therefor:— Section 27 repealed.

"**27.** If the construction of the main line of the Company's railway is not commenced within two years from the passing of this Act, or if the whole of the undertaking is not finished and in operation within seven years from the passing of this Act, then the powers granted for the construction thereof shall cease and be null and void, as respects so much of the undertaking as then remains uncompleted." New section. Time for construction.

7. The notarial agreement made and entered into between the city of Montreal and the Company, bearing date the thirteenth day of March, one thousand eight hundred and ninety-five, respecting the location and construction of the Company's railway in the city of Montreal, and set out in Agreement with city of Montreal confirmed.

schedule A hereto, is hereby ratified and confirmed ; and the Company may, subject to such modifications and amendments of the said agrement as are hereafter agreed upon between the council of the city of Montreal and the Company, lay out, construct and operate its railway within the city of Montreal in accordance with the provisions of the said agreement.

Copy to be filed with Secretary of State.

2. [A notarial copy of the agreement referred to in this section and of the plan attached thereto shall be filed in the office of the Secretary of State at Ottawa, immediately after the passing of this Act, and shall be deemed to form part of this Act as if inserted herein.]

Agreement in schedule B confirmed.

3. The agreement made and entered into by the Company for the purchase of a part of the Chateauguay and Northern Railway, and set out in schedule B hereto, is also hereby ratified and confirmed and made valid, and shall in all courts and places be taken and held to be legal, valid and binding, as fully and completely as if it and each and every clause thereof were set out at length and enacted in this Act ; and the Chateauguay and Northern Railway Company is hereby empowered to enter into such agreement, and its action in becoming a party to and executing the said agreement is hereby sanctioned, authorized, ratified and confirmed.

SCHEDULE A.

In the year one thousand eight hundred and ninety-five, this thirteenth day of the month of March, before the undersigned Onésime Marin, notary public for the province of Quebec, Canada, residing and practising in the city and district of Montreal, in the said province, appeared "The city of Montreal", a body politic and corporate, having its principal place of business in the City Hall, in the East ward of the City, represented and acting for these presents by His Worship the Mayor of the said city, Mr. Joseph Octave Villeneuve, merchant, residing in the said city, party of the first part ; and "The Montreal Island Belt Line Railway Company", a body politic and corporate, having its principal place of business in the said city of Montreal, here represented by Olivier M. Augé, Esqr., advocate, its president, and by Arthur Prieur, the secretary *pro tempore* of the said Company, both duly authorized for the purposes of these presents by a resolution passed at a meeting of the directors of the said Company, held the eleventh day of March instant, of which a copy is to remain with these presents annexed, after being signed by the undersigned notary *ne varietur*, party of the second part : The said parties to these presents of the first part and the second part, have made declaration to the undersigned notary as follows, to wit :

Whereas the Montreal Island Belt Line Railway Company aforesaid, incorporated by Act of the legislature of the province of Quebec, 57 Victoria, chapter 70, subsequently incorporated by the Parliament of Canada, 57-58 Victoria, chapter 83 ;

Whereas by section 3 of the Act of incorporation last mentioned, the said Company has the right to lay out, construct and operate a railway having a gauge four feet eight and one half inches wide, commencing at any point in or near the city of Montreal, and running through the municipalities of Maisonneuve, Long Point, Pointe aux Trembles and other municipalities therein mentioned, returning to any point in or near the said city of Montreal, with the branches necessary to connect both shores of the Island of Montreal, as mentioned in said Act;

Whereas by said section The city of Montreal is authorized select one of two routes, namely, the route that traverses the City from East to West, by means of an elevated railway; or by a route along the river front;

Whereas on request of the said Company served on the city of Montreal, the City Council of the latter, passing on the merits of said request, as by law said Council was authorized to do, made a report ordering that the Company should construct its railway along the river front, which report reads as follows:—

To the city of Montreal,

The Special Committee on Railways beg leave to report:—

That they have held several meetings when they have taken into consideration the petition of the Montreal Island Belt Line Railway Company, asking the city of Montreal to determine the route to be followed by the railway line of the said Company through the said city;

That after due consideration and several meetings with the Company's representatives, they have come to the conclusion that a route should be determined, but not through and along Craig Street as originally asked for, and that such route should be on the river front, as being a less objectionable route;—that they have then required the Company to furnish plans according to that conclusion, which plans accompany this report, with also a statement regarding the financial position of the Company and the motive power intended to be used by the said Company;

Consequently, your Committee beg leave to report that the said Company shall have the right to pass, and shall pass, construct and operate its railway as follows:

Commencing at the point at or near the western end of St. Gabriel Levee; thence easterly on and along said levee, and along the river front to and across the Lachine Canal; thence, following the river front on Commissioners Street to the Canadian Pacific Railway eastern station, or a point opposite the same; thence, continuing along the river front to a point on the eastern boundary of the City of Montreal.

The whole according to the plans filed by the Company and drawn at the date marked on said plans, as approved by the City Surveyor.

Your Committee further recommend that the City Clerk be instructed to prepare a by-law concerning the mode of operation of the railway in the city.

The whole etc.

(Signed) R. PRÉFONTAINE,
" J. RENEAULT,
" J. C. ROBERT,
" R. COSTIGAN,
" JOS. BRUNET,
" R. TURNER,
" C. BEAUSOLEIL,
" N. F. NOLAN,
" M. T. LEFEBVRE,

as the whole appears by an authentic copy of the report and its mendments annexed to the present act.

Committee Room, City Hall,
Montreal, 21st November, 1894.

Whereas at a subsequent meeting of the City Council of the City of Montreal held on the sixth day of December one thousand eight hundred and ninety-four (1894) the report herein above mentioned, was taken into consideration by the said council and adopted with the following amendments and resolutions, proposed and adopted, and which reads as follows:

Alderman Préfontaine moved, seconded by Alderman Brunet, that said report be adopted.

Alderman Leclerc moved in amendment, seconded by Alderman Robert, that the following words be added to the report after the designation of the "tracé" "but the right of the Company to use Common and Commissioners streets is granted to the said Company for the purposes of an elevated railway only, in virtue of the powers granted to the said Company by subsections 2 and others of section 3 of the Act 57-58 Victoria, chap. 83, Canada, the said Company holding themselves responsible for all damages".

Alderman Beausoleil further moved in amendment, seconded by Alderman Marsolais, that report be amended by inserting the following provisions: "The said Company shall be bound to pay to the City of Montreal an annual tax of two thousand dollars per mile of elevated railway built and operated within the city limits" as the whole appears by a certified copy of said report and amendments hereunto annexed;

Consequently it is agreed by the parties hereunto as follows, to wit:

THE RIGHT TO CONSTRUCT.

The Montreal Island Belt Line Railway Company shall build and operate its railway along the river front, within the limits of the city and upon all the other possessions of the city, along the line of said railway according to the terms and conditions hereinafter specified, and the Corporation of Montreal in so far as it is concerned, grants to the said Company all rights and privileges necessary for the construction, right of way and operation of said railway within said limits.

PLANS AND SPECIFICATIONS.

The general route of the railway shall be in accordance with the line shown on the plan hereunto annexed, approved by the City Surveyor and duly signed by the parties and the undersigned notary, *ne varietur*, and described as follows :—

Commencing at the westerly limits of the city, the railway will be constructed on and along the present St. Gabriel and City levees—all the right of way across the levee in favour of the Nuns and any other parties to be respected—to a point at or near Britannia street. The tracks from this point to a point a short distance east of Mill street warehouse will be partly carried upon an earth embankment and partly upon a timber cribwork the railway from the end of said cribwork to the Lachine Canal will be carried upon steel trestle work, with spans of not less than thirty feet. The column of the steel bents will be bolted substantially to the masonry piers built to an elevation of twenty-seven feet. These bents will be thoroughly braced, both traversely and longitudinally.

A swing bridge will be constructed across the Lachine Canal works, swinging clear of both the old and new locks No. 1, the span between the two pier abutments being about three hundred and forty feet, with a central pivot pier, and two rest piers placed between the two locks. The clear headway above ordinary summer level of the water will be about twenty feet.

From the east side of the Canal to the projected parapet wall along Common and Commissioners streets, the construction of the railway shall consist of steel trestle work with stone piers, as above described.

The railway shall be an elevated railway of steel trestle work on Common and Commissioners streets and will be constructed partly on the aforesaid parapet wall, the inside steel column being placed at the inside wall curb The spans will not be less than twenty feet, except where the railway crosses the street opening to the wharf, the spans being then about fifty feet. The said level to be twenty feet above the surface of said streets.

This elevated portion of the railway will be continued to a point about opposite the westerly end of Bonsecours Market, when the railway may descend upon an easy grade to the same level as the Canadian Pacific Railway tracks, and from this point to the eastern limits of the City, the construction of the railway shall consist of cribwork built to the same level as the main line of the Canadian Pacific Railway.

But it is well understood that the Company shall have the use of Common and Commissioners streets for the purposes of an elevated railway only, in accordance with the power conferred on it by subsections 2 and others of section 3 of its charter of incorporation, 57 and 58 Victoria, chapter 83, Canada, the said Company to be held responsible for all damages.

HOW SUCH WORKS SHALL BE CONSTRUCTED.

All the works necessary for the construction of the railway and accessories shall be executed with care, and in a workmanlike manner, under the supervision of the City Surveyor or his

representatives, as above stated, and in accordance with the city specifications for ironwork, masonry and excavation, except in so far as said specifications are in contradiction to or inconsistent with the specifications hereunto annexed.

REMOVAL OF SURPLUS MATERIAL.

When the masonry foundations for the elevated portion of the Railway on Common and Commissioners streets shall have been completed, the Company will remove all surplus material from the excavations, and restore said streets to their former conditions.

WHEN THE WORKS SHALL BEGIN.

The Company shall begin the works hereinbefore mentioned before the first day of July one thousand eight hundred and ninety-six, and continue the same with due diligence to the satisfaction of the City Surveyor in such manner as to complete the same before the first day of July one thousand nine hundred and one, and if the works of construction of the said railway within the limits of the city have not been commenced on the first day of July one thousand eight hundred and ninety-six, and completed on the first day of July one thousand nine hundred and one, conformably with the conditions stipulated in these presents, the present contract shall become null and void according to the provisions of the afore mentioned Act of incorporation.

THE COMPANY'S RESPONSIBILITY.

The Company shall be responsible for all damages caused either to persons or properties by the construction, maintenance, repairs or operation of the said railway within the limits of the ctiy.

MOTIVE POWER.

The Company shall have the right to use steam or electricity or any other motive power approved by the Council of the City of Montreal.

THE SPEED AND STOPPAGES OF TRAINS.

The speed of trains and locomotives within the city limits shall not exceed ten miles an hour, unless the line be safeguarded to the satisfaction of the City Surveyor; the trains must only stop at the station and remain there the time necessary for the embarkation and disembarkation of passengers. The Company must not allow the latter to get in or out of the cars before they have been brought to a standstill.

TAXES.

The Company shall be held to pay to the said city by reason of its railway the annual tax of two thousand dollars per mile of elevated railway constructed and operated within the limits of the said city. This tax shall be payable semi-annually

in advance at the office of the City Treasurer the first payment to become due and payable as soon as the said railway is under operation, and the other payments every following six months, each fraction of mile to be computed and paid for *pro rata* with total sum per mile.

FINES.

Should the Company fail to observe or be found to violate any of the conditions or obligations imposed upon them by the present contract, they shall be liable to a fine not exceeding a sum of two hundred dollars for each offence or for each and every day that they fail to observe or are found to violate any of the aforesaid obligations, as the case may be; and the penalty imposed by the present clause may be sued for before any court of justice by means of a direct action in the manner and according to the ordinary course of law. And should the Company neglect or refuse to comply with the condemning judgments, then and in that case the present contract shall become null and void. It shall be the duty of the City Surveyor or his representatives as hereinbefore mentioned to enforce this clause and have it respected.

COST OF THE DEED OF CONTRACT.

The said Company is obliged to defray the expenses incurred by these presents, and to furnish the said city with a copy of the same free of charge and to pay all other costs attendant upon the present deed of contract.

RATIFICATION.

The present contract having been drawn up conformably to a resolution of the council mentioned above in the preamble to this Act was ratified on behalf of the said city by a resolu- adopted at a meeting of the said council held on the eighth day of March instant authorizing the mayor to sign for the said city; of which resolution a copy will also be hereunto annexed after having been duly signed by the undersigned notary *ne varietur*.

Done and passed at the City of Montreal aforesaid, at the date first above written, under number eighteen thousand six hundred and fifty-four of the record of Me. O. Marin, the undersigned notary. And having been duly read the parties represented and acting as aforesaid have signed these presents which were countersigned by Laurent Olivier David, Esquire, City Clerk, who affixed thereunto the seal of the corporation of the said city. The whole in presence of the said notary who also signed.

(Signed) O. M. AUGÉ, *president*.
J. O. VILLENEUVE, *mayor*.
ARTHUR PRIEUR, *secrétaire*.
L. O. DAVID, *greffier de la cité*.
O. MARTIN, N.P.

True copy of the original hereof remaining of record in the office of the undersigned notary.

SCHEDULE B.

This agreement and deed of sale made and entered into at the City of Montreal this thirty-first day of October in the year one thousand eight hundred and ninety-five, by and between the Montreal Island Belt Line Railway Company, a body corporate and politic incorporated by an Act of the Parliament of Canada having its head office and chief place of business in the City of Montreal hereto represented and acting by its president Olivier M. Augé and its acting secretary John P. Mullarkey duly authorized by resolution, and hereinafter called the Belt Line Company, and the Chateauguay and Northern Railway Company a body corporate and politic incorporated by an Act of the legislature of the province of Quebec and having its head office and chief place of business in said City of Montreal, hereto represented and acting by its president Arthur Caron and its secretary John P. Mullarkey both duly authorized by resolution, and hereinafter called the "Chateauguay Company".

Whereas the directors of the Chateauguay Company at a meeting duly called and held on the twenty-eighth day of October last (1895) did authorize and empower the President and Secretary to sign and execute the deed of sale and transfer of that part of the company's railway constructed and to be constructed from a point in Hochelaga Ward in the City of Montreal to lot No. 235 of the parish of Pointe aux Trembles in the county of Hochelaga, a distance of about thirteen miles, upon the terms and conditions hereinafter recited.

And whereas the Directors of the Belt Line Company at a meeting duly called and held on the twenty-eighth day of October last (1895) did authorize the president and acting secretary of said Company to sign and execute said deed of sale and transfer on behalf of said Belt Line Company upon the terms, conditions and provisions hereinafter recited.

Now these presents witness:

The said Chateauguay Company does hereby sell and transfer, make over and convey to the Belt Line Company hereto present and accepting that particular part of its railway constructed and to be constructed between a point in Hochelaga Ward in Montreal and lot No. 235 in the Parish of Pointe aux Trembles county of Hochelaga province of Quebec, a distance of about thirteen miles, together with all and every its appurtenances, attachments and other property in connection therewith.

The Chateauguay Company hereby binds and obliges itself to have the said section of about thirteen miles fully completed to the satisfaction of the General Manager of said Belt Line Company on or before the fifteenth day of August next (1896).

And in consideration of said sale, transfer, conveyance and obligations the said Belt Line Company hereby binds and obliges itself to deliver to the said Chateauguay Company first mortgage bonds of said Belt Line Company to the amount of three hundred thousand dollars and also paid up shares in the capital stock of said Belt Line Company to the amount of two hundred and fifty thousand dollars. And also the sum of twenty-five thousand dollars in cash.

In part payment of which the Chateauguay Company hereby acknowledges to have received said sum of twenty-five thousand dollars from the said Belt Line Company before the execution of these presents.

The said Belt Line Company hereby binds and obliges itself to deliver said bonds and shares on or before the said fifteenth day of August next (1896).

In default of this agreement being ratified by the Governor General in Council or by an Act of the Parliament of Canada within six months from the date hereof, or should the said Chateauguay Company fail in completing the work to the satisfaction of the General Manager of the Belt Line Company, or should the said delivery of bonds and shares not be made as above provided, this agreement shall be null and void and of no effect. It is expressely agreed, however, between said Companies that this agreement shall not vest any ownership or convey any transfer of property whatever in advance of the total payment and acquittance of said consideration price.

It is further expressely agreed that if the Belt Line Company fails or neglects to deliver said bonds and shares as above specified not later than the fifteenth day of August next (1896) then and in that case the Chateauguay Company shall not be bound to refund said sum of twenty-five thousand dollars received on account of consideration price nor shall it be liable in any way to the Belt Line Company therefor even this agreement be ratified by the Governor General in Council or by an Act of Parliament, provided however said Chateauguay Company fulfils the obligations assumed by it in virtue of this agreement.

The parties hereto bind and oblige themselves to sign and execute any further documents that may be necessary to give full force and effect to this agreement.

THE MONTREAL ISLAND BELT LINE RAILWAY COMPANY.
O. M. AUGÉ, *president.*
J. P. MULLARKEY, *acting secretary.*

THE CHATEAUGUAY AND NORTHERN RAILWAY COMPANY.
ARTHUR CARON, *president.*
J. P. MULLARKEY, *secretary.*

Signed in presence of
E. J. CHAPLEAU.

No. 56.

6th Session, 7th Parliament, 59 Victoria, 1896

BILL.

An Act respecting the Montreal Island Belt Line Railway Company.

Received and read a first time Tuesday, 11th February, 1896.
Second reading, Wednesday, 12th February, 1896.

(PRIVATE BILL.)

Mr. LACHAPELLE

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1896

No. 57.] **BILL.** [1896.

An Act respecting the assignment and attachment of the salaries of public employees.

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

Public employee may assign part of his salary.

1. Any person employed in any branch of the public service of Canada may make a written assignment to any other person of part of his future salary, in the proportion hereinafter prescribed; and the deputy-head or chief officer under whom such person is employed shall, upon being notified by him in writing of such assignment, direct the accountant by whom such public employee's salary is paid to pay it in accordance with such assignment.

Judgment creditor may attach part of employee's salary.

2. Any judgment creditor of any such public employee may attach part of his future salary, in the proportion hereinafter prescribed, by serving on the accountant by whom such public employee's salary is paid an order to that effect made by a judge of the court in which judgment was recovered; and the accountant shall pay such employee's salary in accordance with such order.

Proportion in which salary may be assigned or attached.

3. The proportion in which a public employee's salary may be assigned or attached, as hereinbefore provided, shall be as follows :—

(*a.*) Not more than one-fifth of each month's pay, if his salary is six hundred dollars a year or less ;

(*b.*) Not more than one-fourth of each month's pay, if his salary exceeds six hundred dollars but does not exceed one thousand four hundred dollars ;

(*c.*) Not more than one-third of each month's pay, if his salary exceeds one thousand four hundred dollars.

If salary is insufficient to satisfy all claims.

4. If such part of a public employee's salary is insufficient to satisfy all the claims made upon it under this Act, the attachments under section two shall rank first.

No. 57.

6th Session, 7th Parliament, 59 Victoria, 1896

BILL.

An Act respecting the assignment and attachment of the salaries of public employees.

Received and read a first time, Tuesday, 11th February, 1896.
Second reading, Wednesday, 12th Feb., 1896.

Mr. BÉCHARD.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1896

No. 58.] **BILL.** [1896.

The Remedial Act (Manitoba).

WHEREAS the Roman Catholic minority of Her Majesty's subjects in the province of Manitoba, appealed to His Excellency the Governor General in Council under the provisions of section twenty-two of chapter three of the Statutes of 1870, intituled: "An Act to amend and continue the Act thirty-two and thirty-three Victoria, chapter three, and to establish and provide for the government of the province of Manitoba," from certain Acts of the legislature of the province of Manitoba, passed in the fifty-third year of Her Majesty's reign, chaptered thirty-seven and thirty-eight, affecting the rights or privileges of the said Roman Catholic minority in relation to education namely: "An Act respecting the Department of Education" and "An Act respecting Public Schools," and whereas such appeal having been duly heard and decided by His Excellency the Governor General in Council, such provincial law as seems to the Governor General in Council requisite for the due execution of the provisions of the said section twenty-two of the said first mentioned Act has not been made and the circumstances of the case require that the Parliament of Canada should make a remedial law as hereinafter enacted for the due execution of the provisions of the aforesaid section twenty-two: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. 1870, c. 3. Manitoba 1890, cc. 37 and 38.

1. The Lieutenant-Governor in Council of the province of Manitoba shall appoint, to form and constitute the Separate School Board of Education for the province of Manitoba, a certain number of persons not exceeding nine, all of whom shall be Roman Catholics. Lieut. Governor to appoint Separate School Board of Education.

2. Three of such members, recorded at the foot of the list of the members of the board as entered in the minute book of the Executive Council of the province of Manitoba, shall retire and cease to hold office at the end of each year, which for the purposes of this Act shall be held and taken to be the second day of October annually, and the names of the members appointed in their stead shall be placed at the head of the list, and the three members so retiring in rotation and annually may be eligible for reappointment. Tenure of office.

If Lieut. Governor fails to act, Governor General may make appointments.

2. If the Lieutenant-Governor in Council does not within three months after the coming into force of this Act make appointments to the Separate School Board, or if the Lieutenant-Governor in Council does not fill any vacancy that may from any cause occur in the Separate School Board within three months after the occurrence of such vacancy, then in either such case His Excellency the Governor General shall make any appointment not made by the Lieutenant-Governor in Council.

Department of Education may make certain regulations.

3. The Department of Education may, for the observance of the separate schools, make regulations for the registering and reporting of daily attendance at all the separate schools in the province, subject to the approval of the Lieutenant-Governor in Council.

2. The Department of Education may also make from time to time such regulations as they may think fit for the general organization of the separate schools.

Duties of boards.

4. It shall be the duty of the Board of Education,—

Control of separate-schools.

(*a.*) To have under its control and management the separate schools and to make from time to time such regulations as may be deemed fit for their general government and discipline and the carrying out of the provisions of this Act;

As to teachers

(*b.*) To arrange for the proper examination, grading and licensing of its teachers, and for the withdrawing of licenses upon sufficient cause; provided that the standard of qualification for teachers shall be in secular matters the same as that at any time prescribed for teachers of other schools of a public character established under the statutes of the province of Manitoba. Provided, further, that all teachers' certificates issued by or under the authority of the Department of Education shall be recognized by the Board of Education;

School books, &c.

(*c.*) To select all the books, maps and globes to be used in the schools under its control; provided however that no book, map or globe shall be selected unless such book, map or globe has been authorized for use either in the high or public schools of the province of Manitoba or in the separate schools of the province of Ontario;

Plans of school houses,

(*d.*) To approve of the plans for the construction of school houses;

School sites, &c.

(*e.*) To make regulations regarding the selection of school sites, the size of school grounds, and the formation and alteration of all school districts under its care;

Special departements.

(*f.*) To make and enforce regulations for the establishment and operation of departments in such of its schools as it may deem suitable for the preparation of candidates for the annual examination of teachers and for matriculating at the University of Manitoba, and for the doing of general literary work corresponding to the standard required for these examinations, and to give special aid to such schools from the funds at its disposal, not exceeding in the aggregate one-twentieth of its appropriation; provided that no school shall be entitled to receive such special aid that does not comply fully with the regulations made by the board for its operation; provided further that each such department shall be established only with the consent of the local board of school trustees;

Grants to schools.

5. The Board may, whenever they shall see fit, appoint and hold a meeting of such Board, in any part of the province, and such meeting shall be as valid as if held in the city of Winnipeg, which shall be the usual place of meeting of such Board or section. Meetings of board.

6. Any member of the Board absenting himself from the meetings of the Board for six months, unless from sickness or absence from the province, shall be considered to have *ipso facto* resigned his position, and the superintendent of the Board shall notify the Provincial Secretary of the vacancy so caused, and the member appointed to replace him shall hold office only for the unexpired term of the member whom he replaces. Vacancies.

SUPERINTENDENTS.

7. The Lieutenant-Governor in Council shall appoint one of the members of the Board to be the superintendent of the separate schools, and the superintendent shall be the secretary of the Board. If no appointment shall be so made the Board shall appoint one of its members to be the superintendent. Appointment of superintendent.

8. In addition to the duties specified in other clauses of this Act, it shall be the duty of the superintendent, and he is hereby empowered,— His duties.

(*a.*) To call all meetings of the Board, and also to call any school meeting required to be held under this Act when the parties who are otherwise invested with the power to do so, either neglect or refuse to exercise it; To call meetings.

(*b.*) To have, as the executive officer of the Board, the general supervision and direction of the schools, and of the inspectors that may from time to time be appointed; and to have authority to take measures to enforce and carry into effect all the provisions of this Act and the regulations issued under its authority that relate to the schools within their respective jurisdictions; As executive officer.

(*c.*) To give such explanations of the provisions of this or any other School Act, and of the regulations and decisions of the Board, as may be required and to enforce the same; and To explain and enforce law and regulations.

(*d.*) To prepare during the first term of the school year a report to the Lieutenant-Governor in Council upon all the schools under his supervision for the previous school year, accompanied with full statistical tables, showing among other things, the number of children of school age in each district, as shown by the census returns for that year, the number who have attended school and the average attendance as shown by the semi-annual returns of the different teachers, and such report shall also contain a statement of the receipts and expenditure of all government money furnished to the Board for school purposes, a copy of such tables, statements and returns to be presented to the Board and to be retained of record by the Board. Annual report

9. In case of the temporary absence of the superintendent, he may, with the sanction of the Lieutenant-Governor in Council, or of the Board, appoint a member of the Board to act for him. Superintendent *pro tem.*

FORMATION, &C., OF SCHOOL DISTRICTS.

School districts to be formed by municipalities

10. For the purposes of this Act the council of each municipality may establish, and alter when necessary, the school districts within its own bounds, and in case any school district or proposed district should be included in more than one municipality, its formation or alteration may be made by the reeves or mayors of such municipalities, and the local inspector or inspectors of schools; provided that the formation or alteration of school districts by municipal councils or by the reeves and mayors of municipalities, and the local inspector or inspectors shall be made under the regulations that may from time to time be issued for that purpose by the Board of Education, and all by-laws and resolutions for forming or altering school districts, shall be submitted to the board and receive its sanction before they can be carried into effect; provided also that upon the refusal or neglect of any council, or of the reeves and mayors and local inspectors of the municipalities concerned to establish or alter any school district, when petitioned to do so by at least five heads of families resident therein, or upon an appeal against the action of such body forming or altering any school district, the Board shall be empowered to confirm or annul the action appealed against, or to form or alter such school district as they may think fit, within three months after their receipt of such appeal or petition; provided further that no school district shall be organized under this Act unless there shall be at least ten Roman Catholic children of school age living within the same, and situated not over three miles from a point that may in anywise be fixed as the first school site.

Action of board.

Number of Roman Catholic children required.

Readjustment of school district after issue of debentures.

11. In case of the readjustment of any school district subsequently to an issue of debentures by such district, and before the said debentures have been fully paid, all lands added to the school district by such readjustment shall thereafter be liable to taxation in common with the remaining portion of the school district for the purpose of meeting payments on such debentures as they become due; and all persons assessed for lands detached from any school district after an issue of debentures in such district and before the said debentures have been fully paid, shall in case of their assessment for the payment of debentures in any other school district, be entitled to receive back all sums for which they may hereafter be assessed for payments on debentures in any school district except that in which they then reside.

Arbitrators in case of readjustment.

12. In all cases of readjustment, the inspector of schools for the district, jointly with one competent person to be appointed by each board of trustees, whose district the readjustment may affect, who shall be non-residents of the said district, shall form a board of arbitration, whose duty it shall be to value the existing school-houses, school sites and other school property or assets within the territories readjusted, and ascertain the respective debts and liabilities thereof; and the said Board or a majority of its members shall thereupon adjust and settle in such a manner as they may deem just and equitable, the respective rights, claims and demands of the parties inter-

ested ; and their award in writing, including their own reasonable costs and charges, may be enforced in the county courts of the province, and which said award shall in all respects be subject to appeal to the Court of Queen's Bench, the same as awards in civil matters.

Their pay.

2. The said arbitrators shall be entitled to receive for their attendance at the said arbitration the same remuneration with travelling expenses as paid to municipal councillors for their attendance at meetings of their respective councils, and such payments shall be paid equally by the school districts represented in the arbitration.

School districtes in cities and towns.

13. The school district of any incorporate city or town shall be the same as the territorial limits of the said city or town, except as hereinafter provided, but nothing herein shall prevent the union of a portion of the adjoining municipality or municipalities to a city or town, or portion of a city or town for school purposes as provided in section ten of this Act ; and the first school meeting in any city or town or school district, including a city or town after its incorporation, shall be called by the city or town clerk within two weeks after the holding of municipal elections, or, in case of his failure to do so, by the superintendent as soon afterwards as convenient.

Calling of first school meeting.

School wards in cities and towns.

2. It shall be lawful for the Board to form or subdivide any city or town or any school district which includes or is included in a city or town, into wards for the election of school trustees, such number of wards not to exceed six in any one case, and to determine the number of trustees not exceeding two to represent each ward when the number of such wards is more than one, and to fix the date of the first election of trustees after such formation or subdivision ; which election shall take place in each ward at the call of the superintendent, and in such case the trustees that may then be in office will so remain in office only until such election takes place irrespective of the date of their appointment ; provided that the existing wards for municipal purposes shall be the wards for school purposes in any city or town until such formation or subdivision is effected by the Board ; provided further that the Board shall have power to maintain its district as it existed before the incorporation of said city or town, or so to extend its district as to include Roman Catholics residing in the vicinity where no separate school is in operation, but in such cases the children of the residents within the city or town limits only shall be computed in the division of school taxes levied on the incorporated bodies within the city or town ;

Proviso.

School district where there is no municipal organization.

3. In portions of the province not organized into municipalities the Board of Education shall have authority to form and alter school districts under its authority, and the trustees of such school districts are hereby empowered to assess the same and to levy and collect taxes therein for the support of their schools.

SCHOOL MEETINGS.

Calling of school meetings after the first.

14. All school meetings after the first shall be called by the respective boards of trustees, in accordance with the form of notice furnished by the Board of Education.

Proceedings at school meetings.

15. At every school meeting as authorized and required to be held under this present Act, the Roman Catholic ratepayers, who are supporters of the separate schools within the district, or if it is a first meeting in a new district, then the Roman Catholic freeholders and householders present at such meeting, or a majority of them—

Chairman.

(*a.*) Shall elect a chairman; and the chairman of the meeting shall decide all questions of order, subject to an appeal to the meeting, and in case of equality of votes, he shall give the casting vote, but he shall have no vote as chairman, and the chairman shall take the votes in the manner desired by a majority of the electors present, unless a poll be demanded by any electors present, when he shall be the returning officer;

Secretary.

(*b.*) Shall elect a secretary; and the secretary shall record the proceedings of the meeting in a book kept for that purpose, and if a poll be held he shall record the names of the voters, and the candidate or candidates for whom each elector votes; and such poll shall be held on the day of such meeting and shall be kept open until four o'clock in the afternoon, unless at any time one hour shall have elapsed without a vote being recorded;

Minutes.

(*c.*) A copy of the minutes of all school meetings shall be transmitted to the superintendent within ten days after the holding of such meeting.

FIRST ELECTION OF TRUSTEES.

First election of trustees.

16. At the first meeting in any new school district such meeting being duly organized by the election of a chairman and secretary, the majority of the Roman Catholic resident freeholders, and householders present, of the full age of twenty-one years, shall elect three persons to be school trustees for such district; and

Tenure of office.

(*a.*) The first person elected shall continue in office for two years, to be reckoned from the annual meeting next after his election, and until his successor has been appointed;

(*b.*) The second person elected shall continue in office for one year, to be reckoned from the annual meeting next after his election, and until his successor has been appointed; and

(*c.*) The third and last person elected shall continue in office until the next ensuing annual school meeting, and until his successor has been appointed;

Who may be elected.

2. Until a school tax has been imposed in any organized school district, every Roman Catholic resident freeholder, and householder, of the full age of twenty-one years, shall be eligible for the office of trustee, and may take part in any school meeting.

First election in cities and towns.

17. In all school districts which include or may hereafter include a city or town not divided into wards for school purposes, there shall be elected three trustees at the first school meeting therein, whose term of office shall be the same as that of trustees elected at the first meeting in rural school districts; and in all school districts divided or hereinafter to be divided into wards for school purposes, there shall be two trustees elected for each ward at the first meeting, one of whom shall hold

office one year from the next annual school meeting thereafter, and the other until the next annual school meeting, and in each case until a successor has been appointed; the trustee to hold office for the longer term shall be the first nominated if no poll be held; and in case a poll is held, the person obtaining the highest number of votes, and in case there be an equality of votes, the returning officer by his vote shall designate the person to serve the longer term, and afterwards there shall be elected at each annual meeting a number of trustees equal to the number of those whose term of office has expired, and these newly elected trustees shall remain in office three years in towns and cities not divided into wards for school purposes, and two years if such are so divided, and in each case until a successor has been appointed.

SCHOOL MEETINGS.

Annual meeting of Separate School supporters in rural districts.

18. On the first Monday in February in each year a meeting of the Roman Catholic ratepayers of each rural school district, of the age of twenty-one years and upwards, who are supporters of the separate schools within the district, shall be called by the board of trustees, by notice posted by them on the schoolhouse, if there be one, or in three public places in the district, at least two weeks in advance; and the majority of the electors present shall choose one or more persons (as the case may be) to be school trustees for the district, and two auditors, and shall receive and decide upon the annual report of the trustees and the report of the auditors, and transact such other business as may have been set forth in the notice calling the meeting.

Notice of meeting.

2. All special meetings of the ratepayers in a school district shall be called by the trustees or the superintendent by posting up notices in at least three public places within the school district at least two weeks previous to such meeting; the business to be considered at such meeting shall be plainly set forth in the notices calling the same, and no other business may be legally transacted at a special meeting but such as may be held in accordance with these provisions.

Action in case of failure to hold meeting.

19. When in a district from any cause the annual meeting has not been held on the first Monday in February, the trustees shall appoint another day for the holding of such meeting; provided that if the trustees fail to call such meeting the superintendent shall call it.

Investigations.

2. If within thirty days after the holding of a school meeting a complaint be made in writing to the superintendent regarding the legality or regularity of the proceedings at such meeting, he may cause an investigation to be held, and in his discretion declare the proceedings void, and cause another meeting for the same purpose to be called, or may ratify and confirm such proceedings, and any decision so rendered by such superintendent shall be final.

Annual meeting in cities and towns.

20. In incorporated cities and towns all annual meetings in each ward shall be held on the first Monday in February in every year, commencing at ten o'clock in the forenoon, and shall be called by the chairman of the board of school trustees.

It shall be the duty of the said board to furnish the chairman of every such meeting with a copy of the list of persons entitled to vote in such ward, and in all cases of cities and towns not divided into wards for school purposes, there shall be but one voting place in such city or town.

Election of chairman, secretary and trustees.

2. The ratepayers present at the said meeting shall elect a chairman and secretary and shall proceed to nominate a trustee or trustees, to take the place of those whose term of office has expired.

In case the number of nominations does not exceed the number of vacancies to be filled before the hour of eleven o'clock, the chairman shall declare the persons so nominated to be elected; but should the number of persons nominated exceed the number of vacancies to be filled, a show of hands shall be taken and the person or persons having the majority of votes shall be declared elected should no ratepayer present demand a poll.

If a poll be demanded the chairman shall be the returning officer and shall record the votes given, and at four o'clock the poll shall be closed, and the person or persons having the majority of votes shall be declared elected, provided that if one hour elapses during such poll without a vote having been recorded, the chairman shall then declare the poll closed.

Meeting of trustees.

3. The first meeting of the board of trustees in a city or town shall be held on the day following the annual meeting.

Who may vote at school meetings.

21. Except as provided for in the first election of trustees and in the case of any person or persons who have been included in a school district after the last preceding assessment and levy of taxes within the same, no person shall be entitled to vote at any school meeting whatever, unless he shall have been assessed in respect of property within the district and shall be a Roman Catholic and a supporter of separate schools within the district and in case an objection be made to the right of any person to vote in a district, the chairman shall, at the request of any elector present, require the person whose right of voting is objected to, to make the following declaration (*or* affirmation):—

Declaration to be made by person objected to.

"I, A.B., do declare (*or* affirm) that I am rated on the assessment roll of the municipality of in respect of property within the school district; that I am of the full age of twenty-one years, and that I am legally qualified to vote at this election."

Thereupon the person making such declaration shall be permitted to vote, and not otherwise.

Who may vote at school meetings in cities and towns.

22. In incorporated cities or towns no person shall be entitled to vote at any school meeting for the election of school trustees, on any school question whatsoever, except in the district to which he belongs, and unless his name be upon the list for the ward in which he offers to vote; and in case any objection be made to the right of any person to vote in a ward, the chairman or returning officer of the election shall, at the request of any elector present, require the person whose right of voting is objected to, to make the declaration set forth in section twenty-one of this Act.

Thereupon the person making such declaration shall be permitted to vote.

SCHOOL ASSESSMENT.

23. It shall be the duty of the council of each municipality to levy and collect each year by assessment upon the whole of the real and personal property of Roman Catholics other than that of those who have given the notice prior to assessment referred to in section twenty-eight of this Act within the municipality (as the case may be) that is liable to taxation under the Municipal Act, a sum equal to twenty dollars for each month that the trustees of each school district wholly included within the municipality, may declare as hereinafter provided that they have kept and will keep a teacher under engagement at a salary in each of their schools during the current school year; and for each school district partially included within the municipality, they shall levy and collect in like manner a proportionate part of twenty dollars per month, as fixed by the local inspector in the manner hereinafter provided for each of their schools, and the said council may in their discretion levy and collect in like manner an additional sum not exceeding twenty-five per cent of the amount hereinbefore required to be levied. The improper inclusion in any such levy of any person or property not liable thereto shall not vitiate the whole levy.

Annual school assessment tax.

Its amount.

2. From the moneys so levied and collected the council shall, upon the first day of December following, pay over to the trustees of each school district wholly or partially included in the municipality one-half the sum of twenty dollars per month or the proportion thereof allotted to each district as hereinbefore provided, and upon the thirty-first day of January following shall pay over the whole of the balance due to the said trustees. Provided that no board of trustees shall be entitled to receive a larger total amount for the school year than twenty dollars for each month within the same that they have actually had a teacher engaged at a salary in each of their schools, and in case of doubt or dispute as to the number of months, the certificate of the superintendent shall decide;

Disposal of moneys collected.

Provided, further that all rural schools kept in operation over seven months of the school year which have not secured an average attendance of resident pupils of the period of operation equal to forty per cent of the enrolment for the same period, shall be subject, in the discretion of the council or councils concerned, with the consent of the superintendent of separate schools and not otherwise, to a reduction not exceeding one-half of the amount otherwise payable for each month it was kept in operation over seven months; and this percentage of attendance may be obtained on the application of any council from the superintendent after the close of the last half of the school year.

3. It shall be the duty of the trustees of each school district wholly situated in a municipality to lay before the council at its first meeting after the thirty-first day of July in each year a statement of the number of months in the current school year during which they have kept and will keep a teacher engaged at a salary in each of their schools, and before the thirty-first day of January following shall notify the clerk of the municipality if they have failed to keep a teacher engaged

Statement by trustees as to employment of teacher.

as so stated by them, and in such case give the actual number of months they have had such teacher engaged.

If district is not wholly in one municipality.

4. It shall be the duty of the trustees of each school district that extends within the bounds of two or more municipalities or of a city or town and rural municipality to obtain from the last assessment roll of each municipality concerned a copy of that part of the said roll relating to the school district as included within the three miles limit as defined in this Act, and forward the said copies or other assessment roll before the first of July to the local inspector, with a statement of the number of months in the current school year during which they have kept and will keep a teacher under engagement at a salary in each of their schools, and the amounts of their estimates exclusive of the legislative grant required for the use of their schools, and the said inspector shall equalize the rate of assessment of the portion of each municipality included within the school district as hereinbefore described and shall allot to each municipality its due proportion of the sum of twenty dollars per month of the current year that the said trustees have declared their school has been and will be kept in operation, and shall send notice thereof by mail to the clerk of each municipality concerned before the fifteenth day of July, and the said inspector shall in like manner allot the remainder of the trustees' estimate and return the copies of the rolls with his equalization and an allotment duly made out thereon to the trustees, and the said trustees if they fail to keep a teacher under engagement during the school year for the full time stated by them shall before the thirty-first day of January following notify the local inspector of the actual time, and he shall make another allotment based upon such time, and notify each council concerned, and the said trustees and the said inspector shall be entitled to receive from the trustees for each allotment made as hereinbefore required the sum of five dollars. And the said inspector shall be empowered, if he deem the amount of the trustees' estimate over and above the municipal levy to be excessive or improper, to demand an explanation thereof from the trustees, and in his discretion to reduce the said amount with the consent of the superintendent, and not otherwise.

Neglect or false statement by trustees.

5. Any board of school trustees that fails to notify their council or the local inspector (as the case may be) in due time of the number of months their school is to be kept in operation during any school year as hereinbefore required, shall not be entitled to receive a larger amount in such year from the municipal levy than the council or the local inspector (as the case may be) may in their discretion fix for them, and any board of trustees failing to keep a teacher under engagement the full time stated by them shall not be entitled to receive their second instalment of school moneys due on January thirty-first until they have notified the clerk of the municipality of the actual time such teacher has been under engagement, and any board of trustees wilfully making a false statement in regard to such time shall forfeit their second instalment.

Unpaid balances.

6. Any moneys collected by a council from a general levy for school purposes that remain over in any year after all due payments therefrom have been made to the school districts entitled to the same, shall be deposited in some chartered bank

by the said council and afterwards used only to pay or advance moneys to school districts within the municipality in the year or years following, unless the Board of Education shall require the same moneys or any portion of them to be paid over at any time to any school district or school districts wholly or partly included in the municipality that the said board may consider in especial need of such assistance.

Action of board of education if municipality fails to collect tax.

7. If any municipal council shall at any time refuse or neglect to levy and collect the amount required by this section to be levied and collected, then the Board of Education shall itself make such levy and collection and for that purpose shall obtain a copy of the last assessment roll of the municipality; and the Board of Education shall strike and levy a rate for raising the amount of tax to be collected and place the amount of tax to be collected from each person or property opposite his name or the description of his property and place the roll in a collector's hands for collection and such roll handed to him shall be his warrant for the collection of the taxes entered upon the same, and in collecting he shall possess and be vested with the same power and authority and be subject to similar obligations and penalties as a collector employed by the municipality under the statutes of the province and the Board of Education may in its own name bring a suit in any court of competent jurisdiction for the collection of any such tax, and shall have power to sell and convey the said land for the said levy and shall proceed (as nearly as may be) in the manner prescribed by the Municipal and Assessment Acts of said province regulating the levy and collection of taxes and the sale of land therefor. The improper inclusion in such levy and subsequent proceedings of any person or property not liable thereto shall not vitiate the whole levy or proceedings.

Special tax by order of trustees.

24. For the purpose of supplementing the municipal levy it shall be the duty of the board of trustees of each school district wholly or partially included in a municipality before the first day of July in each year at a meeting of the said board, to make an estimate of the sum over and above the amount of the municipal levy and the legislative grant, if there be any such grant, that they shall require for school purposes during the current school year, and resolve whether the amount of the said estimate shall be collected by the municipal council or councils concerned, or by a collector or collectors appointed by the said board.

Mode of collection.

2. In case the board of trustees resolve to levy and collect by their own authority the amount of their estimate, it shall be the duty of the said board, if their school district be wholly included in a single municipality, to obtain a copy of the last assessment roll of that portion of the municipality that includes all the lands liable for taxation for their school within their school district, and these lands shall be such within the district as are wholly included within a distance of three miles in a direct line from the school-house or site, and each quarter section or parish lot partially included within the same except such as may contain a residence, the occupant of which must travel four miles or over by the public road from it to reach the school-house, and the said board of trustees shall

strike and levy a rate for raising the amount of the said estimate and place the amount of tax to be collected from the whole of the property, real and personal, of Roman Catholics (other than that of Roman Catholics who have given the notice prior to assessment referred to in section twenty-eight of this Act) included within the aforesaid limit opposite his name, or the description of his property, and place the roll in their collector's hands for collection, and such roll handed to him shall be his warrant for the collection of the taxes entered upon the same, and in collecting he shall possess and be vested with the same power and authority, and be subject to similar obligations and penalties as a collector employed by the municipality under the statutes of said province. The said collector may be the secretary-treasurer of the trustees or some other person not a trustee, and his remuneration shall in no case exceed five per cent of the amount collected; and if the secretary-treasurer act as collector his remuneration for both offices shall not exceed the amount fixed for the office of the secretary-treasurer by this Act. The said collector shall give security to the satisfaction of the trustees for the faithful performance of his duties to the amount of the trustees' estimates, and if such security be not given the trustees shall, *ipso facto*, be his sureties. The improper inclusion in any such levy of any person or property not liable thereto shall not vitiate the whole levy.

Pay of collector.

Security to be given by him.

Return by collector.

3. The said collector shall pay over the taxes as collected to the secretary-treasurer, and shall return his roll to the trustees on or before the thirty-first day of January following his appointment.

If district is not wholly in one municipality.

4. In case the school district is included within the limits of two or more municipalities, whether city, town or rural municipalities, the trustees shall levy and collect the amount of their estimate according to the allotment made for them upon the equalized assessment rolls returned to them by the local inspector in the same manner, under the same conditions, and with the same powers given by this Act to trustees of school districts wholly included within the limits of a single municipality for the collection of their estimates. The improper inclusion in any such levy of any person or property not liable thereto shall not vitiate the whole levy.

If municipality is required to collect the tax.

5. In case the board of trustees resolve to have their estimates levied and collected by the council or councils of the municipality or municipalities in which their school district is wholly or partially included, they shall transmit a copy of such resolution with the amount of their estimate, or in the case of school districts included within the limits of two or more municipalities the proportion of their estimate allotted by the local inspector to the council of the municipality concerned, at or before its first meeting after the thirty-first day of July of the year in which such estimate is made, and it shall be the duty of the council of such municipality, employing their own lawful authorities, to levy and collect such estimate or proportion thereof upon the real and personal property aforesaid and pay the whole amount so collected to the trustees at the dates upon which they are required to pay them the amounts due from the municipal levy. Provided that in the case of any school district wholly situated within a municipality the council

shall be empowered if it deem the estimate of the trustees for the special rate excessive or improper, to demand an explanation thereof from the trustees and in its discretion to reduce the said estimate with the consent of the superintendent, and not otherwise.

Collection of arrears.

6. For the purpose of collecting the arrears of school taxes for any year, the trustees of any school district wholly or partially included in a city, town or rural municipality may, in any year, transmit a list of such arrears to the council of the municipality concerned with the estimate of the taxes to be collected for them, for the current school year, and thereupon the said council shall levy and collect the said arrears and pay them over to the trustees on the same dates as they are required to pay over their taxes collected for the current year. The trustees may, employing their own lawful authority, bring a suit in a court of competent jurisdiction for the collection of such arrears whether they had been assessed by the said trustees or by the council of the municipality.

Definition of personal property.

7. In all cases where the assessment of personal property is mentioned in this Act it shall be held to mean such classes of personal property as may be liable to assessment for school purposes under any of the statutes of the said province or under the Municipal and Assessment Acts.

Sale of lands for arrears.

8. When the whole or any portion of any school tax levied upon any land has been due and unpaid for more than one year after the thirty-first day of December of the year when the rate for the same was struck, such land shall be liable to be sold for taxes in the manner provided by the Municipal and Assessment Acts of the province of Manitoba for the sale of land for taxes; and it shall be the duty of each municipal collector or treasurer or other officer, as the case may be, to include such lands in all lists of lands submitted by him to the mayor or reeve for authentication and in all other lists of lands to be sold for taxes; provided that in cases where school trustees levy the school taxes by their own authority, it shall be the duty of their secretary-treasurer to supply the council with a certified list of lands liable to sale for arrears of school taxes from time to time, and it shall be the duty of each council, upon receiving the proceeds of any sale of lands for school taxes, forthwith to hand the said proceeds over to the school trustees entitled to the same, less the costs of such sale, interest and the excess over the amount of the school tax.

If any municipal council shall neglect or refuse to take the proceedings provided by this subsection for the sale of lands for taxes, then the trustees shall have power to sell and convey the said land for the said taxes and shall proceed (as nearly as may be) in the manner prescribed by the Municipal and Assessment Acts of the said province regulating the sale of lands for taxes.

Liability of municipal council for taxes collected by it.

9. All the general school and the special school tax, actually collected remaining unpaid to the trustees by a council after date fixed by this Act for payment of the same shall be a debt due by such council to the trustees, except arrears of taxes levied by the authority of the trustees themselves.

School tax to be a special charge on property.

25. The school assessment shall be laid equally according to valuation upon ratable real and personal property of Roman Catholics (other than that of those who have given the notice prior to assessment referred to in section twenty-eight of this Act) in the school district, and shall be payable by and recoverable from the owner, occupier or possessor of the property liable to be rated, and shall, if not paid, be a special mortgage and not requiring registration to preserve it, on all real estate and a special charge and lien upon all personal property liable to assessment to the value of five hundred dollars belonging to *bona fide* owners of real estate of at least forty acres.

Assessments of corporations where there are both public and separate schools.

26. The corporations situated in a locality where both public and separate school districts are established, shall be assessed only for the school district of the majority; yet, out of such assessment, the council of the local municipality, city or town, shall give to the school district of the minority a part of such assessment in proportion to the number of Catholic or non-Catholic children of school age, as the case may be, according to the census.

Exemptions from taxation.

27. The following real and personal property shall be exempt from taxation under this Act:

(*a.*) Real estate held in trust for Her Majesty, or for the public uses of the province;

(*b.*) Real estate vested in or held in trust for the municipality, and used for municipal purposes;

(*c.*) Real estate held in trust for any tribe or body of Indians;

(*d.*) Every place of public worship, churchyard, burying-grounds, educational or charitable institution, public roadway, square, jail, hospital, agricultural and horticultural societies, with the land requisite for the due enjoyment thereof;

(*e.*) Lands allotted by the Dominion Lands Act to half-breed children of heads of families under the age of eighteen years, not disposed of by them.

Who shall be assessed.

28. The Roman Catholic ratepayers of a school district, including religious, benevolent and educational corporations, shall be liable to be assessed for the support of the separate schools in the district.

If for separate schools, not for others.

2. No Roman Catholic who is assessed for the support of a separate school shall be liable to be assessed, taxed or required in any way to contribute for the erection, maintenance or support of any other school, whether by provincial law or otherwise; nor shall any of his property in respect of which he shall have been so assessed be so liable.

Option of ratepayer in certain case.

3. But any Roman Catholic who is possessed of property liable to assessment, within a separate school district, which is also within the limits of some public school district, established by or under the provisions of the legislature of the province of Manitoba, may, at his option, require that such property shall not be levied upon for the support of separate schools, by giving to the secretary-treasurer of the separate school district and the clerk of the municipality a written notice to that effect at any time prior to the completion of the assessment

roll, and thereafter such property shall be liable to be assessed for the support of said public schools until such option be withdrawn which may be done by written notice of such withdrawal given by said Roman Catholic owner to the officials before mentioned. No such notice whether of an option to support public schools or of withdrawal from such support shall in any way affect the liability of the person giving the notice or of the property for any amount assessed or levied thereupon previously to such notice for the support either of separate or public schools, as the case may be. Such person, while his property is not levied upon for support of separate schools as aforesaid, shall not enjoy any of the privileges, nor shall he be eligible to vote, or liable to perform any of the duties provided by this Act.

Notice of option.

Position of such ratepayer.

29. Land owned by a Roman Catholic who has not given the notice prior to assessment referred to in section twenty-eight of this Act, but occupied by a non-Catholic and situate within a separate school district shall be assessed for the support of separate schools in the district, and shall not be assessed, taxed or required in any way to contribute for the erection, maintenance or support of any other school, whether by provincial law or otherwise.

As to land owned by Catholic and occupied by non-Catholic.

30. Whenever property is held jointly as tenants or as tenants in common by two or more persons, the holders of such property being Catholics and non-Catholics, and such property being situated within a separate school district, such of those persons as are Catholics who have not given the notice prior to assessment referred to in section twenty-eight of this Act shall be assessed for the support of the separate schools of the district in respect of their respective interests in the property and shall not in respect of such property be assessed, taxed or required in any way to contribute for the erection, maintenance or support of any other school, whether by provincial law or otherwise.

Case of tenants in common of different creeds.

31. In incorporated cities and towns no rate shall be levied at any general or special meeting, for the building, repairing or improving of a school-house, to exceed in any one year one cent on the dollar on the ratable property in the district.

Maximum rate in cities and towns.

SCHOOL TRUSTEES.

32. The school trustees in each school district shall be a corporation under the name of "The school trustees for the separate school district of number in the province of Manitoba"; and it shall be lawful for the Board of Education to assign a name and a number to designate each school district under its authority. The trustees of each school district shall have perpetual succession, and a common seal, if they think proper to have one; they may sue and be sued, and shall generally have the same powers which any other body politic or corporate has or ought to have with regard to the purposes for which it is constituted.

School trustees to be a corporation.

Tenure of office of trustees.

33. Except as elsewhere provided the time of holding office as school trustee shall be three years. Provided that the trustees in any year elected shall remain in office until their successors are elected.

Declaration by trustees.

34. Every trustee after his election and before he shall be entitled to sit or vote as such at any meeting of the board, shall make before the chairman of the school meeting at which he was elected, or before a justice of the peace, a declaration, which he shall produce and deposit with the secretary-treasurer of the board, and which shall be in the following form :

"I., A. B., do solemnly declare that I will truly, faithfully, and to the best of my ability and judgment, discharge the duties of the office of school trustee for the separate school district of to which I have been elected.

"Dated at the day of 1 .

"Taken before me, &c.,

"C. D.

J. P. (*or* chairman, *as the case may be*)."

Meetings.

35. The school trustees shall meet within ten days after receiving notice of their election for the purpose of choosing a chairman and a secretary-treasurer and transacting such other business as may be required.

Chairman *pro tem.*

2. In case of absence of the chairman from any meeting of the board, the then assembled school trustees shall elect one of their number to act in that capacity for the time being, who shall then be vested with the same powers and privileges as the ordinary chairman.

Voting at meetings.

36. In the meetings of the school trustees all questions shall be decided by the majority of votes, and the chairman shall have the right to vote, but in case of an equality of votes the question shall be decided in the negative.

Duties of trustees in rural districts.

37. It shall be the duty of the board of trustees of rural school districts :

As to school property.

(*a.*) To take possession and have the custody and safekeeping of all school property which has been acquired or given for school purposes under this Act in their district, and such corporation shall be empowered to acquire and hold, as a corporation, by any title whatsoever, any land, movable property, moneys or income for school purposes, and to apply the same according to the terms on which the same was acquired or received, but they shall not, without the sanction of the Board of Education, have power to alienate or dispose of any school real estate ;

School houses, books, &c.

(*b.*) To do whatever they may judge expedient with regard to building, repairing, renting, warming, furnishing and keeping in order the school-house or school-houses in their district, its furniture and appendages, and the school land and inclosures held by them, and for procuring apparatus and school books for their school, and when there is no suitable school-house belonging to the district, or when a second school-house is required, then, to build, rent, repair, furnish, warm and keep

in order, a house and its appendages, to be used as a school-house ;

(*c.*) To contract with and employ teachers duly qualified under this Act, and such contract shall be in writing and signed by the contracting parties ; Employment of teachers.

(*d.*) To provide for the salaries of teachers and all other expenses of the school ; Their salaries.

(*e.*) To visit the school once a month for the purpose of seeing that it is conducted according to the prescribed regulations ; and the school trustees, or any of them, shall, if necessary, make any suggestions in accordance with the said regulations, with a view to the more effectual working of the school, and should the teacher fail to act upon them, the matter shall be referred to the whole body of trustees, who shall report to the superintendent ; Monthly visits to schools.

(*f.*) To see that the discipline of the school is properly enforced ; at duly called meetings of the board of trustees to expel the unmanageable pupils on the complaint of the teacher ; and hold meetings to inquire into the same ; Enforcement of discipline.

(*g.*) To keep a record of their proceedings, signed for each sitting by the chairman and secretary, and also correct accounts of their receipts and expenditures, with reference to the school or schools under their control, mentioning especially what relates to each school, and such account shall be at all reasonable hours open to the inspection of the ratepayers of the school district ; Keeping of records and accounts.

(*h.*) To admit as pupils of the school any children whose parents or guardians are not assessed and do not contribute through assessment to the support of the school, and to charge and collect a sum not exceeding fifty cents per month for each such pupil ; Admission of pupils.

(*i.*) To have their schools in operation for at least six months every year when there are not less than ten children of school age in their district ; Keeping schools open.

(*j.*) To transmit to the superintendent the half-yearly and annual reports and the census returns, required by him, on the forms provided, and to cause their books and accounts at any time to be laid open to his inspection, or to that of any person appointed by him for that purpose ; Annual report

(*k.*) To call special meetings for any purpose whatever, whenever required to do so by the majority of the ratepayers or by the superintendent. Special meetings.

(*l.*) Whenever any child of non-Catholic parents attends a separate school the trustees shall make such arrangements as will, without discomfort or annoyance to the child, enable the child either to be absent during religious exercises and instruction or to be otherwise engaged during that period ; special regard is to be had to the wishes of the parents of every such child in respect of such matters. Case of non-Catholic child attending separate school.

38. No act or proceeding of a board of trustees shall be deemed valid or binding on any party which is not adopted at a regular or special meeting of the corporation, of which notice shall have been given either by one of their body or the person chosen by them to act as a secretary-treasurer, to all the trustees, and a majority of the trustees at such meeting shall have full authority to perform any lawful business. Notice of meetings.

Trustee may not have contract with board.

39. It shall not be lawful for any trustee to enter into a contract with the corporation of which he is a member, or to have any pecuniary claim on such corporation, except for a school site, or as a secretary-treasury, and then only when he shall have been appointed by the other two members of the corporation.

Nor be a teacher or inspector.

40. No school trustee shall be teacher or inspector of any school in his school district.

Refusal to act as trustee.

41. Any person elected to the office of school trustee who refuses to serve as such shall forfeit the sum of five dollars for the use of the school district, and his neglect or refusal to take the declaration of office within one month after his election, if resident at the time within the district, shall be construed as such refusal, after which another person shall be elected to fill the place; but no school trustee shall be re-elected except by his own consent during the four years next after his going out of office.

Re-election.

Resignation.

42. Any person chosen as trustee may resign with the consent expressed in writing of his colleagues in office, and a continuous non-residence of three months shall cause the vacation of his office.

Non-residence.

Filling of vacancies.

43. In all cases of vacancy another trustee shall be elected at a meeting called by the trustees or trustee remaining in office, and the person so elected shall hold office for the unexpired term of the trustee whom he replaces; provided that if the vacancy is not filled within one month, the superintendent shall appoint some qualified person to fill it.

Sickness of trustee.

44. In all cases of prolonged incapacity arising from sickness, no election or appointment to fill the said office shall take place unless the said incapacity has been established by the certificate of a physician, deposited with the secretary-treasurer, and the vacancy arising from such incapacity shall date from the day of the deposit of such certificate.

Trustee to have access to assessment rolls.

45. The board of school trustees or their secretary-treasurer shall have at all times during office hours free access to the assessment roll of the municipality, and they shall be permitted to copy therefrom that portion of it having reference to their respective school districts, together with the names and amount for which each individual is assessed.

Absence or non-residence vacates seat.

46. If any trustee in cities and towns shall absent himself for three months from the meetings of the board of school trustees, without being authorized so to do by a resolution of the board, or if he ceases to reside in the school district for a period of three months consecutively, his seat shall thereby become vacant.

DISQUALIFICATION OF SCHOOL TRUSTEES.

Trustee must be resident taxpayer.

47. Except as provided in clause seventeen, no person shall be eligible to be elected or to serve as a school trustee who is

not a resident ratepayer of the district which he proposes to represent.

48. No person convicted of felony or of an infamous crime shall be eligible to be elected as a school trustee. Felon, &c., not eligible.

SECRETARY-TREASURER.

49. The trustees shall appoint as secretary-treasurer one of their own number, or some other competent person, and the duties of such secretary-treasurer shall include : Duties of secretary-treasurer.

(*a.*) The correct and safe-keeping and producing (when called for) of the papers and moneys belonging to the corporation ;

(*b.*) The correct keeping of a record of all their proceedings in a book procured for that purpose ; and

(*c.*) The collecting, receiving and accounting for of all school moneys, whether from the government or otherwise, for the purpose of public school education within his district and the distributing of such moneys in the manner directed by the majority of the trustees.

50. Every secretary-treasurer shall before entering upon his duties as such give security to the school trustees by a bond signed and acknowledged before a justice of the peace, and such security shall be given by at least two solvent sureties, jointly and severally, to the satisfaction of the board of school trustees, and for the total amount of the moneys for which the secretary-treasurer may at any time be responsible, whether arising from the local school fund or from any particular contribution or donation paid into his hands for the support of schools, and such security shall be renewed or changed whenever its renewal or change is required by the school trustees. Security.

2. In school districts in which the secretary-treasurer has not given such security the trustees shall be personally liable and responsible for any loss that may be caused through his default, except in case they shall, within three months from the date of their election as trustees or his appointment as secretary-treasurer, enter a written protest against the refusal of the majority to exact such security. If security is not given.

51. When the assessment is made by the trustees, the secretary-treasurer shall receive the assessment roll from the assessors, and shall thereupon notify each person whose name appears on said roll of the amount for which he is assessed, and such assessment roll shall be open at all reasonable hours to the inspection of any ratepayer of the school district, and every such ratepayer shall be entitled to receive a copy thereof on payment to the secretary-treasurer at the rate of five cents per name on such roll: Duties as to assessment rolls.

(*a.*) The secretary-treasurer shall notify each person whose name appears on the assessment roll of the date and the place fixed by the school trustees for the sitting of the court of revision. Notice of sitting of court of revision.

(*b.*) The secretary-treasurer shall within one month after receiving the assessment roll from the assessors lay the same before the board of trustees, and after the said board have

struck the rate he shall receive the roll from them for the purpose of collection.

Annual statement by secretary-treasurer.

52. Every secretary-treasurer shall prepare and submit to the board of school trustees annually, previous to the general meeting of the ratepayers, a detailed statement of receipts and expenditures of the school district for the current school year then expiring, and such statement after being approved by the school trustees shall be by them submitted at the annual meeting of the school district, and the secretary-treasurer shall on the payment to him of the sum of one dollar, furnish to any ratepayer a copy of such statement.

His remuneration.

53. The remuneration of the secretary-treasurer may, in the discretion of the school trustees, be fixed at any amount not exceeding eight per cent on the moneys received by him in such capacity, but such remuneration shall include every service which the trustees may require from time to time from the secretary-treasurer, and shall cover all contingent expenses whatever, except such as may be specially authorized by rules and regulations of the board of education, and shall not in any case exceed the sum of one hundred dollars.

Duties of trustees in cities and towns.

54. It shall be the duty of the board of trustees of cities and towns, and they are hereby empowered :

Election of chairman and secretary-treasurer.

(*a.*) At their first meeting after the annual meeting of ratepayers, or at some subsequent meeting to elect one of their number as chairman, and to appoint one of their number or some other person as the majority of the board may decide to be their secretary-treasurer, to determine the amount of salary to be paid to such officer, and to impose by by-law such additional duties as may be required of him by the board of trustees, and his appointment shall in all other respects be subject to the same duties, obligations and penalties as are imposed by this Act in the appointment of secretary-treasurers in rural school districts ;

Collectors.

(*b.*) To appoint, if they think proper to do so, a collector or collectors of school taxes for the city or town, who shall discharge similar duties and be subject to similar obligations and penalties and have the full powers and authority as a collector of a municipality ;

Collection of school tax.

(*c.*) To collect at their discretion from the parents or guardians of children who do not reside or are not assessed within the school district, a sum not exceeding one dollar per month for each pupil attending their schools, and if they think proper so to do to supply all the pupils attending their schools with the necessary text books and other school requisites and to collect from their parents or guardians a sum not exceeding 20 cents per month for each pupil in payment for the same.

Case of non-Catholic child attending separate school.

Whenever any child of non-Catholic parents attends a separate school the trustees shall make such arrangements as will without discomfort or annoyance to the child enable the child either to be absent during religious exercises and instruction or to be otherwise engaged during that period ; and special regard is to be had to the wishes of the parents of every such child in respect of such matters ;

(*d.*) To submit the books and accounts of their secretary-treasurer annually to the examination of the city or town auditor, or two auditors appointed by the board for that purpose, and to publish in one or more public newspapers or on printed sheets for the information of the public, on or before the 15th day of January in each year, a detailed statement of the receipts and expenditure of all school moneys for the current year and of the assets and liabilities of the board, with the certificate of the said auditor or auditors as to the correctness of such statement; Audit of accounts.

(*e.*) To make all the returns required by the Department of Education or by the Board of Education upon the forms provided and within the time specified by the Department of Education or the Board requiring the same; Returns.

(*f.*) To require the officers and teachers to comply with the law and regulations of the Board of Education in the attendance and classification of pupils and the arrangement of their school exercises, the certification and duties of teachers, the arrangement of school rooms and their furniture, and the use of text books and apparatus; Actions of officers and teachers.

(*g.*) To purchase or rent school site or school premises, and rebuild, furnish, repair, warm and keep in order the school-houses and appendages, lands, inclosures, and movable property of the school district, and to provide registers in the prescribed form, suitable maps, apparatus, text and prize books for the schools, and if they deem it expedient, to establish and maintain school libraries; School property, apparatus, &c.

(*h.*) To determine under the direction and authority of the board the number, kind, grade and description of schools (such as male, female, infant, central or ward schools) to be established and maintained, the teachers to be employed, the terms upon which they are employed, the amount of their remuneration, and the duties in addition to those prescribed by the Board of Education, which they are to perform ; Schools and teachers.

(*i.*) To establish with the consent and not otherwise of the Board of Education and to conduct in accordance with the regulations of the same, a collegiate department for the preparation of students for matriculation in the University of Manitoba, for the preparation of students for first and second class teachers' certificates, and for the purpose of laying the foundation of a thorough education in the English or French language and literature ; Collegiate department.

(*j.*) To exercise all the powers and perform all the duties not herein specified, and not inconsistent with those provisions that are given to the trustees of rural school districts by this Act. Other duties.

PROSECUTION BY OR OF SCHOOL TRUSTEES.

55. The school trustees of any school district may institute suits, or prosecutions for the school assessments, assessment for school-houses, and for all arrears of the said assessments and monthly fees, and such suits or prosecutions may be instituted before the county court or before two justices of the peace of the county, and the justices may after judgment cause the amount of the judgment, together with the cost thereof, to be levied under warrant by the seizure and sale of the goods and Suits by trustees.

chattels of the defendant, such seizure and sale to be effected by the secretary-treasurer, who shall for that purpose have and execute the power of sheriff, and who shall be entitled for such services to the same fees as the said officer.

Judgment to be final.

56. In all such suits or prosecutions judgment may be rendered with costs, and no judgment rendered on any such suit or prosecution shall be liable to be appealed from, nor shall any such suit or prosecution be removed by writ of certiorari.

In whose name suit by trustees may be brought.

57. No member of any board of school trustees shall engage in any suit at law as such trustee, as plaintiff, without a special authorization from the trustees, duly entered in the minutes, after deliberation ; and every such action may be brought either by the chairman or by the secretary-treasurer, in the name of the corporation, as the board may see fit.

Suits by other persons.

58. All persons entrusted in any manner with the carrying of this Act into effect, or qualified to vote at the election of school trustees, shall be competent to institute proceedings under this Act except in cases where it is specially provided to the contrary.

Contestation of election, &c.

59. All contestation with regard to the election of school trustees and to the functions and powers assumed by school trustees or any of them, or their officers, or by any person or persons claiming to be such trustee or trustees, or officer or officers, may by any competent person be brought by a petition setting forth the case, of which a copy must have been served on the parties concerned, before the county court at its next sitting, and shall then be determined in a summary manner on the evidence adduced ; but no resolution, by-law, proceeding or action of any board of trustees shall be invalid or set aside by reason of any person whose election has been annulled or declared illegal having acted as a trustee.

Prosecution of trustee acting or elected illegally.

60. Any school trustee whose election has been obtained by fraud or stratagem or by the votes of persons not qualified as electors, or any person usurping the functions of school trustee, or illegally holding that office, may be summarily prosecuted at the instance of any party interested or several collectively interested, before any one of the judges of the county court of the county in which such election, usurpation or illegal retention of office has taken place, for the purpose of declaring such election, or such retention of office, illegal and such seat vacant.

Judicial investigation of complaints as to elections, &c.

61. It shall be the duty of any judge of the Court of Queen's Bench or of the county court of this province, or any stipendiary magistrate, to investigate and decide any complaints which may be made in the manner provided by the statute in that behalf, in regard to the election of any school trustee, or in regard to any proceeding at any school meeting ; provided always that no complaints in regard to any election or proceeding at any school meeting shall be entertained unless made in writing within twenty days after the holding of such

election or meeting. The costs and expenses of such investigation shall be paid by the parties concerned in it, as such judge or magistrate may decide, but such judge or magistrate shall not be entitled for his own services, expenses to a greater sum than five dollars per day for each day actually engaged in such investigation.

Trustees to be a court to hear complaints against assessments.

62. The school trustees shall be constituted a court of revision for hearing and deciding any complaints that may be made against any assessment made under their authority, and shall sit as such at any time fixed by the trustees after eight days' notice given by posters in three public places of the district by the secretary-treasurer; and the decision of the said court of revision shall be final when the amount to be paid shall not exceed twenty dollars; and the members of the said court of revision shall be empowered to administer oath while sitting as such; and every appeal from the decision of such court of revision shall be heard and determined finally at the next sitting of the county court within the jurisdiction of which the school district is situated.

QUORUM.

Quorum to be a majority.

63. The quorum of any corporation, board or body constituted under this Act shall (unless otherwise expressly declared) be an absolute majority of all the members thereof; and the majority of the members present at any meeting regularly held at which there shall be a quorum may validly exercise the powers of the corporation.

ASSESSORS.

Appointment and pay of assessors.

64. The school trustees, or in default of appointment by them the Board of Education may appoint one or more assessors from the resident ratepayers, provided the district is not included within a municipality, or the municipal council does not do so, or access is not given to the assessment roll of the municipality, as provided by section forty-five of this Act, or the trustees are unable to obtain a copy of the assessment roll for the purposes of section twenty-three, paragraph (*c*), or paragraph (*f*), or section twenty-four, paragraph (*a*), or paragraph (*c*), and such remuneration shall be paid to such assessor as the Board shall see fit.

Assessors to be sworn.

65. Before entering upon the discharge of their duties such assessors shall be sworn before a justice of the peace to the faithful discharge of their duties, and they shall within two weeks after their appointment, proceed to make out an assessment roll of the ratable property of each Roman Catholic ratepayer in the school district or municipality as the case may be (other than that of those Roman Catholics who have given the notice prior to the assessment referred to in section twenty-eight), and shall deliver the same into the hands of the secretary-treasurer of the school trustees within one month thereafter.

To prepare assessment rolls.

AUDITORS.

Auditors in rural districts.

66. At every annual meeting of any rural school district there shall be appointed by the ratepayers two auditors, or persons to examine the accounts of the secretary-treasurer or of the school trustees and report thereon at the next annual meeting, and who shall certify to the correctness or otherwise of such accounts.

Their report.

2. It shall be the duty of the secretary-treasurer to submit his books and vouchers to such auditors when called upon by them to do so. And their report shall be presented to the annual meeting next after their appointment.

Duties of teachers.

67. It shall be the duty of every teacher employed by any board of school trustees:

As to teaching.

(*a.*) To teach diligently and faithfully all the branches required to be taught in the schools according to the terms of his agreement with the school trustees, and in accordance with the provisions of this Act, or any by-laws or regulations issued under the same;

Registers.

(*b.*) To keep in the prescribed form the register of the school;

Discipline.

(*c.*) To maintain proper order and discipline in his school;

Visitors.

(*d.*) To keep a visitors' book (which the trustees shall provide) and enter therein the visits made to his school, and to present such book to every visitor and request him to make such remarks suggested by his visit;

Access to registers.

(*e.*) To give the trustees and visitors access at all times when desired by them to the registers and visitors' book appertaining to the school;

As to trustees.

(*f.*) To deliver up any school registers, visitors' book, school house key or other school property in his possession on the demand or order of the board of school trustees employing him;

Public examinations.

(*g.*) To have at the end of every half year at least a public examination of his school, of which he shall give due public notice;

As to inspector.

(*h.*) To furnish to his superintendent or to the inspector any information which it may be in his power to give respecting anything connected with the working of his school, or in anywise affecting his interests or character.

Form of agreements with teachers.

68. All agreements between trustees and teachers to be valid and binding shall be in writing and signed by the teacher and chairman of the board of trustees employing him, and sealed with the corporate seal, if any, of the trustees.

Retiring or dismissed teacher entitled to pay.

2. Any teacher whose agreement has expired with the board of trustees, or who is dismissed by them, shall be entitled to receive forthwith all moneys due to him for his services as teacher while employed by the said board; if such payment be not made by the trustees or tendered to the said teacher by them he shall be entitled to recover from the said trustees the full amount of his salary due and unpaid with ten per cent interest per annum until payment is made, by a suit in a court of competent jurisdiction, and upon his obtaining judgment therein, his case shall be a first lien upon all payments due the said trustees from any source whatsoever until the said claim is satisfied.

INSPECTORS.

69. The Board of Education shall have power to appoint inspectors subject to the approval of the Lieutenant Governor in Council (who may within one month after the notification of the appointment disapprove it, whereupon the office shall become vacant) who shall hold office subject to such disapproval, during the pleasure of the Board and of the Lieutenant Governor in Council, to define their duties and to provide for their remuneration; and such inspectors shall visit the schools and report thereon at least twice a year. Appointment of inspectors.

70. The visitor in each school district may be— Visitors.

(*a.*) The resident Roman Catholic priest;

(*b.*) The members of the Provincial Legislature;

(*c.*) The judges of the Court of Queen's Bench and county court;

(*d.*) The members of the Department of Education;

(*e.*) The members of the Board of Education; and

(*f.*) The trustees of each school district in their own district.

71. In incorporated cities or towns, a general meeting of the visitors may be held at any time or place appointed by any two visitors, on sufficient notice being given to the other visitors, and the visitors thus assembled may devise such means as they may deem expedient for the efficient visitation of the schools, and in concert with the school authorities for promoting the establishment of libraries and the diffusion of knowledge. Meeting of visitors.

SCHOOL ATTENDANCE.

72. The teacher of each school receiving aid shall within ten days after the close of each semi-annual school term, transmit to the superintendent a correct statement of the names of the children attending such school, with their respective ages, and distinguishing between the sexes, together with the average attendance during the preceding school term, and a statement of the number of months during which the school has been kept open, with such additional information as the superintendent may from time to time require. Semi-annual statement of school attendance.

ANNUAL CENSUS OF CHILDREN.

73. The school trustees in each school district shall between the first and thirtieth day of November in each year cause to be made by their secretary-treasurer a census of the children in such school district from the age of five years inclusive to the age of fifteen years inclusive, giving the age in each case, and mentioning those who attend the school, and such census after being certified by the secretary-treasurer of the school district under oath signed by at least one of the trustees, shall, on or before the tenth of the month of December following, be presented to the superintendent, whose duty it shall be to keep a copy thereof of record and to forward the same to the Provincial Secretary within the eight days following, Annual census of children.

and no census shall be received by the superintendent after the said date of the tenth day of December in each year.

LEGISLATIVE GRANT.

Legislative grant to separate schools.

74. The right to share proportionately, in any grant made out of public funds for the purposes of education having been decided to be and being now one of the rights and privileges of the said Roman Catholic minority of Her Majesty's subjects in the province of Manitoba, any sum granted by the legislature of Manitoba and appropriated for the separate schools shall be placed to the credit of the Board of Education in accounts to be opened in the books of the Treasury Department and in the Audit Office.

EXPENDITURE OF SCHOOL MONEYS.

Payment of expenses of superintendent.

75. From any sum so appropriated to the Board of Education there shall be paid such sums as may be provided by the Lieutenant-Governor in Council for incidental expenses and salaries of superintendent.

Payments to schools.

2. Then the sum of $75 shall be paid semi-annually to each school which has been in operation during the whole of the previous term, and a proportionate part thereof to each school in operation for a part of the same; and in the case of newly established schools, to those which have been in operation for at least one month of said term; provided that except in the case of new school districts no school shall be entitled to receive a larger amount than one-half the sum incurred by the trustees thereof for its current expenses during the term for which such grant is made; provided further that a reduction in the amount to be made may, in the discretion of the board, be made in the case of any school district in which the average attendance of the resident pupils enrolled for the term has been less than forty per cent of such enrolled number.

Distribution of balance.

3. The residue remaining after all payments have been made as above provided shall be divided among all the school districts on the basis of average attendance of pupils at the schools of such districts. Provided that in reckoning such average attendance fifty per cent shall be added to the average attendance in rural school districts (being school districts outside the cities, towns and villages).

Schools for which there is no return, not entitled to moneys.

4. No school shall be deemed to be entitled to receive any portion of the legislative grant whose trustees have neglected to transmit within the time provided by law in the preceding year the census returns, or whose annual or semi-annual returns are not transmitted as required by the regulations of the board, or whose school has not been kept in operation at least six months during the school year, unless with the sanction of the board.

Districts not having ten children.

5. No school district shall be deemed to be entitled to receive any money from the legislative grant or the municipal levy in any year that does not contain at least ten resident children of school age, but the trustees of such may levy and collect from their school district the amount of any indebtedness that may fall due within the same during such year.

School district must be efficient.

6. No school district shall be deemed to be entitled to receive money from any legislative grant or fund in respect of any school which is not efficient. Every school is to be deemed efficient until the following conditions have been fulfilled :—

School reported inefficient by inspector.

(*a.*) An inspector appointed or authorized by the Lieutenant-Governor in Council must report the school inefficient and state specifically the grounds of such judgment and the Department of Education must with the report give formal warning to the trustees that the grant may be withheld under this section at an inspection to be held one year afterwards if the inspector again reports the school to be inefficient.

Second report of inefficiency.

(*b.*) The inspector must as the result of a visit to the said school made about twelve months thereafter, again report the school inefficient and again state specifically the ground of such judgment.

Confirmation by another inspector.

(*c.*) If the trustees within fourteen days after the receipt of the second adverse report of the inspector appeal against his decision to the Department of Education the school must be visited and such adverse report must be confirmed by another inspector to be named by the Department of Education.

School restored to efficiency.

76. Such school shall be deemed to have become efficient if at any subsequent time an inspector appointed or authorized by the Lieutenant-Governor in Council so reports, and the department itself is satisfied that such is the case.

Action of department.

77. In all such cases of inefficiency the department shall have power after considering all the circumstances to continue to regard such schools as efficient or to pay to such school a portion of the amount to which it would have been entitled and to give a warning to the trustees that the grant may be withheld next year.

To whom payments shall be made.

78. All payments to school districts shall be made to the order of the duly qualified teacher or teachers of the school, unless it be shown that the salary of such teacher or teachers has been paid in full.

2. All payments made by the Provincial Treasurer for the purposes of education shall be made direct to the person or persons entitled to receive the money. Provided no payment shall be made except upon the requisition of the superintendent of education.

Separate school defined.

79. Any school not conducted according to all the provisions of this or any Act in force for the time relating to separate schools or the regulations of the Board of Education in force under its authority, shall not be deemed a separate school within the meaning of the law, and such school shall neither participate in the educational fund nor in the legislative grant.

HOLIDAYS.

Holidays.

80. Every Saturday and every statutory holiday shall be a holiday in the public schools ; subject, however, to such regulations respecting holidays as the Board of Education may from time to time make for the schools.

BY-LAWS FOR COMPULSORY ATTENDANCE OF CHILDREN.

Compulsory attendance of children.

81. Every board of school trustees may, with the sanction of the board, make, amend or revoke any by-laws for their school district, for any of the following purposes :

(*a.*) Requiring the parents or guardians of Roman Catholic children of not less than seven years nor more than twelve years of age, as may be fixed by the law, to send such children to school for a certain period in each year, unless sufficient evidence be produced by such parents or guardians, that they cannot do so ; and any of the following shall be considered a reasonable excuse ;

Excuses.

(1.) That the child is under instruction in some other manner satisfactory to the magistrate before whom the complaint may be brought ;

(2.) That the child has been prevented from attending school from sickness or any unavoidable cause ;

(3.) That such child has reached a standard of education of the same or greater degree than that to be obtained in such school by children of twelve years of age ;

Hours of attendance.

(*b.*) Determining the time during which such children are to attend school ;

Penalties.

(*c.*) Imposing penalties upon parents or guardians for the breach of any by-law ;

(1.) Admonition in the form of a note of warning, signed by the chairman of the board or school trustees ;

(2.) Summons to appear before the board of school trustees and to receive reprimand from the chairman, if merited ;

(3.) Complaints by the board of school trustees to any justice of the peace of the district, who may impose a fine not exceeding twenty-five cents for the first offence, fifty cents for the second, and so on, doubling the last fine for any repetition of the offence.

Investigation of complaints against parents or guardians.

82. It shall be competent for any judge of the county or stipendiary magistrate to investigate and decide upon any complaints made by the trustees or any person authorized by them against any parent or guardian for the violation of any such by-law as by the previous section provided, may be enacted ; and it shall be the duty of such judge of the county court to ascertain, as far as may be the circumstances of any party complained of, for not sending his or their child to school or otherwise educating him or them, and whether the alleged violation has been caused by poverty or ill-health, and in any such case the judge shall not award punishment but shall report the circumstances to the trustees making the complaint.

REGISTRATION OF SCHOOL TAXES.

Registration of arrears of school taxes.

83. Previous to the first day of August in each year the boards of school trustees, if they themselves collect the school taxes, shall cause to be made a list of the names of all persons in their districts in arrears for school taxes, the amount due by them, the lot or lots on which such taxes are due ; and if such taxes remain unpaid it shall be the duty of the said board of school trustees on or previous to the last day of August in each year, to register the said lots with the amount due on real

estate only, with the treasurer of the municipality in which such lots are situated, and if such lots are not within a municipality then in the registry office of the county in which such lands are situated, by filing a copy of the tax list, after which such taxes shall become a lien or mortgage on the lot or lots on which they are respectively due and payable, and any sale of property or transfer made thereafter shall be subject to such taxes.

BORROWING MONEY.

Trustees may borrow money, when authorized by ratepayers and Lieutenant-Governor.

84. If the ratepayers of any school district at a public meeting duly called, require the trustees to borrow any sum of money for the purchase of school sites or erecting of school-houses and their appendages, or for the purchase or erection of a teacher's residence, or for the purpose of paying off any debt, charge or lien against such school-houses, or residence, or against the trustees of any school district incurred by them as such trustees for any of the purposes aforesaid, the said trustees shall forward to the Lieutenant-Governor in Council, a certified copy of the minutes of such meeting, and the Lieutenant-Governor in Council, may thereupon sanction such loans, and such sanction shall bind the ratepayers of the said school district to cause to be levied a sum sufficient for the payment of the principal and interest on any such loan at the times when the same shall become payably, as provided between the trustees and the lender.

Maximum amount.

2. No loan under two thousand dollars shall be made for any term exceeding ten years nor for any amount for a period exceeding twenty years.

Debentures.

3. The principal on such loan shall be made payable by annual instalments unless with the sanction of the Lieutenant-Governor in Council and the said annual instalments together with interest on the principal of such loan may be applied towards the immediate redeeming of the debt contracted by the issue of such debentures, and all school boards that have issued debentures not payable in instalments shall invest in a sinking fund annually, sufficient sum to meet such debentures when due, and such investment shall be made with the consent and advice of the superintendent, and when so made shall not be payable to the order of the trustees without such order being countersigned by said superintendent until their debentures mature.

Sinking fund.

Meeting of ratepayers.

4. Notice of such meeting shall be given by posting up on the door of the school-house (if any) and in two or more conspicuous places within the school district for which such loan is sought to be obtained, at least two weeks previous to such meeting, a notice in the form or to the effect of that set forth in schedule A of this Act.

Sanction of Lieutenant-Governor.

5. A majority of the Roman Catholic ratepayers of any such school district who are supporters of separate schools within the district, present at such meeting shall be sufficient to authorize such loans, and the assent of the Lieutenant-Governor shall be obtained before such loan is completed.

Effect of sanction.

6. The assent of the Lieutenant-Governor to any such loan shall be conclusive evidence of all the necessary formalities

having been complied with, and that such loan is one which such school district may lawfully make.

Issue of debentures.

7. Any school district having obtained the assent of the Lieutenant-Governor to a loan, may issue debentures therefor in the form set forth in schedule B of this Act, to secure the amount of the principal and interest upon such loan, upon such terms as such loan can be obtained on, and the said debentures shall be sufficient, when signed by the secretary-treasurer and countersigned by one or more trustees, to bind the said trustees and to create a charge or lien against all revenues of the school district for which such loan is made.

A charge on school property.

8. All debentures issued or to be issued under the authority of this Act and the coupons attached thereto shall create and be a charge and lien upon all school property then or thereafter acquired by, or granted, or given to the school district which shall issue the said debentures as well as upon all of the Roman Catholic property assessable in such school district for separate school purposes for the said district, and the amounts from time to time falling due upon such debentures and coupons (subject to any provisions for establishment of sinking funds for the repayment of any such debentures) shall be included in the amount required from time to time for school purposes for the said district, and shall be collected and received by and paid to the trustees of the said school district in the manner directed for the raising of money for school purposes.

Writ of execution against trustees.

9. Any writ of execution against the trustees for any school district which school lies wholly within one municipality, may be endorsed with a direction to the sheriff to levy the amount thereof by rate, and the proceedings thereon shall be the following:—

Proceedings thereon.

(*a.*) The sheriff shall deliver a copy of the writ and endorsement to the treasurer of the municipality in which such school district is situate, or leave such copy at the office or dwelling-house of such officer with a statement in writing of the sheriff's fees and of the amount required to satisfy such execution, including in such amount the interest calculated to some day as near as is convenient to the day of service.

(*b.*) In case this amount with interest thereon from the day mentioned in the statement is not paid to the sheriff within one month after the service, the sheriff shall examine the assessment roll of the municipality in which such school district is situate, and shall in like manner as rates are struck for general municipal purposes strike a rate on the assessable lands in said school district sufficient on the dollar to cover the amount due on the execution with such addition to the same as the sheriff deems sufficient to cover the interest and his own fees up to the time when such rate will probably be available.

(*c.*) He shall thereupon issue a precept or precepts under his hand and seal of office directed to the said treasurer, and shall annex to every such precept the roll of such rate, and shall by such precept after reciting the writ, and that the said trustees had neglected to satisfy the same, and referring to the roll annexed to the precept, command the said treasurer to levy or cause to be levied such rate at the time and in the manner by law required in respect of the general municipal rates.

(*d.*) At the time for levying the annual rates next after the receipt of such precept the said treasurer shall add a column to the tax roll of the lands in said school district headed "Execution rate of A.B. *vs.* the School Trustees for the Separate School District of in the Province of Manitoba" (*or, as the case may be, adding a column for each execution, if more than one*) and shall insert thereon the amount by such precept required to be levied upon each person respectively, and shall levy the amount of such execution rate as aforesaid, and said treasurer, so soon as the amount of such execution or executions is collected, shall return to the sheriff the precept with the amount levied thereon.

(*e.*) The sheriff shall, after satisfying the executions and all fees thereon, return any surplus within ten days after receiving the same to the said treasurer for the general purposes of the said school trustees.

(*f.*) The treasurer shall for all purposes connected with carrying into effect or permitting or assisting the sheriff to carry into effect the provisions of this Act with respect to such execution, be deemed to be an officer of the court out of which the writ issued, and as such shall be amenable to the court and may be proceeded against by attachment, mandamus or otherwise, in order to compel him to perform the duties hereby imposed upon him.

(*g.*) The above paragraphs, one to six both inclusive, shall be applicable to executions against the school trustees for any district lying within more than one municipality, but in such case the said sheriff shall strike a rate on the assessable lands in said school district from the assessment rolls of the several municipalities in which said school is situate, and shall deliver to the treasurer of each of the municipalities the precept or precepts aforesaid, attaching a roll of said rate so far as it applies to the lands of said school district in the municipality of each of such treasurers.

Form of minutes.

10. The minutes of any section of the ratepayers of the school district called to consider the propriety of borrowing money as above mentioned shall be headed with a statement in the following form or to the same effect:—

"Minutes of a public meeting of the Roman Catholic ratepayers of the separate school district of number in the province of Manitoba, held the day of 1 , in pursuance of a notice given as required by 'The Remedial Act,' (Manitoba) and called for the purpose of considering (and advising the trustees of said school section in respect to) the question of raising or borrowing a sum of money for the purpose of (*here state the purpose for which the loan is intended as in the public or posted notice*).

"The said meeting having been organized by Mr. A. B. as chairman, and Mr. C. B. as secretary, the following proceedings were had:

"It was moved by Mr. &c. (the motions and formal proceedings of the meetings to be then given, certified at the foot thereof to be correct, and signed by the chairman and secretary)."

The said minutes shall also contain a list of the names of the ratepayers who voted at the said meeting upon the ques-

Minutes of meeting to be sent to superintendent.

tion of raising or borrowing money, distingnishing those who are freeholders from those who are not, and recording the vote given by each person "for or against the said question."

85. A copy of said minutes shall be given to the secretary-treasurer of the board of trustees of the district for the information of the said board and the original with a declaration endorsed thereon and attached thereto, taken before a justice of the peace or other person authorized to take declarations under the statute, with a copy of the notice calling such meeting, proving the posting of the said notice as required by the Act, shall be given or transmitted to the superintendent; and it shall be the duty of such superindendent, with as little delay as possible after the receipt of such minutes and proof, to inquire and satisfy himself that the purpose for which the loan is required is a proper and necessary one, and having regard to the means of the ratepayers of such school district to repay the same; and if such superintendent approves of such loan he shall transmit said minutes, proof, and other documents connected therewith to the provincial secretary together with a certificate or note of his approval endorsed thereon over his signature.

His action thereupon.

Secretary treasurer to send statement to superintendent.

86. It shall be the duty of the secretary-treasurer of the board of school trustees of any school district, upon being made aware that a loan as aforesaid had been sanctioned by the ratepayers to at once transmit to the superintendent a statement duly certified under the hand of the said secretary-treasurer and the seal of the said board of trustees, to be correct, showing the amount of the assessed value of the real and personal estate of such school district, its debentures indebtedness including the amount proposed to be added under such by-law then being submitted for approval; its indebtedness other than under said debentures; the yearly rate in the dollar required to pay said debenture debt; the total rate required for all purposes and the interest past due, if any, on the indebtedness of said school district.

Statement to be endorsed on debentures.

87. A statement embodying the information mentioned in the last preceding section as to the assets and liabilities of the school section, shall be written or printed on the back of each debenture, issued under the authority of this Act, and following such statement shall also be written or printed the words "Issued under the provisions of the Remedial Act (Manitoba), viz.: Vic., cap ."

Signature of debentures by Provincial Secretary.

88. Upon the assent of the Lieutenant-Governor being obtained to such loan and upon presentation within six months thereafter to the Provincial Secretary or Acting Provincial Secretary of the debenture or debentures issued to raise the same the said Provincial Secretary or Acting Provincial Secretary (unless such assent has in the meantime been withdrawn) shall sign such debenture or debentures under the statement or endorsement thereon hereinbefore mentioned, and shall affix the seal of his office, or of the province thereto, and such signature and seal shall be conclusive that all the formalities in respect

to said loan and the issue of said debentures have been complied with, and that the correctness of the statement or endorsement thereon, and the legality of the issue of such debenture shall be thereby conclusively established, and its validity shall not be questionable by any court in the province, but the same shall to the extent of the assets of the school district issuing the same, be a good and indefeasible security in the hands of any *bona fide* holder thereof.

When Lieut Governor may withhold assent to loan

89. The Lieutenant-Governor in Council, when the question of any school loan shall be before him for assent thereto, may take into consideration the effect of the proposed loan upon the security of any previous loan, in case the new proposed loan shall be repayable before a former one, or former ones, and may withhold such assent to such new loan if he considers that the security of the holder of any existing debenture loan of such school district was likely to be rendered insufficient by the reason of the date of payment of the proposed new loan being prior to that of any then existing debenture debt of such district.

Powers of Governor General if Lieut.-Governor does not act.

90. If within one month after the trustees of a school district have under the provisions of section eighty-four of this Act forwarded to the Lieutenant-Governor in Council a certified copy of the minutes of a public meeting authorizing a loan, the Lieutenant-Governor in Council does not sanction such loan, the trustees may apply to His Excellency the Governor General in Council to sanction such loan, and His Excellency the Governor General in Council shall thereupon have all the powers and authority vested in the Lieutenant-Governor, or in the Lieutenant-Governor in Council by the five sections immediately preceding this section, and any act or decision of the Governor General in Council shall have all the force and effect that the same would have had if it had been done or decided by the Lieutenant-Governor or by the Lieutenant-Governor in Council. And the powers and authority vested in the Provincial Secretary or Acting Provincial Secretary, by the said sections shall be vested in such officer as the Governor General in Council may select or appoint for that purpose.

Sinking fund.

91. The trustees of any school district may under the advice and with the consent of the superintendent, invest any money under the control of such trustees as a sinking fund for the payment of any loan, or otherwise held for school purposes and not required for expenditure within twelve months.

Powers of trustees as to real estate.

92. The trustees of any school district may with the consent and approval of the superintendent sell and dispose of any land or real estate, or any interest therein for the benefit and advantage of said school district and convey the same or any portion thereof in fee simple or for any less estate to any purchaser or purchasers thereof, or of any interest of freehold, leasehold, or other estate therein, by deed or other instrument as the case may be signed by the chairman and secretary-treasurer of such school district.

Pending suits not affected.

93. None of the provisions of this Act shall affect any suit pending in any of the courts at the date of the passing of the same.

Powers of superintendent if trustees do not meet indebtedness.

94. In the case of any rural school district the trustees of which neglect or refuse to levy or ask the council to levy a special rate to meet their debentures indebtedness maturing within the school year, and in the case of any rural school district in which there is not a legally competent school board, the superintendent shall be empowered to act for such school board or school district in requiring the council or councils concerned to levy or collect the sums he shall designate as necessary to meet such indebtedness, and the council or councils shall levy and collect such sum and pay the same over to the creditors upon the order of the said superintendent. And it is further provided that upon the trustees of any rural school district becoming legally incompetent or unable to act from any cause and there not being a sufficient number of ratepayers resident in the district to form a new school board, the superintendent shall thereupon be invested with the powers of the school trustees for such district, and shall be empowered to collect and receive all moneys due the said trustees from any source, to take possession of all their school properties, secure a proper title for all properties they may be entitled to, and in his discretion to dispose of or sell the same; provided that all moneys received by the superintendent in any way in behalf of such district shall be paid over by him to meet the liabilities of the same that may become due from time to time.

LOANS.

Borrowing by board of trustees on its credit.

95. At any time in any one year before the estimate of a school district has been prepared by a board of school trustees or handed to the clerk of the municipality, or before the moneys have been paid over to the board by the municipality, a board of school trustees in any city, town or local municipality, may borrow money upon the credit of the board and give the promissory note or notes of the board for the same, or for the moneys theretofore borrowed to such an amount as is legally authorized; provided, however, that no such money shall be borrowed or notes given to an amount exceeding in the aggregate one-half of the amount of the said estimate for the next preceding year, if such estimate has not been made for the current year; and provided also that such moneys shall only be borrowed or notes given upon a by-law of the board, which recite the amounts previously borrowed and the notes previously given therefor and any sum paid thereon, but any error or omission in reciting such sums or notes shall not invalidate such by-law as against a *bona fide* lender or payee or holder for value of any such note having notice of such error or omission.

Amount limited.

Conditions.

Enforcement of payment.

2. Any such note or debt for money so borrowed may be enforced against the board of school trustees, and the ratepayers liable to contribute to its revenues in the judgment and execution as hereinbefore provided.

Reduction of debt.

3. Upon the payment to the board by a municipality of any portion of the sums to be levied for the trustees by a

municipality it shall be the duty of the board of school trustees to apply one-half of such sum so paid to it for the reduction of the debt incurred for moneys so borrowed, or upon such note or notes, or in the event of no such debt or note or not sufficient thereof to exhaust the one-half of the sum so paid being then overdue, then to deposit such half, or the unexhausted portion thereof in some chartered bank and to apply the same to such debt or notes as may become due and payable.

EXPROPRIATION.

Obtaining lands.

96. It shall be the duty of the trustees of every school district to purchase or lease, and take with the consent, in writing, of the Board of Education in that behalf, the necessary land or real property for the school-houses, teachers' residences and other buildings in connection therewith, and if necessary for the purpose aforesaid, to increase the extent of the school grounds, already in possession, by purchasing or leasing and taking lands adjoining the same.

Consent of owner.

2. No land or property may be taken for the purpose aforesaid without the consent of the owner, if, at the time of the application of the trustees for the same—

(*a.*) The said land or property is owned by any religious, charitable or educational corporation;

(*b.*) The land or property required for a separate school is owned by a non-Catholic;

(*c.*) In a rural school district the land required is less than three hundred yards from the owner's residence or buildings or exceeds one acre in extent;

(*d.*) In a city or town the lot required is not vacant;

Notice to owners.

3. For the purpose aforesaid the school trustees shall first serve the owners of the land or parties empowered to convey the land required as aforesaid with a notice which shall contain:

(*a.*) A description of the land to be taken;

(*b.*) A declaration of readiness to pay some certain sum or rent, as the case may be, for such land;

(*c.*) The name of a person to be appointed as the arbitrator of the school trustees if their offer be not accepted;

Affidavit to accompany notice.

4. Such notice shall be accompanied by the affidavit of one or more of the school trustees, setting forth that he knows the land, that the said land is required for school purposes, and that the sum offered is in his opinion a fair compensation.

If owner accepts offer.

5. If within ten days after service of the said notice the person owning the said land signifies in writing his readiness to accept the said sum for rent, then the school trustees shall cause the proper agreements and contracts to be made and entered into, and the price of compensation to be paid.

Arbitration, if he refuses.

6. If within the time aforesaid, the owner or holder of the land does not signify his readiness to accept the said sum, but gives notice in writing, of the name of his arbitrator, then the two arbitrators shall jointly appoint the third, and if they cannot agree upon a third, the judge of the county court having jurisdiction in the division in which the land is situate, shall appoint upon application such a third arbitrator.

Or does not give notice of acceptance.

7. If within the time aforesaid the said owner or holder of the land does not notify the trustees of his acceptance of the sum offered nor of the name of a person whom he appoints as arbitrator, then the judge of the county court shall, upon application, appoint one in his stead, and the third arbitrator shall be appointed as aforesaid.

If owner is unknown.

8. Where the person owning or holding the said lands or his agent or representative is unknown, or cannot be found with due diligence, or is incapable of receiving tender, then upon proof thereof to the county court judge, the said judge may dispense with such tender and notice; and in such case notice of submission to arbitration shall be published in a newspaper in or near the district in which the land lies, and subsequent proceedings may thereafter be taken as if such tender had been personally made and notice given.

Award and expenses.

9. The said arbitrators duly appointed, or a majority of them, shall value the land and make an award in writing and fix the amount of the costs of the arbitration not to exceed $3 per day for each arbitrator, and 10 cents per mile each way for travelling expenses, and they shall further direct which of the parties should pay the said costs, and if a portion, in what proportion.

Appeal.

10. An appeal to the judge of the county court shall lie upon application filed and served within ten days of the award for the revision of the costs taxed.

Claims on compensation money.

11. The compensation money agreed upon by the trustees or awarded by the arbitrators for any such land or property, shall stand in stead of such land or property, and any claim thereto or encumbrance upon said lands or property shall be converted into a claim for such compensation money, or to a proportionate amount thereof, and shall be void as respects the land or property which shall by the fact of the making of said tender or award and of the payment of the money, become and be absolutely vested in the trustees for the purposes of this Act.

Payment into court in certain cases.

12. If the person owing such land is incapable of conveying the same, or the person to whom the compensation money is payable is incapable of executing or refuses to execute a proper conveyance and transfer of the said lands to said trustees or cannot be found, or is unknown or has no agent or representative, or the trustees have reason to fear any claim or encumbrance, they shall pay the compensation money agreed upon or the money awarded into the office of the clerk or prothonotary of the Court of Queen's Bench with interest thereon for six months at the rate of six per cent per annum, and deliver to the clerk or prothonotary of the court, a copy of the conveyance or agreement or award, or a certified copy of the agreement or award.

Notice.

13. Notice in such form and for such time as the court appoints shall be forthwith inserted by the prothonotary in a newspaper in or near the district in which the lands are situate and shall state the facts under which such money is paid, and call upon all persons entitled thereto, or claiming the same or any part thereof, to file their claims, and such claims shall be received and adjudged upon by the court and such proceedings shall for ever bar all claims to the compensation money or any part thereof, and the court shall make such order for the

proper distribution or payment of said moneys and for costs incidental to the application as may be proper.

OFFENCES.

Protection of children against disease.

97. No person suffering from any contagious or infectious disease, or who resides in a house in which any such disease exists shall be entitled to attend or enter any separate school during the existence of any such disease as aforesaid nor at any time thereafter, until he presents to the trustees of the school he wishes to attend a certificate of a physician that there is no longer danger of contagion or infection from his attendance to the other pupils of the school, provided that in rural school districts the trustees may, in the absence of a physician admit applicants for admission, without such certificate, if they are satisfied that there is no danger of contagion or infection from their doing so. And any parent or guardian of any child who knowingly sends such child to any separate school in contravention of these provisions shall be liable, upon conviction before a justice of the peace, upon the complaint of the trustees or of any ratepayer of the school to a fine not exceeding ten dollars for each offence or imprisonment in the common jail for a period not exceeding thirty days.

Penalty.

Contravention of Act by trustee or sec. treasurer.

98. Any trustees or secretary-treasurer neglecting or refusing to discharge any duty assigned to him or them by this Act, shall be liable to a penalty of ten dollars for each offence, and the said penalties may be recovered within three months of the time when such offence was committed.

Detention of school property.

99. Whenever any school trustee or secretary-treasurer, after his dismissal, resignation or ceasing to hold office, detains any money, book, paper or property belonging to the school trustees of any school, he shall thereby incur a penalty of not less than five dollars nor more than twenty dollars for each day during which he shall retain possession of any such money, book, paper or property, after having received a notice from the superintendent of education requiring him to deposit the same in the hands of some person mentioned in such notice.

False returns.

100. If any trustee of a school, or other person, knowingly signs a false report, or if any teacher of a school keeps a false school register, or makes a false return with a view of obtaining a larger sum than the just proportion of school moneys coming to such school, such trustee or teacher shall for each offence forfeit the sum of twenty dollars.

False information by father, &c.

101. Every father, head of a family, or guardian who refuses to give the trustees of any school district the information required by them to enable them to make up the census of children required by this Act, or who makes a false declaration, shall incur a penalty of not less than five nor more than twenty-five dollars.

Offences by certain officers.

102. Any justice of the peace, assessor, constable, or other officer neglecting or refusing to discharge any duty assigned to him by the provisions of this Act shall be liable to a penalty for each offence of a sum not exceeding fifty dollars.

False declaration by voter.

103. If any person wilfully makes a false declaration of his right to vote, he shall be liable to a penalty of not less than fifty nor more than one hundred dollars.

Chairman failing to report.

104. The proceedings of every school meeting shall, within eight days thereafter be reported by the chairman of such meeting to the superintendent under a penalty of five dollars.

Disturbing proceedings.

105. Any person who wilfully disturbs, interrupts, or disquiets the proceedings of any school meeting, or any one who interrupts or disturbs any school by rude or indecent behaviour or by making a noise either within the place where school is kept or held, or so near thereto as to disturb the order or exercises of the school, shall for each offence on conviction thereof before a justice of the peace, forfeit and pay a sum not exceeding twenty dollars, together with the cost of the conviction as the said justice may think fit.

Trustee refusing to act.

106. Any person chosen as trustee who has not refused to accept office, and who at any time refuses or neglects to perform his duties shall forfeit the sum of twenty dollars.

Board refusing to act.

107. Should the trustees of any school wilfully neglect or refuse to exercise all the corporate powers vested in them by this Act, or any other Act or Acts of this province, or the fulfilment of any contract or agreement made by them, any trustee or trustees so neglecting or refusing to exercise such powers, shall be held to be personally responsible for the fulfilment of such contract or agreement.

rosecution by any person.

108. All such prosecution for fines and penalties may be instituted by any competent person before any justice of the peace who may convict the offender on the oath of one credible witness other than the prosecutor; and if upon conviction, the penalty, with costs, is not paid forthwith, the same shall, under warrant of such justice, be levied with costs of distress, sale of goods and chattels of the offender; and such penalties, when so paid and collected, shall, by such justice, be paid over to the school fund of the district to which such delinquent belongs.

Prosecution by superintendent.

109. It shall be the duty of the superintendent in case of the loss of any school money or properties belonging to any school district through default, embezzlement or wilful neglect of any trustee or person connected therewith, to prosecute such trustee or person in his own name as such superintendent for the benefit of the district concerned, and to collect any costs that may be incurred by him in such prosecution from the school district or districts for whose benefit such prosecution was undertaken, by notifying the clerk of the municipality in which each such district is wholly or partly situated, and such clerk shall thereupon pay the said costs of the superintendent out of the municipal levy for the said school district, before paying any portion of the same to the trustees, provided that all such prosecutions shall be undertaken only when authorized by aresolution of the Board of Education.

NORMAL SCHOOLS.

Normal schools.

110. The Board of Education is hereby empowered—

(*a*). To establish in connection with any separate schools which may be established at St. Boniface, normal school departments, with a view to the instruction and training of teachers of public schools in the science of education and the art of teaching, and to establish and provide for the conducting of teachers' institutes at any other schools within the jurisdiction of the board;

(*b*.) To make, from time to time, rules and regulations necessary for the management and government of the said departments;

(*c*.) To arrange with the trustees of such separate schools all things which may be expedient to promote the objects and interests of the said normal school departments;

(*d*.) To prescribe the terms and conditions on which students and pupils will be respectively received and instructed in the said departments;

(*e*.) To determine the number and compensation of teachers, and of all others who may be employed in the said departments.

Grant for their maintenance.

111. The Lieutenant-Governor in Council may direct that a sum not exceeding one-tenth of the amount of the grant for educational purposes be allowed for the maintenance of normal school departments as hereby established.

POWER RESERVED.

Power reserved to Parliament.

112. Power is hereby reserved to the Parliament of Canada to make such further and other remedial laws as the provisions of the said section twenty-two, of chapter three, of the Statutes of 1870, and of the decision of the Governor in Council thereunder may require.

SCHEDULE "A."

PUBLIC NOTICE.

Notice is hereby given that a meeting of the Roman Catholic ratepayers within the separate school district of number will be held at the in the said district on day the day of A.D. 1 at the hour of o'clock in the noon, for the purpose of considering the expediency of raising money by way of loan to (*here state the purpose for which the loan is intended*).

Dated this day of A.D. 1 .

Secretary-Treasurer.

SCHEDULE "B."

Debentures of the school trustees for the separate school district of number in the province of Manitoba.

The school trustees for the separate school district of number in the province of Manitoba, promise to pay to bearer at at the sum of dollars of lawful money of Canada, in years from the date hereof, and to pay interest thereon during the currency hereof at the same place at the rate of per centum per annum, to the bearer of the coupons hereunto annexed respectively, and numbered with the number of this debenture.

Issued at this day of 1 , by and under the authority of subsection *f* of section 84 of an Act of the Dominion of Canada passed in the year of Her Majesty's reign, chapter

S. M.,
Trustee.

T.R.,
Secretary-Treasurer.

Coupon No.

The school trustees of the separate school district of number in the province of Manitoba, will pay the bearer hereof at the at on the day of 1 , the sum of dollars, being interest due on that day on school debentures, No.

T. R.,
Secretary-Treasurer.

No. 58.

6th Session, 7th Parliament, 59 Victoria,

BILL.

The Remedial Act (Manitoba).

Received and read a first time, Tu
11th February, 1896.
Second reading, Wednesday, 12th Feb
1896.

Mr. Dicke

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's most Excellent Maje
1896

No. 59.] **BILL.** [1896.

An Act respecting the Chignecto Marine Transport Railway Company, Limited.

Preamble.

WHEREAS the Chignecto Marine Transport Railway Company, Limited, has by its petition prayed for the passing of an Act for the purposes hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows:

1882, c. 76; 1883, c. 60; 1888, c. 4; 1891, c. 12; 1892, c. 37.

1. The Chignecto Marine Transport Railway Company, Limited, hereinafter called the Company, may complete, maintain and operate the works authorized to be constructed, maintained and worked by it, under and by virtue of chapter seventy-six of the Statutes of 1882, or under and by virtue of any other Act respecting the Company; and all the powers, franchises, rights and privileges conferred upon the Company by the said Acts relating to the Company are hereby declared to have continued and been held by the Company and to be still in force, and the provisions of the said Acts are hereby declared to be still in force; and the said works shall be completed within five years after the passing of this Act, otherwise the powers granted by the said Acts and this Act shall cease and be null and void, as respects so much of the undertakings as then remains uncompleted.

Time for construction limited.

No. 59.

6th Session, 7th Parliament, 59 Victoria, 1896

BILL.

An Act respecting the Chignecto Marine Transport Railway Company, Limited.

Received and read a first time, Friday, 14th February, 1896.

Second reading, Monday, 17th February, 1896.

(PRIVATE BILL.)

Mr. POWELL.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1896

No. 60.] **BILL.** [1896.

An Act respecting the Thousand Islands Railway Company.

Preamble.

WHEREAS the Thousand Islands Railway Company has by its petition prayed that an Act be passed conferring on the Company certain additional powers hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty by and with the advice and consent of the Senate and House of Commons of Canada enacts as follows:—

Railway may be run by electricity.

1. The Thousand Islands Railway Company, hereinafter called the Company, may operate its railway and branches or any part thereof by electricity.

Extensions to Rockport and Pitt's Ferry.

Ont. 34 V., c. 46, and 47 V., c. 67; Can. 51 V., c. 75.

2. The Company may extend its main line or branches from a point at or near the town of Gananoque to a point at or near the village of Rockport, east of Gananoque, and to a point at or near Pitt's Ferry, west of Gananoque; and all the powers and privileges conferred by this and former Acts with respect to the said main line or branches are hereby conferred upon the Company with respect to the branch lines hereby authorized, and all the provisions of the several Acts relating to the issue of bonds on the security of the railway shall apply to such branch lines as fully and amply as they apply to the main line; and any agreements made between the Company and any municipality into or through which the said lines or branches run, are hereby, so far as it is within the legislative authority of the Parliament of Canada to do so, confirmed and declared to be binding on the several parties thereto according to the terms thereof.

Time for construction extended.

3. The time for the completion of the railway and branches of the Company is hereby extended for a period of five years from the passing of this Act; and if the railway and branches and the extensions authorized by section two of this Act are not then completed, the powers relative to such construction shall cease and be null and void as respects so much of the undertaking as then remains uncompleted.

No. 60.

6th Session, 7th Parliament, 59 Victoria, 1896

BILL.

An Act respecting the Thousand Islands Railway Company.

Received and read a first time, Friday, 14th February, 1896.
Second reading, Monday, 17th February, 1896.

(PRIVATE BILL)

Mr. TAYLOR.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1896

No. 61.] **BILL.** [1896.

An Act to incorporate the Toronto, Hamilton and Niagara Falls Electric Railway Company.

Preamble.

WHEREAS a petition has been presented praying for the incorporation of a company to construct and operate the following lines of railway, and for other purposes as hereinafter set forth, and it is expedient to grant the prayer of the said petition; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows:—

Incorporation.

1. Frank Turner, Thomas Walmsley, Edward F. Clarke, Alfred W. Smith, James Bond Clarke, Thomas Home, Samuel Clark Biggs, Albert Romaine Lewis and James Pearson, all of the City of Toronto, and Frederick Dillabough of the City of Hamilton, together with such persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate, under the name of "The Toronto, Hamilton and Niagara Falls Electric Railway Company", hereinafter called the Company.

Corporate name.

Head office.

2. The Head Office of the Company shall be in the city of Toronto, in the province of Ontario.

Line of railway described.

3. The Company may survey, lay out, construct, make, complete, alter, keep in repair and operate lines of railway of the guage of four feet eight and one-half inches from some point in the city of Toronto, to be selected by the said Company, thence to and along what is known as Dundas Street to some point in the city of Hamilton, passing from the city of Toronto through the township of York to the village of Islington in the township of Etobicoke, the villages of Dixie, Cooksville and Credit in the township of Toronto, the villages of Trafalgar and Palermo in the township of Trafalgar, the villages of St. Anne's, Nelson and Burlington, in the township of Nelson, thence across Burlington Beach through the townships of Saltfleet and Barton to some point in the city of Hamilton, or from the village of Nelson aforesaid in the township of Nelson, through the township of East Flamborough to the city of Hamilton, and also from the said point in the city of Hamilton to some point on the Niagara river, at or near Niagara Falls, passing through the townships of Barton, Saltfleet, Grimsby, Clinton, Louth, Grantham, Niagara, Thorold and Stamford, including the village of Niagara Falls South and the town of Niagara Falls, and also from some point in the village of Grimsby to some point in the village of Dunnville, passing through the townships of Grimsby, Gainsborough and Moulton;

Use of public highways.

and the said railways or any of them or any part thereof may be carrried along and upon such public highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same, and subject to the restrictions and provisions therein contained, and under and subject to any agreements between the Company and the councils of any of the said corporations and between the Company and the road companies (if any) interested in such highways; and the Company may make and enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway, subject to the provisions and conditions contained in *The Railway Act* and in the Acts amending the same.

Agreements with municipalities.

Declaratory.

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

Navigation.

5. The Company, at any point where the railway, or any branch thereof, touches or cross-es any navigable waters, may, for the purposes of its business, build, equip and operate docks and elevators, and steam and other vessels and may collect wharfage and storage charges for the use of its wharfs and buildings, and may, in connection with its railway convey passengers and freight, between ports in Canada and ports outside of Canada, and may carry on a general transportation service in connection with the said railway, and may sell and dispose of such vessels.

Electricity.

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

Provisional directors.

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

Vacancies.

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

Capital stock.

8. The capital stock of the Company shall be 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.

When construction may be commenced.

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

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

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

Annual meeting.

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

Election of directors.

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

Issue of bonds limited.

12. The Company may issue bonds, debentures, or other securities to the extent of twelve thousand dollars per mile of the railway and branches, and six thousand dollars per mile additional debentures for each mile double-tracked, and such bonds, debentures or other securities may be issued only in proportion to the length of railway constructed or under contract to be constructed.

Agreement with Grand Trunk Railway Co.

13. The Company and the Grand Trunk Railway Company of Canada may enter into an agreement or agreements for the leasing, hiring or use by the Company of the lands, tracks or structures of the Grand Trunk Railway Company of Canada, or any portions thereof and also for coveying or leasing to the said the Grand Trunk Railway Company of Canada, the railway of the Company hereby incorporated, in whole or in part, or any rights 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, on such terms and conditions as are agreed upon and subject to such restrictions as to the directors of the said companies seem fit; provided that such agreement has been first approved by two-thirds of the votes at a special general meeting of the shareholders of the Company called for the purpose of considering the same, at which meeting shareholders representing at least two-thirds in value of the stock are present in person or represented by proxy, and that such agreement has also received the sanction of the Governor in Council.

Proviso: approval of shareholders.

Sanction of 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 two hundred and thirty-nine of *The Railway Act*, and also for a like period in one newspaper in each of the counties through which the

railway of the Company hereby incorporated runs and in which a newspaper is published.

Duplicate agreement to be filed.

14. A duplicate of each agreement, conveyance or lease referred to in section thirteen of this Act, duly ratified and approved, shall be filed in the office of the Secretary of State at Ottawa, and notice thereof shall be given by the Company in the *Canada Gazette* and the production of the *Gazette* containing such notice shall be *prima facie* evidence of the requirements of this Act having been complied with.

Company may enter upon public roads.

15. With the consent of the municipal council having jurisdiction over the roads and streets of any city, town or municipality the Company, may, by its servants, agents or workmen, enter upon any public road, highway, street, bridge, watercourse, navigable or non-navigable water or other such places in any city, incorporated town, village, county, municipality, or other place, for the purpose of constructing, erecting, equipping, working and maintaining its line of railway and its line of telegraph or telephone, and lines for the conveyance of

May erect poles.

electric power, upon, along, across, over and under the same; and may erect, equip and maintain such and so many poles or other works and devices as the Company deems necessary for making, completing and supporting, using, working and maintaining its system and its system of communication by telegraph and telephone, and for supplying electric power; and may stretch wires and other electrical contrivances thereon;

And open public roads.

and, as often as the Company, its agents, officers or workmen think proper, may enter upon, use, break up and open any part whatsoever of the said public roads, highways, streets, bridges, watercourses, navigable and non-navigable waters and other like places, subject, however, to the following provisions, that is to say :—

Travel, &c., not to be obstructed.

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

Height of poles.

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

Kind of poles.

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

Cutting poles or wires in case of fire.

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

Liability for damages.

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

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

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

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

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

(*j.*) Nothing in this section contained shall be deemed to authorize the Company, its servants, workmen or agents to enter upon any private property for the purpose of erecting, maintaining or repairing any of its wires, without the previous assent of the owner or occupant of the property for the time being. Entering upon private property.

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

16. If the construction of any of the lines mentioned in section three of this Act is not commenced, and an amount equivalent to fifteen per cent of the whole amount of the capital stock is not expended, within two years after the passing of this Act, then the powers granted by *The Railway Act* and by this Act shall cease and be null and void as respects any of the said lines not commenced; and if any of the said lines or any portion thereof is not finished and put in operation within seven years from the passing of this Act, then the powers granted by *The Railway Act* and by this Act shall Time for construction limited.

cease and be null and void as respects so much of the said railway as then remains uncompleted.

Future legislation as to lectric railways to apply.

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

No. 61.

6th Session, 7th Parliament, 59 Victoria, 1896

BILL

An Act to incorporate the Toronto, Hamilton and Niagara Falls Railway Company.

Received and read a first time, Friday, 14th February, 1896.
Second reading, Monday, 17th February, 1896.

(PRIVATE BILL.)

Mr. BENNETT.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1896

No. 62.] **BILL.** [1896.

An Act to incorporate the Ontario Peat Fuel and Railway Company.

WHEREAS a petition has been presented praying for the incorporation of a company for the purposes and with the powers hereinafter set forth, including therein the power of constructing and operating a line of railway, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. George Halsey Perley, of the City of Ottawa, Archibald Anderson Dickson, of the city of Toronto; William Anderson Allan, of the city of Ottawa, and Alexander Jardine, James Richard Silliman, Rupert Mearse Wells, and William B. Bayley, all of the city of Toronto, together with such persons as have heretofore or shall hereafter become shareholders of the company hereby incorporated, are hereby constituted a body corporate under the name of the Peat Fuel and Railway Company, hereinafter called the Company. Incorporation. Corporate name.

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

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

4. The Company may— General powers and business of company.

(*a*) Purchase, acquire, hold, lease, sell and dispose of peat-bogs, peat marshes, swamps, mines, mining lands and mining rights, and open up and work the same in the province of Ontario and elsewhere in the Dominion of Canada, and transact all business connected therewith;

(*b*) Mine and get therefrom peat, iron, ores and metals, and all or any minerals or metallic products or other deposits there found or being;

(*c*) Manufacture, buy, sell and deal in peat and other products into which peat enters as a constituent part, and also any moss, clay, iron and all deposits, minerals or products, materials and substances, which may be or be found in or upon the properties of the Company, and trade in the same and in all minerals, substances and manufactured products of such properties, mines or mining rights, and transact all business connected with the purposes aforesaid or any of them;

(*d*) Purchase, acquire, hold, convey, exchange, mortgage, and dispose of lands, mining properties and rights, personal property, mills, machinery, vehicles propelled by steam or otherwise, and other property for the purposes of the business of the Company;

(*e*) Make, carry on and operate all necessary and proper works and factories, and purchase, hold, lease, erect and maintain, mortgage and dispose of all suitable mills, engines, furnaces, houses and buildings;

(*f*) Acquire by assignment, license, lease, purchase, royalty or otherwise, and use and enjoy any inventions and letters patent of invention for or connected with all or any of the purposes and business of the Company, and may sell, assign or dispose thereof.

(*g*) Buy, sell, trade and deal in all kinds of merchandise, necessary or incidental to the business of the Company;

(*h*) Construct, purchase, operate, maintain or lease telephone lines, and manufacture and sell gas for public or private use, in connection with the railway or works owned or carried on by the Company;

(*i*) Construct, charter and employ vessels for the purposes aforesaid, and for the purposes of transporting the produce of the mills, mines and works to any place or places within Canada or elsewhere;

(*j*) Purchase or otherwise acquire from any person any business within the objects of the Company, and any lands, property, privileges, rights, contracts and liabilities appertaining to the same; and may let or sublet any property of the Company; and sell or otherwise dispose of the business, property or undertaking, or any part thereof, for such considerations as the Company thinks fit, and in particular for shares, debentures or securities of any other company having objects altogether or in part similar to those of the Company; provided that nothing herein contained shall be construed as enabling the Company to acquire real estate beyond what is necessary for the carrying on of their business as aforesaid;

(*k*) Also do all other matters and things which the Company may deem expedient, incidental or conductive to the attainment of the objects of the Company or any of them.

Promissory notes and bills of exchange.

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

Line of railway described.

6. The Company may lay out, construct and operate a line of railway of the gauge of four feet eight and one-half inches from a point in the Township of Wainfleet, in the county of Welland and Province of Ontario, at or near the present peat fuel works in said township—thence passing north over the Welland canal feeder to the line of and crossing the railway of the Grand Trunk Railway Company, and thence to a point on the line of the railway of the Canada Southern Railway Company in the said township, in all a distance of three miles

more or less, the said railway being situate entirely within the said township of Wainfleet; with power to lay out, construct and operate for all or any of the purposes mentioned in *The Railway Act*, railways, sidings, switches or branch lines of railway, not exceeding in any one case six miles in length, for the conveyance of passengers and goods and for the transportation of the minerals and products of the Company to and from the mines, properties and works of the Company, to one or more places of transhipment or otherwise. Branches.

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

8. The first general meeting of the Company shall be held at such time and place in the Province of Ontario as a quorum of the provisional directors may determine, and notice of such meeting shall be given in manner provided by *The Companies Clauses Act* with respect to general meetings of the Company. First general meeting.

9. At such meeting the shareholders of the Company, who have paid all calls due on their shares, shall choose seven persons to be directors of the Company, one or more of whom may be paid directors of the Company. Election of directors.

10. The Company may receive, either by grant from any government or from any individual or corporation, municipal or otherwise, as aid in the construction of the railway and works provided for in this Act, any Crown lands, or any real or personal estate or property, or any sums of money or debentures, either as gifts by way of bonus or in payment, and may legally dispose of the same, and may alienate the land and other real and personal property for the purposes of the Company in carrying out the provisions of this Act. Grants in aid.

11. The Company may purchase, or otherwise acquire and take over, as a going concern, in whole or in part, upon such terms as may be agreed upon, and may thereafter hold, exercise and enjoy the business, franchises, undertaking, properties, rights, powers, privileges and assets of the Ontario Peat Fuel Company (Limited) heretofore incorporated by Letters Patent under the *Ontario Joint Stock Companies Letters Patent Act*, and may pay the consideration either wholly or partly in cash, or wholly or partly in capital stock of the Company, either paid up or partly paid up, or issued as wholly or partly paid up stock, and whether subscribed for or not, or wholly or partly in bonds or debentures of the Company, or otherwise, as may be agreed upon; and in the event of such purchase or other mode of acquirement being entered into, may also undertake, assume, pay or guarantee all or any of the obligations, liabilities, contracts and engagements of the said Ontario Peat Fuel Company (Limited), or affecting the assets and property of the latter company; and may also subscribe for, purchase or otherwise acquire, and may hold or dispose of the shares and stock of the said last mentioned company, for the purpose of or in connection with any transaction or Agreement with another company.

agreement entered into between the said companies under this section ; provided always, that after the completion of such purchase or acquisition, the Ontario Peat Fuel Company (Limited) shall no longer exercise its corporate powers, or make use of its corporate name for any purpose, except for the purpose of supporting and carrying into effect the said sale or other absolute transfer, and of winding up its affairs thereafter.

Issue of paid up stock in payment of purchase money of existing company.

12. The directors of the Company may make and issue as paid up and unassessable stock shares of the capital stock of the Company, whether the same are subscribed for or not, and whether paid up or not, in payment of and for the businesses, franchises, undertaking, properties, rights, powers, privileges, stock and assets of the said the Ontario Peat Fuel Company (Limited) acquired under this Act, and may allot and hand over such shares to the said last mentioned company or to its shareholders respectively; and may also make and issue, as paid up and unassessable stock, shares of the capital stock of the Company, whether subscribed for or not and whether paid up or not, and may allot and hand over the same in payment for right-of-way, lands, mining rights, plant, property, letters patent of invention, rolling stock or materials of any kind, and also for the services of directors and engineers; 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 in any way liable thereon.

And for right of way, &c.

Issue of bonds, &c., limited.

13. The Company may issue bonds, debentures or other securities under the provisions of *The Railway Act*, to the extent of ten 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 sections ninety-three to ninety-eight, inclusive, of *The Railway Act* shall apply to the railway of the Company authorized by this Act.

Borrowing powers.

14. The Company may borrow money; and, under the authority of a resolution of the shareholders, passed at the general meeting of the shareholders, or at any special general meeting called for the purpose, or at any annual meeting, at which shareholders representing at least two-thirds in value of the issued capital stock of the Company are present or are represented by proxy, the directors of the Company may also, from time to time, at their discretion, in addition to the bonding powers provided in the last preceding section hereof, with respect to the railway of the Company, borrow moneys for the purposes of the Company, and secure the repayment of any of the moneys so borrowed, in such manner and upon such terms and conditions as they see fit, and in particular by the mortgage, pledge, hypothecation or charge of or on all or any of the other assets and property of the Company.

Interest bearing debentures.

15. The directors of the Company, under the authority of a resolution of the shareholders passed at any general meeting called for the purpose, at which meeting shareholders representing at least two-thirds in value of the issued capital stock

of the Company are present in person or represented by proxy, may also from time to time, in addition to the bonding powers provided in section thirteen of this Act, with respect to the railway of the Company, create and issue debentures, bearing such rate of interest as is agreed upon, for sums of not less than one hundred dollars each, signed by the president or other presiding officer, under the seal of the Company, and countersigned by the secretary, and payable to bearer or order; and the directors may deliver the said debentures for the purposes seth forth in section eleven of this Act; and the directors may also, from time to time, sell or pledge any of the said debentures for the purpose of borrowing money or of paying or securing the indebtedness of the Company. Provided that the total amount of such debentures, at any time outstanding, shall not exceed, exclusive of commercial paper of the Company under discount, seventy-five per cent of the paid up stock of the Company; and the said debentures and interest thereon, if intended to be secured, may be secured by mortgage, hypothec, pledge or charge upon such of the profits of the Company (other than the railway) as are described in the mortgage deed, hypothec, pledge or charge; and such mortgage deed, hypothec, pledge or charge may give to the holders of the said debentures, or the trustees for such holders named in such mortgage deed, hypothec, pledge or charge, such powers, powers of sale rights and remedies as are specified in such mortgage deed, hypothec, pledge or charge; and all such powers, powers of sale, rights and remedies so provided in such mortgage deed, hypothec, pledge or charge, shall be valid and binding and available to the said holders in manner and form as therein provided.

Amount limited.

Mortgage deed to secure debentures.

16. Nothing herein contained shall in any way alter or abridge the subsisting rights or liabilities of the Ontario Peat Fuel Company (Limited), nor shall anything in this Act discharge the last mentioned company from any liabilities, or affect or impair the rights of its creditors.

Existing rights saved.

17. The company may enter into an agreement with the Canada Southern Railway Company for acquiring, by purchase, lease or otherwise, and for the conveying or leasing to the Company hereby incorporated, the railway hereby authorized to be constructed and operated, either in whole or in part, including all or any rights, powers or privileges acquired by the said Canada Southern Railway Company in respect of the said railway hereby authorized to be constructed, on such terms and conditions as may be agreed upon, and subject to such restrictions as may be agreed upon, and subject to such restrictions as to the directors may seem fit; and the Company hereby incorporated may enter into an agreement with the Grand Trunk Railway Company of Canada or with the Canada Southern Railway Company, or with the Toronto, Hamilton and Buffalo Railway Company, or with the Canadian Pacific Railway Company, or any of them, for conveying or leasing to any of such companies the railway of the Company hereby incorporated, in whole or in part, or any rights or powers acquired under this Act, as also the surveys, plans, works, plant, materials, machinery and other property to it belonging, or

Agreements with other railway companies.

Proviso: approval of shareholders and sanction of Governor in Council.

for an amalgamation with any of 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 any such agreement shall have been first approved by two-thirds of the votes at a special general meeting of the shareholders of the Company hereby incorporated duly called for the purpose of considering the same, at which meeting shareholders representing at least two-thirds in value of the stock are present in person or represented by proxy, and that such agreement has also received the sanction of the 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 one hundred and fifty-nine of *The Railway Act*, and also for a like period in one newspaper in each of the counties through which the railway of the Company hereby incorporated runs, and in which a newspaper is published.

1888, c. 29.

18. Sections one to thirty, inclusive, and sections eighty-nine to three hundred and nine, inclusive, of *The Railway Act* shall apply to the railway of the Company hereby incorporated.

R.S.C., c. 118.

19. Subject to the provisions of this Act, *The Companies Clauses Act*, save and except sections eighteen, thirty-nine and forty-one shall apply to the Company.

No. 62.

6th Session, 7th Parliament, 59 Victoria, 1896

BILL.

An Act to incorporate the Ontario Peat Fuel and Railway Company.

Received and read a first time, Friday, 14th February, 1896.
Second reading, Monday, 12th February, 1896.

(PRIVATE BILL.)

Mr. BOYLE.
(Monck.)

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1896

No. 63.] **BILL.** [1896.

An Act to amend the Act incorporating the International Radial Railway Company.

Preamble.

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

1895, c. 49.

Power to extend lines of railway.

1. The International Radial Railway Company hereinafter called the Company, may extend the lines of railway referred to in paragraph (*a.*) of section Three of chapter forty-nine of the Statutes of 1895 incorporating the Company as follows:—

Extension described.

The line from Hamilton to Guelph may be extended to a point on the shore of the Georgian Bay at or near the town of Meaford, passing through the counties of Wellington, Dufferin and Grey; and the line from Hamilton to Waterloo may be extended from Waterloo to a point on the shore of Lake Huron at or near the town of Goderich, passing through the counties of Perth and Huron, with a branch from some point on such extension connecting the same with the said extension of the line from Hamilton to Guelph.

Time for construction of extensions limited.

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

Provisions of charter to apply to extensions.

3. Subject to the provisions of *The Railway Act*, the Company shall have and may exercise, in respect to the said extensions of the said railway, all the rights, powers, franchises and privileges conferred upon it by its Act of Incorporation.

Exemption as to fences and cattle guards, if electricity is used.

4. Notwithstanding the provisions of *The Railway Act* in reference to fences and cattle guards, the Company shall not be required to construct cattle guards on any portion of their lines that shall be operated by electric or other motive power not being steam power.

Railway may be worked by gas or other power.

5. Notwithstanding anything contained in the Company's Act of Incorporation or in *The Railway Act*, the Company may use any atmospherical, gaseous or mechanical power for working its railway, which the Company may adopt for that purpose.

S. 11 repealed.

6. Section eleven of the said Act of incorporation is hereby repealed and the following substituted therefor:—

New section: election of directors.

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

Power to pay for right of way or services of engineers and promoters, in paid up stock, &c.

7. The directors or provisional directors may pay or agree to pay, in paid-up stock or in bonds of the Company, such sums as they deem expedient, to engineers or contractors, or for right of way, or material, plant or rolling stock, and also, subject to the sanction of a vote of the shareholders at any general meeting, for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors in the furtherance of the undertaking, or purchase of the right of way, or material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors or not, and any agreement so made shall be binding on the Company.

S. 16 repealed.

Time for construction of certain lines limited.

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

S. 17 repealed.

9. Section seventeen of the said Act of incorporation is hereby repealed.

No. 63.

6th Session, 7th Parliament, 59 Victoria,

BILL.

An Act to amend the Act incorpor
the International Radial Railway
pany.

Received and read, a first time, Friday,
February, 1896.
Second reading, Monday, 17th Febuary;

(PRIVATE BILL.)

MR. MASS

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's most Excellent Majest
1896

N° 64] **BILL.** [1896.

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

WHEREAS the persons whose names are hereinafter mentioned have by their petition prayed to be incorporated for the purpose of establishing a company to carry on the business of life insurance in all its branches, and have represented that such a company would be of public benefit; and whereas it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. John Hoskin, The Honourable Samuel Casey Wood, Hugh Nickol Baird, Henry O'Hara, Joseph Wesley Flavelle and The Honourable William Harty, together with such persons as become members of and shareholders in the company hereby incorporated, are hereby constituted a body corporate under the name of "The Imperial Life Assurance Company of Canada," hereinafter called the Company. Incorporation. Corporate name.

2. The Company may effect contracts of insurance throughout Canada, and elsewhere, with any persons or corporations on life or lives, and may grant, sell or purchase annuities, and grant endowments, and generally carry on the business of life insurance in all its branches. Powers and business of the Company.

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

2. The directors may, after the whole capital stock has been subscribed and five hundred thousand dollars have been paid thereon in cash, increase the amount of the capital stock at any time, or from time to time, to an amount not exceeding two million dollars; but the stock shall not be increased until the resolution of the board of directors authorizing such increase has been first submitted to and confirmed by a majority in number and amount of the shareholders, at an annual general meeting of the Company, or at a special meeting of the shareholders duly called for that purpose. Increase of capital stock.

4. The persons whose names are set forth in the first section hereof, with such other persons, not exceeding six, as they associate with them, shall be provisional directors of the Company, and four of them shall be a quorum for the transaction of business, and they may forthwith open stock books, procure subscriptions of stock for the undertaking, make calls on stock subscribed, and receive payments thereon, and shall Provisional directors.

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.

First meeting of shareholders.

5. So soon as three hundred thousand dollars of the capital stock of the Company have been subscribed and ten per cent of that amount paid into some chartered bank in Canada, the provisional directors shall call a meeting of the shareholders of the Company at some place to be named in the city of Toronto, in the province of Ontario, at which general meeting the shareholders present in person or represented by proxy who have paid not less than ten per cent on the amount of shares subscribed for by them, shall elect a board of directors.

Election of directors.

Qualification of directors.

2. No person shall be a director unless he holds, in his own name and for his own use, at least 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 capital stock.

6. The shares of the capital stock subscribed for shall be paid by such instalments and at such times and places as the directors appoint; the first instalment shall not exceed twenty five per cent, and no subsequent instalment shall exceed ten per cent, and not less than thirty 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

Proviso: when company may commence business.

Board of directors.

7. The affairs of the Company shall be managed by a board of not less than seven, nor more than twenty directors, of whom a majority shall be a quorum.

Annual general meeting.

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

Head office.

9. Until otherwise determined by the directors, the head office of the Company shall be in the city of Toronto, and the directors may, from time to time, change the head office to some other place in Canada; and branches, sub-boards or agencies may be established, either within Canada or elsewhere, in such manner as the directors from time to time appoint.

Branches.

Investment of funds.

10. The Company may invest its funds in the debentures bonds, stocks or other securities of Canada, or of any province of Canada, or of any municipal corporation in Canada, or in debentures of any building society, loan or investment company, or on the security of the policies of the Company, or on the security of any of the said debentures, bonds, stocks, securities or policies, or on the security of paid-up shares of any building society, loan or investment company, and whether such deben-

tures, bonds, stock, securities, policies or shares are assigned absolutely or conditionally, or by assignment in the nature of a charge or mortgage thereon to the Company, or to any officer of the Company or other person in trust for the Company, or on the security of real estate, or in or on mortgage security thereon, or on the security of leaseholds for a term or terms of years, or in ground rents on real estate or other estate or interests in real property or mortgage security thereon in any province or territory of Canada; and in or upon any bonds or debentures of any of the States of the United States, or of any municipalities in the United Kingdom, or in the United States, or in mortgages on real estate therein; but the amount so invested in the United Kingdom shall not at any time exceed the reserve upon all outstanding policies in force in the United Kingdom, and the amount so invested in the United States shall not at any time exceed the reserve upon all outstanding policies in force in the United States; and such reserve in each case shall be calculated upon the basis prescribed by *The Insurance Act*; and may take, receive and hold all or any of such securities, in the name of the Company, or in the name of trustees as aforesaid for the Company, whether for funds invested by being advanced or paid in the purchase of such securities, or loaned by the Company on the security of any of such classes of property above referred to.

Conditions of loans.

2. Any investment or loan above authorized to be made may be on such terms and conditions, and in such manner, and at such times, and for such sums, and in such sums of repayment, whether of principal or interest or principal and interest, as the directors from time to time determine, and either in satisfaction of, or as collateral security for, debts to the Company, or judgments recovered against any person or body corporate in its behalf, or in security for the payment thereof or of any part thereof.

Additional security.

3. Provided further that the Company may take any additional security of any nature to further secure the repayment of any liability to the Company, or to further secure the sufficiency of any of the securities upon which the Company is above authorized to lend any of its funds.

Investment in foreign securities.

11. The Company may invest or deposit such portions of its funds in foreign securities as is necessary for the maintenance of any foreign branch.

Real estate mortgaged to the Company.

12. The Company may hold such real estate as is *bona fide* mortgaged to it by way of security, or conveyed to it in satisfaction of debts or of judgments recovered: Provided always, that all real estate so mortgaged or conveyed in security as aforesaid and acquired by the Company, shall be sold and disposed of within seven years from the time of its becoming the absolute property of the Company, otherwise it shall revert to the previous owner or to his heirs or assigns.

Power to hold real estate limited.

13. The Company may also acquire, hold, alienate, convey and mortgage any real estate required in part or wholly for the use and accomodation of the Company; but the annual value thereof, in any province of Canada, shall not exceed ten thousand dollars, except in the province of Ontario, where it shall not exceed thirty thousand dollars.

Dividends and bonuses.

14. The directors may, from time to time, set apart such portion of the net profits as they shall 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 dividends or bonus shall at any time be declared or paid out of estimated profits, but the portion of such profits which remain undivided upon the declaration of a dividend, shall never be less than one-fifth of the dividend declared, and the directors shall not be obliged to allot such portion of profits to such holders of participating policies oftener than once in five years.

Power to charge losses to holders of participating policies.

15. The directors shall also have power, during any current dividend period, to charge the holders respectively of participating policies, with losses to the extent to which they have been credited with profits during such dividend period, if the losses require it, and retain the amount so charged out of such profits, or such profits as are declared as such, and credited to such holders of participating policies at any time; but the holders of policies shall not, as such, be liable to any other or greater extent than is expressed by the terms of their policies.

R.S.C., c. 124.

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

R.S.C., c. 118.

17. Notwithstanding anything contained therein or in any other Act, *The Companies Clauses Act*, except sections eighteen and thirty-nine thereof, shall extend and apply to the Company hereby incorporated, and shall be incorporated with and form part of this Act, in so far as it is not inconstent with any of the provisions hereinbefore contained.

No. 64.

6th Session, 7th Parliament, 59 Victoria,

BILL.

An Act to incorporate the Imperial Assurance Company of Canada.

Received and read the first time, Friday, February, 1896.
Second reading, Monday, 17th February, 1

(PRIVATE BILL.)

Mr. COATSWORTH.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1896

No. 65.] **BILL.** [1896.

An Act to incorporate the Manitoba and Nelson Valley Railway Company.

WHEREAS a petition has been presented praying for the incorporation of a company to construct and operate a railway as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. George Carr and George Flett, of London, England, George G. Foster and H. S. McDougall, of the city of Montreal, and George E. Kidd, of the City of Ottawa, together with such persons as become shareholders in the company hereby incorporated, are hereby constituted a body corporate under the name of "The Manitoba and Nelson Valley Railway Company," hereinafter called the Company. Incorporation.

2. The head office of the Company shall be in the City of Winnipeg, Manitoba. Head office.

3. The Company may lay out, construct and operate, either by steam or by electric power, or both, a railway of the gauge of four feet eight and one half inches, from a point at or near the City of Winnipeg, or between the City of Winnipeg and the town of Portage La Prairie, in the province of Manitoba, running south and west of Lake Manitoba, to a crossing of the North Saskatchewan River between the Pas Mission and Grand Rapids, thence by the most practicable route to navigable tide water on the Nelson River, near its entrance into Hudson Bay; with a branch line commencing at or near the International Boundary and running in a northerly and northwesterly direction between ranges 11 and 15 west of the first principal meridian in the province of Manitoba, to an intersection with the main line at a point west of Lake Manitoba; also a branch line from a point on the main line west of Lake Winnipegosis following up the valley of the Saskatchewan river, as near as may be found practicable, to the town of Edmonton, in the district of Alberta. Line of railway and works. Branch west of lake Manitoba. Saskatchewan river brach.

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

5. The capital stock of the Company shall be one million dollars, and may be called up by the directors from time to Capital stock.

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

Annual general meeting.

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

Election of directors.

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

Issue of bonds limited.

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

Agreement with another railway Company.

9. The Company may enter into an agreement with the Manitoba and North-western Railway Company, The Winnipeg Great Northern Railway Company, the Manitoba and Northern Pacific Railway Company, or the Lake Manitoba Railway and Canal Company, for the conveying or leasing to, or acquiring or leasing from any of the said railway companies its lines or any part thereof, by the Company, or for an amalgamation with any of 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 such agreement has first been approved by two-thirds of the votes at a special general meeting of the shareholders duly called for the purpose of considering the same—at which meeting shareholders representing at least two-thirds in value of the stock are present in person or represented by proxy—and that such agreement has also received the sanction of the Governor General in Council:

Proviso: approved of shareholders;

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

Steamers.

10. The Company may build, purchase, acquire, charter and possess, work and operate steam and other vessels on any lakes, rivers or other navigable waters, as it deems proper and expedient, in connection with its railway, and may do all such things as are necessary for improving the navigation of such rivers, or between any of such lakes and others of them; and for the purpose of connecting the means of transport between the said waters, may construct a railway or tramroad between any of such lakes or rivers and others of them, and also around the rapids or any other obstruction of any of the said rivers, or may construct a canal or canals to avoid the same wherever requisite; and may also for the purpose of facilitating the said undertakings, and the traffic in connection therewith, purchase, build, fit, complete and charter, sell or dispose of, work, control and keep in repair steam tugs, barges, steam ships and

Railways, tramroads and canals to complete navigation.

Steam tugs, barges, &c.

other vessels, to ply in connection with the said railway and to transport passengers and freight between its terminus on Hudson Bay and any port in Europe or elsewhere; and may also build, purchase, acquire or lease, work and operate grain elevators and other warehouses, and may carry on a general warehousing business, and may purchase grain and other freight, and sell or dispose of the same; and the Company may erect and maintain docks, dockyards, wharves and piers at any point on or in connection with the said railway, and at all the termini thereof, for the accommodation of vessels, elevators and warehouses.

Grain elevators.

Docks and wharves.

11. The Company may construct, equip, work and maintain a telegraph line and telephone lines along the whole length of its railway and branches, and may establish offices for the transmission of messages for the public, and collect tolls for so doing; and for the purposes of erecting and working such telegraph and telephone lines, the Company may enter into a contract with any other company, or may lease any of the Company's lines or any portion thereof.

Telegraph and telephone lines.

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

Power to enter upon lands, &c.

And to rrect poles and stretch lines.

And break up roads.

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

Travel not to be impeded.

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

Height of wires.

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

Kind of poles,

Cutting of poles or wires in case of fire.

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

Damages.

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

Trees.

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

Opening up of streets, location of poles, &c.

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

As to future legislation.

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

Badge to be worn by Company's servants.

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

Entering upon private property.

(*j.*) Nothing in this section contained shall be deemed to authorize the Company, its servants, workmen or agents, to enter upon any private property for the purpose of erecting, maintaining or repairing any of its wires, without the previous assent of the owner or occupant of the property for the time being ;

Temporary removal of poles or wires.

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

Arrangements with telegraph or telephone companies.

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

Bonuses or grants of land in aid of Company.

14. The Company may, from time to time, receive from any Government, person or body corporate, in aid of the construction, equipment and maintenance of the said railway and of any line of steamships 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, person or body corporate, 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 land, 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: first 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 and principal have been made a charge on such lands; and thirdly, for the general purposes of the Company.

Such lands, &c., may be vested in trustees.

Proceeds of sale of lands, how to be applied.

15. All lands sold and conveyed by the Company, or by the said trustees after a conveyance thereof to them upon the trusts aforesaid, and which have been paid for in cash to the person or persons entitled to receive the purchase money, shall thereby be forever released and discharged from all mortgages, liens, and charges of any kind or nature, by this Act or by the Company created; and the purchase money arising from the sale of such lands by the Company shall be applied, in the first place, in the satisfaction of any mortgage thereon created by the Company, and after payment of such mortgages or lien created by the Company thereon the same shall be applied in accordance with the trusts in the next preceding section declared.

Disposal of unused lands.

16. Any lands acquired by the Company whether earned or to be earned after the passing of this Act, which are not required for the right of way or actual working of the railway of the Company, may be sold, mortgaged, granted or disposed of as the directors of the Company think necessary, and advantageous for the purposes of the Company.

Water power and electricity.

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

Electric works.

18. The Company may, for the purposes aforesaid,

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

(*b.*) Build and maintain power houses and stations for the development of electrical force and energy, and buy or lease the factories or stations of other like companies, or lease their works, equipment and appurtenances or a portion thereof;

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

(*d.*) Sell or lease to any person or corporation any power which the Company develops or acquires, 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 may be used.

No. 65.

6th Session, 7th Parliament, 59 Victoria, 1896

BILL.

An Act to incorporate the Manitoba and Nelson Valley Railway Company.

Received and read a first time, Friday, 14th February, 1896.
Second reading, Monday, 17th Feb., 1896.

Mr. DAVIS.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1896

No. 67.] **BILL.** [1896.

An Act to amend the Dairy Products Act, 1893.

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

1. This Act may be cited as *The Dairy Products Act*, 1893, *Amendment Act.* Short title.

2. Section four of *The Dairy Products Act*, 1893, is hereby repealed and the following substituted therefor :— 1893, c. 37, s. 4 repealed,

"4. No person shall apply any brand, stamp or mark of the word "Canadian," "Canadien," or "Canada," as a descriptive term, mark or brand, upon any cheese or upon any box or package which contains cheese or butter, unless such cheese and butter have been produced in Canada. "Canadian" as a brand.

"2. No person shall knowingly sell, offer, expose, or have in his possession for sale, any cheese or butter upon which, or upon any box or package containing which the word "Canadian," "Canadien," or "Canada," is applied as a descriptive term, mark or brand, unless such cheese or butter has been produced in Canada. Sale of cheese or butter so branded falsely.

"3. No person shall knowingly sell, or offer, expose or have in his possession for sale, any cheese upon which, or upon any box or package containing which is printed, stamped or marked any month other than the month in which such cheese was made or manufactured ; and no person shall, knowingly and with intent to misrepresent or defraud, sell, or offer, expose or have in his possession for sale, any cheese designated or represented in any manner as having been made in any month other than the one in which it was actually made or manufactured. Month of manufacture to be marked on cheese.

"4. Every owner of a cheese factory or creamery where the manufacture of cheese or butter intended for export is carried on, shall send by registered letter to the Department of Agriculture at Ottawa, particulars for the registration of such cheese factory or creamery as set forth in Schedule A to this Act. Registration of cheese factories and creameries.

"5. The agricultural and dairy commissioner, or such other officer of the Department of Agriculture as is designated by the Governor in Council, shall forthwith send by registered letter to the owner of such cheese factory or creamery, a certificate of registration, showing the registration number allotted to such cheese factory or creamery. Certificate of registration and number.

"6. No person shall knowingly sell or offer, expose or have in his possession for sale, any cheese or butter intended for export, which is produced in any cheese factory or creamery in Canada, unless the word "Canadian" and the registration number of the factory in which it was produced, together with the month in which it was produced, are printed, Marks on cheese and butter for export.

stamped, or marked in a legible and indelible manner upon the outside of every box or package which contains such cheese or butter, in figures and letters not less than one inch high and three-quarters of an inch wide, and unless, in the case of cheese, such word and number have been legibly printed, stamped or marked upon the cheese itself before leaving the factory.

Defacing marks.

"7. No person, with intent to misrepresent or to defraud, shall remove or in any way efface, obliterate or alter, the word "Canadian" or the figure or figures of the registration number on such cheese, or on any box or package which contains such cheese or butter.

District trade marks.

"8. Any dairymen's board of trade may apply to the Department of Agriculture for the registration of a 'district trade-mark' for use on cheese or butter, or on packages containing cheese or butter, made or manufactured in the district in which it is situate and its business is transacted, as set forth in schedule B to this Act.

District defined.

"(*a.*) The expression district means the district within and for which a board of trade is established under the provisions of chapter one hundred and thirty of the Revised Statutes, intituled *An Act respecting the Incorporation of Boards of Trade*, as amended by section one of chapter seventeen of the Statutes of 1895.

Use of district trade-mark.

"9. When a certificate of the registration of a district trade-mark has been issued, no person shall apply such trade-mark upon any cheese or butter, or upon any box or package containing cheese or butter, except in compliance with the regulations made in connection therewith, and after being duly authorized by the dairymen's board of trade to use and apply it.

Regulations by dairymen's board of trade.

"(*a.*) A certified copy of the regulations made by the dairymen's board of trade in connection with the use of the district trade-mark, must be sent to the Department of Agriculture with the application for the registration of the district trade-mark.

Penalty for contravention of this section.

"10. Every person who, by himself, or by any other person to his knowledge, violates any of the provisions of this section, shall, for each offence, upon conviction thereof before any justice or justices of the peace, be liable to a fine not exceeding twenty dollars and not less than five dollars for every cheese or box or package of butter which is sold or offered, exposed, or had in his possession for sale, contrary to to the provisions of this section, together with the costs of prosecution, and in default of payment of such fine and costs, shall be liable to imprisonment, with or without hard labour, for a term not exceeding three months, unless such fine and the costs of enforcing it aresooner paid."

SCHEDULE A.

Particulars for the registration of Cheese Factories and Creameries.

1. Name of cheese factory or creamery.
2. Where situated :—
   (*a.*) Province .....
   (*b.*) County.....
   (*c.*) Township .....
   (*d.*) Post Office.....
   (*e.*) Telegraph or Telephone Office.....
   (*f.*) Railway Station or Shipping Port.....
3. Name of Owner.....
   Post Office Address.....

(*If a Co-operative Dairy Association or Joint Stock Company :—*

Name of Secretary .....
Post Office Address) .....

4. Registered Brand or Trade-Mark, if any.....
5. Registered Number allotted .....

The above is certified correct.

.....Owner
.....P. O. Address
..... Secretary
.....P. O. Address

Witness .....
.....P. O. Address
Witness .....
.....P. O. Address

SCHEDULE B.

Particulars for Registration of a District Trade-Mark for Butter and Cheese.

1. The name of the Dairymen's Board of Trade on whose behalf application is made, is .....
.....

2. The Board was organized .....18... under the provisions of Chapter 130 of the Revised Statutes of Canada intituled "An Act respecting the Incorporation of Boards of Trade."

3. The name of the district in which it is situate and its business transacted is the district of .....
.....

4. The name of the person appointed as Secretary of the said Board is .....
of the..... of .....
in the county of. .....and province of.....
His Post Office Address is.....

5. The District Trade-Mark for which a certificate of registration is applied for is.....
.....

6. A true copy of the regulations made by the said Board in connection with the use of the said District Trade Mark, certified to by the President and Secretary of the said Board, is attached hereto.

Signed ....
President.
.....Dairymen's Board of Trade.
Signed .....
Secretary.
..... Dairymen's Board of Trade.

Witness..... .....
.....P. O.
Witness..... .....
.....P. O.

No. 67.

6th Session, 7th Parliament, 59 Victoria, 1896

BILL

An Act to amend the Dairy Products Act, 1893.

Received and read a first time, Thursday, 20th February, 1896.
Second reading, Friday, 21st February, 1896.

Mr. FOSTER.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1896

No. 68.] **BILL.** [1896.

An Act to amend the Winding-up Amendment Act, 1889.

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

1. Section eight of *The Winding-up Amendment Act*, 1889, is hereby amended by adding the following subsection thereto:— 1889, c. 32, s. 8, amended.

"2. If, however, any incorporated bank opposes the application to wind up its affairs, and shows reasonable cause for believing that such opposition is well-founded and in the general interest of the persons concerned, the court, in its discretion, may, from time to time, adjourn proceedings upon such application, for periods not exceeding in all two years from the date of such application. If bank opposes application for order to wind it up.

No. 68.

6th Session, 7th Parliament, 59 Victoria, 1896

BILL.

An Act to amend the Winding-up Amendment Act, 1889.

Received and read a first time, Thursday, 20th February, 1896.
Second reading, Friday, 21st February, 1896.

Mr. Geoffrion.

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's most Excellent Majesty
1896

No 69]. **BILL.** [1896.

An Act to incorporate the Hamilton Blast Furnace Company.

WHEREAS a petition has been presented praying for the incorporation of a company for the purposes and with the powers hereinafter set forth, and it is expedient to grant the prayer of the said petition ; therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :— Preamble.

1. John H. Tilden, John Milne, A. T. Wood, William Southam, R. R. Morgan, A. E. Jarvis, George Hope and Charles E. Birge, all of the city of Hamilton, in the province of Ontario, together with such persons as become shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of " The Hamilton Blast Furnace Company (Limited)," hereinafter called the Company. Incorporation. Corporate name.

2. The persons named in the first section of this Act shall be the first or provisional directors of the Company, a majority of whom shall form a quorum. Provisional directors.

3. The head office of the Company shall be in Hamilton, in the county of Wentworth, and province of Ontario, or such other place in Canada as the directors determine by by-law. Head office.

4. The Company may— Powers.

(*a.*) Carry on the business of exploring for, mining, or otherwise acquiring iron, nickel, copper and other metals, materials, minerals and ores ; To explore for and mine metals, &c.

(*b.*) Crush, smelt, reduce and manufacture such metals, minerals and ores ; To crush and reduce ores.

(*c.*) Carry on the business generally of smelting metals, minerals and ores, and manufacturing the same, and of manufacturing therefrom as well as in combination with other metals, minerals, ores, substances and materials, all articles of merchandise that may be manufactured therefrom, including iron, steel and nickel of all kinds and descriptions and all forms ; To smelt and manufacture minerals, &c.

(*d.*) Carry on the business of rolling mills, and the manufacture of iron and steel rails and all kinds and classes of muck bar and refined rolled bar-iron, Bessemer and other kinds and descriptions of steel ; To carry on rolling mill, &c.

(*e.*) Manufacture charcoal, coke and other fuel and requisites for the said business ; Manufacture charcoal, coke, &c.

(*f*) Acquire, by purchase or otherwise, such real and personal property, easements, premises, claims, mining locations, limits, privileges or other rights necessary or convenient for the business or operations of the Company ; To acquire real and personal property, &c.,

To erect mills and other works.

(*g.*) Erect and establish works, mills, factories, warehouses and other buildings and operate the same;

To construct tramways.

(*h.*) Construct tramways and operate them by steam, electricity or other motive power;

To build steam and other vessels.

(*i.*) Build, acquire, charter or lease steam and other vessels, boats, piers and wharfs, telegraph and telephone lines, aqueducts, dams, water-power, roads, and other works in connection with the works of the Company, or which are deemed necessary or convenient for the business of the Company, and, subject to the approval of the shareholders of the Company at a general meeting to be duly called for considering the subject, may aid, by way of bonus or otherwise, the construction or maintenance of any of the same or any railways serving or promoting the Company or its interests;

To purchase and dispose of articles of merchandise required by company.

(*j.*) Purchase or otherwise acquire such articles of merchandise as are deemed necessary for the business of the Company, and sell or otherwise dispose of the same and any property not further required for the business of the Company;

Issue paid-up shares in payment for property purchased by company.

(*k.*) Issue paid-up shares of the capital stock of the Company for real or personal property, claims, mining locations, limits, privileges or other rights which are deemed suitable or necessary for the purposes of the Company.

Capital stock.

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

First general meeting.

6. The first general meeting of the Company shall be held at such time and place in the province of Ontario as the provisional directors or any five of them determine, and notice of such meeting shall be given by mailing, at least ten days before the holding of such meeting, a written notice of such time and place, postage prepaid, to the address of each of the shareholders of the Company; and at this or a subsequent meeting the Company may be organized by the election of not less than five directors or other necessary officers.

Election of directors.

Grants in aid.

7. The Company may receive, either by grant from any Government, or from any individual or corporation, municipal or otherwise, as aid in the construction of the works provided for in this Act, any Crown lands, or any real or personal estate or property, or any sums of money or debentures, either as gifts by way of bonus or in payment, and may legally dispose of the same and alienate the lands and other personal property for the purposes of the Company in carrying out the provisions of this Act.

Power to purchase the franchises and property of the Hamiton Iron and Steel Company.

8. The Company may purchase, lease or otherwise acquire and take over as a going concern or otherwise, in whole or in part, upon such terms as are agreed upon, and may thereafter hold, exercise and enjoy, the business, franchises, shares, debentures or other securities, undertaking, property, rights, powers and privileges, and assets ar any of them of the Hamilton Iron and Steel Company (Limited), and may pay the consideration therefor either wholly or partly in cash, or partly in capital stock of the Company, paid up or partly paid up or issued as wholly or partly paid up and whether subscribed for or not, or wholly or partly in any debentures of the

Company, or otherwise, as agreed upon, or may, upon such terms as they desire, enter into and carry out any arrangements with the said company for the working or carrying on by the Company of the business of the said Company, and may also undertake, assume, pay or guarantee all or any of the obligations, liabilities, contracts or engagements of the said Hamilton Iron and Steel Company, or affecting the assets and property of the said company, and may thereafter hold and dispose of the said business, franchises, shares, debentures or other securities, of the said Company.

Or make arrangements with that company.

9. The directors of the Company may make and issue as paid up and unassessable, shares of the capital stock of the Company, whether subscribed for or not, and whether paid up or not, in payment for the businesses, shares, debentures or other securities, franchises, undertakings, properties, rights, powers, privileges and assets of the said Hamilton Iron and Steel Company or any one or more of them acquired under this Act, and may allot and hand over such shares to the said Hamilton Iron and Steel Company or their shareholders, or any one or more of them respectively, or to such other company, firm or firms, individual or individuals as partners as may be agreed upon; and 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 in any way liable thereon.

Issue of paid up stock in payment for property of the Hamilton Iron and Steel Company.

10. The directors may, when authorized by by-law for that purpose passed and approved of by the votes of shareholders representing at least two-thirds of the value of the stock issued by the Company, represented at a special general meeting duly called for considering the by-law—

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 debenture shall be for a less sum than one hundred dollars;

Bonds, &c., may be issued.

(*b.*) Hypothecate or pledge the real or personal property of the Company to secure any sums borrowed by the Company;

Property of company may be pledged.

2. The amount 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.

Limitation as to amount.

As to commercial paper.

No. 69.

6th Session, 7th Parliament, 59 Victoria, 1896

BILL.

An Act to incorporate the Hamilton Blast Furnace Company (Limited.)

Received and read a first time, Friday, 21st February, 1896.
Second reading, Monday, 24th February, 1896.

(PRIVATE BILL.)

Mr. McKay.

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's most Excellent Majesty
1896

No. 70.] **BILL.** [1896.

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

Preamble.

WHEREAS the Toronto, Hamilton and Buffalo Railway Company has by its petition prayed that an Act be passed to make further provisions in relation to the company as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Money to pay debts may be deposited in a bank.

1895, c. 66, s. 10 amended.

1. Section ten of chapter sixty-six of the Statutes of 1895, being an Act relating to the Toronto, Hamilton and Buffalo Railway Company, hereinafter called the Company, is hereby amended by adding after the word "discharged" and before the word "all" in the third line thereof the following words:— "Or have deposited with the bank of Hamilton, at Hamilton, "the sum of at least eighty-five thousand dollars to be held by "the said bank in trust to pay and discharge."

Bank to be trustees and to pay certain debts.

2. Upon the deposit of the said sum of eighty-five thousand dollars with the bank of Hamilton aforesaid, and the acceptance thereof by the said Bank, the Bank of Hamilton shall become and are hereby declared to be trustees of the said sum, for the payment of the assignee of Bracey Brothers and Company, and the creditors of Bracey Brothers and Company and others of their respective claims mentioned and set forth in sections ten and eleven of the said Act relating to the said Railway Company, and upon the terms and conditions in the said sections ten and eleven respectively set forth; provided that as soon as the said deposit is made, the said bank shall pay thereout to the respective parties (or their solicitors or transferees) whose claims have been admitted in whole or in part by the Company, the respective amounts to which they appear entitled, in whole or in part, according to the list of admitted claims delivered to the cashier of said bank by the Company on the day of February, one thousand eight hundred and ninety-six, amounting in all to the sum of dollars, and it is hereby declared that upon the said deposit being made with the bank of Hamilton aforesaid, and the cashier of the said bank having certified that the said deposit has been so made, the Minister of Railways and Canals shall declare the said Act in full force and effect.

County court judge may arbitrate as to disputed claims.

3. It is further enacted and declared that as to the creditors of Bracey Brothers and Company, and others referred to in the said sections ten and eleven of the said Act, whose claims

have been filed with the said Railway Company prior to the first day of February, one thousand eight hundred and ninety-six, and are disputed or not allowed, or which the Company submit are not within the provisions of the said Act, the county judge of the county of Wentworth, upon notice to the Company of the proceedings in each case, shall have the power in all cases in which the said creditors or any of them assent thereto, to hear and determine in a summary manner, as an arbitrator, whether or not the claims of such creditors so assenting are valid and just claims, in whole or in part, of the nature and class referred to in the said sections ten and eleven of the said Act, and are such, either in whole or in part, as the Company is directed to pay under the provisions of the said Act; and the award or certificate in that behalf of the said county judge shall be final and conclusive, and there shall be no appeal therefrom; and the amount which the said judge so finds to be a just claim and payable by the Company under the provisions of the said Act, shall be paid by the said bank of Hamilton upon the certificate of the said county judge, stating the amount of the liability, of the nature and class aforesaid, payable to any such creditor, and that it has been determined by him; provided that no *bona fide* claim filed before the first day of February, one thousand eight hundred and ninety-six, shall be disallowed or held not to be within the provisions of sections ten and eleven of the said Act, by reason of any defect in the manner of verifying it as required by the said Act.

Notice to Company.

Award so be final.

Certain claims not to be excluded.

Limit of time for submitting disputed claims for adjudication.

4. Should any of the creditors whose claims are disputed or not allowed by the Company fail to submit their respective claims for adjudication, under the provisions contained in section three of this Act, within three months from the date of passing of this Act, or omit within that time to take other legal proceedings to determine the validity of their respective claims, within the provisions of sections ten and eleven of the said chapter sixty-six of the Statutes of 1895 (of all which the Company shall be given notice), they shall not be entitled to payment by the bank of Hamilton, out of the fund herein provided to be deposited with the said Bank; and at the expiration of one year from the date of the passing of this Act, all the money remaining in the hands of the said bank of the sum so deposited and not paid under the provisions of this Act, shall be repaid to the Company by the said bank, except such portion thereof as is necessary to provide for the payment of claims which are then in process of adjudication, either by a reference to the said county judge or by other legal process, and in the prosecution of which due diligence has been used.

As to claims admitted in part.

5. Any claim admitted in part shall, as to such admitted part, be paid by the said bank without prejudice to the holder of such claim proceeding for the balance thereof in the manner aforesaid.

No. 70.

6th Session, 7th Parliament, 59 Victoria, 1896

BILL.

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

Received and read a first time Friday, 21st February, 1896.
Second reading Monday, 24th February, 1896.

(PRIVATE BILL.)

Mr. McKay.

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's most Excellent Majesty
1896

No. 71.] **BILL.** [1896.

An Act to provide for the almagamation of the Bay of Quinté Railway and Navigation Company and the Kingston, Napanee and Western Railway Company, under the name of "The Bay of Quinté Railway Company."

Preamble.

WHEREAS the same persons are the owners of all the capital stock of the Bay of Quinté Railway and Navigation Company and the Kingston, Napanee and Western Railway Company; and whereas, for the purposes of their business, the shareholders of the said two companies desire that they should be amalgamated and made one company, and have petitioned for power to effect such amalgamation, and it is expedient to grant the prayer of the said petitions; Therefore; Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Amalgamation authorized. Name of new Company.

1. The Kingston, Napanee and Western Railway Company, and the Bay of Quinté Railway and Navigation Company may unite as one company which shall be called "The Bay of Quinté Railway Company."

Directors empowered to settle terms of amalgamation, &c.

2. The directors of the Kingston, Napanee and Western Railway Company may agree with the directors of the Bay of Quinte Railway and Navigation Company that the said two Companies shall be united as and form one company, and may, by the said agreement, fix the terms upon which such union shall take place, the rights which the shareholders of each company shall possess after such union; the number of directors of the Company after such union and who shall be directors until the then next election of directors, the period at which such next election shall be held, the number of votes which the shareholders of either Company shall respectively have thereat, the time when the said agreement shall take effect, the by-laws which shall apply to the united Company, and generally all such conditions and stipulations touching the terms upon which such union, shall take place as are found necessary for determining the rights of the said Companies respectively and of the shareholders thereof after such union and the mode in which the business of the company shall be managed and conducted after such union.

Special general meeting to consider agreement.

3. Whenever any such agreement has been made as aforesaid, the directors of each of the said two companies shall call a special general meeting of the shareholders of each of the companies they represent in the manner provided by the statute relating to such companies respectively for calling

general meetings, stating particularly that such meeting is called for the purposes of considering the said agreement and of ratifying or di-allowing it; and if at such meeting of the shareholders of each company respectively three-fourths or more off the votes of the shareholders either present or represented by proxy, are given for ratifying the said agreement, then it shall have full effect accordingly, as if all the terms and clauses thereof, not inconsistent with this Act, were enacted in an Act of the Parliament of Canada; if, however, less than three-fourths of the votes of the shareholders present at such meeting or represented by proxy, are given in favour of ratifying such an agreement, then it shall be void and of no effect; Provided that such meeting shall he held within three months from the time of the making of such agreement by the directors as aforesaid and not afterwards.

Proportion of votes required to confirm agreement.

Proviso: limit of time for holding meeting.

4. From and after the time when any such ratified agreement for the union of two or more Companies takes effect the Companies intended to be united shall become one company and one corporation by the corporate name assigned to it in this Act, and shall be vested with and have all the powers, rights and property and be responsible for all liabilities of the respective companies, parties to such agreement, and shall be held to be the same corporation with each of them, so that any right or claim which could be enforced by or against either of them, may after such union, be enforced by or against the company formed by their union and any suit, action or proceeding pending at the time of such union by or against either of such companies, may be continued and completed by or against the company formed by their union, by the corporate name so assigned to it; provided always, that any mortgages or other encumbrances now existing against the properties of either of the said companies shall continue and remain a charge only upon the property mentioned in the said mortgage or encumbrance, and the rights of the holders of such mortgages shall be and remain as if the said union had not been made, and, if the trustees in the said now existing mortgages so require, separate accounts showing revenues and disbursements of each of the said two Companies shall, while the said mortgages continue to exist, be kept by the said company hereby formed.

Effect of ratification of agreement.

Proviso: existing rights not to be affected.

5. In case of any such union as aforesaid the capital formed thereby shall be equal to the combined capitals of the companies united; and they may raise by loan or otherwise any sum not exceeding the total amount which the said companies might raise.

Capital stock of amalgamated companies. Borrowing powers.

6. The Bay of Quinté Railway Company may construct branch lines or extensions, not exceeding twenty miles in length, towards iron or other mineral lands, from any point on the lines of the Company or from any point on lines contiguous thereto; and all the powers and privileges conferred by this and former Acts, with respect to the main line or branches, are hereby conferred upon the Company with respect to such branch lines or extensions, and all the provisions of the several Acts relating to the issue of bonds on the security of the

Power to construct branch lines or extensions.

railway shall apply to such branch lines or extensions as fully and as amply as they apply to the main line, and any agreements made between the said Company and any municipality entered into by the said branch lines or extensions or through which said branch lines or extensions run, are hereby confirmed and declared, so far as it is within the legislative authority of the Parliament of Canada to do so, to be binding on the several parties thereto according to the terms thereof.

Limit of time for construction of branch lines.

7. The power conferred by this Act with respect to the construction of branch lines or extensions shall be exercised within five years from the passing of this Act, in default whereof the said powers shall lapse and be null and void as respects so much of the branch lines or extensions as then remains uncompleted.

Power to purchase certain locomotive shops and other works.

8. The Bay of Quinté Railway Company shall, in addition to the powers already conferred on either of the companies forming the union, have the power to purchase, lease or otherwise acquire the Deseronto locomotive and car shops and all lands, wharfs, docks, elevators, warehouses and works in the town of Deseronto or along the lines of their railway, required for the proper and efficient working of the said railways and the management of its business.

Adjacent timber lands may be purchased and disposed of.

9. The Bay of Quinté Railway Company may purchase, lease or otherwise acquire and sell, mortgage or otherwise dispose of timber, or lands covered with timber in the vicinity of the said railway, or of railways connecting with the said railway, and along the lines thereof, and may cut and remove the timber therefrom and sell and dispose of the same on such terms and in such manner as they see fit, and, after the removal of such timber from the said lands, may sell, lease or otherwise dispose of the said lands upon such terms as to the directors of the said Company seem advisable.

1888, c. 29.

10. All the provisions of *The Railway Act* and amendments thereto, not inconsistent with this Act, shall apply to the Company to be formed by the said amalgamation.

No. 71

6th Session, 7th Parliament, 59 Victoria, 1896

BILL.

An Act to provide for the amalgamation of the Bay of Quinté Railway and Navigation Company and the Kingston, Napanee and Western Railway Company under the name of "The Bay of Quinté Railway Company".

Received and read a first time, Friday, 21st February, 1896.
Second reading, Monday, 24th Feb., 1896.

(PRIVATE BILL.)

Mr. NORTHRUP.

OTTAWA
Printed by S. E. DAWSON
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1896

No. 72.] **BILL.** [1896.

An Act respecting the Montreal Park and Island Railway Company.

Preamble.

WHEREAS the Montreal Park and Island Railway Company has by its petition prayed for the passing of an Act to confer upon it the powers hereinafter mentioned, and it is expedient to grant the prayer of the said petition ; therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

1894, c. 18, s. 11, amended.

1. Section 11 of chapter 18 of the Statutes of 1894 incorporating the Montreal Park and Island Railway Company, hereinafter called the Company, is hereby amended by inserting after the words "St. Lawrence," in the seventh line the following words : "And it shall be lawful for the owners of "such bridges to so contract with the Company and to afford "passage and transit for the cars or vehicles of the Company "together with their appurtenances, and they are hereby "empowered so to do."

Bridge companies may contract with company.

S. 17 amended

2. Section seventeen of the said Act is hereby amended by striking out the word "fifteen" in the third line thereof, and by substituting therefor the words "twenty-five."

Issue of preference stocks.

3. The directors, under the authority of the shareholders to them given at a general meeting specially called for the purpose, at which meeting shareholders holding at least two-thirds in value of the capital stock of the Company are present or represented, may issue preference stock to an amount not exceeding one hundred shares of one hundred dollars each per mile, that is to say, ten thousand dollars, per mile, for every mile of railway or branches constructed or under contract to be constructed, entitling the holder thereof, in priority to all other shareholders, to a cumulative dividend payable thereon, at such rate not exceeding six per cent per annum as the directors see fit, out of the net earnings of the company, after the interest on the first mortgage bonds is paid.

Limit.

Dividend.

Redemption of preference stock.

2. The company shall have the right at any time to redeem and cancel such preference stock or any portion thereof, upon the terms and conditions stipulated and set forth in the resolution authorizing its issue.

Rights of holders of preference stock.

3. The holders of such preference stock shall have the rights, privileges and qualifications of holders of capital stock for voting at meetings of the company, or for being directors, or for any other purpose.

Power to sell preference stock.

4. The directors may issue and sell or pledge all or any of the said preference shares at the best price and on the best terms and conditions at the time obtainable, to raise money for the undertaking.

Division of undertaking into sections.

Separate issue of bonds on each section.

4. The company may divide its undertaking into sections and issue the bonds and other securities authorized to be issued, separately with respect to each of the said sections, or as to certain sections combined, or on the whole line of the railway of the Company ; and such bonds or other securities, if so issued, shall, subject to the provisions contained in section ninety-four of *The Railway Act*, form a first charge upon and be limited to the particular section with respect to which they are issued, and upon the rents and revenues thereof, and upon all the property of the Company belonging to such section.

General powers and business of the Company.

5. The Company may, for the purposes of its railway, and in connection with its business and the development thereof:

(*a.*) Build, charter, lease or purchase steam, electric or other boats or vessels and operate and manage them, on any navigable waters reached by their lines of railway ; and construct and maintain docks, wharves and other buildings necessary for their use ;

(*b.*) Possess, equip and manage parks and pleasure grounds, lease the same, contract with individuals or companies for their occupation and use : and provide entertainments, exhibitions and attractions therein to induce and stimulate travel ;

(*c.*) Build, purchase, lease and manage hotels, dwelling-houses and restaurants along its lines of railway;

(*d.*) Acquire by lease, purchase or otherwise, any exclusive rights in letters patent, franchises or patent rights, for the purpose of its works and undertaking and again dispose of such rights.

Arrangement with a construction company, &c.

6. The Company may make and enter into any contract or agreement with a construction company or with the trustees of such company (pending its incorporation) or with individuals—

(*a.*) For the construction, building, equipment, operation and and maintenance of its lines of railway and other property or respecting any portion thereof, and for the financing and exploitation of the same, and the Company for such purposes may delegate and convey its rights, powers and franchises or any part thereof ;

(*b.*) For the purchase, lease or use of its property or its rights and powers, either in whole or in part for any period, or for the purchase, lease or hire from such construction company or individuals, of rolling stock, equipment or supplies;

(*c.*) For an amalgamation with such construction company upon such terms, conditions or restrictions as are agreed upon by the directors ;

(*d.*) Touching the use by one or the other or by both companies of the railway or moveable property of one or both or any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor;

2. Such construction company is hereby empowered for all the purposes of this section and authorized to execute such

agreement or agreements with the Company, and the same and every of them is hereby sanctioned and declared within the functions and capacities of the contracting parties.

3. The directors of the Company shall be eligible to become shareholders and directors in the said construction company, and may hold offices in both companies.

Sanction of shareholders

7. Such contracts or agreements shall not have force until sanctioned by two-thirds of the votes of a special general meeting of the shareholders, at which two-thirds in value of the stock is represented, and until the approval of the Governor in Council has been received and signified as provided in *The Railway Act.*

No. 72.

6th Session, 7th Parliament, 59 Victoria, 1896

BILL.

An Act respecting the Montreal Park and Island Railway Company.

Received and read a first time, Friday, 21st February, 1896.
Second reading, Monday, 24th February, 1896.

(PRIVATE BILL.)

Mr. LACHAPELLE.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1896

No. 73] **BILL.** [1896.

An Act to amend the Criminal Code, 1892, for the purpose of making more effectual provision for the punishment of seduction and abduction.

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

1. Section one hundred and eighty-one of *The Criminal Code*, 1892, is hereby amended by substituting the word "eighteen" for the word "sixteen" in the fifth line thereof. 1892, c. 29, s. 181 amended.

2. Section one hundred and eighty-two of the said Code is hereby amended by substituting the word "eighteen" for the words "twenty-one", in the first line thereof. S. 182 amended.

3. Section two hundred and eighty-three of the said Code is hereby amended by substituting the words "twenty-one" for the word "sixteen" in the fourth and last lines thereof. S. 283 amended.

No. 73.

6th Session, 7th Parliament, 59 Victoria, 1896

BILL.

An Act to amend the Criminal Code, 1892, for the purpose of making more effectual provision for the punishment of seduction and abduction.

Received and read a first time, Monday, 24th February, 1896.
Second reading, Tuesday, 25th February, 1896.

Mr. CHARLTON.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1896

No. 74.] **BILL.** [1896.

An Act to secure the better observance of the Lord's Day, commonly called Sunday.

WHEREAS it is for the public welfare and in the best interests of humanity that better provision be made for securing the observance of the first day of the week, hereinafter called the Lord's Day, as a day of rest from labour for the toiler: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :— Preamble.

Publication, &c., of newspapers on Sunday.

1. Whoever shall upon the Lord's Day, in the capacity of a proprietor, publisher, or manager, engage in the publication and issuing of any newspaper, journal or periodical, for the purpose of sale, either by carrier or newsboys, or at news stands or stores, upon that day, and whoever shall engage in the sale of any newspaper on that day, shall be deemed guilty of an indictable offence ; but nothing in this section shall be held to prevent the gratuitous distribution of religious publications upon the Lord's Day.

Canals to be closed on Sunday.

2. No canal belonging to Canada shall be open for traffic or business on the Lord's Day between the hours of six in the morning and ten in the evening.

Railway traffic on Sunday.

3. Any railway superintendent, traffic manager or person, by virtue of whose authority and order railway cars are on the Lord's Day loaded at any railway station in Canada, or despatched from such station when loaded, or permitted to continue a journey with Canadian local freight (except in the case of live stock or perishable goods) ; or any person as aforesaid who directs local passenger trains to be run on the Lord's Day (except such special trains as are necessary for the purpose of conveying medical aid and means of relief in case of accident, or to persons injured or afflicted with sickness, or for the purpose of conveying the means for extinguishing fire in places requiring such assistance, or for other acts of necessity and mercy), or directs empty cars to be moved from station to station or place to place within the territory of Canada on the Lord's Day, shall be deemed to be guilty of an indictable offence.

Through freight trains until when permitted.

2. At such time as the laws of the United States shall prohibit the moving of freight (except live stock and perishable goods) over American railways on the Lord's Day, no through freight in transit from one point on the frontier of the United States to some other point on the said frontier, shall be allowed to pass over Canadian railways on the Lord's Day, except live stock and perishable goods.

Sunday excursions prohibited.

4. Excursions upon the Lord's Day by steamboats plying for hire, or by railway, or in part by steamboat and in part by railway, and having for their only or principal object the carriage of passengers for amusement or pleasure, and to go and return the same day by the same steamboat or railway or any others owned by the same person or company, shall not be deemed a lawful conveying of passengers within the meaning of this Act ; and the owner, superintendent or person by virtue of whose authority and direction such excursion is permitted or ordered on the Lord's Day shall be deemed to be guilty of an indictable offence : Provided that nothing in this section shall be deemed to prohibit the ordinary carriage of passengers authorized by provincial statute.

Proviso : as to provincial law.

Penalty for offence under section 1.

5. Any person guilty of any offence declared in section one of this Act to be an indictable offence, shall, on summary conviction, be liable to a fine not exceeding fifty dollars for the first offence, and not exceeding one hundred dollars for each subsequent offence, together with the costs,—and in default of immediate payment of such fine and costs, to imprisonment for a term not exceeding one month : Provided that in the case of newsboys hawking or crying newspapers for sale on the Lord's Day, the punishment for the first offence shall be imprisonment for a period of not less than one day nor more than five days, and for each subsequent offence the penalty shall be imprisonment for a period not more than ten days.

Penalty for offences under sections 3 and 4.

6. Any person guilty of any offence declared in sections three and four of this Act to be an indictable offence, shall, on summary conviction, be liable to a fine not exceeding one hundred dollars for the first offence, and not exceeding two hundred dollars for each subsequent offence, together with the costs,—and in default of immediate payment of such fine and costs, to imprisonment for a term not exceeding months.

Applications of penalties.

7. All sums of money awarded or imposed as fines or penalties by virtue of this Act shall be paid as follows, that is to say : one moiety thereof shall be paid to the party charging and prosecuting the offence, and the other moiety to the treasurer of the county or city wherein the offence was committed, to be by him accounted for in the same manner as other moneys deposited with, or paid over to him.

Procedure.

8. No prosecution under this Act shall be commenced unless within one month after the commission of the offence charged.

No. 74.

6th Session, 7th Parliament, 59 Victoria,

BILL.

An Act to secure the better observ
of the Lord's Day, commonly ca
Sunday.

Received and read a first time, Wedne
26th February, 1896.
Second reading, Thursday, 27th February,

Mr. CHARLTO

OTTAWA
Printed by S. E. DAWSON

No. 75.] **BILL.** [1896.

An Act respecting the Chignecto Marine Transport Railway Company, Limited.

Preamble.

WHEREAS the Chignecto Marine Transport Railway Company, Limited, has by its petition prayed for the passing of an Act for the purposes hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows:

Revival of 1882, c. 76; 1883, c. 60; and 1892, c. 37.

1. Chapter seventy-six of the Statutes of 1882, incorporating the Chignecto Marine Transport Railway Company, Limited, chapter sixty of the Statutes of 1883, amending the said Act of incorporation, and chapter thirty-seven of the Statutes of 1892, respecting the said Company, are hereby revived and declared to be in force; and the time limited for the completion of the works of the Company is hereby extended for five years from the passing of the Act, and if the said works are not completed within the said time, then the powers granted for the construction thereof shall cease and be null and void as respects so much of the works as remains uncompleted.

Time for construction limited.

No. 75.

6th Session, 7th Parliament, 59 Victoria, 1896

BILL.

An Act respecting the Chignecto Marine Transport Railway Company, Limited.

Received and read a first time, Friday, 28th February, 1896.

Second reading, Monday, 2nd March, 1896.

(PRIVATE BILL.)

Mr. POWELL.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1896

No. 76] **BILL.** [1896.

An Act to incorporate the British American Coal and Transportation Company.

Preamble.

WHEREAS the persons hereinafter mentioned by name have by petition represented that they are desirous of associating themselves together for the purpose of mining and selling coal, and for constructing and operating railways in connection therewith, and have prayed for an Act of incorporation to that end; and whereas it is expedient to grant the prayer of the said petition; Therefore Her Majesty by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Incorporation.

1. James S. Hickman, James A. Dickey and James R. Lamy, all of Amherst in the province of Nova Scotia, and Henry A. Drury of St. John, New Brunswick, and Henry T. Shaefer of Boston, in the United States, together with such persons as become shareholders in the company hereby incorporated, are hereby constituted a body corporate and politic by the name of the "British American Coal and Transportation Company," hereinafter called the Company.

Corporate name.

Line of railway and extensions.

2. The Company may lay out, construct and operate a railway, of a gauge of not less than three feet, from a point at or near the mines known as the "Stanley Mines," in the county of Cumberland, in the province of Nova Scotia, to a point at or near Amherst in the said county, and may extend the said railway to the Cumberland Basin, at or near the mouth of the River Laplanche, and from a point at or near the said mines, to the Northumberland Strait at or near Tidnish in the said county of Cumberland, and may buy or lease coal mines or coal lands in the said county of Cumberland, and buy, lease or construct wharves in connection with their mines or railway, and work their mines or railway, and sell any mines acquired by them, and may also buy, hire, charter, operate and sell vessels, steamers, ships and other suitable craft for the transportation of coal and other minerals to ports in Canada or out of Canada.

Power to purchase and work coal mines, purchase vessels, &c.

Telegraph and telephone lines.

3. The Company may construct, and work, telegraph or telephone lines from the mines to any point on the railways owned or worked by them.

Company may enter upon public roads.

4. With the consent of the municipal council, or other authority having jurisdiction over the roads and streets of any city, town, municipality or district, the Company may, by its servants, agents or workmen, enter upon any public road,

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

May erect poles and stretch lines.

And break up streets and roads, etc.

Travel not to be obstructed.

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

Height of wires.

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

Kind of poles.

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

Cutting poles in case of fire.

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

Liability for damages.

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

Trees.

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

Approval of municipality.

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

Carrying wires under ground.

(*h*) No Act of Parliament requiring the Company, in case efficient means are devised for carrying telegraph or telephone wires under ground, to adopt such means, and abrogating the right given by this section to continue carrying lines on poles

through cities, towns or incorporated villages, shall be deemed an infringement of the privileges granted by this Act, and the Company shall not be entitled to damages therefor;

Workmen to wear badges.

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

Private rights saved.

(*j*) Nothing in this section contained shall be deemed to authorize the Company, its servants, workmen or agents, to enter upon any private property for the purpose of erecting, maintaining or repairing any of its wires, without the previous assent of the owner or occupant of the property for the time being;

Temporary removal of lines or poles.

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

Notice to Company.

Arrangements with telegraph or telephone companies.

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

Head office.

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

Provisional directors.

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

Capital stock.

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

Annual general meeting.

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

Election of directors.

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

Increase in number of directors.

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

Voting by proxy, and quorum at meetings of directors.

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

Duration of proxies.

2. No appointment of a proxy to vote at any meeting of the directors shall be valid for that purpose unless it has been made or renewed in writing within one year next preceding the time of such meeting.

Limited issue of bonds.

12. 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.

No. 76.

6th Session, 7th Parliament, 59 Victoria, 1896

BILL.

An Act to incorporate the British American Coal and Transportation Company.

Received and read a first time, Monday, 2nd March, 1896.

Second reading, Wednesday, 4th March, 1896.

(PRIVATE BILL.)

MR. HAZEN.

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Printer to the Queen's most Excellent Majesty
1896

No. 79] **BILL.** [1896.

An Act to incorporate the National Sanitarium Association.

Preamble.

WHEREAS the establishment of a public institution or institutions for the isolation, treatment and cure of persons affected with pulmonary disease would be a work for the general advantage of Canada, and whereas the persons hereinafter named have by their petition prayed that they and such other persons as are associated with them in the said undertaking may be incorporated under the name of "The National Sanitarium Association," for the purposes and with the powers hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada enacts as follows:—

Incorporation.

1. Walter Edward Hart Massey, of Toronto, Sir Donald Smith, K.C.M.G., of Montreal, William James Gage, of Toronto, James Ross, of Montreal, the Honourable William Ralph Meredith, George Albertus Cox, the Honourable George William Ross, Edward Gurney, Hugh Blain, Newton Albert Powell and Daniel Edmund Thomson, all of Toronto, together with such persons as become associated with them as hereinafter mentioned, are hereby constituted a body politic and corporate under the name and style of "The National Sanitarium Association" hereinafter called the corporation, with power to establish, equip, maintain and conduct, in such place or places within Canada as are decided upon as hereinafter mentioned, public institutions for the isolation, treatment and cure of persons affected with pulmonary disease, and with power to acquire by gift, purchase or otherwise, moneys and property, real and personal, and with all such other powers and rights as are incident to such undertaking.

Corporate name and powers.

Trustees.

2. The management of the property and affairs of the corporation shall be vested in eleven or more trustees, appointed as hereinafter mentioned, who may make by-laws for the following purposes:—For the reception, isolation, treatment, and dismissal of patients in the institutions hereby authorized, the employment, training and discipline of medical, surgical and other attendants, nurses and officials, the attendance upon and visitation of patients by members of the medical profession or of other scientific or educational institutions or faculties, and for all other things pertaining to the management and conduct of the institutions; for the management of all the properties and moneys of the corporation, including the invest-

By-laws.

ment of moneys, the variation and calling in of investments and the re-investment thereof, the expenditure of the proceeds of investments, and of all other moneys available for the support and maintenance of the institutions; for the admission of associate members of the corporation, and for determining and regulating the terms of admission of such members; for increasing the number of trustees to such larger number than eleven as they deem advisable, and for determining and regulating the qualifications and mode of appointment of additional trustees, and of trustees to fill vacancies as hereinafter mentioned; for regulating the meetings and proceedings of the trustees, and for determining the number of trustees required to constitute a quorum; and, generally, for the administration of all the affairs of the corporation.

First trustees.

3. The persons named in the first section of this Act shall be the first trustees of the corporation.

Vacancies among trustees.

4. The office of trustee shall *ipso facto* become vacant by the resignation, death, insanity, or conviction of an offence against the criminal law of Canada, of any trustee; and the remaining trustees may forthwith appoint from among the persons possessing the necessary qualifications a trustee to fill such vacancy.

Head office.

5. The head office of the corporation shall be at the city of Toronto, or at such other place as is from time to time determined by the trustees.

No. 79.

6th Session, 7th Parliament, 59 Victoria, 1896

BILL.

An Act to Incorporate the National Sanitarium Association.

Received and read a first time, Thursday, 5th March 1896.

Second reading, Friday, 6th March 1896.

(PRIVATE BILL.)

Mr. ROOME.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1896

No. 80.] **BILL.** [1896.

An Act further to amend the Railway Act.

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

1. Section one hundred and eighty-seven of *The Railway Act*, chapter twenty-nine of the statutes of 1888, is hereby amended by inserting the following words after the word "safety" in the ninth line:—"or if the street or highway is in a thickly peopled portion of any city, town or village." 1888, c. 29, s. 187 amended.

2. Section one hundred and eighty-eight of the said Act is hereby amended by adding thereto the following subsection:— S. 188 amended.

"2 If such works or measures of protection are in a thickly peopled portion of a city, town or village, their cost shall be borne by the company."

No. 80.

6th Session, 7th Parliament, 59 Victoria, 1896

BILL.

An Act further to amend the Railway Act.

Received and read a first time, Monday March 9th, 1896.
Second reading, Tuesday, 10th March, 1896.

Mr. Béchard.

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's most Excellent Majesty
1896

No. 81] **BILL.** [1896.

An Act to revive and amend the Act to incorporate the Alberta Irrigation Company.

WHEREAS the provisional directors of the Alberta Irrigation Company have by their petition prayed that the Act incorporating the Company be revived and amended as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1893, c. 69, revived.

1. Subject to the provisions of this Act, the Act incorporating the Alberta Irrigation Company, being chapter sixty-nine of the Statutes of 1893, is hereby revived and declared to be in force; and the times limited by the said Act for the commencement and completion of the works of the Company are hereby extended for three years and ten years respectively from the passing of this Act; and if the works are not commenced and completed within the said times respectively, then the powers granted by the said Act and by this Act shall cease and be null and void as respects so much of the said works as then remains uncompleted.

Time for construction.

Section 1, amended.

2. Section one of the said Act of incorporation is hereby amended by striking out the words "the Honourable Sir Alexander T. Galt" in the first line, and by striking out the word "and" in line two, and inserting after the name "Donald W. Davis," in the third line, the words "William D. Barclay of Lethbridge and Charles O. Card of Cardston."

Proxies.

3. The provisional directors may vote and Act by proxy; but such proxies shall be held by provisional directors only, and no provisional director shall hold more than two proxies.

No. 81.

6th Session, 7th Parliament, 59 Victoria, 1896

BILL.

An Act to revive and amend the Act to incorporate the Alberta Irrigation Company.

Received and read a first time, Tuesday, 10th March, 1896.

Second reading, Wednesday, 11th March, 1896.

(PRIVATE BILL.)

MR. DAVIS.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1896

No. 82] **BILL.** [1896.

An Act respecting the Kingston, Smith's Falls and Ottawa Railway Company.

Preamble.

WHEREAS the Kingston, Smith's Falls and Ottawa Railway Company have by their petition prayed that their Act of incorporation and the Acts amending it be further amended as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and the House of Commons of Canada, enacts as follows:—

1887, c. 88, 1889, c. 79, 1891, c. 95, revived.

1. Subject to the provisions of this Act, the Act incorporating the Kingston, Smith's Falls and Ottawa Railway Company, being chapter eighty-eight of the Statutes of 1887, and the Act amending it, being chapter seventy-nine of the Statutes of 1889, and the Act respecting the said Company, being chapter ninety-five of the Statutes of 1891, are hereby revived and declared to be in force; and the times limited by the said Acts for the commencement and completion of the railway of the Company are hereby extended for two and five years respectively from the passing of this Act, and if the railway is not commenced and completed within the times fixed herein, then the powers granted by the said Acts and this Act shall cease and be null and void as respects so much of the railway as then remains uncompleted.

Time for construction.

No. 82.

6th Session, 7th Parliament, 59 Victoria, 1896

BILL.

An Act respecting the Kingston, Smith's Falls and Ottawa Railway Company.

Received and read a first time Friday, 13th March, 1896.
Second reading, Monday ,16th March, 1896.

(PRIVATE BILL.)

MR. TAYLOR.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1896

No. 83.] **BILL.** [1896.

An Act to incorporate the Manitoba and North-west Millers' Association.

Preamble.

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

Incorporation.

1. Andrew Kelly, of Brandon, R C. Ennis of Neepawa, J. S. McKay, of Boissevain, Robert Muir, of Winnipeg, William Herriott, of Souris, E. Peplow, of Rapid City, J. W. Cochrane, of Glenboro', and Findlay Young, of Killarney, all in the province of Manitoba; J. H. Joiner, of Fort Qu'Appelle, John Hughes, of Wapella, and D. McLean, of Calgary, all in the North-west Territories of the Dominion of Canada, and such other persons carrying on business as millers in Manitoba and the North-west Territories as are associated with the persons above named for the purposes of this Act, are hereby constituted a body corporate, by the name of "The Manitoba and North-west Millers' Association," hereinafter called "the Association."

Corporate name.

Pewer as to property.

2. The Association may acquire and hold, under any title whatsoever, property, real and personal, may alienate, sell and convey, lease or otherwise dispose thereof or any part thereof from time to time, as occasion requires, and may acquire other property, real or personal, instead thereof; Provided always, that the clear annual value of the real estate held by the Association at one time shall not exceed the sum of five thousand dollars.

Objects of the Association.

3. The objects of the Association are to promote, extend and improve the manufacture of flour and meal, the business of flour milling generally in Manitoba and the North-west Territories, and the shipping and sale to foreign markets, as well as to the markets of this country, of grain, flour and meal, and to assist the members of the Association with regard to the matters aforesaid, as provided by by-law, and to arbitrate, adjust, settle and determine controversies and misunderstandings between persons engaged in the said trades, or such as are submitted for arbitration as hereinafter provided; but nothing herein contained shall be construed as constituting the Association a trading company, or empowering them to engage as a trading association in the business of buying and selling grain, flour or other merchandise; nor shall the Association, by rule,

regulation, by-law, or otherwise, fix or determine, or endeavour to fix or determine in any way whatever, the price that the members or any of them shall pay or offer for grains in Canada.

Domicile and place of meeting.

4. The place of meeting of the Association shall be in the City of Winnipeg, or such other place as is appointed by by-law; and such place of meeting shall be held to be the legal domicile of the Association.

Executive committee.

5. For the management of the affairs and business of the Association there shall be an executive committee consisting of a president, first vice-president, second vice-president, secretary and treasurer, and of such other number of members as is from time to time provided by by-law, all of whom shall be members of the Association and shall be elected annually at such time and place, in such manner and under such regulations as are from time to time determined by the by-laws of the Association; and in case of a vacancy, such vacancy shall be filled in the manner provided by the by-laws of the Association; a majority or such number as is fixed by the by-laws of the Association shall constitute a quorum of such executive committee for the transaction of business.

Provisional committee.

6. A. Kelly, R. C. Ennis, J. S. McKay, R. Muir, William Herriott, J. H. Joiner, J. W. Cochrane, E. Peplow and Findlay Young shall be the executive committee of the Association until others are elected in their place under the provisions of this Act; and the committee hereby appointed shall, until the said election, have all the powers assigned to the executive committee by this Act, and may open the books, enroll members and receive subscriptions, call the necessary meetings, and make the necessary regulations for the first election of the executive committee, and do all matters and things necessary for the full organization of the Association.

Who may be members.

7. Such persons as are owners of a mill for the manufacture of flour or meal, or lessees of such a mill, actually carrying on the business of milling therein, and such other persons as by by-law hereafter provided, shall be eligible as members of the Association.

Annual meeting.

8. An annual meeting of the members of the Association shall be held for the election of the president and other officers of the Association, and members of the executive committee, and for such other business as is brought before such meeting, at such time and place, and under such regulations and notices as are provided by the by-laws of the Association.

By-laws.

9. The Association, or the majority of the members present, such number being not less than eight, at any annual or general meeting, may make and enact such by-laws, rules and regulations for the government of the Association, providing for the admission, expulsion or retirement of members, the subscriptions and fees to be paid by members, for the calling of meetings, for the election and guidance of the president, first vice-president, second vice-president and other members of the executive committee and committees, including a board of

arbitration, and such other officers as are deemed necessary, and defining their duties and powers, and all other by-laws in accordance with the requirements of this Act or the laws of Canada, and for the carrying on of the affairs of the Association generally, as seems expedient; and such by-laws shall be binding on the Association, its officers and servants, and all other persons lawfully under its control; but every such by-law, and every repeal, amendment or re-enactment thereof passed at any meeting, except an annual meeting, unless in the meantime confirmed at a general meeting of the Association duly called for that purpose by giving ten days' notice thereof, shall have force only until the next annual meeting of the Association, and in default of confirmation thereat shall, at and from that time only, cease to have force.

Arbitrators

10. The Association may provide by by-law for the election or appointment by nomination of seven arbitrators, members of the Association, three of whom may decide controversies, disputes or misunderstandings relating to any commercial or other matters connected with the objects of the Association, which arise between the members of the Association, or any persons claiming by, through or under them, and are voluntarily submitted for arbitration by the parties to the dispute, and may provide by by-law any form of agreement, or submission to arbitration, between its members, not contrary to law; and nothing shall prevent the parties in any case from naming members of the Association, other than members of the board of arbitrators, as the arbitrators to whom the matter shall be submitted.

Arbitrators to be sworn.

11. The elected or appointed arbitrators shall after their election or appointment, and before they act as arbitrators, take and subscribe an oath before a justice of the peace, or a commissioner appointed to receive affidavits in the Court of Queen's Bench (who are hereby empowered to administer such oath, which may be in the form in schedule A to this Act) that they will faithfully, diligently and impartially perform their duties as arbitrators, and will in all cases submitted give a true and just award according to the best of their judgment and ability, without fear, favour or affection of or for any party or person; and the arbitrators appointed by the parties shall in each case, before they act, take and subscribe a similar oath in the manner aforesaid.

Examination under oath.

12. The three members appointed to hear any case submitted for arbitration as aforesaid, or any two of them, shall have full power to examine under oath (which oath any one of such three members is hereby empowered to administer, and which may be in the form in schedule B to this Act) any party or witness appearing before them to be examined, and shall give an award thereupon in writing; and their award, or that of any two of them, given in such case, shall bind the parties according to the terms of submission and the provisions of this Act.

Award.

Recovery of money due to Association by members.

13. All subscriptions of members, all penalties incurred under any by-law, and all other sums of money due by any

member of the Association, may, in default of payment, be recovered in any action brought in the name of the Association; and it shall only be necessary to allege in any such action that the defendant is or has been a member of the Association, and that he is indebted to the Association in the amount claimed in respect of subscription, penalty, or otherwise; and a certificate under the seal of the Association, and signed by the president and vice-president and secretary, to the effect that the defendant is or has been such member, and that he is so indebted as alleged, shall be received in all courts as *prima facie* evidence of such indebtedness.

Branch Associations.

14. The Association may provide for the formation, in accordance with such rules and regulations as are adopted for the purpose, of branch associations in any city, town, county or territorial division as to the Association appears expedient; and may alter the organization of or dissolve such branches; but no such branch shall be deemed to be a separate association.

Suspension and expulsion of members.

15. The Association may suspend any member and debar him from the privileges of and incidental to membership, and may also expel any member, for such cause and in such manner as the by-laws of the Association provide.

SCHEDULE A.

Form of Oath—Arbitrators.

I, , solemnly swear that I will faithfully, diligently and impartially perform my duty as arbitrator, and that I will in all cases (or in the case between and now) submitted to me, give a true and just award according to the best of my judgment and ability, without fear, favour or affection, of or for any party or person whomsoever : So help me God.

SCHEDULE B.

Form of Oath—Witnesses.

I, , solemnly swear that I will true answer make to all such questions as shall be asked of me as a witness under examination in this case between and and that therein I will to the best of my knowledge, information and belief, speak the truth, the whole truth, and nothing but the truth : So help me God.

No. 83.

6th Session, 7th Parliament, 59 Victoria, 1896

BILL.

An Act to incorporate the Manitoba North-west Millers' Association.

Received and read a first time, Friday, March, 1896.
Second reading, Monday, 16th March, 189

(PRIVATE BILL.)

MR. MASSON.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1896

No. 85.] **BILL.** [1896.

An Act to incorporate the Montreal and Province Line Railway Company.

Preamble.

WHEREAS the franchise, railway and property of the Montreal, Portland and Boston Railway Company, a corporation heretofore existing under the jurisdiction of the parliament of Canada, have been sold by the sheriff of Montreal under an execution issued at the instance of the Bank of Hochelaga, a judgment creditor, the said sale having been duly made upon the second day of March, one thousand eight hundred and ninety-six; and whereas the Honourable Farand Stewart Stranahan became the purchaser and *adjudicataire* of the franchise, railway and property so sold and adjudged by the sheriff of Montreal as aforesaid; and whereas the said purchaser bought and became invested with the said property in trust for himself and the other petitioners named herein, for the purpose of holding, maintaining and operating the said railway, its franchise, property and appurtenances; and whereas it is expedient to incorporate the said purchasers with all the powers and privileges necessary for the said purpose; and whereas a petition has been presented praying for the incorporation of a company to hold, possess, maintain and operate the said railway as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows:—

Incorporation.

1. Edward C. Smith, the Honourable Farand Stewart Stranahan, David D. Ranlett, Frank E. Chamberlin, Francis W. Baldwin, James N. Greenshields, John Cassie Hatton, Michael S. Lonergan and Robert A. E. Greenshields, together with such persons as become shareholders in the company hereby incorporated, are hereby constituted a body corporate under the name of "The Montreal and Province Line Railway Company," hereinafter called the Company.

Corporate name.

Property vested in company.

2. The Company is hereby vested with the franchise, railway, property and appurtenances of the Montreal, Portland and Boston Railway Company, sold as set forth in the preamble to the said Farand Stewart Stranahan, in trust for the present incorporators and their associates, and the capital stock of the Company shall be issued to the said shareholders in such proportions and shares as may be determined upon between them.

Allotment of stock.

Declaratory.

3. The undertaking of the Company is hereby declared to

be a work for the general advantage of Canada; and *The Railway Act* shall apply to the Company and its undertaking.

1888, c. 29.

Head office.

4. The head office of the Company shall be in the City of Montreal, but may be changed to any other place in Canada, as the directors from time to time determine by by-law.

Annual meeting.

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

Capital stock.

6. The capital stock of the Company shall be one million dollars, divided into shares of one hundred dollars each, and is hereby declared fully paid-up and unassessable for calls.

Provisional directors.

7. The persons mentioned by name in the first section of this Act are hereby constituted provisional directors of the Company, and shall remain in office until replaced at the next annual meeting of the Company.

Directors.

8. The board of directors shall consist of nine members qualified as provided in *The Railway Act*, the majority of whom shall form a quorum.

Paid director.

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

Line of railway described

9. The Company may maintain, manage, run and operate, by means of steam, electricity or other motive power, upon the standard gauge of four feet eight and one half inches, with single or double tracks, the line of railway heretofore known as the Montreal, Portland and Boston Railway, running from St. Lambert, by way of Chambly, Farnham and Frelighsburg, to the Province Line, with extensions from the crossing of the Grand Trunk Railway near St. Lambert to low water in the St. Lawrence River at the town of Longueuil, including the wharf heretofore constructed under such extension, and also a branch running from Ste. Marie to St. Cesaire,—the whole making a length of about sixty-six miles.

Issue of bonds.

10. The Company may make and issue in the manner provided by, and subject to the provisions of *The Railway Act*, bonds not exceeding in the whole twenty thousand dollars per mile of single track of its railway, extensions, branches and sidings, constructed or under contract to be constructed, and may secure such bonds in the manner provided by *The Railway Act*.

Agreement with another company.

11. The Company may enter into agreements with the Grand Trunk Railway Company of Canada, the Canadian Pacific Railway Company, the Central Vermont Railroad Company, or the Boston and Maine Railroad Company, for conveying or leasing to such company the railway of the Company hereby incorporated, in whole or in part, or any rights or powers acquired under this Act, as also the 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 in person or represented by proxy,— and that such agreement has also received the sanction of the Governor in Council.

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

Notice of application for sanction.

No. 85

6th Session, 7th Parliament, 59 Victoria, 1896

BILL.

An Act to incorporate the Montreal and Province Line Railway Company.

Received and read a first time, Friday, 20th March, 1896.

Second reading, Monday, 23rd March, 1896.

(PRIVATE BILL.)

Mr. FRÉCHETTE.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1896

No. 87.] **BILL.** [1896.

An Act respecting the Voters' Lists of 1896.

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

List of voters need not be revised for 1896.

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

No. 87.

6th Session, 7th Parliament, 59 Victoria, 1896

BILL.

An Act respecting the Voters' Lists of 1896.

Received and read a first time, Thursday, 26th March, 1896.
Second reading, Friday, 27th March, 1896.

Mr. DICKEY.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1896

No. 88.] **BILL.** [1896.

An Act further to amend the Government Railways Act.

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

1. *The Government Railways Act*, chapter thirty-eight of the Revised Statutes, is hereby amended by inserting the following section immediately after section fifty-three : R. S. C., c. 38 amended.

"**53** A. Notwithstanding any provincial or municipal law to the contrary, all officers, employees and servants on any railway shall be wholly exempt from the performance of statute labour or personal service on public highways, and from payment of any commutation therefor or any penalty for the non-performance thereof." Officers exempt from statute labour.

No. 88.

6th Session, 7th Parliament, 59 Victoria, 1896

BILL

An Act further to amend the Government Railways Act.

Received and read a first time, Thursday, 26th March, 1896.
Second reading, Friday, 27th March, 1896.

Mr. HAGGART.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1896

No. 91.] **BILL.** [1896.

An Act Respecting Railways.

WHEREAS the courts of the Province of Ontario have held that if a railway company gets possession of lands without paying therefor, the owner has no remedy by ejectment to recover the said lands and must rank merely as one of the creditors of the said railway company; and whereas great injustice and hardship have resulted to owners of property by reason of railway companies taking possession of their property and becoming bankrupt and never paying therefor: Therefore Her Majesty, by and with advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. No railway company shall be in any better position than any other purchaser who has entered into possession of lands without paying therefor, but the owner of such lands shall have his ordinary remedy by ejectment for recovering them, subject, however, to the railway company staying such ejectment on taking proceedings under *The Railway Act* by arbitration or paying the money into court, so that the owner of the land shall be in no worse position than if he had not allowed the railway company to enter into possession of the lands without paying therefor. Remedy of owner of land taken by railway company but not paid for.

2. This Act shall apply to all cases in which the owner of land has a lien thereon for unpaid purchase money, and such owner shall have a right to restrain any railway company by injunction from trespassing on or occupying such land. Case of owner having lien for unpaid purchase money.

No. 91.

6th Session, 7th Parliament, 59 Victoria, 1896

BILL.

An Act Respecting Railways.

Received and read a first time, Wednesday, 1st April, 1896.

Second reading, Thursday, 2nd April, 1896.

MR. MCGILLIVRAY.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1896

No. 93.] **BILL.** [1896

An Act to make further provision respecting Grants of Land to members of the Militia Force on active service in the North-west.

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

Grants of land authorized.

1. Notwithstanding any limits of time prescribed in chapter seventy-three of the Statutes of 1885, or in chapter twenty-nine of the Statutes of 1886, or in chapter thirteen of the Statutes of 1891, or in chapter six of the Statutes of 1892, or in chapter three of the Statutes of 1893, or in chapter twenty-four of the Statutes of 1894, the Governor in Council may grant a free homestead or scrip, as therein provided, to any person who is entitled thereto under the said Acts, or any of them, but has not already been granted such homestead or scrip: Provided that such person complies within two years after the first day of January, one thousand eight hundred and ninety-six, with the conditions required, by the said Acts or any of them, to be complied with on or before the first day of August, one thousand eight hundred and eighty-six: Provided also, that the provisions of the said Acts shall, so far as applicable, apply to grants of land or scrip under the authority of this Act.

1885, c. 73.
1886, c. 29.
1891, c. 13.
1892, c. 6.
1893, c. 3.
1894, c. 24.

Limitation of time.

Previous Acts to apply.

No. 93.

6th Session, 7th Parliament, 59 Victoria, 1896

BILL.

An Act to make further provision respecting Grants of Land to members of the Militia Force on active service in the North-west.

Received and read a first time, Monday, 6th April, 1896.

Second reading, Tuesday, 7th April, 1896.

MR. DALY.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1896

No. 94.] **BILL.** [1896.

An Act further to amend the North-west Territories' Representation Act.

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

1. Sections two and three of *The North-west Territories' Representation Act*, chapter seven of the Revised Statutes, are hereby repealed. R.S.C., c. 7, sections 2 and 3 repealed.

2. For the purposes of the election of members to serve in the House of Commons, the North-west Territories shall be divided into five electoral districts, constituted as follows, each of which shall return one member, that is to say :— Electoral districts in N.W.T.

(*a.*) The electoral district of Saskatchewan, which shall consist of the provisional district of Saskatchewan as constituted by an order of the Governor in Council bearing date the eighth day of May, one thousand eight hundred and eighty-two; Saskatchewan.

(*b.*) The electoral district of Northern Alberta, which shall consist of all that portion of the provisional district of Alberta (as it was constituted by the said Order in Council) bounded on the north by the northern boundary of the provisional district of Alberta, on the east by the western boundary of the provisional district of Saskatchewan (which is the line between the tenth and eleventh ranges of townships lying west of the fourth meridian in the system of Dominion land surveys), on the south by the ninth correction line or the line between townships thirty-four and thirty-five in the system of Dominion land surveys, and on the west by the eastern boundary of the province of British Columbia; Alberta, N.

(*c*) The electoral district of Southern Alberta, which shall consist of all that portion of the said provisional district of Alberta bounded on the north by the ninth correction line or the line between the said townships thirty-four and thirty-five, on the east by the western boundary of the provisional district of Assiniboia, on the south by the forty-ninth parallel of latitude, being the international boundary line, and on the west by the eastern boundary of the province of British Columbia; Alberta, S.

(*d.*) The electoral district of Eastern Assiniboia, which shall consist of so much of the provisional district of Assiniboia (as it was constituted by the said Order in Council) as lies to the east of a line drawn from the international boundary line, along the centre of the road allowance between the fifteenth and sixteenth ranges of townships lying west of the second initial meridian in the system of Dominion land surveys, as the same is now or is hereafter set off, to the northerly boundary of the said provisional district of Assiniboia; Assiniboia, E.

Assiniboia, W

(*e.*) The electoral district of Western Assiniboia, which shall consist of so much of the said provisional district of Assiniboia as lies to the west of the said line so drawn along the centre of the said road allowance, between the fifteenth and sixteenth ranges of townships in this section before mentioned.

New section 44.

3. The following is hereby enacted as section forty-four of the said Act in the place of section forty-four thereof repealed by section fourteen of chapter fifteen of the statutes of 1894 :—

Oath when voters' name is not on the list.

"**44.** If, while the poll is open, any elector whose name is not on the voters' list subscribes to and takes, before the deputy returning officer, the oath number one in form P in the schedule to this Act, the deputy returning officer shall thereupon at once cause such elector's name to be added to the voters' list, with the word 'sworn' written thereafter."

New form J.

4. Form J in the Schedule to *The North-west Territories Representation Act* is hereby repealed and the following substituted therefor :—

"J.

"*Oath of Enumerator.*

"I, I. J., enumerator for the polling district No. (*or as the case may be*), of the Electoral District of swear (*or* solemnly affirm) that I will well and faithfully discharge the duties assigned to me, without favour or partiality ; that I will place no name on the list of voters for the said polling district and will strike no name off the said list, unless I shall be satisfied that the said name should by law be placed on or struck off the said list ; and that I will in all respects conform to the law, to the best of my judgment and ability : So help me God.

"(*Signature*) *I. J.*
"Enumerator.

"*Certificate of an Enumerator having taken the oath of office.*

"I hereby certify that on the day of the month of , I. J., enumerator for the Polling District of , took and subscribed the oath (*or* affirmation) of office, required in such case of an enumerator, by The North-west Territories Representation Act.

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."

Form L amended.

5. The second paragraph of form L in the schedule to the said Act, as enacted by section two of chapter eleven of the statutes of 1895, is hereby repealed and the following substituted therefor :—

"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, and if the enumerator objects to add his name to the said list, he may require the deputy returning officer, on the polling day, while the poll is open, to cause his name to be placed on the list on subscribing and taking before that officer the following oath :—

"(*Here insert oath No.* 1. *See form P.*)"

6. The form substituted for form P in the schedule to the said Act, by section three of chapter eleven of the statutes of 1895, is hereby amended by striking out the oath number one in the said form and substituting the following therefor :— Form P amended.

"No. 1.

"I. (*insert name in full, residence, post-office address and occupation*) swear (*or* solemnly affirm) that I am a British subject of the full age of twenty-one years, of the male sex, and not an Indian, and that I have resided in the North-west Territories for at least twelve months, and in the electoral district of for at least three months, immediately preceding the day of , 189 : So help me God.

"Sworn (*or* affirmed) before me, at . this day of 189 . } (*Signature*) X. Y.

"E. F.,

"Deputy Returning Officer."

No. 94.

6th Session, 7th Parliament, 59 Victoria, 1896

BILL.

An Act further to amend the North-west Territories' Representation Act.

Received and read a first time, Monday, 13th April, 1896.
Second reading, Tuesday, 14th April, 1896.

Mr. DALY.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1896

No. 95.] **BILL.** [1896.

An Act to amend the Animal Contagious Diseases Act.

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

1. Paragraph (*b*) of section two of *The Animal Contagious Diseases Act*, chapter sixty-nine of the Revised Statutes, is hereby repealed and the following substituted therefor:— R. S. C., c. 69, s. 2 amended.

"(*b*) The expression 'animal' includes cattle and all other animals;" "Animal" defined.

2. Paragraph (*f*) of the said section is hereby amended by adding antinomycosis to the diseases therein mentioned. Antinomycosis.

2. Paragraph (*a*) of section twenty-seven of the said Act is hereby amended by striking out the words "horses or other" in the first and sixth lines thereof. amended.

2. Paragraph (*j*) of the said section is hereby amended by striking out the words "horses or other" in the first line thereof.

3. Section thirty of the said Act is hereby amended by striking out the words "horses or other" in the second and third lines thereof. Section 30

4. Section thirty-nine of the said Act is hereby amended by striking out the words "horses, cattle or other" in the first line, and the words "horses or other" in the eighth and eleventh lines thereof. Section 39 amended.

5. Section forty-four of the said Act is hereby amended by adding at the end thereof the words "or of the person who removed it." Section 44 amended.

No. 95.

6th Session, 7th Parliament, 59 Victoria, 1896

BILL.

An Act to amend the Animal Contagious Diseases Act.

Received and read a first time, Monday, 13th April, 1896.
Second reading, Tuesday, 14th April, 1896.

Mr. FOSTER.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1896

No 102] **BILL.** [1896.

An Act further to amend the Criminal Code, 1892.

HER 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 hereby amended in the manner set forth in the following schedule :— 1892, c. 29 amended.

SCHEDULE.

Section **179.**—By striking out paragraph (*a*) in sub-section one thereof and substituting the following therefor :—

"(*a.*) Manufactures or sells or exposes for sale or to public view, any obscene book, or other printed or written matter, or any picture, photograph, model or other object tending to corrupt morals; or"

And by repealing sub-sections three and four thereof and substituting the following therefor :—

" 3. It shall be a question of law whether the occasion of the manufacture, sale, publishing, or exhibition is such as might be for the public good, and whether there is evidence of excess beyond what the public good requires in the manner, extent or circumstances in, to or under which the manufacture, sale, publishing or exhibition is made, so as to afford a justification or excuse therefor; but it shall be a question for the jury whether there is or is not such excess.

4. "The motives of the manufacturer, seller, publisher or exhibitor shall in all cases be irrelevant."

Section **180.**—By repealing paragraph (*a*) thereof and substituting the following :—

"(*a.*) Any obscene or immoral book, pamphlet, newspaper, picture, print, engraving, lithograph, photograph or any publication of an indecent, immoral or scurrilous character; or"

Section **183.**—By repealing it and substituting the following therefor :—

" 183. Every one is guilty of an indictable offence and liable to two years' imprisonment who, being a guardian, seduces or has illicit connection with his ward, and every one who seduces or has illicit connection with any woman or girl of previously chaste character and under the age of twenty-one years who is in his employment in a factory, mill, workshop, shop or store, or who, being in a common employment with him in such factory, mill, workshop, shop or store, is, in respect of her employment or work in such factory, mill, workshop, shop or store, under or in any way subject to his control or direction."

Section **197**.—By adding at the end thereof the following words :—

"But the race-course of an incorporated racing association during the progress of a lawful race-meeting thereon is not, nor are nor is, during the progress of such race-meeting, any premises upon such race-course, or adjoining and appurtnenant thereto, or any portion of such race-course or premises, a common betting house because or although the same is or are opened, kept or used for any of the said purposes in connection with any lawful race at such race-meeting."

"**204**A. By inserting the following section immediately after section two hundred and four :—

"Section 204A. Every one is guilty of an indictable offence and liable to one year's imprisonment and to a fine not exceeding one thousand dollars, who—

"(*a*) holds or carries on horse races anywhere, or permits horse races to be held or carried on on any race course, race courses or premises under his control for more than ten days continuously ; or

"(*b.*) in the same calendar year holds or carries on horse races anywhere, or permits horse races to be held or carried on on any race course, race courses or premises under his control for more than twenty days in the aggregate, whether such days are continuous or not ; or

"(*c.*) having already in the same calendar year held or carried on horse races anywhere, or permitted horse races to be held or carried on on any race course, race courses or premises under his control for ten days in the aggregate, whether such days have been continuous or not, holds or carries on any further horse races anywhere, or permits any further horse races to be held or carried on on any race course, race courses or premises under his control until at least sixty days have elapsed since the last of such ten days ; or

"(*d*) holds or carries on horse races, or permits horse races to be held or carried on, upon any race course or premises where horse races have already during the same calendar year been held or been carried on for twenty days ; or holds or carries on horse races, or permits horse races to be held or carried on, upon any race course or premises within forty days after the same race course or premises have been used for horse racing for a period of, or for periods aggregating, ten days in the same calendar year."

Section **205**.—By repealing paragraph (*c*) of sub-section six thereof.

Section **306**.—By add ng at the end thereof the following words :—"by any peace officer or public office ."

Section **331**A.—By inserting the following section immediately after section three hun ired and thirty-one :—

"331 A. Every one is guilty of an indictable offence and liable to three years' im risonment who—

(*a*) without the consent of the owner thereof,

(I) fraudently takes, holds, keeps in his possession, conceals, receives, appropriates, purchases or sells, or causes or procures, or assists to be taken possession of, concealed, appropriated, purchased or sold, any cattle which is found astray ; or

(II) fraudulently, wholly or partially obliterates, alters or defaces, or causes or procures to be obliberated, altered or

defaced any brand, mark or vent brand on any cattle, or makes or causes or procures to be made any false or counterfeit brand, mark or vent brand on any such cattle; or

(*b*) refuses to deliver up any such cattle to the proper owner thereof or to the person in charge thereof, on behalf of such owner, or authorized by such owner to receive it."

Section **520.**—By adding at the end thereof the following paragraph :—

"Provided that nothing in this section shall be construed to apply to combinations of workmen or employees."

Section **702.**—By inserting after the word "ninety-eight" in the eighth line thereof the words "or section one hundred and ninety-nine."

Section **703.**—By striking out all the words preceding paragraph (*a*) thereof and substituting the following therefor :—

"703. In any prosecution under section one hundred and ninety-eight for keeping a common gaming house, or under section one hundred and ninety-nine for playing or looking on while any other person is playing in a common gaming house, it shall be *primâ facie* evidence that a house, room or place is used as a common gaming house, and that the persons found therein were unlawfully playing therein—"

Section **707A.**—By inserting immediately after section seven hundred and seven the following section :—

"707A. In any prosecution, proceeding or trial for any offence under section three hundred and thirty-one A, a brand or mark duly recorded or registered under the provisions of any Act, ordinance or law, on any cattle shall be *primâ facie* evidence that such cattle is the property of the registered owner of such brand or mark, and possession by the person charged or by others in his employ or on his behalf of any such cattle so marked, shall in all cases throw upon the accused the burden of proving that such cattle came lawfully into his possession or into the possession of such others in his employ or on his behalf."

Section **801.**—By repealing it and substituting the following therefor :—

"801. The magistrate adjudicating under the provisions of this part shall forthwith transmit the conviction, or a duplicate of the certificate of dismissal, with the written charge, the depositions of witnesses for the prosecution and for the defence and the statement of the accused, to the clerk of the peace or other proper officer for the district, city, county or place wherein the offence was committed, there to be kept by the proper officer among the records of the general or quarter sessions of the peace or of any court discharging the functions of a court of general or quarter sessions of the peace."

No. 102.

6th Session, 7th Parliament, 59 Victoria, 1896

BILL.

An Act further to amend the Criminal Code, 1892.

Received and read a first time, Thursday, 16th April, 1896.
Second reading, Friday, 17th April, 1896.

MR. DICKEY.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1896

No. 103.] **BILL.** [1896.

An Act further to amend the Penitentiary Act.

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

1. Section five of *The Penitentiary Act*, chapter one hundred and eighty-two of the Revised Statutes, is hereby amended by adding thereto the following subsections : R.S.C., c. 182, s. 5, amended.

"2. The portion of Canada for which a penitentiary is the penitentiary shall be subject to alteration from time to time by proclamation of the Governor in Council, and by such proclamation the Governor in Council may attach to the province, territory or district or portion of Canada for which any one of the above named penitentiaries is the penitentiary, any tract or territory forming a portion or the whole of the province, territory or district or portion of Canada for which some other one of the said penitentiaries is the penitentiary ; and any person thereafter convicted of crime and sentenced as aforesaid by any court within the limits of the tract or territory so attached shall undergo the imprisonment to which he is sentenced in the former penitentiary." Changes in districts. As to persons thereafter sentenced.

2. Section forty-five of the said Act is hereby further amended by adding thereto the following subsection :— Section 45 amended.

"2. For the purposes of this section any convict sentenced to be imprisoned in any penitentiary shall be deemed to be in the custody of the warden of that penitentiary immediately upon such sentence ; and the sheriff or other officer in whose custody he then is shall, upon receiving a receipt therefor, deliver up the said convict, together with a copy of the sentence taken from the minutes of the court, and certified by a judge or by the clerk or acting clerk thereof, to any constable or other officer or person who produces a warrant under this section for the removal of such convict from such penitentiary to any other penitentiary, and the like action shall thereupon be had and taken as in other cases under this section." Custody of convict from time of sentence.

3. The said Act is hereby further amended by inserting therein immediately after section sixty-one thereof the following section :— New section 61A.

"**61A.** With respect to any offence or charge of an offence under section sixty or section sixty-one, and for all purposes in connection with any such offence or charge, the warden or the deputy warden of the penitentiary shall *ex officio* be, and have the powers and authority of, a justice of the peace, and each and every keeper and guard of the penitentiary shall *ex officio* be, and have the powers and authority of, a constable." Powers of warden and constable.

Section 62 repealed.

4. Section sixty-two of the said Act is hereby repealed.

Transfer of officers.

5. Notwithstanding anything contained in *The Penitentiary Act* or in any Act amending it, the Governor in Council may transfer from one penitentiary to another any of the officers mentioned in section twenty-two of *The Penitentiary Act*, and the Minister of Justice may transfer from one penitentiary to another any of the officers mentioned in section twenty-three of the said Act, without prejudice, in either case, to the salary, perquisites, or other privileges, which such officers enjoy in the first mentioned penitentiary.

No. 103.

6th Session, 7th Parliament, 59 Victoria, 1896

BILL.

An Act further to amend the Penitentiary Act.

Received and read a first time, Thursday, 16th April, 1896.
Second reading, Friday, 17th April, 1896.

Mr. DICKEY.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1896

No. 105.] **BILL.** [1896.

An Act further to amend the Customs Tariff, 1894.

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

1. Item 643 in schedule B to *The Customs Tariff*, 1894, chapter thirty-three of the statutes of 1894, is hereby repealed and the following substituted therefor: 1894, c. 33, amended.

"643. Mining and smelting machinery imported prior to the first day of July, 1897, which is at the time of its importation of a class or kind not manufactured in Canada."

No. 105.

6th Session, 7th Parliament, 59 Victoria, 1896

BILL.

An Act further to amend the Customs Tariff, 1894.

Received and read a first time, Monday, 20th April, 1896.
Second reading, Tuesday, 21st April, 1896.

Mr. FOSTER.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1896

N° 106.] **BILL.** [1896.

An Act further to amend the Act relating to Ocean Steamship Subsidies.

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

1889, c. 2, s. 3, and 1894, c. 8, repealed.

1. The section substituted by chapter eight of the statutes of 1894 for section three of chapter two of the statutes of 1889 intituted *An Act relating to Ocean Steamship Subsidies*, is hereby repealed and the following sections substituted therefor :—

Steamship service between Canada and United Kingdom.

"**3.** The Governor in Council may enter into a contract for a term not exceeding ten years with any individual or company, for the performance of a fast weekly steamship service between Canada and the United Kingdom, on such terms and conditions as to the carriage of mails and otherwise as the Governor in Council deems expedient, for a subsidy not exceeding the sum of seven hundred and fifty thousand dollars a year."

Steamship service between Canada and France and Belgium.

"**4.** The Governor in Council may enter into a contract for a term not exceeding five years with any individual or company, for the performance of a fortnightly steamship service between a port or ports in Canada and ports in France and Belgium, on such terms and conditions as the Governor in Council deems expedient, for a subsidy not exceeding the sum of fifty thousand dollars a year."

No. 106.

6th Session, 7th Parliament, 59 Victoria, 1896

BILL.

An Act further to amend the Act relating to Ocean steamship subsidies.

Received and read for a first time, Monday, 20th April, 1896.

Second reading, Tuesday, 21st April, 1896.

Mr. FOSTER.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1896

No. 107] **BILL.** [1896.

An Act respecting certain debentures of the Montreal Turnpike Trust held by the Government of Canada.

Preamble.

WHEREAS certain debentures issued by the trustees of the Montreal turnpike roads, amounting in all to the sum of one hundred and eighty-seven thousand two hundred dollars, bearing interest at the rate of six per cent per annum and long since matured, are held by the Dominion Government; and whereas by the Act fifty-ninth Victoria, chapter sixty-five, of the Legislature of the Province of Quebec, the said trustees are authorized to issue debentures to the extent of two hundred thousand dollars, for the purpose of redeeming and cancelling the said bonds so held by the Dominion Government,—the principal of the bonds so to be issued to be payable on the first day of January, one thousand nine hundred and fifteen, and to bear interest at the rate of three and one-half per cent per annum: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enact as follows:—

Quebec, 59 V., c. 65.

Exchange of debentures authorized.

1. The Minister of Finance and Receiver General may make arrangements with the trustees of the Montreal turnpike roads for the redemption and cancellation of the debentures of the trust now held by the Government of Canada, and for replacing them with debentures issued under the Act fifty-ninth Victoria, chapter sixty-five, of the Legislature of the Province of Quebec.

No. .107

6th Session, 7th Parliament, 59 Victoria, 1896

BILL.

An Act respecting certain debentures of the Montreal Turnpike Trust held by the Government of Canada.

Received and read a first time, Monday, 20th April, 1896.

Second reading, Tuesday, 21st April, 1896.

Mr. Foster.

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's most Excellent Majesty
1896

No. 109] **BILL.** [1896.

An Act to make special provisions with respect to the Election to be held in the Electoral District of Yale and Cariboo at the next General Election.

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

R.S.C., c. 8, amended provisionally.

1. For the purposes of the election to be held in the electoral district of Yale and Cariboo at the next general election, *The Dominion Elections Act* is hereby amended in the particulars hereinafter set forth.

Subdivision of polling districts by returning officer.

2. The returning officer shall, immediately upon the receipt of the writ of election, wherever it is necessary so to do in order that each voter in the electoral district, so far as practicable, shall have a polling place within a convenient distance of his residence, sub-divide any existing polling district into two or more polling districts, and shall fix a polling station in and for each polling district in a central and convenient place therein.

Section 30 amended.

3. For the purposes of the said election the following provisions shall apply instead of paragraphs (*b*) and (*d*) of section thirty of *The Dominion Elections Act* :—

Lists of voters for deputy returning officers.

(1.) Furnish each deputy returning officer with a certified copy of the lists of voters for each of the polling districts into which the electoral district is divided, certified by himself or by the revising officer for the electoral district;

Ballot papers to be supplied.

(2.) Furnish each deputy returning officer with a number of ballot papers (all being of the same description and as nearly as possible alike) amply sufficient to supply all the voters who are likely to vote at the polling place where such deputy returning officer is to preside, and with the necessary materials for voters to mark their ballot papers.

Where elector may vote.

4. At the said election any person whose name is entered upon the list of voters for any one of the polling districts into which the said electoral district is now divided may vote in any one of the polling districts into which the said electoral district is now divided for the purposes of the said election, but shall not vote at any more than one of such last mentioned polling districts:

Oath by elector voting out of polling district where he is registered.

Provided, however, that no person shall be entitled to vote in any polling district now established upon the list of voters for which, as now in force, his name is not entered as a voter,

nor in any polling district constituted by the returning officer, unless, before receiving his ballot, he takes the following oath:—

Form of oath.

I, A. B., solemnly swear (*or if he is one of the persons permitted by law to affirm in civil cases*, solemnly affirm) that I am the person named, or purporting to be named, by the name of.....(*and if there are more persons than one of the same name on the said list, inserting also his addition or occupation*) on the list of voters for polling district Number.....in the electoral district (or municipality) of....., and that I have not voted before at this election, either at this or at any other polling place. So help me God.

R.S.C., c. 8.

5. *The Dominion Elections Act* and the amendments thereto shall apply to the said election except in so far as any provision thereof is inconsistent with anything contained in this Act.

No. 109.

6th Session, 7th Parliament, 59 Victoria, 1896

BILL.

An Act to make special provision with respect to the election to be held in the Electoral District of Yale and Cariboo at the next general election.

Received and read a first time, Tuesday, 21st April, 1896.

Second reading, Wednesday, 22nd April, 1896.

MR. DICKEY.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1896

No. 110] **BILL.** [1896.

An Act respecting the Harbour Commissioners of Montreal.

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

$2,000,000 may be advanced to Montreal Harbour Commissioners.

1. The Governor in Council may from time to time advance and pay to the corporation of the Harbour Commissioners of Montreal, hereinafter called the corporation, such sums of money, not exceeding in the whole the sum of two million dollars, as are necessary to enable the corporation to redeem debentures issued by them and outstanding, whether due or not, and to pay certain loans and advances made to them, and interest on such debentures, loans and advances, and to complete the works now in progress, and to construct any further works required in the harbour of Montreal.

Certain payments to be made out of moneys advanced.

2. The corporation shall, out of the said advances, or out of any moneys borrowed under the authority of this Act, pay and redeem all Montreal harbour bonds or debentures now held by the government of Canada, and shall also pay to the said government the amount of a certain demand loan of seventy-six thousand dollars due by the corporation to the government, and all interest due on any of the said bonds or debentures, and on such demand loan to the time of redemption or payment thereof.

Debentures of harbour commissioners to be deposited with Minister of Finance.

3. The corporation shall, upon an advance being made to them under this Act, deposit with the Minister of Finance and Receiver General, debentures of the corporation, issued under the authority of this Act, equal in par value to the advance so made,—such debentures to be of such amounts as the said minister determines, and to bear date the day when such advance is made, and to be repayable within twenty-five years from the first day of July, one thousand eight hundred and ninety-six, and in the meantime to bear interest at the rate of three and one-half per cent per annum, such interest to be payable half-yearly on the first day of July and the first day of January in each year.

1894, c. 48, s. 35, repealed.

4. Section thirty-five of chapter forty-eight of the Statutes of 1894 is hereby repealed.

$1,000,000 may be borrowed to pay certains debentures, &c.

5. The corporation may borrow the sum of one million dollars, or its equivalent in pounds sterling, for the purpose of paying and redeeming the said Montreal harbour bonds and debentures now held by the government of Canada, and the

said demand loan due by the corporation to the government, and all bonds or debentures issued by the corporation now outstanding and falling due during the year one thousand eight hundred and ninety-six, and all loans and advances made to the corporation, and all interest due on any such bonds or debentures, loans and advances,—and also a further sum of one million dollars, or its equivalent in pounds sterling, for the purpose of constructing, extending and improving the wharfs, structures and other accommodations in the harbour of Montreal, in such manner as the corporation, with the consent and approval of the Minister of Public Works deems best calculated to facilitate trade and increase the convenience and utility of the said harbour.

And $1,000,000 for construction and improvements in harbour.

Loans for redemption of other debentures.

6. The corporation may also borrow such sums of money as are necessary for the purpose of redeeming debentures issued by the corporation other than those specially referred to in the next preceding section, now outstanding and issued under the authority of any Act heretofore passed, whether such Act has been repealed or not; but the sums so borrowed shall not in any case exceed the amount of debentures to be redeemed, and shall not be applied to any other purpose.

Limitation.

Interest, &c.

7. The corporation may borrow, in Canada or elsewhere the sums of money authorized by this Act, in such amounts, for some number of years, and at such rates of interest, not exceeding four per cent per annum, as it finds most expedient; and may issue bonds or debentures therefor, and may offer for sale and sell such bonds or debentures at such rates and on such terms as it deems best.

Issue and sale of bonds.

Payments of loans.

8. The principal and interest of the sums of money which may be borrowed under this Act, as well as all sums already borrowed for the improvement of the harbour of Montreal, shall be paid out of the revenue arising from the rates and penalties imposed by or under *The Montreal Harbour Commissioners' Act*, 1894, for and on account of the said harbour; and the lawful charges upon the said revenue shall be as follows, and in the following order, that is to say:—

Charges on revenue.

Collection.

(*a.*) The payment of all expenses incurred in the collection of the said revenue, and other indispensable charges;

Repairs.

(*b.*) The defraying of the expenses attendant on keeping the harbour clean, and on keeping the wharfs and other works therein in a thorough state of repair;

Interest.

(*c.*) The payment of interest due on all sums of money borrowed under this Act or under any of the Acts repealed by *The Montreal Harbour Commissioners' Act*, 1894, without priority or preference;

Principal.

(*d.*) The paying off the principal of such sums.

No. 110.

6th Session, 7th Parliament, 59 Victo

BILL.

An Act respecting the Harbour C
sioners of Montreal.

Received and read a first time, Tuesd
April, 1896.

Second reading, Wednesday, 22nd
1896.

Mr. F

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's most Excellent Ma
1896

No. 111] **BILL.** [1896.

An Act further to amend the Act respecting the Senate and House of Commons.

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

Days of absence during present session.

1. For the present session of Parliament, the deduction of eight dollars per day mentioned in section twenty-six of the *Act respecting the Senate and House of Commons*, being chapter eleven of the Revised Statutes, shall not be made for twelve days in the case of a member who has been absent from a sitting of the House of which he is a member, or of some committee thereof, during such number of days ; but this provision shall not operate to extend the maximum amount mentioned in section twenty-five of the said Act, nor in the case of a member elected since the commencement of the present session shall it apply to days prior to his election.

Proviso.

No. 111.

5th Session, 7th Parliament, 58 Victoria, 1895

BILL.

An Act further to amend the Act respecting the Senate and House of Commons.

Read a first and a second time, Wednesday, 22nd April, 1896.

Mr. FOSTER.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1895

An Act to amend "The Railway Act."

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

1. Notwithstanding anything in section fourteen of "*The Railway Act*," it shall be the duty of every railway company under the jurisdiction of the Parliament of Canada, and without any such contribution as is hereinafter referred to, to maintain and keep in repair all necessary drains, ditches and water courses in existence at the passing of this Act, in and for lands belonging to or held by such Company. 1888, c. 29, s. 14. Railway companies to maintain existing drains, etc., for their lands.

2. Whenever the municipal council of any county, township, parish, or other municipality in Canada, either of its own motion or on the application of any inhabitant thereof, determines that it is necessary to construct a drain or ditch for the purpose of draining lands in the municipality across the lands and railway of any railway company, such drain or ditch shall, subject to the conditions hereinafter provided, be made and maintained across the line of such railway and lands, and on equitable terms to be settled as hereinafter provided. Necessary drains for lands in a municipality may be carried across property of railway company.

3. Such council, hereinafter referred to as the applicant, may serve upon the Company, by leaving the same with any agent or other officer in charge of the nearest station, a notice in writing of such decision, together with a description of the lands outside the railway to be benefited by the proposed drainage, which notice shall be accompanied by plans and specifications, prepared and certified by a civil engineer or Dominion or provincial land surveyor, of that part or portion of the drain or ditch to be constructed across the Company's lands and railway, and with an estimate, also so prepared and certified, of the cost of constructing the said drain or ditch across its property, and if the estimated cost of such construction does not exceed the sum of eight hundred dollars, the Railway Company shall, after the expiration of a reasonable time, construct that part or portion of the said drain or ditch across its lands and railway of the same size and dimensions as are specified on the plans and specifications furnished as aforesaid, unless it disputes, in the manner hereinafter mentioned, the propriety of the proposed work or the correctness of such notice, plan, specification or estimate, in which case the dispute shall be enquired into and finally determined in the manner hereinafter provided. Notice to company and service thereof. Plans, specifications and estimate to accompany notice. Company to construct portion of drain across its property if cost less thsn $800. Settlement of disputes.

Contribution by municipality to cost of work.

4. If neither the applicant nor the Company give notice of dispute as in the next section of this Act provided for, and if the Company and the applicant do not agree as to whether the railway is to be benefited by the proposed drainage, or, if benefited, as to what contribution the applicant should pay towards the construction of the work, and if the whole cost of construction does not exceed the sum of eight hundred dollars as estimated by a civil engineer or Dominion or provincial land surveyor as aforesaid, then the applicant may tender the Railway Company the sum that the applicant thinks is fair and just as its portion of the said cost of construction and may offer to bear afterwards such proportion of future maintenance as it thinks just and fair, and if the Railway Company does not accept the amount so tendered, or if it disputes that the offer is for the proper proportion of future maintenance, then the proportion of the cost of construction and maintenance, or of either as the case may be, that each shall pay or bear, or the question whether it shall be borne altogether by the applicant, shall be decided by arbitration, and any amount or amounts awarded by the arbitrator or arbitrators to be paid to the Railway Company in respect of such construction or maintenance, shall from time to time be collectable from the applicant as a judgment of a court of competent jurisdiction for the amount or amounts so awarded to the Company, or if the award determines upon the proportion of the cost of construction or maintenance payable by the applicant without mentioning the amount, then such proportion shall be recoverable before any court of competent jurisdiction, and the judgment or award of the arbitrator or arbitrators shall have the same force and effect and be as binding and conclusive as if it had been made by arbitrators concerning the expropriation of land under "*The Railway Act*," and the appointment of an arbitrator or arbitrators and the mode of procedure under this Act as to arbitration, shall be as nearly as may be, in the same manner as provided in "*The Railway Act*;" from section one hundred and forty-six to section one hundred sixty-one both inclusive.

Tender.

Provision for arbitration as to proportions of cost payable by each party.

Effect of award.

Appointment of arbitrators, and procedure.

All disputes other than as to proportions of payment to be settled by Railway Committee of Privy Council.

5. If any dispute, other than concerning the respective proportions of contribution which are to be settled by arbitration as aforesaid, arises between the applicant and the Company, either in regard to the safety or suitability of the place designated for the work or the sufficiency or correctness of any plans, specifications or estimate, or the propriety of the proposed work, or the manner in which the same is to be maintained, or otherwise, the party disputing may, within thirty days after receipt of such plans, specifications or estimate, give notice in writing of the objections to the other party and to the Minister of Railways, and thereupon the Minister or the Railway Committee of the Privy Council may cause an inspection of the locality to be made by such person as he or they may appoint, and the dispute may be inquired into on the spot by such proceedings as he or they may direct, after which the Railway Committee may make such order in the premises as they deem fit and proper, which order shall finally determine such dispute.

Notice.

Inspection.

Order of Railway Committee final.

Railway companies subject to general municipal regulations as to drainage.

6. Every railway company shall be subject to all general municipal regulations, not inconsistent with this Act, respecting the maintenance and repair of drains, ditches and water-courses in any county, parish, township, or other municipality in Canada through which the railway passes, unless exempted therefrom by the special Act of incorporation; provided always, that nothing herein contained shall authorize any municipality by any rule or regulation to compel the use of the drains of the railway company for the purposes of general drainage other than is authorized by law.

Proviso.

Notices.

7. Every notice given by the applicant shall contain a post-office address within the Dominion of Canada to which notices intended for the applicant may be addressed, and any notice to be given to the applicant shall be sufficiently given if posted by registered letter in any post office in the Dominion of Canada directed to the address so given.

Application of "The Railway Act."

8. The provisions of "*The Railway Act*" and its amendments with respect to drainage shall continue to apply to all cases not provided for by this Act, and all provisions of "*The Railway Act*," and its amendments, not inconsistent with this Act, including those with respect to suits and penalties, shall also apply to all such cases.

6th Session, 7th Parliament, 59 Victoria, 1896

SENATE BILL.

A

An Act to amend "The Railway Act."

Received and read a first time Thursday, 16th January, 1896.
Second reading Wednesday, 22nd January, 1896.

Hon. Mr. McCallum.

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's most Excellent Majesty
1896

B] **SENATE BILL.** [1896.

An Act respecting debentures of Loan Companies incorporated by special Acts of the Parliament of Canada.

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

1. Any loan company incorporated by special Act of the Parliament of Canada, if it is empowered, by such Act or by any other special Act of the Parliament of Canada, to borrow money upon its debentures, may make such debentures payable to order, or to bearer, or to registered holder, or otherwise as the Company deems advisable. How debentures may be made payable.

6th Session, 7th Parliament, 59 Victoria, 1896

SENATE BILL.

B

An Act respecting debentures of Loan Companies incorporated by special Acts of the Parliament of Canada.

Received and read a first time, Wednesday, 22nd January, 1896.

Second reading, Wednesday, 5th February, 1896.

Honourable Mr. Aikins.

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's most Excellent Majesty
1896

Act respecting certain female offenders in the Province of New Brunswick.

Preamble.

WHEREAS the Sisters of the Good Shepherd at the City of Saint John in the province of New Brunswick have established in the City of Saint John in the said province, a reformatory for women and girls under the name of the Good Shepherd Reformatory and an industrial refuge for girls under the name of the Good Shepherd Industrial Refuge; and it is desirable to empower judges, stipendiary magistrates, police magistrates, and justices in certain cases to sentence to imprisonment in such Reformatory and Industrial Refuge women and girls convicted of offences for which they are liable to imprisonment; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

Imprisonment of certain Roman Catholic female convicts in Good Shepherd Reformatory instead of city prison or common gaol.

1. From and after the publication in the *Royal Gazette* of New Brunswick of a proclamation issued by the Lieutenant-Governor of New Brunswick, declaring that such reformatory and industrial refuge have been made ready for the confinement of prisoners, every judge, stipendiary magistrate, police magistrate, or magistrate in such province before whom any woman or girl being a Roman Catholic above the age of sixteen is convicted of an offence against the laws of Canada, punishable by imprisonment in a city prison or common jail for the term of two months or for any longer time, may sentence such woman or girl to imprisonment in the Good Shepherd Reformatory, instead of the city prison or common jail.

Further imprisonment.

2. The judge, stipendiary magistrate, police magistrate, or magistrate before whom such female person is convicted may, in his discretion, instead of sentencing her as in this section before provided, sentence her to an extended or substituted imprisonment in the said reformatory, subject to the following conditions :—

(*a*) If such female person is under the age of twenty-one years, such extended imprisonment may be until she attains the age of twenty-one years or for any shorter or longer term not less than two nor more in the whole than four years.

(*b*) If such female person is of the age of twenty-one years or upwards, such extended imprisonment may be for any term not less than one year nor more than two years.

Provision for transfer of such convicts from city

2. Any woman or girl being a Roman Catholic aged more than sixteen years, from time to time confined in any city prison or common jail in the province of New Brunswick,

prison or common gaol to reformatory.

under sentence of imprisonment for any offence against the laws of Canada, may, by the direction of the Provincial Secretary, be transferred from such city prison or common jail to such reformatory, to be imprisoned for the unexpired portion of the term of imprisonment to which such woman or girl was originally sentenced or committed to such city prison or common jail, and such woman or girl shall thereupon be imprisoned in such reformatory for the residue of the said term, and shall be subject to all the rules and regulations of the reformatory.

Transfer may be made when imprisonment is in default of payment of fine.

3. Any woman or girl so sentenced to imprisonment may be removed to such reformatory, notwithstanding such imprisonment, or any part thereof, is imposed in default of the payment of a fine or penalty in money, and that such offender is entitled to be discharged upon payment of such fine or penalty.

Sentences under sections 207, 208 and Part LV Criminal Code.

4. Whenever any woman or girl being a Roman Catholic is convicted under the provisions of sections 207 and 208 of "*The Criminal Code* 1892," or under those of Part LV. of the said code, she may be sentenced to the said reformatory for any term less than two years, but if any term exceeding six months is inflicted, no fine shall be imposed in addition.

Warrant for removal.

5. Any officer appointed by the Lieutenant-Governor, or other officer or person by his direction, or by direction of the judge, stipendiary magistrate, police magistrate, magistrate or other lawful authority, may convey to such reformatory any convict sentenced, or liable to be imprisoned therein, and deliver her to the superintendent, superior or keeper thereof, without any further warrant than a copy of the sentence, taken from the minutes of the court before which the offender was tried and certified by the judge, magistrate or justice, or the clerk or acting clerk of such court.

Conditions of reception and detention in reformatory.

6. Subject to the provisions hereinafter contained the superintendent or superior of the reformatory shall receive into the same every offender legally certified to her as sentenced to imprisonment therein, and shall there detain her, subject to all the rules, regulations and discipline thereof, until the term for which she has been sentenced is completed, or until she is otherwise discharged in due course of law.

Removal from reformatory to city prison or gaol.

7. The Lieutenant-Governor may, from time to time, by warrant signed by the Provincial Secretary, or by such other officer as is authorized by the Lieutenant-Governor in that behalf, direct the removal from such reformatory back to the city prison or common jail, or to any jail in New Brunswick, of any person removed to such reformatory under this Act.

Delivery of offender to be removed.

8. The superintendent or superior of such reformatory or the keeper of a city prison or common jail, having the custody of any offender ordered to be removed, shall, when required so to do, deliver up to the constable or other officer or person who produces the said warrant, such offender, together with a copy attested by the said superintendent, superior or keeper, of the sentence and date of conviction of

such offender, as given on the reception of the offender into the custody of such superintendent, superior or keeper.

GOOD SHEPHERD INDUSTRIAL REFUGE.

Imprisonment of certain Roman Catholic female convicts in Good Shepherd Industrial Refuge.

9. Whenever any girl, being a Roman Catholic, and apparently under the age of sixteen years, is convicted in New Brunswick, of any offence for which by law she is liable to imprisonment, the judge, stipendiary magistrate, police magistrate, justice or justices by whom she is so convicted, may, subject to the provisions hereinafter contained, sentence such girl to be detained in the Good Shepherd Industrial Refuge at St. John for any term not exceeding five years and not less than two years.

Provision for maintenance.

10. Unless with the written consent of the superintendent or superior of the Industrial Refuge first had and obtained, no such sentence as is mentioned in the next preceding section shall be pronounced, unless or until provision has been made by the municipality within which such conviction is had out of its funds for the support of girls so sentenced, at a rate of not less than sixty dollars per annum for each girl.

Education of convicts.

11. The sisters of the Good Shepherd shall be bound to teach and instruct each girl so sentenced and detained in the Industrial Refuge as aforesaid in reading and writing and in arithmetic to the end of simple proportion, and also to teach each such girl such one of the trades or occupations which are, from time to time, taught in such refuge, as such sisters deem most adapted to her capabilities.

Ticket of leave for good behaviour.

12. If any girl so sentenced and detained in such Industrial Refuge, has, in the opinion of the superintendent or superior thereof, so conducted herself during a term of six consecutive months as by her good behaviour, diligence and industry, to warrant her being set at large and no longer detained in the refuge, and if the police court, police magistrate, or stipendiary magistrate of the city of Saint John concurs with such superintendant or superior in recommending the issue of a license to such girl to be at large, then the Minister of Justice or such person as he appoints to issue such license, may issue a license to such girl to be at large in the province of New Brunswick, or in such part thereof as is specified in such license :—

Conditions.

Issue by Minister of Justice.

Revocation thereof.

2. Such license may be revoked or altered at pleasure by the Minister of Justice, or by such persons as he appoints as aforesaid :

Regulations as to ticket of leave.

3. The Minister of Justice may make such regulation as he sees fit as to the form of such licenses, the conditions of enjoyment and forfeiture, and for ascertaining that such conditions are duly complied with :

Punishment of contravention of conditions of ticket of leave.

4. Upon information on oath that the holder of any such license has contravened any of the conditions thereof, a judge or police magistrate or stipendiary magistrate may issue a warrant for her arrest, wherever in the Dominion of Canada she may be, and cause her to be brought before such judge or magistrate, and upon conviction of such contravention shall

remand her to such Industrial Refuge, there to serve the remainder of her original sentence, with such additional term not exceeding one year, as to such judge or magistrate seems proper.

Apprenticeship to trade or domestic service.

13. If any respectable and trustworthy person, being a Roman Catholic, is willing to undertake the charge of any girl committed to the Industrial Refuge, when such girl is over the age of twelve years, as an apprentice to the trade or calling of such person, or for the purpose of domestic service, and such girl is confined to the refuge by virtue of a sentence or order pronounced under the authority of an Act of the Parliament of Canada, the superintendent or superior of the refuge may, with the consent of the police magistrate of the City of Saint John bind such girl to such person for any term not to extend, without such girl's consent, beyond a term of five years from the commencement of her imprisonment, and the stipendiary magistrate shall thereupon order that such girl be discharged from such refuge on probation; subject however to the provisions in the next preceding section: Provided, that any wages reserved in any indenture of apprenticeship made under this section shall be payable to such girl, or to some other person for her benefit.

Proviso as to wages.

GENERAL PROVISIONS.

Authorities of Reformatory or Refuge may decline to receive prisoners.

14. The superintendent or superior of the Good Shepherd Reformatory or of the Good Shepherd Industrial Refuge may at any time notify the mayor, warden or other chief magistrate of any city, town or other municipality, that no prisoners beyond those already under sentence in such Reformatory or Industrial Refuge will be received therein from such municipality and after such notification no such sentence shall be pronounced in such municipality until notice has been received by such mayor, warden or chief magistrate, from such superintendent or superior, that prisoners will again be received in such Reformatory or Refuge.

Inspection by Government and by city of St. John.

15. Such Reformatory and such Industrial Refuge shall at all times, be severally open to inspection by any officer appointed by the Governor in Council to inspect the same; and, when and so long as any pecuniary aid is received from the City of Saint John by either or both of such institutions, such Reformatory and such Industrial Refuge, or that one of them so receiving aid, shall be open to inspection by the mayor, aldermen and police magistrate of such city or any of them.

2. After the expiration of two months from the passing of this Act no rule or regulation such as is hereinbefore mentioned shall have any force or effect unless approved by the Governor in Council.

Incorrigible offenders may be removed to penitentiary.

16. If any offender detained in such reformatory or such refuge becomes incorrigible, she may, on the certificate of the superintendent or superior, be removed to a penitentiary as provided in *The Penitentiary Act.*

17. The provisions of the ninth section of chapter 155 of The Revised Statutes, entitled *An Act respecting Escapes and Rescues*, as amended by the first section of chapter thirty seven of the Statutes of 1890, and the provisions of the second section of the said chapter thirty seven shall apply to the Good Shepherd Reformatory and the Good Shepherd Industrial Refuge.

R.S.C., chap. 155, s. 9 and 1890, c. 37, sections 1 and 2 to apply.

18. The jurisdiction of the police court and of the police magistrate of the city of Saint John, and of the policemen and other officers of such court or magistrate, shall, for the purposes of this Act, extend to every woman or girl so convicted or sentenced as aforesaid, although she is in any place in the city and county of Saint John, beyond the limits of the city of Saint John.

Jurisdiction of certain courts.

6th Session, 7th Parliament, 59 Victoria, 1896

SENATE BILL.

C

An Act respecting certain Female Offenders in the province of New Brunswick.

Received and read a first time, Tuesday, 5th February, 1896.
Second reading, Monday, 10th February, 1896.

Honourable Mr. Wood.

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's most Excellent Majesty
1896

D] **SENATE BILL.** [1896.

An Act for the relief of James Pearson.

Preamble.

WHEREAS, James Pearson, of the city of Toronto, in the province of Ontario, barrister-at-law, has by his petition set forth that on the third day of June one thousand eight hundred and eighty-four, he was lawfully married to Minnie Holcombe, of the city of Brooklyn, in the state of New York, one of the United States of America, at the said city of Brooklyn; that they lived together as husband and wife at the said city of Toronto, until in the year one thousand eight hundred and ninety-one, when he, on discovering that she had been guilty of adultery in the years one thousand eight hundred and eighty-nine and one thousand eight hundred and ninety-one, ceased to live with her; that after he ceased to live with her, she continued to live an irregular life, and on divers occasions committed other acts of adultery; and whereas he has humbly prayed that the said marriage may be dissolved, and has proved the said allegations of his petition, and it is expedient that the prayer thereof should be granted; therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between the said James Pearson and Minnie Holcombe, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said James Pearson may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Minnie Holcombe had not been solemnized.

6th Session, 7th Parliament, 59 Victoria, 1896

SENATE BILL.

D

An Act for the relief of James Pearson.

Received and read a first time, Thursday, 13th February, 1896.

Second reading, Friday, 28th February, 1896.

Honourable Mr. CLEMOW.

OTTAWA
Printed by S. E. DAWSON
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1896

E.] **SENATE BILL.** [1896.

An Act to Incorporate The Yukon and British Columbia Trading and Development Company of Canada, Limited.

WHEREAS the persons hereinafter named have, by their petition, prayed for the incorporation of themselves and others as a company for the purpose of carrying on the business hereinafter mentioned, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. Charles N. Hill, of London, England; Benjamin Green, of Kootenay, British Columbia; Henry J. Munn, of Brandon, Manitoba; J. A. Gemmill and A. F. May, both of the city of Ottawa, together with such persons as hereafter become members and shareholders in the Company hereby incorporated, are hereby constituted a body corporate under the name of "The Yukon and British Columbia Trading and Development Company, Limited," hereinafter called "The Company." Incorporation.

2. 1. The Company may carry on throughout the Dominion of Canada and elsewhere the business of lumberers, and all other business incident thereto or connected therewith, including the manufacture of any articles of which wood forms a component part, and also other products made from wood or wood materials, and also the business of wharfingers, carriers, forwarders, shippers and vessel owners; and may for all or any of the said purposes, purchase, hold, lease or otherwise acquire any timber limits, licenses to cut timber, lands, buildings, docks, works, boats, vessels, vehicles, goods, wares or merchandise, and other property, real and personal, moveable and immoveable; and improve, extend, manage, develope lease, mortgage, exchange, sell, dispose of, turn to account or otherwise deal in and with the same; and may establish shops or stores on the said lands; and may purchase and vend general merchandise, the product of mines, and real estate, and carry on farming and stock-raising; and generally do all such other things as are incidental or conducive to the attainment of the above objects: Corporate name. General powers and business.

2. The Company may purchase, or otherwise acquire and work, mines, mineral and mining rights, lands, hereditaments and chattels in the Dominion of Canada, and may crush, smelt reduce, amalgamate the ore to render marketable the produce, and may develop the resources of such mines, and may crush, smelt, reduce and amalgamate the produce of any mines whether belonging to the Company or not: Mining powers.

Construction of works, etc.

3. The Company may also construct, or aid in and subscribe towards the construction, maintenance and improvement of roads, tramways, docks, piers, wharfs, viaducts, aqueducts, flumes, ditches, quartz mills, mills, ore houses and other buildings and works which are necessary or convenient for the purposes of the said Company:

Vessels.

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

Electrical works.

5. The Company may also erect use and manage works, machinery and plant for the generation, transmission and distribution of electric power and energy, and acquire by lease,

Patents.

purchase or otherwise any exclusive rights in letters patent, franchises or patent rights for the purposes of the works and undertakings hereby authorized, and again dispose of such rights:

Acquisition of other undertakings.

6. The Company may also purchase or otherwise acquire any business within the objects of the Company, and any lands, property, privileges, rights, contracts and liabilities appertaining to the same; and may let or sub-let any property

Sale of company's business.

of the Company, and sell or otherwise dispose of the business, property or undertaking, or any part thereof, for such consideration 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.

Head office.

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

Capital stock, shares and calls.

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

Provisional directors.

5. The persons mentioned by name in the first section of this Act are hereby constituted the first or provisional directors of the Company, and shall hold office as such until replaced by others duly appointed in their stead, and shall have and possess all the powers which are conferred upon directors by *The Companies Clauses Act* and this Act; and until

Meetings.

otherwise ordered by by-law or resolution of the provisional directors, any three of them may call meetings of the provisional directors to be held at the head office of the Company at

Notice.

such times as they determine, provided that notice in writing, signed by any three of the provisional directors calling any such meeting, of the date and place of holding the same, shall be mailed by registered letter to the address of each of the other provisional directors not less than thirty days previous

Quorum.

to the date of such meeting. A majority of the provisional directors shall form a quorum.

General meeting to organize.

6. At any time after the passing of this Act the provisional directors, or any three of them, may call a general meeting of the shareholders of the Company to be held at the city of Ot-

tawa at such time as they determine, for the purpose of passing or ratifying the by-laws of the Company, of electing directors, and of considering and determining upon any other business specified in the notice calling such meeting; and a notice in writing, signed by any three of the provisional directors calling any such meeting, of the date and place of holding the same, mailed by registered letter to the address of each shareholder not less than thirty days previously, shall be deemed sufficient notice of such meeting. Notice.

7. The annual meeting of the shareholders shall be held on the first Tuesday in the month of November in each year at the head office of the Company or at such other place in Canada as the shareholders by by-law appoint. Annual meeting.

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

9. The directors of the Company may from time to time, at their discretion, borrow monies for the purposes of the Company and secure the repayment of any of the monies so borrowed, or any other monies 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. Borrowing powers.

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

11. Section eighteen of *The Companies Clauses Act* shall not apply to the company. R.S.C., chap. 118, s. 18.

6th Session, 7th Parliament, 59 Victoria, 1896

SENATE BILL.

E

An Act to incorporate The Yukon and British Columbia Trading and Development Company of Canada, Limited.

Received and read a first time, Wednesday, 26th February, 1896.
Second reading, Friday, 28th February, 1896.

Honourable Mr. Kirchhoffer.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1896

An Act respecting the Canadian Historical Exhibition.

Preamble.

WHEREAS the twenty-fourth day of June, 1897, will be the four hundredth anniversary of the discovery of Canada by the landing of John and Sebastian Cabot upon the shore of Cape Breton;

And whereas it is desirable that the event should be celebrated in a manner worthy of its importance and of the benefits which have followed to this country and to civilization generally from their discovery of North America;

And whereas it is desirable and greatly in the public interest that, on the occasion of and as part of such anniversary celebration, a Canadian Historical Exhibition should be held to illustrate to Canadians generally, to our fellow subjects throughout the empire, and to the world, the course of the discoveries in North America resulting from those of the Cabots in 1497, and also displaying the natural history of Canada and the social, political, scientific, literary, artistic, industrial and commercial progress in which the Dominion has participated from the discovery to the present time;

And whereas such exhibition with its attendant congresses and proceedings will intensify the interest of Canadians of all origins and localities in the history and future of their common country, will tend to consolidate national unity, and will also demonstrate the status to which Canada is entitled among the nations of the world;

And whereas the parliament buildings belonging to the province of Ontario and the university buildings in their immediate neighbourhood offer facilities for the holding of such an exhibition during the period in the summer in which they are not occupied for legislative or university purposes;

And whereas His Honour the Lieutenant-Governor and the Honourable the Executive Council of the province of Ontario have agreed to such use being made of a portion of the parliament buildings of that province during the summer of the year 1897;

And whereas the Senate and Councils of the University of Toronto, Victoria University, McMaster University and Wycliffe College have agreed to the similar use of their buildings for the same period;

And whereas there are reasonable grounds for expecting that there may be surplus receipts, from entrance fees to such exhibition and other sources of profit, to provide for the establishment of memorial statues and monuments and also of buildings as a place of meeting of learned societies, and a permanent museum for the custody and care of such exhibits as it may be desirable to retain as public property and for other like public purposes;

And whereas it is in the public interest that a permanent public museum of Canadian history, art, science and natural history should be established in Canada;

And whereas it is in the interest of the public of Canada that such exhibition should be held and conducted in a manner worthy of its importance;

And whereas a Committee or Association, known as "The Canadian Historical Exhibition Association," has been formed under the Honourary Presidency of His Excellency the Right Honourable the Earl of Aberdeen, Governor General of Canada, with the concurrence of members of many universities and learned societies of the Dominion, for the purpose of undertaking such exhibition.

And whereas it is desirable and expedient that an incorporated Commission should be constituted to act in concurrence with such Committee and clothed with the necessary financial and executive powers for carrying on the said exhibition and founding and maintaining such museum;

Therefore Her Majesty by and with the advice and consent of the Senate and House of Commons of Canada in Parliament enacts as follows:

Short Title.

1. This Act may be cited as *The Canadian Historical Exhibition Act*, 1896.

Corporation constituted.

2. The Governor in Council may constitute by letters patent under the great seal of Canada a Board of Commissioners under the name of "The Commissioners of the Canadian Historical Exhibition," and such board, hereinafter called "the Commissioners," shall be a body politic and corporate with all the powers of a corporation created by Act of Parliament.

Appointment of commissioners.

3. The Commissioners shall be twelve in number, and shall be appointed by the Governor in Council, two upon his nomination, two upon the nomination of the Lieutenant-Governor of Ontario in Council, two upon the nomination of the Mayor and Council of the City of Toronto, and the remaining six upon the nomination of the Canadian Historical Exhibition Association represented for such purpose by its Executive Committee, consisting of the following and such other members of the association as they may from time to time add to their number, namely :—

Honorary President :— His Excellency the Governor General of Canada.

O. A. Howland, M.P.P.
David Boyle, Esq.
Eustace Smith, Esq.
Miss Mary Agnes Fitzgibbon.
J. Castell Hopkins, Esq.
De Lery Macdonald, Esq.
Sandford Fleming, C.M.G., L.L.D., C.E.
Very Rev. Principal Grant, D.D.
President Loudon, M.A.
Rev. President Burwash, S.T.D.
Rev. Prof. Clark, D.C.L.
Rev. Prof. Geo. Bryce, D.D.
G. M. Dawson, C.M.G., D.C.L.
S. E. Dawson, L.L.D.
Lt.-Col. F. Denison, M.P.
Douglas Brymner, Esq.
Prof. A. B. MacCallum, Ph. D.
Prof. J. Ramsay Wright, M.A.
Arthur Harvey, M.A.
James Bain, L.L.D.
Alan Macdougal, C.E.
J. C. Hamilton, M.A.
Rev. Chancellor Wallace, M.A.
Rev. Provost Welch, M.A.
J. Herbert Mason, Esq.
C. E. Goad, C.E.
R. E. Gosnell, Parliamentary Librarian, Victoria. B.C.

Represented and Corresponding Institutions:

The Royal Society of Canada.
The Canadian Institute.
The Historical Societies of Ontario.
The University of Toronto.
Victoria University.
McMaster University.
Trinty University.
Queen's University.
Wycliffe College.
Laval University, Quebec.
The Seminary of Montreal.
The Historical Society of Quebec.
L'Institut Canadian de Quebec.
La Societé Historique de Montreal.
The Antiquarian and Numismatical Society of Montreal.
The Geographical Society of Quebec.
The Historical Society of Victoria, B.C.
The Canadian Club of Hamilton.

4. Each Commissioner shall hold office during the pleasure of the authority by whom he is nominated, and vacancies shall be filled in the same manner as provided in respect of the original appointments. Tenure of office. Vacancies.

5. The Commissioners shall receive no compensation except that their actual disbursements in performing their duties may be paid out of the funds of the Commissioners. Services to be gratuitous.

6. The Commissioners may appoint from among their number a president and vice-president; and may employ a chief secretary and such assistant secretaries and other employees as they find necessary, at such remuneration, payable out of the funds of the Commissioners, as they fix by resolution. Officers of the corporation.

7. The persons holding the office of Lieutenant-Governors of the provinces of Canada shall be Honorary Vice-Presidents of the exhibition; and the Commissioners may with the assent of the Canadian Historical Exhibition Association nominate from time to time any person or persons in the Dominion of Canada or other parts of the British Empire to be Honourary Presidents and Honourary Vice-Presidents. Honorary presidents and vice-presidents.

8. The Commissioners shall have all the powers, authority, rights and privileges necessary for the holding of a Canadian Historical Exhibition in such portions of the Parliament buildings of the province of Ontario and of the Universities and other buildings and grounds as have been or hereafter may be placed at their disposal by the proper authorities or by any person or corporation, during such period or periods as may be permitted by the Lieutenant-Governor of Ontario in Council, and the respective Senates and Councils of the said Universities and Colleges respectively, or by other proprietors or authorities having control of such buildings and grounds as are placed at the disposal of the Commissioners; and may use, ornament, regulate and control such buildings and grounds, including any portion of Queen's Park, the College Avenue, and other park grounds or open spaces under the municipal control of the city of Toronto, provided that the assent of the ratepayers of the city of Toronto is given to such disposition in such manner as may be provided by the legislature of Ontario in that behalf. General powers of commissioners as to holding exhibition. Proviso. Assent of rate payers in Toronto.

9. The Commissioners may, by and with the advice and assistance in their discretion of such committees of the said Canadian Historical Exhibition Association as may be formed for that purpose by the said Executive Committee thereof, administer the funds placed in the hands of the Commissioners; and may apply them as in their judgment may seem best to the purposes of preparing, acquiring, collecting, managing, conducting and holding an exhibition generally illustrating the natural history, and the political, social, scientific, literary, artistic, industrial, military and commercial history and development of Canada in particular and of countries by which Canada or any province thereof has been in any manner influenced. No obligation shall be entered into Administration and application of funds. Purposes.

or appropriation shall be made except by or as authorized by the Commissioners by resolution; and all accounts and expenditures shall be similarly authorized by, or under the authority of, the Commissioners.

Guests and delegates, invitation of and provision for.

Entertainments, ceremonies, etc.

Prizes.

10. The Commissioners may invite, and may provide out of their funds for the expense of attendance and entertainment of, Royal, official and representative guests, and of delegates from any province of the Dominion, or from any part of the British Empire, or from any foreign country; and may also provide for the expense of musical and other entertainments, ceremonies, pageants, ethnological camps, zoological and botanical gardens, military and naval reviews, regattas, sports and pastimes; and may offer prizes for, and acquire and publish literary, musical and artistic designs and compositions.

Care of buildings.

11. The Commissioners may undertake the charge, improvement, decoration, care and control of any buildings, grounds, avenues, parks or places which are lawfully placed at their disposal for that purpose by any person, corporation or body.

Powers to ensure safety and order.

12. The Commissioners may from time to time, make rules and regulations for the purposes of protecting buildings and grounds placed in their charge and the contents thereof, and of keeping order therein; and shall individually have the power of justices of the peace; and may appoint constables for the purpose of enforcing such rules and regulations in and about such buildings and grounds.

Powers to obtain exhibits.

13. The Commissioners may invite the Government of Canada and the Governments of each of the provinces of Canada, Her Majesty's Government and the Governments of all British Colonies and possessions, and also the Governments of any foreign countries, and any university, corporation, society or person within the Empire of Great Britain or any foreign country, to co-operate in the Canadian Historical Exhibition, by the loan or gift of any objects, documents or archives which may be thought suitable for the purposes of such exhibition, and may enter into any agreements with the donors or lenders thereof for the acquiring, transport, security and return thereof.

Conferences and congresses.

14. The Commissioners may arrange for the holding at any place in Canada of conferences and congresses of persons and representatives of governments, universities, corporations, societies and persons resident in any part of the Dominion of Canada, the British Empire or any foreign country, and may invite persons and representatives to such congresses and conferences and provide for their reception and their travelling and other expenses of their attendance.

Imperial constitutional congress.

2. The Commissioners may specially provide under this section for the assembling and holding of a congress of representatives of governments, universities, law societies and persons resident or subject to any government within the British Empire, to be called an Imperial Constitutional Congress, for the purpose of considering the history and nature

of the principles of government as applied to the constitution and government of the British Empire and the relations and interests of the various kingdoms, colonies, provinces and possessions composing the British Empire, and for the purpose of considering how such government, relations and interests may be defined, confirmed and improved; but no action or resolution of such conference or congress shall be considered binding upon the Government of Canada or any other government which may be represented at such congress or conference.

Purpose thereof.

Its action not binding.

15. The Government of Canada shall not by reason of anything in this Act contained be directly or indirectly liable for, or be held to guarantee any obligation or expense, except to such extent as may be authorized by the Parliament of Canada.

Government of Canada incurs no liability.

16. The Commissioners and the members of the Canadian Historical Exhibition Association, shall not incur any personal liability by virtue of anything done by them in pursuance of their office or in furtherance of the foregoing purposes and objects, and the only funds upon which any liabilities whatever by them created or incurred shall be chargeable or out of which they shall be payable, shall be those resulting from the receipts during the holding of the said Exhibition.

Extent of personal liability of Commissioners, &c.

Funds.

17. The Commissioners may, for the purposes of the exhibition, receive from any person, corporation, municipality or government, gifts, grants, or loans of any property real or personal, sums of money, guarantees of funds or guarantees of debentures.

Grants of money, &c., may be received.

18. The Commissioners may charge fees and issue tickets for entrance to all or different parts of the buildings within which the exhibition is held, and to any grounds placed at the disposal of the Commissioners upon terms permitting such charges; and may receive subscriptions from individuals and corporations in advance, and may in return grant to them personal or transferable privileges of entrance to all or any parts of the exhibition, and may also as a further consideration undertake to supply copies of any publications issued under the authority of the Commissioners.

Entrance charges.

19. The Commissioners may grant, sell, lease or license to persons or corporations, rights to provide, within the limits of any buildings or grounds placed in charge of or occupied by the Commissioners, accommodation for visitors, food, refreshments, conveyance and entertainments, and to sell articles of any kind within the said limits. The receipts from such sources shall form part of the revenues and funds of the Commissioners.

Rights may be granted to cater for visitors.

20. The Commissioners shall (except as may be stipulated with individual exhibitors) have the exclusive right of publishing and of obtaining copyright for catalogues, photographs, illustrated or descriptive reports and volumes relating to the contents of the exhibition, and may grant assignments and licenses in respect thereof.

Copyright.

Special application of certain funds.

21. If any government, municipality, corporation, society or person contributes funds for the purpose of enabling the Commissioners to erect any building or buildings, ornament, object or article, or improvements of a permanent character, the Commissioners may accept and use such funds for such purposes exclusively, and may undertake the charge and maintenance of such building, ornament, object, article or improvement.

Return of proportion of funds in certain cases.

22. If any government, municipality, corporation, society or person grants, subscribes or guarantees funds or debentures of the association, upon condition that a proportionate part of the net receipts of the corporation from the exhibition shall be returned to such government, municipality, corporation, society or person, or to trustees appointed thereby, for the purpose of acquiring or maintaining museums, pictures, documents, objects, or historic sites in any part of Canada stipulated as a condition of such gift, grant or guarantee, the corporation may so apply a portion of the net funds resulting from the holding of such exhibition in proportion to the whole of the gifts, grants and guarantees received by it from all sources for the purpose of the exhibition.

Issue of debentures. Not to be charged on buildings, nor to be deemed to be guaranteed, unless there is special authority for guarantee.

23. The Commissioners may issue debentures to an amount not exceeding $250,000, bearing not more than three per cent per annum interest, and chargeable upon the receipts of the Commissioners as hereinafter provided; but such debentures shall not be chargeable upon any buildings, grounds or property occupied by or in the charge or possession of the Commissioners, nor be deemed to be guaranteed by any government or municipality, society, corporation or person being a member of or represented upon the Commission or the Association, except to the extent to which any such government, municipality or other corporation, society or person may agree according to law to guarantee or undertake the payment of such debentures.

Application of funds to current expenses.

Security for debentures.

24. The Commissioners may apply, out of moneys received by them under sections seventeen, eighteen, nineteen and twenty of this Act, a sum of not more than $50,000 to the current daily expenses of maintaining the exhibition; and the balance of such receipts shall be chargeable, firstly, with debentures to be issued by the Commissioners to the amount of $100,000; secondly, with any debentures guaranteed by the Government of Canada, or of any province thereof, or by any municipality therein to an amount not exceeding $100,000.

Guarantee of debentures may be received in lieu of cash payment.

25. If the Government of Canada, or of any province thereof, or any municipality or corporation be duly authorized by law to grant any sum in aid of the Exhibition, the Commissioners may, with the assent of such government, municipality or corporation, accept in lieu of cash payment of such sum, a guarantee of payment of the principal of a like sum of debentures of the Corporation, withinterest at three per cent per anum. Such debentures shall be made payable within ten years, with the option to the Commissioners of paying the same at an earlier date out of the surplus receipts of the exhibition.

26. If a surplus of funds results from the holding of such exhibition, it shall be applied: firstly, to the erection and maintenance, under the control and management of the Commissioners, of a memorial building, with grounds for the purposes of zoological and botanical gardens, as a museum of the Natural History of Canada, and as a place of meeting of learned societies; secondly, for collections of documents, archives and objects illustrative of the art, science, literature, industry, invention, commerce, history, social life and progress of Canada; and the Commissioners may out of such surplus, or otherwise, acquire permanently or temporarily by gift, purchase, lease or license, any lands or buildings of the nature of historic sites, for the purpose of exhibition or preservation thereof.

Disposal of surplus, if there is any.

Memorial building.

Collections.

Acquisition of historic sites.

6th Session, 7th Parliament, 59 Victoria, 1896

SENATE BILL.

F

An Act respecting "The Canadian Historical Exhibition."

Received and read a first time, Wednesday, 26th February, 1896.
Second reading, Thursday, 5th March, 1896.

Hon. Mr. MacInnes,
Burlington.

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's most Excellent Majesty
1896

G.] **SENATE BILL.** [1896.

An Act respecting The Rocky Mountain Railway and Coal Company.

WHEREAS, The Rocky Mountain Railway and Coal Company has by its petition prayed for the passing of an Act to authorize certain extensions of its line of railway, and to extend the times limited for the commencement and completion of the undertaking, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada enacts as follows:— Preamble.

1. The Company may lay out, construct and operate:— Extension of line.

(*a.*) An extension, southerly to the International boundary line, of either of the railways authorized by section three of chapter ninety-one of the Statutes of 1894.

(*b.*) A branch, from the nearest convenient point in each case on the main line, to a point in or near the town of Macleod, or to a point in or near Lethbridge, or both such branches. Branches.

2. So much of section one of chapter ninety-one of the Statutes of 1894 as follows the word "force" in line four thereof is hereby repealed. Limitation of time repealed.

3. Section eighty-nine of *The Railway Act* shall not apply to the Company. If the railways which the Company is authorized to construct, by chapter fifty-eight of the Statutes of 1891, chapter ninety-one of the Statutes of 1894 and this Act, are not commenced, and fifteen per cent of the capital stock is not expended thereon, within three years from the passing of this Act, or if they are not finished and put in operation within seven years from the passing of this Act, then, in either case, the powers granted by the said Acts shall cease and be null and void as respects so much of the railways as then remains uncompleted. 1888, c. 29, s. 89. New limitation of time for construction.

6th Session, 7th Parliament, 59 Victoria, 1896

SENATE BILL.

G

An Act respecting The Rocky Mountain Railway and Coal Company.

Received and read a first time, Thursday, 27th February, 1896.
Second reading, Monday, 2nd March, 1896.

The Honourable Mr. LOUGHEED.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1896

An Act further to amend The Railway Act.

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

1. Section fifty-eight of *The Railway Act* is hereby repealed and the following substituted therefor:— 1888, c. 29, s. 58 amended.

"**58.**—1. The directors shall pass resolutions from time to time for the following purposes:— Resolutions to be made, instead of by-laws, for certain purposes.

"(*a.*) For the management and disposition of the stock, property, business and affairs of the Company, not inconsistent with the laws of Canada.

"(*b.*) For the appointment of all officers, servants and artificers and for prescribing their respective duties and the compensation to be made therefor.

"(*c.*) For the retirement of such of said officers and servants, on such terms as to an annual allowance or otherwise, as in each case the directors, in the interest of the Company's service, and under the circumstances, consider just and reasonable.

"2. All resolutions heretofore passed, instead of by-laws, for the purposes in this section mentioned, are hereby confirmed." Retroactive effect of section.

2. Section one hundred and eight of *The Railway Act* is hereby repealed and the following is substituted therefor:— S. 108 amended.

"**108.** At least ten days' notice of such application shall be given to the owner or possessor of such property, and the correctness of the map or 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 by its engineer, and such map or plan and book of reference and statement, shall be made and transmitted to the minister in duplicate." Expropriation of lands. Notice to owner and verification of map &c.

6th Session, 7th Parliament, 59 Victoria, 1896

SENATE BILL.

H

An Act further to amend The Railway Act.

Received and read a first time, Tuesday, 3rd March, 1896.
Second reading, Friday, 6th March, 1896.

The Honourable
SIR MACKENZIE BOWELL.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1896

An Act further to amend The Supreme and Exchequer Courts Act.

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

1. Subsection one of section four of *The Supreme and Exchequer Courts Act*, chapter one hundred and thirty-five of the Revised Statutes of Canada, is hereby repealed and the following substituted therefor:— R.S.C., chap. 135, s. 4, amended.

"**4.** 1. The Supreme Court shall consist of a Chief Justice, to be called The Chief Justice of Canada, and five puisne judges, who shall be appointed by the Governor in Council by letters patent under the Great Seal." Constitution of Court. Title of Chief Justice.

2. The following proviso is hereby added at the end of section nineteen of the said Act as amended by section one of chapter thirty-seven of the Acts of 1888, and by section one of chapter thirty-seven of the Acts of 1889:— S. 19, further amended.

"Provided further that any four judges shall constitute a quorum and may lawfully hold the court in cases where the parties consent to be heard before a court so composed." By consent of parties four judges may hold court.

6th Session, 7th Parliament, 59 Victoria, 1896

SENATE BILL.

I

An Act further to amend The Supreme and Exchequer Courts Act.

Received and read a first time, Friday, 6th March, 1896.
Second reading, Tuesday, 10th March, 1896.

Honourable Sir Mackenzie Bowell.

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's most Excellent Majesty
1896

J.] **SENATE BILL.** 1896.]

An Act respecting the Revision of the Statutes.

Preamble

WHEREAS it is expedient that the Public General Statutes of Canada should be again revised and to this end that a commission should be appointed for the purpose of collecting, classifying, revising and consolidating the same for submission to Parliament: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Appointment of commissioners. Chairman.

1. The Governor in Council may appoint three or more commissioners to collect, classify, revise and consolidate the Public General Statutes of Canada and may nominate one of such commissioners to be chairman.

Remuneration.

2. The commissioners may be paid such remuneration out of any moneys voted for the purpose by Parliament as the Governor in Council may think proper, notwithstanding, if they be civil servants, anything in *The Civil Service Act* to the contrary.

R.S.C., chap. 17, s. 51; 1888, c. 12, s. 12.

6th Session, 7th Parliament, 59 Victoria, 1896

SENATE BILL.

J.

An Act respecting the Revision of the Statutes.

Received and read a first time Friday, 6th March, 1896.
Second reading, Tuesday, 10th March, 1896.

The Honourable
Sir MACKENZIE BOWELL.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1896

An Act further to amend the law respecting Building Societies and Loan and Savings Companies carrying on business in the Province of Ontario.

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

Loans and advances on security of shareholder's stock forbidden.

1. It shall not be lawful for any Permanent Building Society or Loan and Savings Company carrying on business in the Province of Ontario to make loans or advances to its shareholders upon the security of their stock in the society or company.

Voting.

2. At all meetings of shareholders of any such society or company, each shareholder shall have one vote for each share held by him, irrespective of the amount paid upon such share, and shareholders may vote by proxy; but no shareholder who is in arrear in respect of any call on his shares shall vote at any meeting of the society or company in respect thereof.

Repeal, 1882, c. 24, s. 1, subsect. 2.

3. Subsection two of section one of chapter twenty-four of the Acts of 1882 is hereby repealed.

6th Session, 7th Parliament, 59 Victoria, 1896

SENATE BILL.

K

An Act further to amend the law respecting Building Societies and Loan and Savings Companies carrying on business in Ontario.

Received and read a first time, Tuesday 10th March, 1896.
Second reading, Friday 13th March, 1896.

The Honourable Mr. Aikins.

OTTAWA
Printed by S. E. Dawson
Printer to the Queen's most Excellent Majesty
1896

L.] **SENATE BILL.** [1896

An Act to amend the Act respecting Wrecks, Casualties and Salvage.

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

1. Sub-section (*i.*) of section two of *An Act respecting Wrecks, Casualties and Salvage*, chapter eighty-one of the Revised Statutes, is hereby repealed and the following substituted therefor :— R.S.C., c. 81, s. 2 amended.

(*i.*) The expression "wreck" includes cargo, stores and tackle of any such vessel, and all parts of the vessel separated therefrom, and also the property of shipwrecked persons, and includes sawn, planed or manufactured lumber of any kind whether such lumber has or has not been the cargo or part of a cargo of any ship. Definition of "wreck,"

6th Session, 7th Parliament, 59 Victoria, 1896

SENATE BILL.

L

An Act to amend the Act respecting Wrecks, Casualties and Salvage.

Received and read the first time, Wednesday, 25th March, 1896.
Second reading, Thursday, 26th March, 1896.

Honourable Sir MACKENZIE BOWELL.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1896

An Act respecting the inspection of Steamboats, and the examination and licensing of Engineers employed on them.

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

SHORT TITLE.

1. This Act may be cited as *The Steamboat Inspection Act.*, 1896. Short title.

INTERPRETATION.

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

(*a.*) The expression "steamboat" includes any vessel used in navigation or afloat on navigable water, and propelled wholly or in part by steam; or by any machinery or power other than sails or oars; and includes steam dredges and floating elevators when so propelled;

(*b.*) The expression "owner" includes the lessee or charterer of any such vessel; and the president, secretary or manager of any incorporated company; "Owner."

(*c.*) The expression "year" means the calendar year, commencing on the first day of January and ending on the thirty-first day of December; "Year."

(*d.*) The expression "boilers and machinery" includes the steam engine or engines, and every part thereof or thing connected therewith, employed in propelling the steamboat, and any donkey or pony engine used on board, and the boiler or boilers for supplying steam thereto, and the furnaces, chimneys, flues, safety and blow-off valves, gauges, braces, stays, pipes, steam pumps, and all other apparatus and things attached to or connected therewith or used with reference to any such engine or under the care of the engineer; "Boilers and machinery."

(*e.*) The expression "hull and equipment" includes the hull and every part thereof, masts, sails and rigging when the steamboat carries them, life boats and other boats and the tackle and apparatus for lowering or hoisting them, the apparatus, other than steam fire engines, for preventing or extinguishing fires, anchors and cables, windlasses and capstans, fire buckets, compasses, axes, lanterns, and all other articles and things necessary for the navigation and safety of the steamboat and not under the care of the engineer; "Hull and equipment."

(*f.*) The expression "inspector" means a person appointed under the provisions of this Act to inspect the "boilers and machinery" or the "hulls and equipment" of steamboats; "Inspector."

"Boiler." (*g.*) The expression "boiler" means a boiler of or intended for a steamboat, and includes boilers when the steamboat has more than one, and the expression "boilers" means "boiler" when she has only one;

"Hull." (*h.*) The expression "hull" includes the equipment;

"Certificate." (*i.*) The expression "certificate" means one of the duplicates or triplicates of the certificate given by the inspectors or inspector, as the case may be;

"Freight boats." (*j.*) The expression "freight boats" means steamboats carrying freight only;

"Passenger." (*k.*) The expression "passenger" means any person carried on a steamboat, other than the master and crew and the owner, his family and servants, connected with his household;

"Passenger steamboat." (*l.*) The expression "passenger steamboat" means any steamboat—except pleasure yachts used exclusively for pleasure without hire or remuneration of any kind—carrying any person other than the master and crew, the owner, his family and the servants connected with his household;

"Minister." (*m.*) The expression "Minister" means the Minister of Marine and Fisheries;

"Vessel." (*n.*) The expression "vessel" means any barge, bateau, boat, scow or vessel carrying passengers, other than a steamboat.;

"Voyage." (*o.*) The expression "voyage" includes "passage" or "trip."

EXTENT AND APPLICATION OF ACT.

Certain vessels not subject to this Act. **3.** 1. No steam yacht used exclusively for pleasure or private use without hire or remuneration of any kind, no tug boat, no freight boat under one hundred and fifty tons gross tonnage, no steamboat used exclusively for fishing purposes and under one hundred and fifty tons gross tonnage, and no steam dredge or floating elevator or vessel of like kind shall be subject to the requirements of this Act; except as regards the yearly rate or duty and the inspection fees hereinafter imposed and the inspection of their boilers and machinery—to which inspection they shall be subject at least once in each year and oftener if required—under the same provisions and penalties for neglect, as other steamboats, and except also as to the obligation to carry one life-buoy and take the precautions against fire hereinafter imposed upon all steamboats, and to carry a life preserver for each person on board; and no steam yacht used exclusively for pleasure or private use without hire or remuneration of any kind of three tons gross tonnage and under shall be subject to any of the provisions of this Act:

Except in certain particulars.

Certain steam yachts entirely exempt.

H. M. vessels. 2. This Act shall not apply to steamboats belonging to Her Majesty:

Application to vessels not registered in Canada. 3. The Governor in Council may direct that this Act or certain provisions thereof shall apply to, or shall not apply to, any steamboat or class of steamboats registered elsewhere than in Canada.

APPOINTMENT AND QUALIFICATIONS OF INSPECTORS.

Appointment of inspectors of boilers and machinery. **4.** The Governor in Council shall, from time to time, appoint at such places as he deems advisable, in Canada, a skilled person or persons competent to inspect the boilers and machi-

nery employed in steamboats, who shall not be interested in the manufacture of steam engines, boilers or other machinery belonging to steamboats, and whose duty it shall be to make such inspection as hereinafter prescribed, and to give to the owner or master two of the triplicate certificates of such inspection,—and also a skilled person or persons competent to inspect the hulls and equipment of steamboats, who shall not be interested in the building or construction of hulls of steamboats, or of any article or thing hereinafter mentioned as part of the equipment required by this Act for steamboats, or properly belonging to or connected with such equipment according to the intent of this Act, and whose duty it shall be to make such inspection, and to give triplicate certificates of such inspection.

And of inspectors of hulls and equipment.

5. 1. No person shall be appointed an inspector of boilers and machinery of steamboats unless he has passed a satisfactory examination before the board of steamboat inspection, as to his knowledge and experience on the subject of boilers and machinery of steamboats, and the working of the same ; and no person shall be appointed an inspector of the hulls and equipment of such vessels, unless he has passed a satisfactory examination as to his competency for the office, before the chairman of the board and two inspectors of hulls and equipment or unless he is a certified surveyor of a recognized society for the classification of shipping ; and no one shall be appointed an inspector for either purpose unless he has received from the chairman of the board, a certificate in writing that he has satisfactorily passed such examination, or unless he is a certified surveyor as aforesaid :

Examination of inspectors.

2. Every such inspector, before entering upon his duties as such, shall take and subscribe an oath, before a judge of a court of record, well, faithfully and impartially to execute the duties assigned to him by this Act, in the form or to the effect following :—

Oaths of office.

I, A.B., do solemnly swear that I will well, faithfully and impartially, to the best of my judgment, skill and understanding, execute the duties assigned to the office of inspector of boilers and machinery, (*or* hulls and equipment, *as the case may be*) of steamboats under *The Steamboat Inspection Act*. So help me God :

Form of oath.

(3.) The oath taken by every inspector shall be forwarded forthwith by such judge to the Minister :

(4.) In the provinces of Manitoba and British Columbia, and in the North-west Territories and the district of Keewatin, the Minister may, when he sees fit, dispense with the appointment of an inspector of hulls and equipment ; and in such case or in case of a vacancy in the office of inspector in the said provinces, territories or district, the Minister may assign the duties of such inspector to the inspector of boilers and machinery, or such other person as he temporarily employs,—who shall then and so long as such order remains in force, have all the powers and perform all the duties hereby assigned to the inspector of hulls and equipment, under the like obligations and like penalties in case of default, and such person shall be called an acting inspector of hulls and equipment.

Inspectors of hulls and equipment may be dispensed with in certain parts of Canada.

Duties, how performed in such case.

THE GOVERNOR IN COUNCIL MAY MAKE RULES.

Power to Governor in Council to make rules and regulations, for certain purposes.

6. 1. The Governor in Council may make rules and regulations for the following purposes, viz. :—

(*a.*) For the testing of boilers and all matters connected with the construction and working thereof :

(*b.*) For the inspection of safety valves and boiler cocks and all matters connected with the construction and working thereof :

(*c.*) For the inspection of hulls and equipment of steamboats :

(*d.*) Respecting boats and life-preservers, fire buckets, axes and lanterns and other life-saving appliances to be carried by steamboats or by other vessels mentioned in this Act :

(*e.*) Respecting the qualifications necessary to entitle a person to an engineer's certificate :

(*f.*) Requiring steamboats to carry chemical or other fire extinguishers, and prescribing the number of such fire extinguishers to be carried by steamboats of different sizes and classes respectively.

Publication and effect of rules and regulations.

2. Any rules and regulations made under the authority of this section shall, after publication in *The Canada Gazette*, have like force and effect as if herein enacted.

Ferry boats, carrying of boats and life preservers on. Governor in Council may direct that Act shall not apply.

7. The Governor in Council may, at any time, order and direct that the provisions of this Act or of any rules or regulations made thereunder in so far as such provisions extend to the carrying of boats and life-preservers, shall not, at any time or during any time specified in the Order in Council, apply to any ferry boat specially mentioned in such order.

And he may make provisions on the subject.

8. The Governor in Council may order and direct that such provisions, as he deems advisable with respect to the carrying of boats and life-preservers on any ferry boat, shall be applicable to and shall during any time specified in the Order in Council be enforced in respect of any ferry boat specially mentioned in such Order in Council.

BOARD OF STEAMBOAT INSPECTION.

Composition of Board.

Chairman.

Quorum.

9. 1. The inspectors shall form a board, to be called "The Board of Steamboat Inspection," of which board the Governor in Council shall appoint the chairman ; three of the members shall form a quorum, one of which shall be the chairman :

Chairman's powers.

2. The chairman shall have the right to vote ; and in the case of an equal division shall also have a casting vote, and shall supervise the other inspectors :

Deputy chairman.

3. The Governor in Council may appoint one of the inspectors a deputy chairman, to act in the absence of the chairman, and such deputy shall exercise all the functions of the chairman :

Minutes.

4. The minutes of the proceedings of the board shall be kept by such chairman, or deputy chairman—and a copy thereof, certified by him, shall be transmitted to the Minister :

Meetings.

5. The board shall meet at such time and at such place as the Minister determines, and may make rules and regulations for their own conduct, for the uniform inspection of steamboats, for prescribing the duties of engineers, and for such

other purposes as are necessary under this Act; and such rules and regulations shall not come into force until after they are approved by the Governor in Council.

Rules and regulations.

INSPECTION.

10. The chairman of the board of steamboat inspection, may at any time inspect or examine the hull, equipment, boiler and machinery of any steamboat, and if he suspects any inspector of having neglected his duty in relation to such steamboat, or in any other respect, he may call a meeting of the board to investigate the case, or may himself investigate it; and the result of such investigation shall be forthwith communicated, in writing, to the Minister; he shall receive and examine all reports and accounts of inspectors, and report fully to the Minister upon all matters pertaining to his official duties, so as to ensure, as far as possible, a uniform and efficient administration of the inspection laws, rules and regulations.

Chairman may inspect steamboats.

Neglect of duty by inspectors to be reported by chairman.

Other duties of chairman.

11. 1. The master or owner of every steamboat liable to inspection under this Act, shall cause the boiler and machinery and the hull and equipment thereof, or the boiler and machinery alone as the case may be, to be inspected at least once every year, and shall deliver to a chief officer of customs one of the certificates thereof; and for every neglect to cause such inspection to be made, and a certificate thereof to be delivered to a chief officer of customs, such master or owner shall be liable to a penalty not exceeding five hundred dollars and not less than one hundred dollars and such steamboat shall be liable for the same and chargeable therewith; and if such penalty is not paid forthwith the steamboat shall, subject to the directions of the Minister, be liable to be seized and sold by any chief officer of customs or any other person thereunto directed by the Minister; and the said penalty and the costs of conviction and the costs of such seizure and sale shall be paid out of the proceeds of such sale, and the surplus, if any, shall be paid over to the owner of the steamboat:

Inspection to be made at least yearly.

Certificate.

Penalty.

Recovery of penalty.

2. Every such certificate, unless sooner revoked, shall be good for a period of twelve months from the date thereof, or for such less period as is stated by the inspector in the certificate, and every steamboat running without such certificate on board may be seized and detained by any chief officer of customs or by any other person thereunto directed by the Minister.

Duration of certificate.

Steamboat without certificate may be seized.

12. The master, owner or engineer of every steamboat, or the person in charge thereof, shall, at the earliest opportunity after the occurrence of any event whereby the hull, or the machinery or boiler thereof, or any part of any or either of the same is, in any material degree, injured, strained or weakened, report such occurrence to an inspector; and in case of omission to give such notice, the master shall be deemed guilty of misconduct and the owner of the steamboat shall be liable to a penalty not exceeding five hundred dollars and not less than fifty dollars and shall also be liable for costs; and if the injury is in respect to the machinery or boiler or any part of the

Subsequent injury to hull or machinery to be reported.

Penalty.

Recovery of penalty.

same, the engineer shall be deemed guilty of negligence; and if the penalty incurred by the owner is not paid forthwith the steamboat shall, subject to the directions of the Minister, be liable to be seized and sold by any chief officer of customs or any other person thereunto directed by the Minister; and the said penalty and the costs of conviction and the costs of such seizure and sale shall be paid out of the proceeds of such sale, and the surplus, if any, shall be paid over to the owner of the steamboat.

Owners and officers of steamboats to answer questions.

Penalty.

13. Every inspector may, at all times when inspecting, visiting or examining any boilers and machinery or the hull of any steamboat, ask of any or all of the owners, officers or engineers of such steamboat, or other person on board thereof and in charge or appearing to be in charge of such steamboat, or of the boiler or machinery thereof, such pertinent questions concerning the same, or concerning any accident that has happened thereto, as he thinks fit; and every such person shall fully and truly answer every such question so put to him; and every person who refuses to answer or falsely answers such question, or who prevents any such inspection or obstructs any inspector in making such inspection, shall be liable to a penalty of forty dollars.

Certificate of registry to be shown.

14. Every inspector of steamboats shall demand of the owner or master of every steamboat which he inspects the production of the certificate of registry of such steamboat, and the production of the certificate of the master, mate or engineer, as the case may be, and such owner or master shall thereupon produce and exhibit the same to such inspector.

Owners to pay certain expenses of examination.

15. When the inspector finds it necessary to open up the hull of a vessel for the purpose of examining her condition, the expense thereby incurred shall be chargeable to the owner of such vessel.

Inspection of machinery in motion.

Inspector to be carried free

16. The inspector may require that the engine and machinery under inspection by him shall be put in motion; and every inspector shall be carried free of expense on any steamboat which he desires to inspect while under way, and during such period as is necessary for such inspection, and for his return to the port at which he embarked on such steamboat for such purpose, or for his disembarkation at any port at which steamboat touches on her voyage.

Certificate of inspection of hull and equipment.

And of boilers and machinery.

In triplicate on same sheets.

How disposed of.

17. 1. If the inspector of hulls and equipment, who inspects any steamboat in the manner required by this Act, approves the hull and equipment of such steamboat, he shall make and sign, in triplicate, a certificate according to the form A, in the second schedule to this Act,—and such triplicates shall be delivered by him to the inspector of boilers and machinery who, when he has inspected and approved the boilers and machinery of the steamboat, shall make and sign, in triplicate, upon the same sheets of paper on which the certificate in triplicate of the inspector of hulls and machinery is written, a certificate according to the form A, in the said schedule, and shall deliver two of the triplicates of the said certificate to the owner or master

of the steamboat, who shall deliver one triplicate to a chief officer of customs as aforesaid, and shall cause the other to be posted up, framed and protected by glass, in some conspicuous part of the steamboat for the information of the public; and the inspector of boilers and machinery shall retain the other triplicate for the purposes of this Act:

Certificate when there is inspection of boilers and machinery only.

2. If the steamboat is one of which the boiler and machinery only are subject to inspection under this Act, the inspector of boilers and machinery shall sign a certificate in the form B in the said schedule, in duplicate, and deliver the duplicates to the master or owner of the steamboat, who shall deliver one to a chief officer of customs and cause the other to be framed and protected by glass and posted up in some conspicuous part of the steamboat for the information of the public:

Penalty for making voyages without certificate or contrary to requirements of certificate.

3. The master, owner or person in charge for the time being of any steamboat which makes any trip or voyage before the certificate required by this section has been issued,—or which makes any trip or voyage or any part thereof at any time or during any period not covered by such certificate,—or which makes any trip or voyage or any part thereof on any waters beyond the limits of those for which such certificate is issued, shall, for each such offence, be liable to a penalty not exceeding five hundred dollars and not less than fifty dollars; and if such penalty and the costs of conviction are not paid forthwith the steamboat shall, subject to the directions of the Minister, be liable to be seized and sold by any officer of customs or any other person thereto directed by the Minister; and the said penalty and the costs of conviction and the costs of such seizure and sale shall be paid out of the proceeds of such sale, and the surplus, if any, shall be paid over to the owner of the steamboat:

Recovery of penalty.

Inspector to see that steamboats have proper lights, &c.

R.S.C., c. 79.

No certificate in case of non-compliance.

4. Every inspector of steamboats shall, whenever he visits and inspects any steamboat, examine whether such steamboat is properly furnished with lights and with means of making fog-signals, in pursuance of the rules prescribed by the *Act respecting the Navigation of Canadian Waters*, and shall refuse to grant any certificate with respect to any steamboat which he finds is not so provided, and shall report such steamboat as unsafe to the Minister:

Right of Inspector to board steamboat.

Penalty for defective equipment.

5. An inspector or any person thereunto directed by the Minister, may go on board any steamboat inspected under the provisions of this Act and inspect the equipment thereof, and if the equipment is not such as was approved by the inspector when he issued the then current certificate of inspection the person making the inspection may seize and detain such steamboat until released by direction of the Minister, and the owner of such steamboat shall be liable to a penalty of not less than twenty dollars and not more than one hundred dollars, and the steamboat shall be liable for the same.

Decision of disputes by Minister in certain cases.

18. Any matter in dispute arising under this Act, between an inspector or the board of steamboat inspection and the master or owner of any steamboat, and also any dispute between an inspector or the said board and an engineer, may be referred by either party to the Minister, who shall finally decide the same.

Register of inspections to be kept.

19. Each inspector shall keep a register of the inspections and certificates made and granted by him, in such form and with such particulars respecting them as the chairman of the board of steamboat inspection, from time to time, directs, and shall furnish copies thereof to the chairman when required.

When engine is stopped, safety valve to be opened and steam pressure reduced.

Penalty.

20. Whenever the engine of any steamboat is stopped for over five minutes, the engineer or the master or person in charge of such steamboat shall open the safety valve, so as to keep the steam in the boiler below the pressure limited by the inspector's certificate,—and every person who violates any provision of this section shall be liable to a penalty not exceeding one hundred dollars and not less than fifty dollars.

Steam gauge to be open to view of passengers.

21. There shall be, in a conspicuous and easily accessible place in each steamboat, a steam gauge properly constructed and open to the view of all passengers and others on board such steamboat, and showing at all time the true pressure of the steam in the boiler thereof.

Penalty for concealing or tampering with steam gauge.

22. Every master and engineer of any steamboat who, at any time, allows the pressure of steam to which the boiler of such steamboat is subjected, to exceed that limited by her certificate, or who alters or conceals or otherwise deals with the said steam gauge, so as to prevent the real pressure of steam from being seen and ascertained by any passenger, shall be liable to a penalty not exceeding one hundred dollars and not less than fifty dollars for each offence.

Bourdon gauge to be used.

23. The steam gauge required by this Act to be open to the view of all passengers and others on board any steamboat shall be that known as "The Bourdon Gauge," or shall be of such construction and shall be put in such place and position, as the inspector visiting, examining or inspecting such steamboat, from time to time, directs.

Water gauge and surface blow-off valves.

24. Each boiler of every steamboat shall be provided with a suitable water gauge, a water gauge capable of showing the water level within each boiler at all times; and all steamboats navigating in brackish or salt water, shall be provided with surface blow-off valves, such as are commonly used on board sea-going steamboats.

Bilge pipes and injection valves.

25. Every passenger steamboat shall be provided with efficient means for relieving the bilges of water and in addition thereto, if having a condensing engine, shall be provided with a bilge injection valve and a pipe of suitable dimensions leading from the floor frames of the steamboat into the condenser of the engine,—such bilge injection pipe to have a check non-return valve if necessary.

Steamboats to carry at least one life-buoy.

26. Every steamboat registered in Canada, or to which this Act applies, shall carry at least one life buoy with a proper heaving line attached, in some convenient place where it can be easily got at for use in case of accident.

PRECAUTIONS AGAINST FIRE AND ACCIDENTS.

27. 1. Suitable and safe provision shall be made throughout every steamboat to guard against danger from fire; and no combustible material, liable to take fire from heated iron or any other heat generated on board any steamboat, in and about the boilers, pipes or machinery, shall be placed at less than six inches distance from such heated metal or other substance likely to cause ignition; and when wood is so exposed to ignition, it shall, as an additional preventive, be shielded by tin being nailed on it in such manner as approved by the inspector; and the funnel shall have a casing of metal or other incombustible material extending up through the decks from the boiler with a space of at least four inches between it and the funnel; metallic vessels or safes shall be provided and kept in some convenient place to receive cotton-waste, hemp and other inflammable substances, which are in use on board; and no coal oil lamp shall be used between decks on any passenger steamboat in which any inflammable material is carried; nor shall any coal oil which will not bear a test of three hundred degrees Fahrenheit without taking fire be used on any passenger steamboat:

Precautions against fire.

Combustibles to be kept at safe distance from heat.

Wood to be shielded.

Funnel to be cased.

Receptacles for waste, &c.

Use of coal oil lamps.

Quality of coal oil.

2. If the structure of the steamboat is such, or the arrangement of the boiler or machinery is such, that the requirements aforesaid cannot, without serious inconvenience or sacrifice, be complied with, the inspector may allow deviations from the said requirements, if in his judgment it can be done with safety:

Inspector may allow deviations in some cases.

3. Inflammable matter, when carried on any steamboat, shall invariably be stowed away as far as possible from the boiler, and from places where its ignition is possible:

Stowage of inflammable matter.

4. No fire or lighted lamp, candle or other artificial light by which fire may be communicated, shall be allowed in any stateroom of any passenger steamboat, or in the steerage thereof, unless in a locked and glazed lantern and no lamps other than with metal bowls shall be used in freight holds or cargo decks:

Uncovered lights not allowed.

Lamps.

5. For each and every contravention of the provisions of this section the owner or master shall be liable to a penalty not exceeding one hundred dollars and not less than fifty dollars and if such penalty and the costs of conviction are not paid forthwith the steamboat shall, subject to the directions of the Minister, be liable to be seized and sold by any officer of customs or any other person thereunto directed by the Minister; and the said penalty and the costs of conviction and the costs of such seizure and sale shall be paid out of the proceeds of such sale, and the surplus, if any, shall be paid over to the owner of the steamboat.

Penalty.

Recovery.

28. 1. Every passenger steamboat shall have at least three double-acting forcing pumps, with chambers at least four inches in diameter, two to be worked by hand, and one by steam, if steam can be employed independently of and not worked by the main engine, otherwise, all three by hand,—one whereof shall be placed near the stern, one near the stem, and one amidship, each having a suitable well-fitted hose of at least two-thirds the length of the steamboat, with suitable nozzle attached and

Force pumps.

Hose.

kept at all times in perfect order, clear of freight or other obstructions, with hose coupled and ready for immediate use; each pump and coupling shall be provided with a hose wrench chained to the same, and each of the said pumps shall be supplied with water by a pipe connected therewith, and passing through the side of the steamboat, so low as to be at all times in the water when the boat is afloat:

Wrenches.

Supply of water to pumps.

Requirements when vessel does not exceed certain sizes.

2. In passenger steamboats not exceeding two hundred tons gross, two of such pumps may be dispensed with; if over two hundred tons, but not exceeding five hundred tons gross, one of such hand pumps may be dispensed with; but in such cases the hose shall be of such length as to reach easily to every part of the steamboat; and in passenger steamboats where only one pump is used, such pump shall be placed as directed by the inspector:

When not exceeding 100 tons.

3. In passenger steamboats under one hundred tons gross, one steam pump of suitable size, or if steam cannot be employed, one force pump of suitable size worked by hand, shall be sufficient:

If only one pump, it is to be placed aft.

Exception.

4. In passenger steamboats not exceeding two hundred tons gross, requiring only one pump, such pump shall be placed aft, unless the space forward is kept free to admit of ready access to the pump and hose, in which case the pump may be placed forward:

Requisites of steam pumps.

5. All steam pumps shall be supplied with suitable bilge connection with proper hose or mud box attachments and also a steam syphon, ejector or other suitable means shall be provided to relieve the hold of water.

Length of hose necessary in certain cases.

29. When it is found that a metal tube or tubes are fixed on any steamboat not less in diameter than the hose carried by such steamboat connected with a force pump or pumps and provided with suitable connections placed at not more than thirty feet from each other, or from either end of the steamboat, to which the hose carried by the steamboat can be readily attached, it shall not be necessary that the hose should be of greater length than will be sufficient to reach from some one of such connections to either end of the steamboat; and each connection shall be provided with a stop valve or stop cock with keys and hose wrenches properly secured or chained to each stop valve or stop cock, or connection so that one or more of such hose attachments may be used as may be required.

Fittings of connections.

Steam pony pump to be fitted on steamboats over 60 tons.

30. Every passenger steamboat of more than sixty tons, registered tonnage, shall be provided with a steam pony pump that may be used as a fire engine, to be worked independently of the main engine; such steam pony pump shall be placed in a suitable place, near the engine-room convenient to the control of the engineer; and in all cases the pump hose shall be coupled to the pony and hand fire pumps, ready for immediate use in case of fire.

Hose to be coupled.

Means of escape from lower to upper deck.

31. Every passenger steamboat carrying passengers on the main or lower deck, shall be provided with sufficient and convenient facilities for the escape of passengers to the upper deck, in case of fire or other accident endangering life.

Wire tiller ropes and bell pulls to be used.

32. Every passenger steamboat shall be provided with wire tiller ropes, or iron rods or chains, correctly and properly laid with suitable rollers for the purpose of steering and navigating the vessel, and shall use wire bell pulls for signalling the engineer from the pilot house, together with tubes of proper size so arranged as to return the sound of the engine bells to the pilot house, or other arrangement approved by the inspector to repeat back the signal.

Tubes to return signals.

ENGINEERS.

Examination of applicants for certificates

33. 1. Any person who claims to be qualified to perform the duties of a first, second, third or fourth class engineer on a steamboat, may apply for a certificate to the Minister, who shall cause the Board of Steamboat Inspection, or an inspector or inspectors, to examine the applicant and the proofs that he produces in support of his application, and to report upon such examination and proofs; and any such examination may be upon oath,—which any inspector may administer; and if the said board are satisfied that his character, habits of life, knowledge and experience in the duties of an engineer are such as to qualify him to be such engineer, the said Minister, on the report of the said board, shall give him a certificate to that effect, specifying the grade for which he has been found qualified; but such applicant, if not a British subject, shall only be entitled to a certificate if, in addition to the qualifications required by this Act, he has been domiciled in Canada for at least three years; and foreign subjects serving as engineers in ships registered in Canada shall be deemed to be domiciled in Canada while so serving :

May be on oath.

Requisites for certificate.

Additional requirement if applicant is an alien.

Provision if board not sitting when inspector reports.

2. If the report of the inspector or inspectors, certifying the fitness of an applicant, is made at the time when the Board of Steamboat Inspection is not sitting, it may be sent by such inspector or inspectors to the chairman, who, if he approves of it, shall submit it to the Minister, who may thereupon grant the applicant a certificate specifying the grade for which he has been found qualified; but if the report of the said inspector or inspectors does not certify the fitness of such applicant, or is not approved by the chairman, the fee paid by such candidate shall not be returned to him, but he may be once more examined without payment of further fee :

Certificate signed by Minister.

3. Such certificate shall be on parchment and shall be signed by the Minister :

Certain former certificates may be exchanged.

4. Any certificate as an engineer issued by the Board of Steamboat Inspection, and in force on the second day of June, one thousand eight hundred and eighty-six, may be delivered up by the holder thereof to the Minister, who may thereupon give to the holder a certificate on parchment, signed by the Minister :

Duration.

5. Every certificate shall be granted for life or during good conduct :

Fees.

6. For the first certificate to an engineer of any class, or for a certificate raising him to a higher class after re-examination, the applicant shall pay five dollars; and for every certificate granted on the delivery up, under subsection four of this section, the applicant shall pay one dollar :

Disposal of fees.

7. The said sums shall be paid to the Minister of Finance and Receiver General, to form part of the Consolidated Revenue Fund of Canada :

Suspension or cancellation of certificate.

8. The certificate of any such engineer may be suspended or cancelled by the Minister upon proof of negligence, unskilfulness or drunkenness, or in consequence of the finding of a coroner's inquest, and may also be suspended or cancelled by the Minister for any other cause, provided such other cause is deemed sufficient by the Minister and is certified as such by him :

Engineers not to act in double capacity.

9. No person shall act in the double capacity of engineer and master on any steamboat, and no person shall act as engineer and fireman on any steamboat having an engine of over seven nominal horse power and required by law to carry a certificated engineer, except in cases where the boiler is fired from the engine-room :

Replacement of lost certificate.

10. Whenever any engineer proves to the satisfaction of the Minister that he has, without fault on his part, lost or been deprived of any certificate, the Minister may, upon payment of one-half the fee charged for the original certificate, cause a copy or duplicate of the original certificate to be made out, signed as aforesaid, and delivered to him :

Engineer's certificate to be posted up.

11. Every engineer holding a certificate of competency whether granted under this Act or under the Acts of the United Kingdom relating to merchant shipping, who is employed on any steamboat to which this Act applies, shall keep his certificate of competency posted up, framed and protected by glass, in some conspicuous place in or near the engine-room of such steamboat, and any engineer neglecting to do so shall be liable to a penalty of twenty dollars :

Penalty.

Permits to fourth class engineers to act as engineers or vessels not over 20 tons.

12. The Minister may, upon the report of an inspector of boilers and machinery, grant a permit to a fourth class engineer or other applicant, sufficiently qualified by his knowledge of steam machinery and his experience as engineer, authorizing him to act as engineer on a steamboat carrying passengers, and not exceeding twenty tons gross tonnage, and within specified limits in the minor waters of Canada—which steamboat and limits shall be designated in the permit :

Duration and renewal of such permits.

13. Such permit may be issued and be in force for a term not exceeding one year, but may be suspended or cancelled for cause by the Minister, who may also renew the same from time to time for any term not exceeding one year :

Fees.

14. For every such permit and for every renewal thereof the applicant shall pay the sum of two dollars, which shall be

Disposal.

paid over to the Minister of Finance and Receiver General to form part of the Consolidated Revenue Fund of Canada :

Holders of such permits not liable under s. 35.

15. No person who holds a permit issued under this Act, and no person who employs him as holding such permit, shall be liable to the penalty provided by section thirty-five of this Act, if he is acting on the vessel and within the limits specified in the said permit :

Minister may issue certificates equivalent to those of the Board of Trade.

16. Under the authority of any order which Her Majesty in Council may make under section one hundred and two of the Act of the United Kingdom known as *The Merchant Shipping Act*, 1894, or of any such order now made and continued in force by the said Act, the Minister may issue certificates of competency as first-class or second-class en-

57-58 V., c. 60 (Imp.)

gineers. Such certificates shall have the word "Canada" prominently marked on their face and back and shall be as nearly as possible similar in shape and form to corresponding certificates of competency for the foreign trade granted by the Board of Trade of the United Kingdom, under the said Act and shall be prominently marked on their face "valid in the United Kingdom or any British possession:" Form.

17. The certificates mentioned in the next preceding subsection of this section shall be granted only on proof that the previous service at sea of the person applying for the same has been such as is required by the regulations for the time being in force in the United Kingdom with respect to certificates of like grade: Requirements for obtaining certificates.

18. Every certificate of competency granted under the provisions of the sixteenth subsection of this section shall be subject to be suspended or cancelled by the Board of Trade for like offences or causes, and in like manner, as certificates granted under the said Act of the United Kingdom—all the provisions whereof or of any Order of Her Majesty in Council made thereunder shall apply to such certificates, —or to be suspended or cancelled by the Minister upon proof of negligence, unskilfulness or drunkenness, or in consequence of the finding of a coroner's inquest, and may also be suspended or cancelled by the said Minister for any other cause, provided such other cause is deemed sufficient by the said Minister and is certified as such by him: Suspension or cancellation thereof, when and how incurred.

19. Certificates of competency as first or second-class engineers in sea-going ships, granted by the Board of Trade under any of the Acts of the United Kingdom relating to merchant shipping, shall, while in force under *The Merchant Shipping Act*, 1894, be of the same force and effect in Canada as if granted under this Act: Board of Trade certificates to be in force in Canada.

20. The Minister may order an investigation into the misconduct or incompetency of any engineer holding one of the certificates mentioned in the next preceding subsection and may appoint any person or persons to be a court or tribunal for the purposes of such investigation: Investigations of misconduct of engineers.

21. Every court or tribunal so constituted shall be in all respects a court or tribunal under the provisions of the Act of the United Kingdom known as *The Merchant Shipping Act*, 1894, respecting formal investigations into shipping casualties, and the incompetency and misconduct of masters, mates and engineers. Powers of court.

CLASSIFICATION OF ENGINEERS.

34. 1. Engineers shall be classified according to the following grades:— Grades of engineers.

First class engineers; First class.
Second class engineers;
Third class engineers;
Fourth class engineers.

2. A first class engineer shall be qualified to take charge of any steamboat: Second class.

3. A second class engineer shall be qualified to take charge of any freight steamboat, or of any other steamboat, except a Third class.

sea-going passenger steamboat of more than one hundred nominal horse power:

Third class.

4. A third class engineer shall be qualified to take charge of any passenger steamboat of less than thirty nominal horse power, if the engine or engines are single cylinder; and if the engine is a compound engine a third class engineer shall be qualified to take charge of any such steamboat of forty-five nominal horse power, or of any freight steamboat with any kind of steam engine, except a sea-going steamboat of more than one hundred normal horse-power:

Fourth class.

5. A fourth class engineer may act in the capacity of second engineer to a second class engineer or third class engineer, on any freight steamboat, or any other steamboat except a sea-going passenger steamboat of more than one hundred nominal horse power, but shall not act as chief engineer on any steamboat requiring under this Act engineers holding certificates.

Engineers may not be employed or serve unless they hold certificates.

35. 1. No person shall employ another as engineer, and no person shall serve as engineer on any passenger steamboat, of whatever tonnage, or on any freight steamboat of over one hundred and fifty tons gross, unless the person employed or serving as engineer holds a certificate of competency granted under this Act or under the Acts of the United Kingdom for the grade in which he is to be employed, or for a higher grade; and every person who offends against this section shall be liable to a penalty not exceeding one hundred dollars and not less than fifty dollars: Provided, however, that if a steamboat leaves a port with a complement of engineers, and on her voyage is deprived of their services, or the services of any of them, without the consent, fault or collusion of the master, owner or any one interested in the steamboat, the deficiency may be temporarily supplied until engineers holding such certificates can be obtained:

Penalty.

Proviso: When vessel is deprived of engineer.

Who to be deemed an engineer.

2. Any person keeping watch in charge of the engine-room of any steamboat mentioned in this section shall be deemed to be serving and employed as engineer while keeping such watch:

Recovery of penalty.

3. If any penalty imposed under the provisions of this section is not paid forthwith the steamboat shall subject to the direction of the Minister be liable to be seized and sold by any officer of customs or any other person thereunto directed by the Minister; and the said penalty and the costs of conviction and the costs of such seizure and sale shall be paid out of the proceeds of such sale, and the surplus, if any, shall be paid over to the owner of the steamboat.

Certificate not to be transferred.

36. No one who obtains a certificate as engineer or who obtains a permit to act as engineer, under the provisions of this Act or who obtained a certificate as engineer under the provisions of chapter seventy-eight of The Revised Statutes, shall transfer such certificate or permit to any other person and no person shall accept or be a party to the transfer of any such certificate or permit; and every person guilty of an offence against the provisions of this section shall be liable to a penalty not exceeding five hundred dollars and not less than

R.S.C., c. 78.

fifty dollars and if such penalty is not paid forthwith such person shall be imprisoned for a period not exceeding two months.

INSPECTION FEES.

Scale of inspection fees

37. 1. The owner or master of every steamboat in Canada, shall pay, yearly and every year, a rate or duty fixed by the Governor in Council, and not exceeding ten cents for every ton gross which such steamboat measures; and the owner or master of every passenger steamboat exceeding one hundred tons gross, shall pay an inspection fee of eight dollars for each inspection made imperative by this Act; and the owner or master of any passenger steamboat of one hundred tons or less, or of any other steamboat, shall pay an inspection fee of five dollars for each inspection made imperative by this Act:

No deduction for machinery when calculating tonnage.

2. Every ton of the gross tonnage of a steamboat shall, for the purposes of this section, be reckoned, and no allowance or deduction shall be made for the space occupied by the engine-room:

Payment and disposal of fees.

3. The amount of such rate or duty and inspection fees shall, in each case, be paid to and received by the chief officer of customs, at some one of the ports in Canada, who shall, at such times and in such manner as the Governor in Council, from time to time, directs, account for and pay over the same to the Minister of Finance and Receiver General, to form part of the Consolidated Revenue Fund of Canada.

Inspector's certificate not to be granted before fees are paid, and conditions of Act are complied with.

38. No inspector shall make or deliver a certificate respecting any steamboat under this Act, unless the receipt of a chief officer of customs for the rate or duty payable in respect of such steamboat for the then current year, has been produced and shown to him, and unless he is satisfied, by careful examination, that all the conditions and requirements of this Act have been fulfilled and complied with, in respect of such steamboat; and every inspector shall report to some chief officer of customs any case of omission to pay such rate or duty, or of omission to apply for such inspection as aforesaid, for more than one year from the date of the last inspection, or of any refusal to submit to inspection at any time, which in any way or at any time comes to his knowledge.

Omissions to pay fees, to apply for or submit to inspection, are to be reported.

Certificate and receipt for fees to be demanded before clearance of vessel.

39. 1. Each chief officer of customs shall demand of the owner or master of every steamboat entered, cleared or otherwise officially dealt with by such officer, the production of the certificate of inspection of such steamboat and of the receipt for the payment of the rate or duty or fee imposed by this Act, in respect of such steamboat; and if such certificate and receipt are not so produced, then such chief officer shall seize and detain the said steamboat until the same are produced and exhibited, and until any penalty incurred and lawfully imposed on such steamboat under the provisions of this Act, has been paid in full with costs; and in default of payment, the steamboat may subject to the direction of the Minister be seized and sold by a chief officer of customs or any other person thereunto directed by the Minister, and the said penalty and the costs of conviction, and the costs of seizure and sale, and the rate,

Penalty.

Recovery.

duty or fee shall be paid out of the proceeds of such sale, and the surplus, if any, shall be paid over to the owner of the steamboat:

Seizure and detention of vessels with respect to which there has been a contravention of this Act, &c.

2. Any chief officer of customs or other person thereunto directed by the Minister may seize or detain any steamboat or vessel running contrary to any of the provisions of this Act or of any Order in Council made under it; and any such steamboat or vessel so seized or detained shall be deemed to be the property of Her Majesty until released by the Minister and every person who removes or causes to be removed or is a party to removing with or without violence, secretly or openly any steamboat or vessel so seized or detained shall be liable to a penalty of not more than five hundred dollars and not less than one hundred dollars: or to imprisonment for a term not exceeding six months:

Penalty for removing vessel under seizure.

Penalty for deceiving, obstructing, &c., officers.

3. Any person who deceives, impedes, prevents, obstructs or resists any inspector or chief officer or customs or other person thereunto appointed by the Minister, in the performance of any duty rendered necessary by any of the provisions of this Act shall be liable to a penalty of not more than five hundred dollars and not less than one hundred dollars or to imprisonment for a term not exceeding three months or to both.

PASSENGERS.

Certificate to specify number of passengers allowed.

40. The inspectors shall, in their certificate, prescribe the number of cabin or steerage or other passengers that may be carried by any steamboat inspected by them for the carriage of passengers, according to the rules established by the Governor in Council for that purpose.

Inspection may be made at any time.

41. 1. Any inspector may, at any time, visit any steamboat and inspect and examine the same, and if he considers such steamboat unsafe or unfit to carry passengers, he shall report thereon to the Minister, who may order that such steamboat shall not be used or run until permitted by him:

Order of Minister.

Penalty for running steamboat contrary to order.

2. Any steamboat run or used in violation of the order of the Minister shall be liable to forfeiture and seizure by the chief officer of customs at any port, and may subject to the direction of the Minister, be sold in the same way and under like provisions as goods liable to forfeiture for non-payment of customs duties; or—

Steamboat may be seized and sold.

3. Any steamboat so run or used may be seized at any place by any inspector thereunto authorized by the Minister, in which case such inspector shall have the same powers as a chief officer of customs would have in like circumstances, and shall make to the Minister a report of his seizure; and such steamboat may, subject to the direction of the Minister, be sold in the same way and under like provisions as goods liable to forfeiture for non-payment of customs duties.

Penalty for carrying more than lawful number of passengers.

42. The master, owner or person in charge for the time being of any steamboat, in which a greater number of passengers than that allowed by her certificate are, at any time, carried, or in respect of which no certificate authorizing the carriage of passengers has been granted and in which passengers are

carried, is guilty of an offence against this Act, and shall, for each such offence, be liable to a penalty not exceeding five hundred dollars and not less than one hundred dollars; and such steamboat shall be liable for the same and chargeable therewith; and if such penalty is not paid forthwith the steamboat shall, subject to the directions of the Minister, be liable to be seized and sold by any chief officer of customs or any other person thereto directed by the Minister; and the said penalty and the costs of conviction and costs of such seizure and sale shall be paid out of the proceeds of such sale and the surplus, if any, shall be paid over to the owner of the steamboat.

Vessel also liable, and may be seized and sold.

BARGES.

43. 1. No steamboat shall be employed to tow any barge, or any boat, bateau, scow or other vessel having passengers on board, unless such barge, boat, bateau, scow or vessel has been inspected by an inspector of hulls and equipment, and by him certified, according to the form C in the second schedule of this Act, to be fit and properly equipped to carry passengers on the waters on which she is so towed; and no such vessel shall, while so towed, have on board a greater number of passengers than she is certified as being fit to carry, nor shall such boat be towed alongside when there are passengers on the steamboat towing:

Barges, &c. not to be towed unless inspected and certified.

Rules as to passengers and towing alongside.

2. Every such vessel shall pay an inspection fee of ten dollars for every inspection under this Act, which fee shall be paid to and received by an inspector of hulls and equipment, who shall, at such times and in such manner as the Governor in Council from time to time directs, account for and pay over the same to the Minister of Finance and Receiver General, to form part of the Consolidated Revenue Fund of Canada:

Inspection fee.

3. Before a certificate is issued to such vessel, the inspection fee must be paid to the inspector who inspects the vessel, and she must also be equipped throughout in conformity with the requirements of this Act and of the regulations made thereunder, and must have suitable means for steering, an anchor and chain, and a substantial tow-line of suitable length; and such certificate shall state the period of time for which it is valid:

Requirements for obtaining certificate.

4. For any violation of this section, the master and the owner of the steamboat, and the owner and person in charge of such barge, boat, bateau, scow or vessel carrying passengers, shall each be liable to a penalty not exceeding one hundred dollars and not less than fifty dollars; and such steamboat, barge, boat, bateau, scow or vessel, shall be liable for the same and chargeable therewith; and if such penalty is not paid forthwith such steamboat, barge, boat, bateau, scow or vessel shall, subject to the directions of the Minister, be liable to be seized and sold by any chief officer of customs or any other person thereto directed by the Minister; and the said penalty and the costs of conviction and the costs of such seizure and sale shall be paid out of the proceeds of such sale, and the surplus, if any, shall be paid over to the owners.

Penalty for violations of this section.

Vessel also liable, and may be seized and sold.

Regulations may be made as to carrying masts and sails.

44. The Minister may, from time to time, by regulations approved by the Governor in Council, require that every or any description of passenger steamboat above sixty tons registered tonnage, employed on the sea coasts of Canada or on all or any of the waters of Canada, shall, at all or any seasons of the year, be provided with a mast or masts, and sail or sails, suitable for such steamboats, and may prescribe the dimensions of such mast or masts, and sail or sails respectively; but nothing in this section contained shall apply to that portion of the St. Lawrence between Quebec and Kingston, and the river connecting Lakes Erie and Huron, and the waters between Kingston and the head of the Bay of Quinté, and the rivers in the provinces of Nova Scotia and New Brunswick, and the tributary rivers flowing into the river St. Lawrence, or the lakes west of Quebec, and any rivers or lakes not exceeding one mile in width on any point thereof on the route of such steamboats.

Waters to which these regulations shall not apply.

Gangboards to be provided, and to be lighted.

45. 1. Every passenger steamboat or vessel shall be provided with good and sufficient gang-boards, protected at the sides in a suitable manner to prevent passengers from falling overboard; and the master of every such steamboat or vessel shall, on stopping at any wharf or landing place, cause a gang-board to be firmly secured to the vessel or steamboat for the safe and convenient transit of passengers, and shall cause to be affixed to such gangboard in the night time good and sufficient lights; and the owner or occupier of every such wharf or landing place shall also, in the night time, cause to be shown conspicuously, on such wharf or landing place, and at every angle or turn thereof, during the whole of the time that any such steamboat or vessel is approaching the same or stopping thereat, a good and sufficient light;

Lights to be provided on wharves.

Definition of night.

2. For the purposes of this section, the night at all seasons of the year shall be deemed to extend from one hour after sunset till one hour before sunrise.

Penalty.

46. 1. The master or person in charge of any passenger steamboat, or vessel navigating the waters of Canada, and every owner, lessee or occupier of a wharf or landing place, who offends against any of the provisions of the next preceding section, shall for each offence be liable to a penalty not exceeding fifty dollars and not less than twenty dollars; and in addition, shall be liable for all damages sustained by any person or persons from any accident happening from non-compliance with any of the said provisions, or during the time the said provisions are not complied with:

Damages.

Vessel also liable, and may be seized and sold.

2. And every such steamboat or vessel shall be liable for any penalty and costs incurred by the master or person in charge for an offence against any of the provisions of the next preceding section; and if such penalty and costs are not paid forthwith such steamboat or vessel shall, subject to the directions of the Minister, be liable to be seized and sold by any chief officer of customs or any other person thereunto directed by the Minister; and the said penalty and the costs of conviction

and costs of such seizure and sale shall be paid out of the proceeds of such sale, and the surplus, if any, shall be paid over to the owner of such steamboat or vessel.

GENERAL PROVISIONS.

Provision for notifying passengers of requirements of Act and of means of of safety.

47. There shall be placed on board every passenger steamboat in some conspicuous place accessible to all the passengers, a printed copy of this Act; and in every cabin, state-room and in other conspicuous places about the vessel, there shall be placed a printed paper (to be provided and filled up by the owner or master of the steamboat) showing the number of boats, with their capacity, and also the number of fire buckets, axes and life preservers and floats on board of such steamboat, and the method of adjusting such life preservers to the body, and a statement of the places where such buckets, axes and life preservers are kept; the name of the steamboat shall be painted or stamped on all the boats, fire buckets and floats, axes and life preservers on board thereof.

Name of vessel to be on boats and apparatus.

Owner's and master's liability for non-observance of Act.

48. If any damage to any person or property is sustained in consequence of the non-observance of any of the provisions of this Act, or of any Order in Council made under it imposing any duty on the owner or master of any steamboat, or on any other person, the owner shall, in all civil proceedings, and the master or other person shall, in all proceedings, whether civil or criminal, be subject to the legal consequences of such default.

Penalty for inspector giving false certificate.

49. Every inspector who wilfully, or through any culpable neglect of duty, makes or confirms any false statement in any certificate under this Act, shall incur a penalty of two hundred dollars.

Penalty on owner or master for violation of Act.

Vessel may be detained.

And in certain case shall be detained.

50. 1. Except when otherwise especially provided, the owner or master of any steamboat in Canada shall, for any violation in respect of such steamboat, on any one voyage or trip thereof, of any of the provisions of this Act or of any Order in Council made under it, be liable to a penalty not exceeding one hundred dollars and not less than fifty dollars; and any chief officer of customs or any person thereunto directed by the Minister may detain any steamboat in respect of which the provisions of this Act or any Order in Council made under it, have not been fully complied with, or of which the boilers or machinery or the hull, by reason of any injury or other cause, have, in an inspector's opinion, become unsafe; and whenever an inspector gives notice in writing to any chief officer of customs that any of the provisions of this Act or any Order in Council made under it, have not been fully complied with in respect to any steamboat, such chief officer of customs shall seize and detain such steamboat until he receives the certificate in writing of such inspector, to the effect that such provisions have been fully complied with in respect to such steamboat:

Vessel may be seized and sold.

2. If any penalty imposed under the provisions of this section is not paid forthwith the steamboat shall subject to the direction of the Minister be liable to be seized and sold by any officer of customs or any other person thereto directed by the

Minister; and the said penalty and the costs of conviction and the costs of such seizure and sale shall be paid out of the proceeds of such sale, and the surplus, if any, shall be paid over to the owner of the steamboat.

Mode of recovery of penalties.

51. 1. All penalties incurred under this Act may be recovered with costs in a summary manner under the provisions of Part LVIII of *The Criminal Code*, 1892, in the name of her Majesty, by an inspector or any person aggrieved by any act, neglect or omission, on the evidence of one credible witness who may be the prosecuting inspector himself, before any judge of a county court, judge of the sessions of the peace, stipendiary or police magistrate, or two justices of the peace; and in default of immediate payment of such penalty, and costs, such judge, magistrate or justices may commit the offender to jail for any term not exceeding three months, unless such penalty and costs are sooner paid; and all penalties recovered under this Act shall be paid to the Minister of Finance and Receiver General, and shall be by him placed to the credit of the Consolidated Revenue Fund of Canada; provided, that the Governor in Council may, if he sees fit, authorize the payment of a portion of any such penalty to the informer, if he is not an inspector:

Disposal of penalties.

2. Any information or complaint in respect of any offence against the provisions of this Act may be laid or made within twelve months of the time when the matter of the information or complaint arose.

Investigations of accidents.

52. The Minister may order an investigation to be made by any person or persons into the cause of any accident attended or not attended with loss of life on any steamboat; and the person or persons so appointed may summon witnesses and compel their attendance before him or them by the same process as courts of justice,—and may administer oaths and examine witnesses touching the cause of such accident,—and report thereon to the Minister.

Reports and returns by Board of Steamboat Inspection.

53. The chairman of the Board of Steamboat Inspection shall, as often as the Minister may direct, furnish a report of the proceedings of the board, and a return of all steamboats inspected, and of all penalties collected under the provisions of this Act.

Returns by inspectors.

54. Each inspector shall make monthly returns to the chairman of the said board of all steamboats inspected by him, their tonnage and power, with general descriptions of their machinery and hulls, and a statement of the fees collected upon the same, and any other information which the Minister may direct.

How tonnage is to be ascertained.

57-58 V., c. 60 (Imp.)

55. The tonnage of every steamship for the purpose of this Act, shall be the tonnage ascertained by the rules of measurement prescribed by the Act of the United Kingdom known as *The Merchant Shipping Act*, 1894.

Governor in Council may remit penalties.

56. The Governor in Council may remit any penalty imposed for a violation of the provisions of this Act, and may

refund any money collected and paid over to the Minister of Finance and Receiver General for any contravention of the said Act, and such remission or refund may be in whole or in part.

Repeal.

57. Under the power given by section 735 of the Act of the United Kingdom as *The Merchant Shipping Act*, 1894, so much of the provisions of that Act, as relates to ships registered in Canada and is either inconsistent with this Act, or provides for matters provided for in this Act, is hereby repealed.

Repeal.

58. The Acts mentioned in the First Schedule to this Act are hereby repealed.

Date of coming into force.

59. This Act shall come into force on the first day of July, one thousand eight hundred and ninety-six.

FIRST SCHEDULE.

ACTS REPEALED.

Act.	Year.	Title.
R. S. C., chap. 78.....	1886.....	An Act respecting the Inspection of Steamboats and the examination and licensing of Engineers employed on them.
51 Vic., chap. 26.....	1888.....	An Act to amend the Steamboat Inspection Act, chapter seventy-eight of the Revised Statutes.
52 Vic., chap. 23.....	1889.....	An Act further to amend "The Steamboat Inspection Act," chapter seventy-eight of the Revised Statutes.
53 Vic., chap. 17.....	1890.....	An Act to amend "The Steamboat Inspection Act," chapter seventy-eight of the Revised Statutes.
54-55 Vic., chap. 39.....	1891.....	An Act further to amend "The Steamboat Inspection Act."
55-56 Vic., chap. 19.....	1892.....	An Act further to amend the Steamboat Inspection Act.
56 Vic., chap. 25.....	1893.....	An Act further to amend the Steamboat Inspection Act.
57-58 Vic., chap. 46.....	1894.....	An Act further to amend the Steamboat Inspection Act.

SECOND SCHEDULE.

Form A.

DOMINION OF CANADA—DEPARTMENT OF MARINE AND FISHERIES.

Certificate *of the Inspector of Hulls and Equipment for a Steamboat to carry Passengers, or for a Freight boat of or over* 150 *tons gross.*

Having examined the hull and equipment of the steamboat of whereof owner, and is master, whose certificate is numbered, on this day of A.D. 18 .

The particulars of her gross and register tonnage as shown on her certificate of registry, being as follows :

Tonnage under tonnage deck	Tons.
Houses on deck	"
Gross tonnage	"
Deduct for engine-room	"
Register tonnage	"

I, Inspector of Aulls and Equipment, do hereby certify that her hull is in all respects staunch, seaworthy and in good condition for navigation ; that the equipment of the vessel throughout is in conformity with the requirements of *The Steamboat Inspection Act*, 1896, the said steamboat having on board, properly placed and in good order for immediate service : boats, having (together) a carrying capacity for persons ; life boats having (together) a carrying capacity for persons ; life preservers ; wooden floats ; fire buckets ; axes ; lanterns ; and one life buoy, having a proper heaving line attached ; and that she has the fire-pumps, hose and other appliances for extinguishing fire required by the said Act and placed as therein provided and in every way efficient and according to the requirements of the said Act ; and I further certify that the said steamboat is permitted to run on the waters between and from this day of to the day of 18 and that she is adapted and fit to carry (*number*) passengers and no more (*as the case may be*).

Dated at
this day
of 18 .

Inspector of Hulls and Equipment.

CERTIFICATE *of the Inspector of Boilers and Machinery for the same boat.*

And I, Inspector of Boilers and Machinery, do hereby certify that the engine, boiler and machinery of the steamboat are sufficient and suitable to authorize her being lawfully employed* without hazard to life on the route between and from this day of to the day of 18 .

That the engine of the said steamboat is of nominal horse power and that her boiler can carry with safety pounds of steam pressure per square inch, and no more.

Dated at
this day
of 18 .

Inspector of Boilers and Machinery.

(*Here insert "in the carriage of passengers" or "as a freight boat" or "as a ferry boat" as the case may be.)

NOTE.—The original copy of this certificate to be posted on board.

FORM B.

DOMINION OF CANADA—DEPARTMENT OF MARINE AND FISHERIES.

CERTIFICATE *for a Freight Boat, a Tug Boat, Fishing Boat, Pleasure Yacht, Steam Dredge, Elevator, or like Vessel.*

Having examined the boiler and machinery of the steamboat of whereof owner, and is master, on this day of A.D., 18 .

The particulars of her gross and register tonnage, as shown on her certificate of registry, being as follows :—

Tonnage under tonnage deck	Tons.
Houses on deck	"
Gross tonnage	"
Deduct for engine-room	"
Register tonnage	"

I, , Inspector of Boilers and Machinery, do hereby certify that her engine, boiler and machinery are in conformity with the provisions of *The Steamboat Inspection Act*, 1896, for a and may be so used without hazard to life, until the day 18 ; that the engine of the said is of nominal horse power, and that the boiler of the said can carry with safety pounds per square inch of steam pressure and no more :—and that she is provided with one life buoy, having a proper heaving line attached, and so placed as to be ready for immediate use when required ; she is also provided with signal lights properly located and screened, a fog-bell, steam whistle, a metal waste vessel and is otherwise equipped as required by law.

Dated at
this day
of 18 .

Inspector of Boilers and Machinery.

FORM C.

DOMINION OF CANADA—DEPARTMENT OF MARINE AND FISHERIES.

CERTIFICATE *for a Barge, Boat, Bateau, Scow or other vessel, to carry Passengers in tow of a Steamboat.*

I, , Inspector of Hulls and Equipment, having examined the of which is owner and is on this A.D. 18 , do hereby certify that the said vessel is fit, safe and properly equipped in all respects to carry passengers in tow of a steamboat, on the waters and that she is provided with one life buoy having a proper heaving line attached, and so placed as to be ready for immediate use, and that her equipment throughout is in conformity with the requirements of *The Steamboat Inspection Act*, 1896, and of the regulations made thereunder.

Dated at
this day
of 18 .

Inspector of Hulls and Equipment.

6th Session, 7th Parliament, 59 Victoria, 1896

SENATE BILL.

M

An Act respecting the Inspection of Steamboats and the Examination and Licensing of Engineers employed on them.

Received and read a first time Friday, 27th March, 1896.

Second reading, Wednesday, 8th April, 1896.

Honourable Sir MACKENZIE BOWELL.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1896

N.] **SENATE BILL.** 1896.

An Act further to amend The Civil Service Act.

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

1895, c. 15, s. 8, amended retroactively. Examination not required for temporary clerks appointed between 22nd July, 1895, and 1st January, 1896.

1. The expression "now" in section eight of chapter fifteen of the Statutes of 1895, intituled: *An Act further to amend the Civil Service Act*, shall be held and taken to refer to and mean, and to have always referred to and meant, the day upon which that chapter came into force, namely, the first day of January, one thousand eight hundred and ninety-six.

Foregoing provision extended to certain other temporary employees.

2. Section eight of the said chapter fifteen shall be read and construed as if there were inserted, and had always been, between the words "clerks" and "now" in the first line thereof the following words, that is to say; "and temporary messengers, porters, packers and sorters."

S. 12 amended retroactively. Certain permanent employees appointed before 1st January, 1896, to continue members of Civil Service.

3. Section twelve of the said chapter fifteen shall be read and construed as if there were added, and had always been, at the end thereof the following proviso, that is to say; "Provided that nothing in this section shall in any way affect any third class clerk, messenger, packer or sorter appointed before this Act comes into force."

Certain grades of permanent employees abolished.

4. Hereafter no third class clerk or permanent messenger, packer or sorter shall be appointed to the service.

6th Session, 7th Parliament, 59 Victoria, 1896

SENATE BILL.

N

An Act further to amend The Civil Service Act.

Received and read a first time, Friday, 27th March, 1896.

Second reading, Wednesday, 8th April, 1896.

Honourable Sir MACKENZIE BOWELL.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1895

An Act further to amend The Fisheries Act.

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

1. Chapter twenty-four of the Statutes of 1889 is hereby repealed, and the following subsection is hereby substituted for subsection five of section eight of *The Fisheries Act*, chapter ninety-five of the Revised Statutes:— 1889, C. 24, repealed. R.S.C., c. 95, s. 8, amended.

"5. The use of nets or other apparatus for the capture of salmon shall be confined to tidal waters, and any fishery officer may determine the length and place of each net or other apparatus used in any of the waters of Canada: provided, that no one shall fish for or catch salmon with swing nets in any of the waters of Canada: provided always, that licenses may be granted by the Minister of Marine and Fisheries, for the capture of salmon by set nets only, in such rivers or portions of rivers as are fixed, and under such regulations as are prescribed, by the Governor in Council." Use of nets and other apparatus. No swing nets. Proviso.

6th Session, 7th Parliament, 59 Victoria, 1896

SENATE BILL.

O

An Act further to amend the Fisheries Act.

Received and read a first time, Tuesday, 7th April, 1896.
Second reading, Wednesday, 8th April, 1896.

Honourable Mr. FERGUSON.
(P.E.I.)

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1896

P.] **SENATE BILL.** [1896.

An Act to amend the Act respecting the Protection of Navigable Waters.

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

R.S.C., c. 91, s. 4 amended.

1. Section four of *The Act respecting the Protection of Navigable Waters*, chapter ninety-one of the Revised Statutes, is hereby repealed and the following substituted therefor:—

Minister may cause obstruction to be removed.

"4. If, in the opinion of the Minister of Marine and Fisheries, the navigation of any navigable water as aforesaid is obstructed, impeded or rendered more difficult or dangerous by reason of the wreck, sinking, or lying ashore or grounding of any vessel, or of any part thereof, or of any other thing, or if by reason of the situation of any wreck or any vessel, or any part thereof, or of any other thing so lying sunk, ashore or grounded, the navigation of any navigable water, as aforesaid, is in the opinion of the Minister, likely to be obstructed, impeded or rendered more difficult or dangerous, or, if in the opinion of the Minister, any vessel or part thereof, wreck or other thing cast ashore, stranded or left upon any property belonging to Her Majesty in the right of Canada is an obstacle or obstruction to such use of the said property as may be required for the public purposes of Canada, the said Minister may under the authority of the Governor in Council (if any such obstruction or obstacle so caused or likely to be caused as aforesaid continues for more than twenty-four hours), cause the same to be removed or destroyed in such manner and by such means as he thinks fit—and may use gunpowder or other explosive substance for that purpose if he deems it advisable, and may cause such vessel, or its cargo, or anything causing or forming part of such obstruction or obstacle, to be conveyed to such place as he thinks proper, and to be there sold by auction or otherwise as he deems most advisable—and may apply the proceeds of such sale to make good the expenses incurred by him in placing and maintaining any signal or light to indicate the position of such obstruction or obstacle, or in the removal, destruction or sale of such vessel, cargo or thing, —paying over any surplus of such proceeds to the owner of the vessel or thing sold, or other persons entitled to such proceeds or any part thereof, respectively.

And may use explosives.

And cause vessel, etc., to be sold.

Application of proceeds of sale.

Section 5 amended.

2. Section five of the said Act is hereby repealed and the following substituted therefor:—

Recovery of costs if proceeds of sale

"**5.** Whenever under the provisions of this Act, the Minister of Marine and Fisheries has caused any signal or light to be

are insufficient to defray them.

placed and maintained to indicate the position of any obstruction or obstacle, or has, with the authority of the Governor in Council, caused to be removed or destroyed any obstruction or obstacle to the navigation of any navigable water occasioned or in manner aforesaid likely to be occasioned by the wreck, sinking or lying ashore or grounding of any vessel or part thereof, or other thing or with such authority has caused to be removed any vessel or part thereof, wreck or other thing cast ashore, stranded or left upon any such public property as in the last preceding section mentioned and the cost of placing and maintaining such signal or light or of removing or destroying such vessel or part thereof, wreck or other thing has been defrayed out of the public monys of Canada,—and the net proceeds of the sale under this Act of such vessel or its cargo, or the thing, which caused or formed part of such obstruction, are not sufficient to make good the expenses incurred for the purposes aforesaid and the costs of sale, the amount by which such proceeds fall short of the expenses so defrayed as aforesaid, and such costs—or the whole amount of such expenses if there is nothing which can be sold as aforesaid—shall be recoverable with costs by the Crown from the owner of such vessel or other thing or from the managing owner or from the master or person in charge thereof at the time such obstruction or obstacle was occasioned, or from any person through whose act or fault, or through the act or default of whose servants such obstruction or obstacle was occasioned or continued; and any sum so recovered shall form part of the Consolidated Revenue Fund of Canada.

From whom recoverable.

Disposal of sum recovered.

6th Session, 7th Parliament, 59 Victoria, 1896

SENATE BILL.

P

An Act to amend the Act respecting the Protection of Navigable Waters.

Received and read a first time, Tuesday 7th April, 1896.
Second reading, Wednesday, 8th April, 1896.

The Honourable Sir MACKENZIE BOWELL.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1896

An Act respecting the Behring Sea Claims Convention.

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

1. The convention or treaty of the eighth day of February, one thousand eight hundred and ninety-six, which is set forth in the schedule to this Act is hereby assented to. Convention assented to.

2. The commissioners appointed or to be appointed pursuant to the said convention or treaty, or pursuant to the said convention or treaty as finally ratified by the high contracting parties, shall have all such powers, rights and privileges as are vested in the Supreme Court of British Columbia or the Exchequer Court of Canada, or in any judge of either of the said courts, on the occasion of any action or proceeding, in respect of the following matters :— Powers of commissioners.

(i.) the enforcing the attendance of witnesses, and examining them on oath, affirmation or otherwise ; Attendance and examination of witnesses.

(ii.) the compelling the production of documents and things ; and Production of evidence.

(iii.) the punishing persons guilty of contempt ; Punishment for contempt.

and a summons signed by the commissioners, or one of them, or by the secretary of the commissioners, may be substituted for and shall be equivalent to any formal process that can be issued in any such action or proceeding for enforcing the attendance of witnesses or compelling the production of documents and things. How summons may be issued.

2. A warrant of committal to prison issued for the purpose of enforcing the powers conferred by this section shall be signed by the commissioners or one of them, or by such secretary, and shall specify the prison to which the offender is to be committed, and shall not authorize the imprisonment of the offender for a period exceeding three months. Signing and effect of warrants of committal.

3. Every person who on examination on oath or affirmation before the commissioners wilfully gives false evidence shall be liable to the penalties for perjury. Penalty for false testimony.

4. Her Majesty the Queen, the Government of the United States, claimants under the convention or treaty, and any person who may be so authorized by the commissioners, may appear before the commissioners, by counsel or solicitor. Who may appear by counsel.

SCHEDULE.

CONVENTION BETWEEN GREAT BRITAIN AND THE UNITED STATES, SIGNED FEBRUARY 8, 1896.

Whereas, by a treaty between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and the United States of America signed at Washington, on February 29, 1892, the questions which had arisen between their respective governments concerning the jurisdictional rights of the United States in the waters of Behring Sea, and concerning also the preservation of the fur seal in, or habitually resorting to, the said sea, and the rights of the citizens and subjects of either country as regards the taking of fur-seal in, or habitually resorting to, the said waters, were submitted to a Tribunal of arbitration as therein constituted:

And, whereas, the high contracting parties having found themselves unable to agree upon a reference which should include the question of the liability of each for the injuries alleged to have been sustained by the other, or by its citizens, in connection with the claims presented and urged by it, did, by Article VIII of the said treaty, agree that either party might submit to the arbitrators any questions of fact involved in said claims and ask for a finding thereon, the question of the liability of either government on the facts found to be the subject of further negotiation;

And whereas the agent of Great Britain did, in accordance with the provisions of said article VIII, submit to the Tribunal of Arbitration certain findings of fact which were agreed to, as proved by the agent of the United States, and the arbitrators did unanimously find the facts so set forth to be true, as appears by the award of the tribunal rendered on the 15th day of August, 1893;

And, whereas, in view of the said findings of fact and of the decision of the Tribunal of Arbitration concerning the jurisdictional rights of the United States in Behring Sea, and the right of protection or property of the United States in the fur seals frequenting the islands of the United States in Behring Sea, the government of the United States is desirous that, in so far as its liability is not already fixed and determined by the findings of fact and the decision of said Tribunal of Arbitration, the question of such liability should be definitely and fully settled and determined, and compensation made for any injuries for which, in the contemplation of the treaty aforesaid, and the award and findings of the Tribunal of Arbitration, compensation may be due to Great Britain from the United States;

And, whereas, it is claimed by Great Britain, though not admitted by the United States, that prior to the said award certain other claims against the United States accrued in favour of Great Britain on account of seizures of or interference with the following named British sailing vessels, to wit, the "Wanderer," the "Winifred," the "Henrietta" and the "Oscar and Hattie"; and it is for the mutual interest and convenience of both the high contracting parties that the liability of the United States, if any, and the amount of compensation to be paid, if any, in respect of such claims, and each of

them should also be determined under the provisions of this convention; all claims by Great Britain under Article V of the *modus vivendi* of April 18, 1892, for the abstention from fishing of British sealers during the pendency of said arbitration having been definitely waived before the Tribunal of Arbitration.

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and United States of America, to the end of concluding a convention for that purpose, have appointed as their respective Plenipotentiaries:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honourable Sir Julian Pauncefote, G.C.B., G.C.M.G., Her Majesty's Ambassador Extraordinary and Plenipotentiary to the United States; and the President of the United States, the Honourable Richard Olney, Secretary of State;

Who, after having communicated to each other their respective full powers, which were found in due and proper form, have agreed to and concluded the following articles:—

ARTICLE I.

The high contracting parties agree that all claims on account of injuries sustained by persons, in whose behalf Great Britain is entitled to claim compensation from the United States, and arising by virtue of the treaty aforesaid, the award and the findings of the said Tribunal of Arbitration, as also the additional claims specified in the fifth paragraph of the preamble hereto, shall be referred to two commissioners, one of whom shall be appointed by Her Britannic Majesty, and the other by the President of the United States, and each of whom shall be learned in law.

Appended to this convention is a list of claims intended to be referred.

ARTICLE II.

The two commissioners shall meet at Victoria, in the province of British Columbia, Canada, as soon as practicable after the exchange of the ratifications of this convention, and, after taking an oath that they will fairly and impartially investigate the claims referred to them and render a just decision thereon, they shall proceed jointly to the discharge of their duties.

The commission may sit at San Francisco, California, as well as Victoria, provided that it shall determine in any case that the interests of justice so require—due regard being had to the necessary expense, and to all other considerations involved.

ARTICLE III.

The said commissioners shall determine the liability of the United States, if any, in respect of each claim, and assess the amount of compensation, if any, to be paid on account thereof —so far as they shall be able to agree thereon—and their decision shall be accepted by the two governments as final.

They shall be authorized to hear and examine, on oath or affirmation, which each of said commissioners is hereby empowered to administer or receive, every question of fact not found in the award of the Tribunal of Arbitration, and to receive all suitable authentic testimony concerning the same; and it shall be open to the government of the United States, if it shall think fit, to raise the question of its liability before the commissioners in any case where it shall be proved that the vessel was wholly or in part the actual property of a citizen of the United States.

The said commission shall have power to compel the testimony of witnesses when sitting at San Francisco by application to the Circuit Court of the United States for the Ninth Circuit, which said court shall make all orders and issue all processes necessary and appropriate to that end; and when sitting at Victoria shall have and exercise all such powers for the procurement and enforcement of testimony as may hereafter be provided by appropriate legislation.

ARTICLE IV.

The commissioners may appoint a secretary and a clerk or clerks to assist them in the transaction of the business of the commission.

ARTICLE V.

In the cases, if any, in which the commissioners shall fail to agree, they shall transmit to each government a joint report stating in detail the points on which they differ, and the grounds on which their opinions have been formed; and any such difference shall be referred for final adjustment to an umpire to be appointed by the two governments jointly, or, in case of disagreement, to be nominated by the President of the Swiss Confederation at the request of the two governments.

ARTICLE VI.

In case of the death, or incapacity to serve, from sickness or any other cause, of either of the two commissioners, or of the umpire, if any, his place shall be filled in the manner herein provided for the original appointment.

ARTICLE VII.

Each government shall provide for the remuneration of the commissioner appointed by it.

The remuneration of the umpire, if one should be appointed, and all contingent and incidental expenses of the commission or of the umpire shall be defrayed by the two governments in equal moieties.

ARTICLE VIII.

The amount awarded to Great Britain under this convention on account of any claimant shall be paid by the government of the United States to the government of Her Britannic Majesty within six months after the amount thereof shall have been finally ascertained.

ARTICLE IX.

The present convention shall be duly ratified by Her Britannic Majesty, and by the President of the United States of America, by and with the advice and consent of the Senate thereof; and the ratifications shall be exchanged either at London or at Washington within six months from the date hereof, or earlier, if possible.

In faith whereof, we, the respective plenipotentiaries, have signed this convention, and have hereunto affixed our seals.

Done in duplicate at Washington, the 8th day of February, 1896.

(L.S.) JULIAN PAUNCEFOTE.
(L.S.) RICHARD OLNEY.

Appendix of Claims.

Claims submitted to the Tribunal of Arbitration at Paris.

Name of Vessel.	Date of Seizure.	Approximate distance from land when seized	United States' Vessel making seizure.
		Miles.	
Carolina	Aug. 1, '86	75	Corwin.
Thornton	" 1, '86	70	"
Onward	" 2, '86	115	"
Favourite	" 2, '86		Warned by Corwin in about same position as Onward.
Anna Beck	July 2, '87	66	Rush.
W. P. Sayward	" 9, '87	59	"
Dolphin	" 12, '87	40	"
Grace	" 17, '87	96	"
Alfred Adams	Aug. 10, '87	62	"
Ada	" 25, '87	15	Bear.
Triumph	" 4, '87		Warned by Rush not to enter Behring Sea.
Juanita	July 31, '89	66	Rush.
Pathfinder	" 27, '89	50	"
Triumph	" 11, '89		Ordered out of Behring Sea by Rush. Query as to position when warned.
Black Diamond	" 11, '89	35	Rush.
Lily	Aug. 6, '89	66	"
Ariel	July 30, '89		Ordered out of Behring Sea by Rush
Kate	Aug. 13, '89		" "
Minnie	July 15, '89	65	Rush.
Pathfinder	Mar. 27, '90	Seized in Neah Bay	Corwin.

Personal claims 1886
" 1887
Costs in "Sayward" case.

Additional Claims.

Wanderer 1887-89
Winifred 1891
Henrietta 1892
Oscar and Hattie 1892

6th Session, 7th Parliament, 59 Victoria, 1896

SENATE BILL.

Q

An Act respecting the Behring Sea Claims Convention.

Received and read a first time, Thursday, 9th April, 1896.
Second reading, Monday, 13th April, 1896.

The Honourable
SIR MACKENZIE BOWELL.

OTTAWA
Printed by S. E. DAWSON
Printer to the Queen's most Excellent Majesty
1896

R.] **SENATE BILL.** [1896

An Act to Amend an Act Respecting the Representation of the North-west Territories in the Senate of Canada.

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

1. Section one of chapter three of the Statutes of 1887, is hereby repealed, and the following substituted therefor :— 1887, C. 3, S. 1 amended.

"**1.** The North-west Territories shall be represented in the Senate of Canada by three Senators." Three Senators instead of two from N.W.T.

6th Session, 7th Parliament, 59 Victoria, 1896

SENATE BILL.

R

An Act to amend an Act respecting the Representation of the North-west Territories in the Senate of Canada.

Received and read a first time, Monday, 13th April, 1896.
Second reading, Tuesday, 14th April, 1896.

Honourable Sir MACKENZIE BOWELL.

OTTAWA
Printed by S. E. DAWSON
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1896

An Act to make special provision with respect to the election to be held in the Electoral District of Victoria, British Columbia, at the next general election.

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

Polling District No. 11 of Electoral district of Victoria, B. C., to be sub-divided by returning officer.

And separate voters' lists to be made.

1. For the purposes of the election to be held in the electoral district of Victoria, British Columbia, at the next general election, the returning officer shall, forthwith upon the receipt of the writ of election, subdivide polling district number eleven of the said electoral district into not less than five and not more then six polling districts; and from the list of voters in force for the said polling district shall prepare and have printed for each of the polling districts so formed a separate voters' list.

Names that are to be put on each such list.

2. In preparing the separate list for each such polling district the returning officer shall place thereon the names of all persons whose names are upon the voters' list for said polling district number eleven and as to whom it appears that

(*a*) their residence as stated in such last mentioned list; or,

(*b*) the property in respect of which they are qualified to vote as stated in such list,

is within the limits of the polling district to which such separate list relates.

Sub-divisions to form separate polling districts.

And the separate lists to be the Voters' List.

R.S.C. c. 8.

3. Each of the polling districts so formed shall be a polling district, and the separate list so prepared for each of such polling districts shall be the voters' list for such polling district, within the meaning of *The Dominion Elections Act* and amendments thereto for all the purposes of the said election.

Certified copies of the separate lists to be furnished to the deputy returning officers.

4. The returning officer shall also prepare and certify a sufficient number of the voters' lists of said polling district number eleven having noted opposite each name thereon the number of the new polling district upon the voters' list for which such name appears; and, in case a poll is granted, shall furnish to the deputy returning officer for each of such new polling districts one of such certified copies; and it shall be the duty of each deputy returning officer, when a vote is tendered at his polling place and the name of the voter does not appear on the separate list of his polling district, to inform the person tendering the vote as to the polling district, if any, upon the voters' list for which such name is noted as appearing.

Deputy returning officer to inform persons not on his list, where they are to vote.

6th Session, 7th Parliament, 59 Victoria, 1896

SENATE BILL.

S

An Act to make special provision with respect to the election to be held in the Electoral District of Victoria, British Columbia, at the next General Election.

Received and read a first time, Thursday, 16th April, 1896.
Second reading, Friday, 17th April, 1896.

The Honourable
SIR MACKENZIE BOWELL.

OTTAWA
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1896