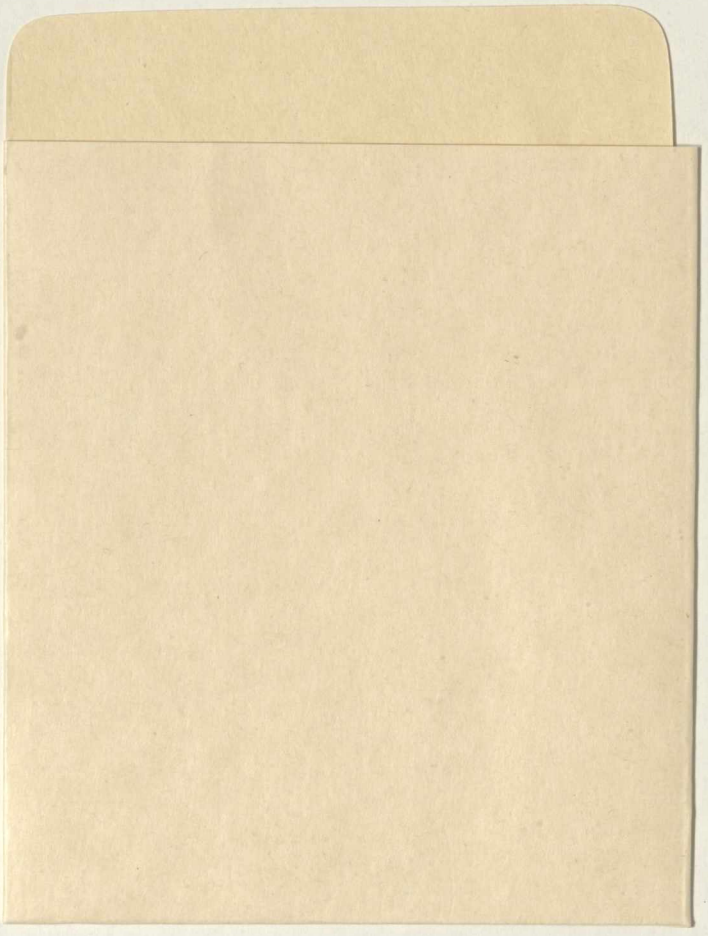

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No. 2. **BILL.** [1886.

An Act to amend the Criminal Law, and to declare it a misdemeanor to leave unguarded and exposed certain holes and openings.

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

Leaving unguarded holes in the ice on any frequented water a misdemeanor.

1. Any person or persons who shall hereafter cut or make, for the purpose of harvesting or obtaining ice for sale or use, any hole, opening, aperture or place of sufficient size or area to endanger human life, through the ice on any navigable or other water open to or frequented by the public, and shall leave such hole, opening, aperture or place, while it is in a state dangerous to human life, whether the same is frozen over or not, unguarded and unenclosed by a guard or fence of sufficient height and strength to prevent any person from accidentally riding, driving, walking, skating or falling therein, shall be guilty of a misdemeanor, and shall be liable to be punished by fine or imprisonment, on complaint and conviction thereof, before any justice of the peace or district magistrate, having jurisdiction in any city, judicial district or county within which, or on the borders of which, such navigable or other water is wholly or partly situate.

Prosecution and punishment.

Like provisions as to unused mines, &c.

2. The owner, manager or superintendent of any abandoned or unused mine or quarry or property upon or in which any excavation in search of mines or quarries has been or shall hereafter be made of a sufficient area and depth to endanger human life, who leaves the same unguarded and unenclosed by a guard or fence of sufficient height and strength to prevent any person from accidentally riding, driving, walking or falling therein, shall be guilty of a misdemeanor, and shall be liable to be punished by fine or imprisonment or both, on conviction thereof, before any justice of the peace having jurisdiction in the locality in which the said mine or quarry is situate.

Continuing to leave openings unguarded.

3. If within ten days after conviction for one of the offences referred to in the two sections of this Act next preceding, a suitable guard or fence is not constructed around or over the said exposed opening, to conform to the provisions of this Act, the person or persons liable for such omission may be again complained of and convicted for the said offence, and the plea of a former conviction therefor shall not

avail to him or them as a relief from the said complaints and conviction.

Offence to be manslaughter if causing loss of life.

4. In case any person loses his or her life by accidentally riding, driving, walking, skating or falling into any such hole, opening, aperture or place unguarded as hereinbefore provided, the person or persons whose duty it was to guard such hole, opening, aperture or place, in manner aforesaid, shall, on conviction thereof, be deemed guilty of manslaughter.

No. 2.

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

An Act to amend the Criminal Law and to declare it a misdemeanor to leave unguarded and exposed holes, cut in the ice on any navigable or frequented waters.

Received and read first time, Monday, 1st March, 1886.
Second reading, Wednesday, 3rd March, 1886.

Mr. Robertson,
(Hamilton.)

OTTAWA:
Printed by MacLean, Roger & Co.
1886.

No. 3.] **BILL.** [1886.

An Act for the further amendment of the law of evidence in certain cases.

Preamble.

WHEREAS the discovery of truth in courts of justice has been signally promoted by the removal of restrictions on the admissibility of witnesses, and it is expedient to amend the law of evidence with the object of still further promoting such discovery: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Provision in case of witness objecting or objected to as incompetent to take an oath, &c.

1. If any person called to give evidence in any criminal proceeding, or in any civil proceeding in respect of which the Parliament of Canada has jurisdiction in this behalf, objects to take an oath or is objected to as incompetent to take an oath, such person shall, if the presiding judge is satisfied that the taking of an oath would have no binding effect on his conscience, make the following solemn promise and declaration.

Solemn promise and declaration.

"I solemnly promise, affirm and declare that the evidence "to be given by me shall be the truth, the whole truth, and "nothing but the truth."

False evidence punishable as perjury.

And any person who, having made such promise, affirmation and declaration, wilfully and corruptly gives false evidence, may be indicted, tried, convicted and punished for perjury, as if he had taken an oath.

Provision in other cases of similar nature.

2. If any person, called as a witness in any court of criminal jurisdiction or in any civil proceeding, in respect of which the Parliament of Canada has jurisdiction in this behalf, or required or desiring to make an affidavit or deposition in the course of any such proceeding, shall refuse or be unwilling from alleged conscientious motives, to be sworn, or shall declare that an oath is not binding on his conscience, it shall be lawful for the court or judge or other presiding officer or person qualified to take affidavits or depositions, upon being satisfied of the sincerity of such objection, to permit such person, instead of being sworn, to make his or her solemn affirmation or declaration in the words following, that is to say:

Form of declaration or affirmation.

"I, A. B., do solemnly, sincerely, and truly affirm and declare, that the taking of an oath is" (according to my religious belief, unlawful, *or* not binding on my conscience, *as the case may be*), "and I do also solemnly, sincerely and "truly affirm and declare that, &c."

Effect thereof.

Which solemn affirmation and declaration shall be of the same force and effect as if such person had taken an oath in the usual form.

Penalty for wilfully making any false statement therein.

3. If any person making such solemn affirmation or declaration, shall wilfully, falsely and corruptly affirm or declare any matter or thing, which if the same had been sworn in the usual form, would have amounted to wilful and corrupt perjury, every such person so offending shall incur the same penalties as by the laws and statutes of this Dominion are or may be enacted or provided against persons convicted of wilful and corrupt perjury.

Judicial notice of provincial statutes in criminal cases.

4. In any criminal proceeding where it becomes necessary or expedient to prove or give in evidence any statute of any Province of the Dominion of Canada or of the late Province of Canada, passed either before or after the passing of the "British North America Act, 1867," the court or judge before which such proceeding is pending, or being heard or tried, shall take judicial notice of any such provincial statute, in like manner and way, as if such statute was a statute of the Province where such proceeding is being heard or tried; and any copy of any such statute purporting to be printed and published by the printer authorized to print and publish the same, by Her Majesty, or by any of Her Royal predecessors, shall be receivable and received in evidence to prove the contents thereof in every court having cognizance of any such criminal proceeding.

Proof of any such statute.

Short title.

5. This Act may be cited for all purposes as "The Evidence Amendment Act, 1886."

No. 3.

4th Session, 5th Parliament, 49 Victoria, 188

BILL.

An Act for the further amendment of the law of evidence in certain cases.

Received and read, first time, Monday 1st March, 1886.

Second reading, Wednesday, 3rd March, 1886

Mr. ROBERTSON (Hamilton.)

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.

1886.

No. 4.] **BILL.** [1886.

An Act further to amend "The Consolidated Railway Act. 1879."

Preamble.

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

Sub-section 8 of s. 1, 42 V., c. 9, amended.

1. Sub-section eight of section five of "*The Consolidated Railway Act*, 1879," is hereby amended by adding thereto the following words: "and also, all services for receiving, loading, unloading and storing goods"

Section 17 amended. Sub-section added.

2. Section seventeen, of the said Act is hereby amended by adding thereto, after sub-section twelve, the following sub-sections;—

Schedule of tolls.

"13. The schedule of tolls for transportation and for all services connected with the receiving, loading, unloading and storing of goods, and the by-law fixing the same, shall show what part of the charges is for transportation and what part is for receiving, loading, unloading and storing."

Approval of tolls by Governor in Council, notice of application for.

"14. Before approval shall be given by the Governor in Council to a by-law fixing and regulating tolls, notice of the application of the company for such approval shall be published in the *Canada Gazette*, for at least two months prior to the time therein named for the making of such application; and such notice shall state a time and place when the application will be made, and that all parties interested will then and there be entitled to appear and be heard on such application."

Notice to be posted at each station.

"15. Continuously during such period of two months, the railway company shall cause to be kept posted up in each of its stations where goods are received for transportation, in some convenient place accessible to the public at all reasonable times, a copy of the schedules of tolls and by-law, in respect of which such approval is to be sought; and it shall be lawful for any person there to copy the same."

A higher rate of toll not to be taken for short than for longer distance including the shorter.

"16. It shall be unlawful for a railway company to charge or receive any greater rate of compensation for the transportation of goods, similar in quantity and kind, for a shorter than for a longer distance, which longer distance includes the shorter."

No higher rate to be charged to

"17. It shall be unlawful for a railway company to charge a higher rate to one person than to another for transporting,

be charged to one person than to another.

receiving, loading, unloading or storing goods similar in quantity and kind."

Penalty on company taking unlawful tolls.

"18. If any railway company shall take any toll not previously approved by Order in Council, an amount equal to five times the amount so paid may be recovered from the company by the party paying the same, with costs of suit, in any court of competent jurisdiction."

Minister of railways to cause inquiry to be made as to contraventions of the Consolidated Railway Act.

"19. If any person who has shipped goods over a line of railway, or any municipal corporation through whose municipality a line of railway passes, shall charge the company owning such railway with a violation of any of the provisions respecting the levying and taking of tolls contained in the said Act, or the amendments thereto (including this Act, the Minister or Acting Minister of Railways shall cause full inquiry to be made as to the correctness or otherwise of such charge; and for that purpose shall have power to require any person or persons to answer upon oath, to be administered by any notary public, justice of the peace or commissioner for taking affidavits, such written interrogatories as the Minister or Acting Minister, as the case may be, shall from time to time cause to be submitted to him or them, touching such inquiry, and shall also have power to examine, or cause to be examined, all books, papers or other documents in the possession or control of such railway company, touching the matters under inquiry, or the railway company shall permit such examination at all reasonable times."

His powers for such inquiry.

Penalty for taking tolls not approved by O. C.

"20. Any manager or acting manager of the company, who shall knowingly cause to be levied or taken from any person any tolls not authorized by the said Act and the amendments thereto, shall be guilty of a misdemeanor, and liable in each case to a fine not exceeding *one hundred dollars*, and imprisonment in the common gaol for a period not exceeding three months, or either such fine or imprisonment as aforesaid, in the discretion of the presiding judge."

Section 28 amended.

3. Section twenty-eight of the said Act is hereby amended by adding thereto, after the tenth sub-section, the following sub-section:—

Lien on earnings of railway for wages or consumable supplies.

"11. All moneys owing in respect of salaries and wages of persons employed in and about the working of any railway, and all moneys owing in respect of stores and consumable articles necessary to the working of such railway, shall together form a first charge and lien upon the earnings of the railway."

Section 9, of 45 V., c. 41, repealed.

4. Section nine of the Act passed in the forty-fifth year of Her Majesty's reign, intituled "*An Act respecting the sale of Railway Passenger Tickets*," is hereby repealed and the following section is substituted therefor:—

How and when and where the un-

"**9.** The Minister of Railways, as regards any Government railway and every railway company subject to the juris-

diction of the Parliament of Canada, or to which "*The Consolidated Railway Act*, 1879," applies, shall repay to any ticket-holder the cost of his ticket, if unused, in whole or in part, less the ordinary and regular fare for the distance for which such ticket has been used; and such re-payment shall be made at any station or office of the railway or company, between and including the points covered by the ticket; and the sale by any person of the unused portion of any ticket otherwise than by the presentation of the same for redemption as provided for in this section, shall be deemed to be a violation of the provisions of this Act, and shall be punished as hereinbefore provided: Provided always, that the claim for such redemption be made within thirty days from the expiration of the time for which the ticket was issued, in accordance with the conditions thereon; and provided further that any railway company liable to redeem any such ticket and which shall refuse to redeem the same when so presented, shall forfeit to the holder thereof a sum equal to ten times the amount payable for its redemption, and the same shall be recoverable at the suit of the holder against such company in any court of competent jurisdiction."

used ticket must be redeemed.

Any other sale of ticket forbidden.

Proviso: time for presentation for redemption limited.

Proviso: penalty for not redeemed as herein requires.

5. Section six of the Act passed in the forty-sixth year of Her Majesty's reign, intituled "An Act further to amend *The Consolidated Railway Act*, 1879," and to declare certain lines of railway to be works for the general advantage of Canada," is hereby repealed.

Section 6 of 46 V., c. 24 repealed.

No. 4.

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

An Act further to amend "The Consolidated Railway Act, 1879."

Received and read first time, Monday, 1st March, 1886.
Second reading, Wednesday, 3rd March, 1886.

Mr. MULOCK,

OTTAWA:
PRINTED BY MACLEAN, ROGER & Co.
1886.

No. 5.] **BILL.** [1886.

An Act to extend the Jurisdiction of the Maritime Court of Ontario.

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

1. In the case of any ship subject to the jurisdiction of the Maritime Court of Ontario under "*The Maritime Jurisdiction Act*, 1877," and notwithstanding that an owner or part owner of such ship may have been domiciled within the Province of Ontario at the time of the work being done or of the materials being supplied, the said court shall have jurisdiction over the following matters:— Claims to which the jurisdiction is extended.

(*a*) Claims for building;

(*b*) Claims for equipping or repairing, if such equipping or repairing was done by the authority of the managing owner;

(*c*) Claims for materials supplied for equipping or repairing, if supplied by the authority of the managing owner.

2. This Act shall not apply to any claim heretofore accruing or accrued. Act to be retroaction

3. This Act may be cited as "*The Maritime Jurisdiction Amendment Act*, 1886." Short title.

No. 5.

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

An Act to extend the Jurisdiction of the Maritime Court of Ontario.

Received and read first time, Wednesday, 3rd March, 1886.
Second reading, Friday, 5th March, 1886.

Mr. B. ALLEN.

OTTAWA:
PRINTED BY MACLEAN, ROGER & Co.
1886.

No. 6. **BILL.** [1886.

An Act for constituting a Court of Railway Commissioners for Canada, and to amend tho Consolidated Railway Act, 1879

(NOTE.—*The clauses in brackets will be moved in Committee of the Whole.*)

WHEREAS, disputes frequently arise between railway companies as to traffic arrangements, the adjustment of rates for passengers and freight, crossing of tracks and compensation therefor including cost of maintenance, the alignment, arrangement, disposition, and location of tracks; rights of way over or through lands owned or occupied by railway companies; running powers; haulage; use of tracks; use of stations and station grounds; adjustment of tables; transhipment and interchange of freight and other matters relating to "powers," "highways and bridges," and "traffic arrangements;" and whereas difficulties have arisen in enforcing the law with reference to the exaction of equal rates; and it is expedient that a court should be established for the settlement of such matters in a summary manner: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

PART I.

CONSTITUTION OF THE COURT AND PROCEDURE.

1. This Act may be cited as "The Railway Commission Act, 1886." Short title.

2. In this Act the term "railway company" includes the lessee of any railway; the term "provincial railway" means a railway in any of the Provinces of the Dominion which does not come within the exceptions contained in the tenth sub-section of the ninety-second section of the British North America Act; the term "The Railway Act," means "*The Consolidated Railway Act*, 1879;" and sub-sections one, two, eight, nine, eleven and fifteen of section five of the said Railway Act are hereby incorporated with and made part of this Act. Interpretation of terms. 42 V., c. 9.

3. There is hereby constituted a court to be called "The Court of Railway Commissioners," in this Act called "the court," for the purposes and having the powers in this Act set forth; and such court shall be a court of record of original jurisdiction. Court constituted.

Appointment of commissioners, Imperial Act, s. 4, 26-27 V., c. 48.

4. It shall be lawful for the Governor in Council to appoint three railway commissioners, of whom one shall be of experience in the law and a barrister or advocate in any of the Provinces, of ten years standing at the bar of such Province, and one of experience in railway business; and upon the occurrence of any vacancy in the office of such commissioner, from time to time, in like manner to appoint some fit person to fill the vacancy: The three commissioners appointed under this Act shall be styled "The Railway Commissioners of Canada," and shall sit at such times and in such places and conduct their proceedings in such a manner as to them may seem most convenient for the speedy despatch of business; they may in certain cases prescribed by the general orders sit separately, but any complaint made to them shall be heard and determined in open court

Official name and sittings.

Tenure of office.

5. The commissioners shall hold office during good behaviour, but shall be removable on address of the Senate and House of Commons.

Commissioners not to hold any interest in railway stock.

6 Any person appointed a commissioner under this Act shall, within three calendar months after his appointment, absolutely sell and dispose of any stock, share, debenture stock, debenture bond, or other security of any railway company under the control of the Parliament of Canada, or of the Legislature of any of the Provinces, which he shall at the time of his appointment own or be interested in for his own benefit; and it shall not be lawful for any person appointed a commissioner under this Act, so long as he shall hold office as such commissioner, to purchase, take, or become interested for his own benefit in any such stock, share, debenture stock, debenture bond, or other security; and if any such stock, share, debenture stock, debenture bond, or other security, or any interest therein, shall come to, or vest in such commissioner, by will or succession for his own benefit, he shall, within three calendar months after the same shall come to or vest in him, absolutely sell and dispose of the same, or his interest therein.

To give their whole time to their duties.

2. The commissioners shall devote the whole of their time to the performance of their duties under this Act, and shall not accept or hold any office or employment inconsistent with this provision.

Commissioners' Registrar, remuneration and duties, Imperial Act, s. 24.

7. It shall be lawful for the Governor in Council from time to time to appoint a registrar, to be called "the registrar of the Court of Railway Commissioners;" the registrar shall be a barrister or advocate of at least five years standing, and shall hold office during pleasure; he shall reside and keep his office at the city of Ottawa, and shall be paid a salary as hereinafter provided; he shall be subject to the orders of the commissioners, and shall make such inquiries and reports and shall perform such Acts and services as the commissioners may require.

Powers of Registrar.

2. The registrar, for the purposes of such inquiries and report, shall have and may exercise all powers of entry,

inspection, summoning and examining witnesses and requiring the production of documents by this Act conferred upon the commissioners, and may, in the discharge of such duties, administer oaths.

Clerks and servants of Court.

3. The Governor may, from time to time, appoint such other clerks and servants of the court as may be found necessary, who shall hold office during pleasure

Cases in which application may be made to commissioners. Imperial Act, s. 6.

8. Any municipality or railway company may, with reference to any of the matters set forth in the preamble, or any person complaining of anything done or any omission, violation or contravention of the sections of the Railway Act or the amendments thereto, relating to traffic arrangements, or of this Act, apply to the court.

Further provision.

2. Any municipal corporation, board of trade, chamber of commerce, corn exchange or agricultural association, or any number of persons not less than five, being persons whose goods are forwarded or carried by any line of railway against which complaint is made, may be the complainants in respect of any violation or contravention of the Railway Act or of the amendments thereto or of this Act; and the municipal or other bodies corporate, or such five persons as aforesaid, shall have a *locus standi* to be complainants without being required to show any interest in the matter of the said complaint.

Cases of reference to arbitration. Imperial Act, s. 8.

9. When any difference between railway companies is or hereafter may be required or authorized to be referred to arbitration, such difference shall, at the instance of any party thereto, and with the consent of at least one of the commissioners, be referred to them for their decision in lieu of being referred to arbitration.

Procedure. Commencement of proceedings.

10. Proceedings before the court shall be commenced by a petition in the form prescribed by general orders made by the commissioners pursuant to the powers hereinafter conferred.

Petition to be filed and summons issued.

11. Such petition shall be filled in the office of the registrar, who shall, at the petitioner's request, thereupon by summons call upon the opposite party to show cause before him why the matters in difference should not be adjudicated upon by the court.

Powers of Registrar on any petition.

12. The registrar shall have the power to refer the petition to the commissioners or to refuse to refer the same; but any party shall be at liberty to appeal from his decision to the court, whose decision shall be final; nor shall it be competent for any of the parties, at any subsequent period, to question the jurisdiction or authority of the court to adjudicate upon the said matters; the said registrar in the first instance, and the said court upon appeal, may order the said petition to be amended in such a way as the registrar or court may direct; no question shall be raised or entertained upon such application or appeal, except the question whether

Appeal from his decision to the court.

Amending petition.

What objection only allowed.

the matters embraced or complained of in the said petition are within the meaning and scope of this Act.

Powers of commissioners. Orders by including injunction. Imperial Act, s. 26.

13. The court or commissioner shall, with reference to all the matters mentioned in this Act, have full power and authority: To decide all questions, whether of law or of fact, to make such orders, decisions or directions (including injunctions) as to the court or commissioner shall seem just, and whether any remedies or jurisdiction with respect to such matters did or did not theretofore exist.

Powers of Commissioners.

14. The said commissioners shall also have the following powers, that is to say:

Inspection of locality.

a. They may, by themselves, or by any person appointed by them, enter and inspect any place or building, being the property or under the control of any railway company, party to the matter pending before them, the entrance or inspection of which appears to them requisite;

What they may require.

b. They may require answers and returns to such inquiries as they think fit to make;

Production of papers.

c. They may require the production of all books, papers and documents relating to the matters before them.

Case may be stated for Supreme Court. Imperial Act, s. 26.

Duty of Supreme Court in such case.

15. The commissioners may, of their own motion or at the instance of any party to the proceedings before them, and upon such terms as to them may seem just, state a case in writing for the opinion of the Supreme Court, upon any question which, in the opinion of the commissioners, is a question of law, including the question of their jurisdiction or authority to adjudicate upon the matters mentioned or complained of in the petition; the said Supreme Court shall hear and determine the same and shall remit the matter to the court with the opinion of the Supreme Court thereon; the court, may make such orders as to the costs thereof as it shall see fit.

Costs. Imperial Act, s. 28.

16. The costs of and incidental to any proceeding before the court, shall be in the discretion of the court or commissioner before whom the matter may by heard.

Commissioners to make general rules and orders for certain purposes. Imperial Act, s. 29.

17. The commissioners may, at any time after the passing of this Act, and from time to time, make such general rules and orders as may be requisite,—for declaring the duties and powers of the registrar; for fixing the costs to be allowed in respect of proceedings before them; for regulating the practice as to the stating of a case under the *fifteenth* section; and also for enabling the commissioners, in certain specified cases, to exercise the jurisdiction of the court by any one or two of their number, and generally for the regulating of proceedings before them, and for enabling them to carry into effect the provisions of this Act; they may. from time to time, revoke or alter any of such general rules and orders: every general rule or order and every revocation or alteration thereof shall be submitted to the chief justice of the

To be subject to approval of Chief Justice of Supreme Court.

Supreme Court for approval, and shall not come into force until approved by him.

And of Parliament.

2. Every general order purporting to be made in pursuance of this Act, shall immediately after the making thereof be laid before the Senate and House of Commons of Canada, if Parliament be then sitting, or if Parliament be not then sitting, within fourteen days after the next meeting thereof; and if either the Senate or the House of Commons, by a resolution passed within two months after such general order has been so laid before the said Houses, resolve that the whole or any part of such order should not continue in force, the same shall, after the date of such resolution, cease to be of any force, without prejudice, nevertheless, to the making of any other general order in its place, as to anything done in pursuance of such general order before the date of such resolution; but subject, as aforesaid, every general order purporting to be made in pursuance of this Act shall be deemed to have been been duly made and to be within the provisions of this Act, and shall have effect as if it had been enacted in this Act.

Evidence of acts of Commissioners. Imperial Act, s. 30.

18. Every document purporting to be signed by the commissioners, or any of them, shall be received in evidence without proof of such signature, and, until the contrary is proved, shall be deemed to have been so signed, and to have been duly executed or issued.

Fees payable by stamps.

19. All fees payable under the provisions of this Act shall be paid by means of stamps, which shall be issued as provided by the seventy-second section of "*The Supreme and Exchequer Court Act*," and the proceeds of the sale of such stamps shall be paid into the Consolidated Revenue Fund of Canada, and shall form part of "The Railway Commissioners Fund" hereinafter referred to.

Salaries of Commissioners.

[**20.** There shall be paid to each of the commissioners such salary, not exceeding dollars a year, and to the registrar not exceeding dollars a year, as the Governor in Council shall determine.]

Taxing costs.

21. The costs, charges and expenses of, and incidental to, any proceeding before the court, shall be taxed by the registrar, subject to an appeal to the court.

Yearly report by Commissioners to Governor. Imperial Act, s. 31.

22. The commissioners shall, on or before the fifteenth day of January in each year, make a report to the Governor of their proceedings under this Act, during the preceding year, and such report shall be laid before the Senate and House of Commons within fourteen days thereafter if Parliament is then in session, and if not, then within fourteen days after the then next meeting of Parliament.

Decision of majority sufficient.

23. The order, judgment or direction of a majority of the said commissioners shall in all cases be sufficient.

Powers as to tolls transferred.

24. The powers conferred on the Governor in Council by the Railway Act in relation to tolls is hereby conferred upon and vested in the commissioners.

Powers of Railway C mittee of P.C. transferred.

2. The powers, authorities and duties vested in and imposed upon the railway committee of the Privy Council by the 47th, 48th, 49th, 67th, 68th and 71st sections of the Railway Act, are also hereby transferred to the said commissioners.

Commissioners' oath of office.

3. The commissioners shall, previous to executing the duties of their office, take the following oath in open court, in the presence of a judge of the Supreme Court: —"I do solemnly swear, that I will duly and faithfully, and to the best of my skill and knowledge, execute the powers and trusts imposed in me as railway commissioner for the Dominion of Canada. So help me God."

Applications under s. 7 of Railway Act.

Referenee to Commissioners.

26 Nothing in this Act contained shall render unnecessary the application to the Governor in Council required by the 3rd and 4th sub-sections of section 7 of the Railway Act. The Governor in Council may, upon any application to him under the said sub-sections, refer the question of compensation to the said commissioners.

PART II.

TRAFFIC ARRANGEMENTS

Recital of doubts under Railway Act, s. 60.

27. And whereas doubts have arisen as to whether section sixty of the Railway Act authorizes the making of an agreement or arrangement, whereby a railway company may agree or arrange with another railway company, by means of a joint committee or otherwise, for the joint working of both of their lines of railway under one management or under the management of the directors, or of one of them, or of the superintendent of one of the said railways, and it

Such doubts removed.

is expedient to remove such doubts: It is therefore declared and enacted, that the agreement or arrangements therein referree to do *not* authorize the making or entering into of any such agreement or arrangement, or of any agreement or arrangement whereby the said railway companies may temporarily or for any period amalgamate, or whereby the maintenance, or management, or actual control of the working or operating of the railway is vested in the directors of both roads, or in some of them, or in a committee appointed by the directors of both roads, or is taken out of the directors of

Proviso.

any such railway, either directly or indirectly: Provided always, that this section shall not apply to any contract, agreement or arrangement made or entered into prior to the passing of this Act.

Agreements nnder s. 60 of Railway Act must be registered.

28. The agreement which a railway company can enter into, under the sixtieth section of the Railway Act, shall not become operative until the same, or a true copy thereof, shall have been filed with the registrar of the court.

To be submitted to the Court.

29. Within one month after the said agreement, or copy thereof, has been filed as provided for in the next preceding section, on application or complaint made to the court, and

on hearing the companies interested, the court or the commissioner shall determine whether the same ought to be confirmed, and if, in the opinion of the court or commissioner, it is not in the public interest that it should be confirmed, the court or the commissioner shall so determine, and thenceforth the agreement shall have no force or effect.

Duty of Commissioners in such case. Proviso.

30. Forthwith, after the filing of the said agreement, it shall be the duty of the commissioners to examine the same, and if, in their opinion, it is not in the public interest, they shall, whether any complaint or application has been made concerning it, under the last preceding section, or not, on notice to the companies interested, and on hearing what the companies or either or any of them have to allege in its favor, determine the question whether the agreement is in the public interest or not, and if their decision is adverse thereto, the agreement shall thereafter cease to have any force or effect: Provided, that it shall be incumbent on the commissioners to determine the matter within one month from the filing of the agreement as aforesaid.

Proviso.

Section 60 further explained and amended: 46 V., c. 24.

31. Subject, as hereinafter mentioned, the facilities to be afforded under sub-section two of section sixty of the Railway Act, as amended by the Act passed in the forty-sixth year of Her Majesty's reign, intituled, "*An Act further to amend 'The Consolidated Railway Act*, 1879,' *and to declare certain lines of Railway to be works for the general advantage of Canada*," are hereby declared to include and shall include the receiving, forwarding and delivery by every railway company, at the request of any other railway company, of through traffic to and from the railway of such other company at through rates, tolls or fares (in this Act referred to as "through rates);"

What the facilities thereby required shall include. Imperial Act, s 11.

Provisoes.

Provided as follows:—

Written notice as to through rates.

1. The company requiring the traffic to be forwarded shall give written notice of the proposed through rate to each forwarding company, stating both its amount and its apportionment, and the route by which the traffic is proposed to be forwarded:

Answer by company notified.

2. Each forwarding company shall, within the prescribed period after the receipt of such notice, by written notice, inform the company requiring the traffic to be forwarded, whether they agree to the rate and route, and, if they object to either, the ground of the objection:

If no objection within time prescribed.

3. If, at the expiration of the prescribed period, no such objection has been sent by any forwarding company, the rate shall come into operation at such expiration:

If objection is made.

4. If any objection to the rate or route has been sent within the prescribed period, the matter shall be referred to the commissioners for their decision:

Commissioners to decide on reference to them.

5. If any objection be made to the granting of the rate or to the route, the commissioners shall consider whether the

granting of the rate is a due and reasonable facility in the interests of the public, and shall allow or refuse the rate accordingly:

If apportionment only be objected to.

6. If the objection be only to the apportionment of the rate, the rate shall come into operation at the expiration of the prescribed period, but the decision of the commissioners as to its apportionment shall be retrospective; in any other case the operation of the rate shall be suspended until the decision is given:

Circumstances to be considered by Commissioners.

7. The commisioners, in apportioning the through rate, shall take into consideration all the circumstances of the case, including any special expense incurred in respect of the construction, maintenance or working of the route, or any part of the route, as well as any special charges which any company may have been entitled to make in respect thereof; and also the competition of foreign railways to which any company may be subject:

Commissioners may not fix reduced rates, below certain limits.

8. It shall not be lawful for the commissioners, in any case, to compel any company to accept lower mileage rates than the mileage rates which such company may, for the time being, legally be charging for like traffic carried on by a like mode of transit, on any other line of communication between the same points, being the points of departure and arrival by the through route:

Prescribed period—what.

9. The prescribed period mentioned in this section shall be ten days, or such longer period as the commissioners may, from time to time, by general order, prescribe:

If a railway company is to maintain or work steam vessels.

10. Where a railway company is to maintain or work, or is party to an arrangement for using, maintaining or working steam vessels, for the purpose of carrying on a communication between any places or ports, the provisions of this section shall extend to such steam vessels and to the traffic carried thereon.

Rates fixed may be less than maximum. Imperial Act, s. 12.

32. Subject to the provisions of the last preceding section the commissioners shall have full power to decide that any proposed through rate is due and reasonable, notwithstanding that a less amount may be allotted to any forwarding company out of such through rate, than the maximum rates such company is entitled to charge, under and in pursuance of its special Act and of the Railway Act, as hereby amended, and to allow and apportion such through rates accordingly.

Railway companies to keep certain books, and what they shall show. Imperial Act, s. 14.

33. Every railway company shall keep, at each of their stations, a book, or books, showing every rate, for the time being, charged for the carriage of traffic—other than passengers and their baggage—from that station to any place to which they book, including any rates charged under any special contract, and stating the distance from that station to every station, siding or place to which such rate is charged.

2. Every such book shall, during all reasonable hours, be opened to the inspection of any person, without the payment of any fee

To be open to inspection.

3. The commissioners may, from time to time, on the application of any person interested, make orders with respect to any particular description of traffic, requiring a railway company to distinguish in such book, how much of *each* rate is for the conveyance of the traffic on the railway, including therein tolls for the use of the railway, for the use of carriages, or for locomotive power, and how much is for other expenses, specifying the nature and detail of such other expenses.

Commissioners may require certain particulars to be entered.

4. Any company failing to comply with the provisions of this section, shall, for each offence, and in the case of a continuing offence for every day during which the offence continues, be liable to a penalty not exceeding *twenty dollars*, and such penalty shall be recovered in the manner provided by the Railway Act, section *ninety-four*.

Penalty for non-compliance.

34. The company shall in the rate-book or tariff of rates, taxes or charges in use and published by it at each station, distinguish the fixed terminal charge (if any) which the company claims a right to demand in respect of each class, as well as any other terminal charges for services rendered, from the mileage or mere conveyance charges.

Terminal charges to be distinguished.

35. It shall not be lawful for the company to increase their rates, tolls or charges for the carriage of traffic without giving one month's public notice thereof: Provided always, that this enactment shall not apply to rates or tolls for through rates extending beyond the Dominion of Canada.

Notice of increased rates. Proviso.

36. The commissioners shall have power to hear and determine any question or dispute which may arise with respect to the terminal charges of any railway company, and to decide what is a reasonable sum to be paid to any company for loading and unloading, covering, collection, delivery and other services of a like nature; any decision of the commissioners under this section shall be binding on all courts, and in all legal proceedings whatsoever.

Commissioners may determine disputes as to terminal charges. Imperial Act, s. 15.

37. Every railway company in Canada to which this Act applies shall, so soon as any portion thereof is in use, pay into the Consolidated Revenue Fund an annual rate to be fixed by the Governor in Council, not exceeding *four dollars* per mile of railway constructed and in use, such rates to be paid half yearly on the first days of January and July in each year, and to form a special fund for the purpose of this Act, and to be called the "Railway Commissioners' Fund."

Railway Commissioners' Fund.

38. Any railway company violating any provision of this Act, for which no penalty is otherwise provided, or disobeying or neglecting to obey the orders or directions of the said railway commissioners shall, in addition to all penalties to which they may be liable or subject, incur and be liable to

Penalty on company not obeying the orders of the Commission.

a penalty of *one thousand dollars*, which may be sued for and recovered against them by any person, as in an action for debt, in any court of competent jurisdiction.

PART III.

Application of certain provisions to Provincial railways.

39. Sub-sections six, seven and eight of section seventeen, and section sixty of the Railway Act, as amended by this Act and the provisions of this Act, shall apply to provincial railways.

Act not to apply to Dominion Government railways.

40. This Act shall not apply to any railway vested in Her Majesty or operated under the authority of "*The Government Railway Act*, 1881."

No. 6.

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

An Act for constituting a Court of Railway Commissioners for Canada, and to amend the Consolidated Railway Act, 1879.

Received and read first time, Wednesday, 3rd March, 1886.
Second reading, Friday, 5th March, 1886.

MR. MCCARTHY.

OTTAWA:
PRINTED BY MACLEAN, ROGER & Co.
1886.

No. 7.] **BILL.** [1886.

An Act respecting Carriers by Land.

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

1. In citing this Act it shall be sufficient to use the expression "*The Carriers by Land Act*, 1886." Short title.

2. Except as hereinafter provided, every carrier shall be liable for the loss of, or for any injury done to, any horses, cattle or other animals, or to any articles, goods or things, in the receiving, forwarding or delivering thereof, occasioned by the neglect or default of such carrier, his servants or agents, notwithstanding any notice, condition or declaration made and given by such carrier contrary thereto or in any wise limiting such liability; every such notice, condition or declaration being hereby declared to be null and void: Provided always, that nothing herein contained shall be construed to prevent the said carrier from making such conditions with respect to the receiving, forwarding and delivering of any of the said animals, articles, goods or things, as shall be adjudged by the court or judge before whom any question relating thereto is tried, to be just and reasonable; but no such contract or condition limiting the liability of the carrier, or in any way respecting the receiving, forwarding or delivering of any of such animals, articles, goods or things, shall be valid, unless the same be signed by the person delivering the same for carriage. Except as herein provided carriers to be liable for loss, &c., to goods, &c. Proviso: conditions signed by party delivering goods to carriers, may be adjudged valid if deemed just and reasonable by court or judge.

3. No greater damages shall be recovered from any carrier for the loss of or for any injury done to;— Damages limited.

(*a*) Any animals that may be delivered to any such carrier, beyond the sums hereinafter mentioned, that is to say, for any horse, two hundred dollars; for any neat cattle, per head, one hundred dollars; for any sheep or pigs, per head, fifteen dollars; As to animals

(*b*) For any article or articles, or property of the description following, that is to say' gold or silver coin of this Dominion or of the United Kingdom of Great Britain and Ireland, or of any foreign state, or any gold or silver in a manufactured or unmanufactured state, or any precious stones, jewellery, watches, clocks or time-pieces of any description, trinkets, bills, notes of any of the chartered banks of the Dominion of Canada, orders, notes or securities for payment As to coin, bullion, jewels, clocks and watches, securities for money and other enumerated articles.

of money, Canadian, British or foreign stamps, maps, writings, title-deeds, paintings, engravings, pictures, gold or silver plate, or plated articles, glass, china, silk in a manufactured or unmanufactured state, and whether wrought up or not wrought up with other materials, furs or lace (not, however, including machine-made lace) or any of them contained in any parcel or package, beyond the sum of fifty dollars, unless the person sending or delivering the same to such carrier, shall, at the time of such delivery, have declared them to be respectively of higher value than as above mentioned, respectively, and such increased charge as hereinafter mentioned, has been made for the carriage thereof in addition to the ordinary rate of charge.

Except in case higher value is declared and additional charge for carriage made.

Increased rates of charge allowed in such cases on certain conditions.

4. When any animal or any parcel or package containing any of the articles in the last preceding section specified, shall be so delivered, and its value (and, if a parcel or package, its contents) declared as aforesaid, it shall be lawful for such carrier, on complying with the requirements in the next succeeding section mentioned, to demand and receive, by way of compensation for the increased risk and care thereby occasioned, a reasonable percentage upon the excess of the value so declared above the respective sums so limited as aforesaid, and which shall be paid in addition to the ordinary rate of charge.

Notice of such increased charges must be posted conspicuously at the station where the goods are delivered for carriage.

5 But no such percentage or increased rate of charge shall be exacted, unless some notice in legible characters be affixed in some public and conspicuous part of the station, office, warehouse or other receiving house, where such animals, parcels or packages are received by such carrier for the purpose of conveyance, stating the increased rates of charge required to be paid over and above the ordinary rate of carriage as a compensation for the greater risk to be taken for the safe conveyance of such animals or valuable articles; and all persons sending or delivering animals, parcels or packages containing such valuable articles as aforesaid, to or at such office shall be bound by such notice, without further proof of the same having come to their knowledge.

Obligation of carriers receiving such increased rates and liability if not complied with

6. When the value shall have been so declared and the increased rate of charge made as hereinbefore mentioned, the carrier, making such increased rate of charge, shall, if thereto required, sign a receipt for the animal, package or parcel, acknowledging the same to have been insured; and if such receipt shall not be given when required, or such notice as aforesaid shall not have been affixed, the carrier shall not have or be entitled to any benefit or advantage under this Act, but shall be liable and responsible as if the limitation of liability herein provided for had not been made by this Act and shall be liable to refund the increased rate of charge.

Increase of charges to be repaid in case of loss.

7. Where any animal, parcel or package shall have been delivered as aforesaid, and the value and contents declared as aforesaid, and the increased rate of charges has been paid, and such animal, parcel or package shall have been lost or damaged, the party entitled to recover damages in respect of

such loss or damage shall also be entitled to recover back such increased charges so paid as aforesaid in addition to the value of such animal, parcel or package.

Act not affect to liability for neglect or misconduct.

8. Nothing in this Act shall be deemed to protect any carrier from liability to answer for loss or injury to any goods or articles whatsoever arising from the felonious acts of any agent or servant in his employ, nor to protect any such agent or servant from liability for any loss or injury occasioned by his own or their personal neglect or misconduct.

Declared value of goods not to conclude the carrier.

9. The carrier shall not be concluded as to the value of any such animal, parcel or package by the value so declared as aforesaid, but shall be liable to such damage only as shall be proved, not exceeding the declared value together with the increased charges as before mentioned.

Provisions of 42 V. c. 9 not effected.

10. Nothing in this Act contained shall be held or taken to limit or affect the provisions of "*The Consolidated Railway Act*, 1879," respecting the liability of railway companies as carriers or otherwise.

Commencement of this Act.

11. This Act shall come into force on the first day of July next, after the passing hereof.

No. 7.

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

An Act respecting Carriers by Land.

Received and read first time, Wednesday, 3rd March, 1886.

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Mr. McCarthy.

OTTAWA:

Printed by MacLean, Roger & Co.

1886.

No. 8. **BILL.** [1886

An Act to amend "The Consolidated Railway Act, 1879."

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

1. The provisions in this Act contained shall be read as part of and as if incorporated in "*The Consolidated Railway Act*, 1879." Act how to be construed.

2. The power given by the special Act to construct the railway, and to take and use lands for that purpose, shall be exercised, subject to the provisions and restrictions contained in "*The Consolidated Railway Act*, 1879," as amended by this Act. (*Con. Stat. of Canada, cap.* 66, *sec.* 4.) Powers under special Act, to be exercised subject to Act of 1879.

3. For the value of lands taken, and for all damages to lands injuriously affected by the construction of the railway in the exercise of the powers by "*The Consolidated Railway Act*, 1879," or the special Act, or any Act incorporated therewith, vested in the company, compensation shall be made to the owners and occupiers of, and to all other persons interested in, any lands so taken or injuriously affected. (*Con. Stat. of Canada, cap.* 66, *sec.* 5. Compensation to be made to owner of lands taken or injuriously affected

No. 8.

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

An Act to amend "*The Consolidated Railway Act*, 1879."

Received and read first time, Wednesday, 3rd March, 1886.
Second reading Friday, 5th March, 1886.

MR. MCCARTHY,

OTTAWA:
PRINTED BY MACLEAN, ROGER & CO.
1886.

No. 9.] **BILL.** [1886.

An Act respecting the Revised Statutes of Canada.

Preamble.

WHEREAS it has been found expedient to revise, classify and consolidate the Public General Statutes passed by the Parliament of the Dominion of Canada, and also certain Public General Statutes which were passed by the several Legislatures of the Province of Canada before they respectively became a part thereof, and which are still in force, and relate to matters within the legislative authority of the Parliament of Canada; and whereas such revision, classification and consolidation have been made accordingly; and whereas it is expedient to provide for the incorporation therewith of the Public General Statutes passed during the present Session, and for giving the force of law to the body of the Revised Statutes to result from such incorporation: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Original roll of the said statutes, to be certified and deposited.

1. The printed Roll marked A and attested as that of the said Statutes, so revised classified and consolidated as aforesaid, under the signature of the Governor General and that of the Clerk of the Parliaments, and deposited in the office of such Clerk, shall be held to be the original thereof, and to embody the several Acts and parts of Acts mentioned as to be repealed in the Schedule A annexed to the said Roll; but the marginal notes thereon, and the references to former enactments at the foot of the several sections thereof, and the explanatory notes and tables inserted by the Revisors, form no part of the said Statutes, and shall be held to have been inserted for convenience of reference only, and may be omitted or corrected; and any misprint or error, whether of commission or omission, or any contradiction or ambiguity in the said Roll may also be corrected, but without changing the legal effect; and such alterations in the language of the said Statutes as are requisite in order to preserve a uniform mode of expression, and do not alter the legal effect, may be made in the Roll hereinafter mentioned.

As to marginal notes, references, misprints, &c.

Correction of errors or ambiguities, &c.

Governor may cause such Acts of the present Session as he thinks proper to be inserted

2. The Governor General may select such Acts and parts of Acts passed during the present Session as he deems it advisable to incorporate with the said Statutes contained in the said Roll marked A, and may cause them to be so incorporated therewith, adapting their form and language to

and schedule A corrected.

those of the said Statutes (but without changing their effect), inserting them in their proper places in the said Statutes, striking out of the latter any enactments repealed by or inconsistent with those so incorporated, altering the numbering of the chapters and sections, if need be, and adding to the said Schedule A a list of the Acts and parts of Acts of the present Session so incorporated as aforesaid.

Certified roll including such inserted Acts and such amendments of Schedule A to be deposited, and deemed the original.

3. As soon as the said incorporation of such Acts and parts of Acts with the said Statutes, and the said addition to the said Schedule A has been completed, the Governor General may cause a correct printed Roll thereof, attested under his signature and countersigned by the Secretary of State, to be deposited in the office of the Clerk of the Parliaments, which Roll shall be held to be the original thereof, and to embody the several Acts and parts of Acts mentioned as repealed in the amended Schedule A thereto annexed; but any marginal notes and references to former enactments which appear thereon shall be held to form no part of the said Statutes, but to be inserted for convenience or reference only.

Proclamation declaring the Revised Statutes into force.

4. The Governor in Council, after such deposit of the said last mentioned Roll, may, by proclamation, declare the day on, from and after which the same shall come into force and have effect as law, by the designation of "The Revised Statutes of Canada."

Effect of such proclamation.

5. On, from and after such day, the same shall accordingly come into force and effect as and by the designation of "The Revised Statutes of Canada," to all intents, as if the same were expressly embodied in and enacted by this Act, to come into force and have effect on, from and after such day:

Repeal of enactments mentioned in schedule A.

2. On, from and after such day, all the enactments in the several Acts and parts of Acts in such amended Schedule A mentioned shall, so far as the same are within the legislative authority of the Parliament of Canada, stand and be repealed to the extent mentioned in the third column of said Schedule A.

As to certain enactments in schedule C.

3. The Acts and parts of Acts mentioned in Schedule C, annexed to the said Roll marked A, shall, so far as they constitute indictable offences, be repealed, from and after a day when the proper Legislature makes provision for the punishment of the offence by fine or imprisonment, under "*The British North America Act*, 1867."

Effect of repeal of enactment in schedule A not retroactive.

6. The repeal of the said Acts and parts of Acts shall not revive any Act or provision of law repealed by them; nor shall the said repeal prevent the effect of any saving clause in the said Acts and parts of Acts, or the application of any of the said Acts or parts of Acts, or of any Act or provision of law formerly in force, to any transaction, matter or thing

anterior to the said repeal, to which they would otherwise apply.

As to certain mattters anterior to repeal.

7. The repeal of the said Acts and parts of Acts shall not affect—

Penalties, &c.

(*a.*) Any penalty, forfeiture or liability, civil or criminal, incurred before the time of such repeal, or any proceedings for enforcing the same, had, done, completed or pending at time of such repeal:

Indictments, &c.

(*b.*) Any indictment, information, conviction, sentence or prosecution had, done, completed or pending at the time of such repeal:

Actions, &c.

(*c.*) Any action, suit, judgment, decree, certificate, execution, process, order, rule, or any proceeding, matter or thing whatsoever respecting the same, had, done, made, entered, granted, completed, pending, existing or in force at the time of such repeal:

Acts, deeds, rights, &c.

(*d.*) Any act, deed, right, title, interest, grant, assurance, descent, will, registry, by-law, rule, order in council, proclamation, regulation, contract, lien, charge, status, capacity, immunity, matter or thing, had, done, made, acquired, established or existing at the time of such repeal: or

Offices, &c.

(*e.*) Any office, appointment, commission, salary, allowance, security or duty, or any matter or thing appertaining thereto, at the time of such repeal:

Any other matters.

2. Such repeal shall not defeat, disturb, invalidate or prejudicially affect any other matter or thing whatsoever, had, done, completed, existing or pending at the time of such repeal:

But the same shall remain valid, &c

3. But every such

(*a.*) Penalty, forfeiture and liability,

(*b.*) Indictment, information, conviction, sentence and prosecution,

(*c.*) Action, suit, judgment, decree, certificate, execution, process, order, rule, proceeding, matter or thing,

(*d.*) Act, deed, right, title, interest, grant, assurance, descent, will, registry, by-law, rule, order in council, proclamation, regulation, contract, lien, charge, status, capacity, immunity, matter or thing,

(*e.*) Office, appointment, commission, salary, allowance, security and duty, *and*

(*f.*) Matter and thing,

Continuance under Revised Statutes.

may and shall remain and continue as if no such repeal had taken place, and, so far as necessary, may and shall be continued, prosecuted, enforced and proceeded with under the said Revised Statutes and other the statutes and laws having force in Canada, and subject to the provisions of the said several statutes and laws, as if no such repeal had taken place.

Revised Statutes nor to be deemed new laws.

8. The said Revised Statutes shall not be held to operate as new laws, but shall be construed and have effect as a consolidation and as declaratory of the law as contained in the said Acts and parts of Acts so repealed, and for which the said Revised Statutes are substituted:

How construed if they differ from the repealed enactments.

2. But if upon any point the provisions of the said Revised Statutes are not in effect the same as those of the repealed Acts and parts of Acts for which they are substituted, then as respects all transactions, matters and things subsequent to the time when the said Revised Statutes take effect, the provisions contained in them shall prevail, but as respects all transactions, matters and things anterior to the said time, the provisions of the said repealed Acts and parts of Acts shall prevail.

As to references to repealed Acts in former Acts, &c.

9. Any reference in any former Act remaining in force, or in any proclamation, order in council, instrument or document, to any Act or enactment so repealed, shall, after the Revised Statutes take effect, be held, as regards any subsequent transaction, matter or thing, to be a reference to the enactments in the Revised Statutes, having the same effect as such repealed Act or enactment.

As to effect of insertion of an Act in schedule A.

10. The insertion of any Act in the said Schedule A shall not be considered as a declaration that such Act or any part of it was or was not in force immediately before the coming into force of the said Revised Statutes.

Copies by Queen's Printer to be evidence.

11. Copies of the said Revised Statutes, purporting to be printed by the Queen's Printer from the amended Roll so deposited, shall be evidence of the said Revised Statutes in all courts and places whatsoever.

As the distribution of copies of Revised Statuties.

12. The laws relating to the distribution of the printed copies of the Statutes shall not apply to the said Revised Statutes, but the same shall be distributed in such numbers and to such persons only as the Governor in Council directs.

This Act to be printed with them, &c.

13. This Act shall be printed with the said Revised Statutes, and shall be subject to the same rules of construction as the said Revised Statutes.

How the Revised Statuties may be cited.

14. Any chapter of the said Revised Statutes may be cited and referred to in any Act or proceeding whatsoever, either by its title as an Act, or by its short title, or by using the expression "The Revised Statute respecting—" (adding the remainder of the title given at the beginning of the particular chapter), or by using the expression "The Revised Statutes ' or " The Revised Statutes of Canada, chapter " (adding the number of the particular chapter in the copies printed by the Queen's Printer).

No. 9.

4th Session, 5th Parliament, 49 Victor

BILL.

An Act respecting the Revised S of Canada.

Received and read first time, Wednesc March, 1886.
Second reading, Friday, 5th March, 1

Mr. THOMPSO Antig

OTTAWA:
PRINTED BY MACLEAN, ROGER & 1886.

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TABLE

Indicating the source of each Section of the following Bill.

Explanation of the abbreviated references in the second column of this Table :—

S.A.—Statute of South Australia, 24 and 25 Victoria, 1861. No. 22, "*Real Property Act of* 1861."

S.A., 1878.—Statute of South Australia, 41 and 42 Victoria, 1878. No. 128, "*Real Property Act Amendment Act of* 1878."

N.S.W.—Statute of New South Wales, 26 Victoria, 1862. No. 9, "*Real Property Act.*"

N.F.—Statutes of Newfoundland.

Imp. Act.—Imperial Act, 38 and 39 Victoria, 1875. Cap. 87, "*The Land Transfer Act*, 1875."

Man.—Statutes of Manitoba.

Q. B., U. C.—Upper Canada Law Reports, Queen's Bench Series.

McCarthy.—The Bill (No. 16) introduced by Mr. McCarthy, M.P., in the House of Commons during the Session of 1884.

New.—Section draughted for the present Bill.

Section.	Source.	Section.	Source.
1	New.	27	McCarthy, 24.
2	do	28	do 25.
3	McCarthy, 4.	29	New.
4	New.	30	S.A , 41.
5	N.F., Title VIII., chap 35.	31	do 66.
6	McCarthy, 28.	32	do 103; McCarthy, 55.
7	do 29.	33	McCarthy, 55 (4).
8	do 30.	34	S.A., 31.
9	Man.	35	McCarthy, 39.
10	Shaver's case, 31 Q.B., U.C., 603.	36	S.A., 34.
11	S.A., 85.	37	do 35.
12	.....	38	do 37.
13	McCarthy, 156.	39	do 38.
14	New.	40	McCarthy, 36.
15	do	41	do 49.
16	McCarthy, 21.	42	do 50, 51.
17	McCarthy, 5 and 6.	43	do 62.
18	New.	44	do 65, 66, 67.
19	McCarthy, 13.	45	Compare McCarthy, 129.
20	New.	46	McCarthy, 64.
21	McCarthy, 15.	47	do 65.
22	do 16.	48	do 63.
23	do 17.	49	Compare McCarthy, 66, 125, 128.
24	do 18.	50	McCarthy, 66, 55 (8).
25	do 19.	51	do 69.
26	do 20.	52	do 70.

Section.	Source.
53	McCarthy, 71.
54	S.A., 36.
55	do 39.
56	do 33, 40; N.S.W., 33, 40.
57	McCarthy, 72.
58	S.A., 33, 40; N.S.W., 33, 40.
59	Imperial Act, s. 92.
60	McCarthy, 75.
61	S.A., 42.
62	do 43.
63	do 44.
64	do 45.
65	do 46.
66	do 47.
67	do 49.
68	do 50.
69	do 51.
70	McCarthy, 87.
71	S.A., 48.
72	do 52.
73	do 53.
74	do 54.
75	do 55.
76	do 121.
77	do 122.
78	do 59.
79	do 60.
80	do 61.
81	do 63.
82	N.S.W., 47.
83	S.A., 64.
84	do 62.
85	do 69.
86	do 74.
87	S.A., 70.
88	do 71.
89	do 72.
90	do 73.
91	McCarthy, 109.
92	S.A., 78.
93	N.S W., 80.
94	McCarthy, 115.
95	do 116.
96	do 117.
97	McCarthy, 118.
98	do 119.
99	S.A., 77.
100	S.A., 81, 82, 83, 84 and S.A.(1
101	McCarthy, 122.
102	do 123.
103	S.A., 124.
104	do 125.
105	do 126.
106	do 29; McCarthy, 142.
107	do 127.
108	do 128.
109	do 129.
110	do 130.
111	do 131.
112	do 132.
113	McCarthy, 124.
114	do 125.
115	S.A., 135.
116	do 136.
117	McCarthy, 128.
118	S.A., 98.
119	do 99.
120	do 102 and S.A. (1878) 61.
121	do 89.
122	do 113.
123	McCarthy, 152.
124	S.A., 100.
125	do 114.
126	do 115.
127	do 67.
128	do 68.
129	McCarthy, 131, 149.
130	do 150.
131	do 153.
132	do 58.
133	do 55 (12).
134	do 55 (13).
135	do 56.
136	do 57.
137	Compare McCarthy, 129.
138	McCarthy, 164.
139	New.

No. 10.] **BILL.** [1886

An Act respecting Real Property in the North-West Territories.

[NOTE.—*The words and clauses in italics will be moved in Committee of the Whole.*]

WHEREAS it is expedient to give certainty to the title to estates in land in the North-West Territories and to facilitate the proof thereof, and also to render dealings with land more simple and less expensive: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows:— Preamble.

SHORT TITLE.

1. This Act may be cited as "The North-West Territories Real Property Act." Short title.

COMMENCEMENT.

2. This Act shall commence and take effect from and after the day of , A.D. 188 . Commencement of Act.

INTERPRETATION.

3. In this Act, and in all instruments purporting to be made or executed thereunder, unless the context otherwise requires:— Interpretation of expressions used in Act.

The expression "Land" means and includes land, messuages, tenements and hereditaments, corporeal and incorporeal, of every kind and description, whatever may be the estate or interest therein, together with all paths, passages, ways, water-courses, liberties, privileges, easements, mines, minerals and quarries appertaining thereto, and all trees and timber, thereon and thereunder lying or being, unless any such are specially excepted; Land.

The expression "Owner" means and includes any person or body corporate entitled to any freehold or other estate or interest in land, at law or in equity, in possession, in futurity or expectancy; Owner.

The expression "Transfer" means and includes the passing of any estate or interest in land under this Act, whether for valuable consideration or otherwise; Transfer.

Mortgage. The expression "Mortgage" means and includes any charge on land created merely for securing a debt;

Mortgagee. The expression "Mortgagee" means and includes the owner of a mortgage;

Mortgagor. The expression "Mortgagor" means and includes the owner of land, or of any estate or interest in land pledged as security for a debt;

Encumbrance The expression "Encumbrance" means and includes any charge in land created for any purpose whatever, inclusive of mortgage, unless expressly distinguished;

Encumbrancer. The expression "Encumbrancer" means and includes the owner of any land or of any estate or interest in land subject to any encumbrance;

Encumbrancee. The expression "Encumbrancee" means and includes the owner of an encumbrance;

Lunatic. The expression "Lunatic" means and includes any person found by any competent tribunal or commission, *de lunatico inquirendo*, to be a lunatic;

Person of unsound mind. The expression "Person of unsound mind" means and includes any person not an infant, who not having been found to be a lunatic, has been found on like inquiry to be incapable, from infirmity of mind, of managing his own affairs;

Instrument. The expression "Instrument" means and includes any grant, certificate of title, conveyance, assurance, deed, map, plan, will, probate or exemplification of will, or any other document in writing relating to the transfer or other dealing with land or evidencing title thereto;

Register. The expression "Register" means and includes the register of titles to land to be kept in accordance with this Act;

Registrar. The expression "Registrar" means and includes any person appointed under this Act as registrar of titles;

Territories. The expression "Territories" means and includes the North-West Territories;

Court. The expression "Court" means and includes any court authorized to adjudicate in the Territories in civil matters in which the title to real estate is in question;

Court of Appeal. The expression "Court of Appeal" means and includes the Court of Appeal herein constituted;

Judge. The expression "Judge" means and includes any official authorized in the said Territories to adjudicate in civil matters in which the title to real estate is in question;

The expression "Transmission" applies to change of ownership consequent upon lunacy, levy under execution, order of court or other act of law, or in virtue of any settlement or any legal succession in case of intestacy; Transmission.

The expression "Grant" means and includes any grant of Crown land, whether in fee or for years, and whether direct from Her Majesty or pursuant to the provisions of any statute; Grant.

The expression "Indorsed" means and includes anything written upon any instrument or other document or in the margin thereof, or at the foot thereof; Indorsed.

The expression "Possession," when applied to persons claiming title to land, signifies also alternatively the reception of the rents and profits thereof. Possession.

DESCENT, CONVEYANCE &c. OF REAL PROPERTY.

4. From and after the commencement of this Act, all lands in the Territories shall be subject to the provisions hereof. All land in Territories subject to Act

5. All lands in the Territories, which, by the common law, are regarded as real estate, shall be held to be chattels real, and shall go to the executor or administrator of any person or persons dying seized or possessed thereof, as other personal estate now passes to the personal representatives. All lands to be chattels real and go to executor, etc., of deceased.

6. Hereafter no words of limitation shall be necessary in any conveyance of any land in order to convey all or any title therein, but every deed or instrument conveying land shall operate as an absolute conveyance of all such right and title as the grantor has therein at the time of its execution, unless a contrary intention be expressed in such conveyance; but nothing herein contained shall preclude any conveyance from operating by way of estoppel; and hereafter the introduction of any words of limitation into any conveyance or devise of any land, shall have the like force and meaning, as the same words of limitation would have if used by way of limitation of any personal estate, and no other. Effect of conveyance; words of limitation not required.

7. No devise shall be valid or effectual as against the personal representative of the testator, until the land affected thereby is conveyed to the devisee thereof, by the personal representative of the devisor, saving and excepting such devises as are made by the testator to his personal representative, either in his representative capacity or for his own use. Devisee to take from personal representative.

8. No widow whose husband dies on or after the day of the commencement of this Act shall be entitled to dower in the real property of her deceased husband, but shall have the same right in such real property as if it were personal property. Dower abolished.

Tenancy by curtesy abolished.

9. No husband whose wife dies on or after the day of the commencement of this Act shall be entitled to any estate by the curtesy in the real property of his deceased wife, but shall have the same right therein as a wife has in the personal property of her deceased husband.

Where land conveyed to a man and his wife, grantees tenants in common unless otherwise expressed in conveyance.

10. Whenever land is conveyed to a man and his wife the grantees shall take according to the tenor of the deed, and they shall not take by entireties unless it is so expressed in the conveyance or transfer.

Conveyances by husband to wife or *vice versâ*.

11. A man may make a valid conveyance or transfer of his real estate to his wife, and a woman may make a valid conveyance or transfer of her real estate to her husband, without, in either case, the intervention of a trustee.

Estate tail abolished: fee simple substituted.

12. Any grant, devise or limitation, which heretofore would have created an estate tail, shall be construed to carry an estate in fee simple, or the greatest estate the grantor or devisor had in the land granted or conveyed, and no estate in fee simple shall be changed into any limited fee or fee-tail, but the land, whatever form of words is used in any instrument of transfer or transmission or dealing, shall be and remain an absolute estate in the owner for the time being.

Married woman to be as if feme sole

13. A married woman shall, in respect of land, have all the rights and be subject to all the liabilities of a *feme sole*, and may alienate and, by will or otherwise, deal with land as if she were unmarried.

Registration Districts.

Registration districts: Assiniboia, Alberta, East Saskatchewan, West Saskatchewan.

14. The provisional districts of Assiniboia and Alberta, as defined by an order of the Queen's Privy Council for Canada, dated the eighth day of May, one thousand eight hundred and eighty-two, shall, for the purposes of this Act, be land registration districts, to be known respectively as the Assiniboia Land Registration District and the Alberta Land Registration District, and that portion of the provisional district of Saskatchewan lying eastward of the third principal meridian shall be a land registration district, to be known as the "East Saskatchewan Land Registration District;" and that portion of the said Saskatchewan provisional district lying westward of the said meridian shall also be a registration district, to be known as the "West Saskatchewan Land Registration District."

Provisions for further registration districts.

15. The Governor in Council may, from time to time, by proclamation, as the settlement of the country and the exigencies of the public service require, constitute any other portion of the Territories a land registration district, and declare by what local name the same shall be known and designated.

Registration offices, etc., to provided at

16. *As soon after the passing of this Act as practicable, and whenever, at any subsequent period, a new registration district*

is established, the Governor in Council may provide in each registration district, at the public expense, and thereafter maintain in a proper state of repair, a building of stone or brick, to serve as the office of the registrar, and as the place of deposit and preservation of the registers, duplicates, instruments and documents connected with the registration of titles, and shall fit up the said office with such fire-proof safes and other secure places as are necessary.

public expense.

17. In each such registration district, at such place as the Governor in Council determines, there shall be an office, to be called the "Land Titles Office;" and the business of such office shall be conducted by an officer to be called the registrar, appointed by the Governor in Council, with such assistants and clerks as are necessary, and as the Governor in Council, from time to time, appoints.

Land titles office, and appointment of registrars, assistants and clerks by Governor in Council.

18. The Governor in Council may, from time to time, appoint a deputy to any of the registrars aforesaid, to act in case of the death, illness or absence from his office of the registrar to whom he is deputy, and every deputy, during the time he so acts, shall have all the powers and privileges, and perform all the duties and be subject to all the responsibilities of the officer to whom he is deputy.

Deputy registrars.

19. Every registrar of deeds appointed and acting in the Territories, or when this Act comes into force, shall be *ex-officio* a registrar under this Act, and shall hold office during pleasure; but thereafter, no person shall be appointed a registrar unless he is a barrister or advocate, of at least three years standing in one of the Provinces of Canada.

Existing registrars of deeds *ex-officio* registrars: future appointees to be barristers or advocates.

20. *The salaries of registrars, deputy registrars, and other necessary officers, and such incidental expenses of carrying this Act into effect as are sanctioned by the Governor in Council, shall be paid out of moneys provided by Parliament for that purpose.*

Salaries.

21. Every registrar and deputy registrar, before he enters upon the execution of his office, shall take, before some judge or stipendiary magistrate in the Territories, the oath of office in the form A in the schedule to this Act.

Oath of office.

22. Before any registrar appointed under this Act is sworn into office, he, and two or more sufficient sureties, shall enter into a joint and several bond in duplicate under their hands and seals to Her Majesty, in a penal sum to be fixed at not less than , for the true and faithful performance by the said registrar or his deputy, of his duty in respect of all things directed to be done by or required of him by this Act or any law in that behalf, and said bond shall be in the form B in the said schedule, or to the like effect, and shall be subject to the approval of the Governor in Council.

Registrars' bond.

Condition.

23. The sureties in such bond and duplicate shall justify under oath (form C), and the execution by the registrar and

Sureties to justify.

his sureties shall be verified by affidavit of a subscribing witness (form D), taken before a justice of the peace; and one of such duplicates, with the affidavits appended, shall be forthwith transmitted to the Secretary of State, to be filed in his office, and the other shall be filed in the office of the Lieutenant-Governor of the Territories.

Custody of bonds.

New bonds when required.

24. The registrar shall, when required by the Secretary of State, execute a new bond in the form and to the effect provided in Section twenty-two of this Act, or furnish such other security as is deemed expedient.

Seals of office

25. Each registrar shall have a seal of office, approved by the Governor in Council, with which he shall seal all certificates of title and stamp all instruments which are presented to him for registration.

Copies of documents in registrar's office to be evidence.

26. Each registrar shall, when required, and upon the payment of the legal fees, furnish, attested by the seal of his office, exemplifications, copies and abstracts of any uncancelled instrument affecting land, which is deposited, filed, kept or registered in his office, and every such exemplification or certified copy shall be received as evidence in every court in Canada, in the same manner and with the same effect as if the original was produced.

Registrars, etc., not to act as agents, etc.

27. No registrar, deputy registrar or clerk in any land titles office under this Act shall, directly or indirectly, act as the agent of any person investing money and taking securities on real estate within his registration district, nor shall such registrar, deputy registrar, or clerk, advise, for any fee or reward, or otherwise, upon titles of land, nor practice as a conveyancer, nor shall he carry on or transact, within the registry office, any business or occupation whatever, other than his duties as such registrar, deputy or clerk.

Nor carry on other business in office.

Indemnity of registrars, etc., for acts *bonâ fide* under this Act.

28. The registrar shall not, nor shall any deputy registrar or any person acting under authority of the registrar, be liable to any action or proceeding for or in respect of any act *bonâ fide* done or omitted to be done in the exercise or supposed exercise of the powers given by this Act, or any order or general rule made in pursuance of this Act.

Office—days and hours.

29. The land titles office shall be kept open on all days except Sundays and legal holidays, between the hours of ten in the forenoon and four in the afternoon, during which time either the registrar or his deputy shall be in attendance, and except within the said hours no registration shall be effected.

Registration.

Form of instruments for registration.

30. The registrar shall not register any instrument purporting to transfer, or otherwise to deal with or affect any land under the provisions of this Act, except in the manner herein provided, nor unless such instrument is in accordance with the provisions hereof; but any instrument sub-

stantially in comformity with the forms in the schedule to this Act, or an instrument of like nature, shall be sufficient: Provided, that the registrar shall have power to reject any instrument appearing to be unfit for registration. Proviso.

31. The registrar shall not make any entry in the register of any notice of trusts, whether expressed, implied or constructive, but a duplicate or certified copy of any instrument containing trusts in connection with lands therein described may be deposited in the office of the registrar for safe custody and reference, but shall not be registered. No notice of trust to be entered on register.

32. The registrar may require the owner of any land within his registration district desiring to transfer or otherwise to deal with the same under the provisions of this Act, to deposit with the registrar a map or plan of such land, with the several measurements marked thereon, certified by a licensed surveyor, and upon one of the following scales:— Registrar may require plan of land dealt with. According to scale.

(*a.*) If the land, or the portion thereof proposed to be transferred or dealt with, is of less area then one acre, then such map or plan shall be on a scale not less than one inch to two chains. If less than one acre.

(*b.*) If such land, or the portion thereof proposed to be transferred or dealt with, is of greater area than one acre, but not exceeding five acres, then such map or plan shall be on a scale not less than one inch to five chains. Over one and not more than five.

(*c.*) If such land, or the portion thereof proposed to be transferred or dealt with, is of greater area than five acres, but not exceeding eighty acres, then such map or plan shall be on a scale not less than one inch to ten chains. Over five but not more than eight.

(*d.*) If such land, or the portion thereof proposed to be transferred or dealt with, is of greater area than eighty acres, then such map or plan shall be on a scale of one inch to twenty chains. Exceeding eighty.

(*e.*) And such owner shall sign the said plan and declare the accuracy of the same before the registrar or a justice of the peace: Attesting plan.

(*f.*) And if such proprietor neglects or refuses to comply with such requirements as aforesaid, it shall not be incumbent on the registrar to proceed with the registration of such transfer or dealing: Provided always, that subsequent sub-divisions of the same land may be delineated upon a duplicate of the map or plan of the same so deposited, if such map is upon a sufficient scale, in accordance with the provisions herein contained; and the correctness of the delineation of each such sub-division shall be acknowledged in the manner prescribed for the case of the deposit of an original map; If owner does not comply. Proviso: as to subsequent divisions.

(*g.*) Where parts of different legal sub-divisions are included in the same transfer, the map shall represent the As to parts of legal sub-divisions.

whole of such legal sub-divisions, and shall indicate the location of the lands to be transferred: Provided always, that this shall not be necessary in the case of lots in a city, town or village, the plan of which has been registered.

Registrar may administer oaths.

33. The registrar may administer any oath or take any affirmation or declaration in lieu of an oath from any one entitled by law to affirm or declare.

The register.

How kept.

34. The registrar shall keep a book or books, which shall be called "the register," and shall bind up therein duplicates of all certificates of titles to be issued as hereinafter provided for; and each certificate of title shall constitute a separate folio of such book, and the registrar shall record therein the particulars of all instruments, dealings, and other matters by this Act required to be registered or entered in the register, and affecting the land included under each certificate of title.

The day-book: its form and use.

35. The registrar shall also keep a book or books which shall be called "the day-book," and in which shall be entered by a short description every instrument which is given in for registration, with the day, hour and minute of filing; and for purpose of priority between mortgagees, transferees and others, the time of filing shall be taken as the time of registration. The registrar, in entering memorials upon the grants and certificates of titles embodied in the register, and in endorsing a memorial upon an instrument to be issued, shall take the time from the day-book as the time of registration.

Registration of grants.

And of transfers and other instruments.

36. Every grant shall be deemed and taken to be registered under the provisions and for the purposes of this Act, so soon as the same has been marked by the registrar with the folio and volume on and in which it is embodied in the register; and every transfer and other instrument purporting to transfer, or in any way to affect land under the provisions of this Act, shall be deemed to be so registered as soon as a memorial thereof, as hereinafter described, has been entered in the register upon the folio constituted by the existing grant or certificate of title of such land.

Instruments for registration; how to be attested.

Order of registry.

Effect of registration.

37. Except as hereinafter otherwise provided, every instrument presented for registration shall, unless a Crown grant, be attested by a witness, and shall be registered in the order of time in which the same is presented for that purpose; and instruments registered in respect of or affecting the same estate or interest shall, notwithstanding any express, implied or constructive notice, be entitled in priority the one over the other, according to the time of registration and not according to the date of each instrument itself; and the registrar, upon registration thereof, shall file the same in his office; and so soon as registered, every instrument, in conformity with the provisions of this Act, shall, for the purposes of this Act, be deemed and taken to be embodied in the register as part and parcel thereof, and such instru-

ment, when so constructively embodied and stamped with the seal of the registrar, shall thereupon create, transfer, surrender or discharge, as the case may be, the estate or interest therein mentioned in the lands mentioned in the said instrument.

Particulars required in memorials.

38. Every memorial entered in the register shall state the nature of the instrument to which it relates, the day, hour, and minute of the presentation of such instrument for registration, and the names of the parties thereto, and shall refer by number or symbol to such instrument, and shall be signed by the registrar.

Memorials to be recorded on duplicate of grant, etc.

39. Whenever a memorial of any instrument has been entered in the register, the registrar shall, except in the case of transfer or other dealing endorsed upon any certificate or other instrument as herein provided, record the like memorial on the duplicate certificate, or other instrument evidencing title to the land intended to be dealt with or in any way affected; and the registrar shall endorse on every instrument so registered a certificate of the day and hour at which the said instrument was presented to be registered, and shall authenticate each such certificate by signing his name and affixing his seal thereto, and such certificate shall be received in all courts of law as conclusive evidence that such instrument has been duly registered.

Certificate of time of registration.

Evidence of.

Registration: how effected.

40. Whenever, in the Territories, any land is granted by the Crown, the letters patent therefor, when issued, shall be forwarded from the office whence the same are issued, to the registrar of the registration district in which the lands so granted are situated, and the registrar shall retain the letters patent in his office and bind the same.

Letters patent after Act in force

Owners of estate, etc., already patented.

41. The owner of any estate, or interest in any land, whether legal or equitable, letters patent for which have already issued from the Crown, may apply to have his title registered under the provisions of this Act.

Application: how made.

42. The application therefor shall be made, in writing, in the form E in the said schedule, to the registrar of the registration district in which the lands are situated, and shall be verified by the affidavit of the applicant, or some one on his behalf, accompanied by—

1. All deeds in possession of the applicant, if any;

2. A certificate showing all registrations affecting the title, down to the time such application is filed, with copies of any registered documents, the originals or duplicates whereof he is unable to produce.

If applicant original grantee of Crown, no encumbrance, etc., affecting, and title clear.

43. Upon the filing of such application, if the applicant is the original grantee of the Crown of the land, and no deed, mortgage or other encumbrance, or instrument, or caveat affecting the title appears to have been registered; or, if not such original grantee, all the original title deeds

are produced and the applicant is in actual occupation of the land in question, or (the lands being wild) in constructive possession by paying taxes, and no caveat has been registered, and if, in every case where any other person is admitted to be interested in the land, whether as mortgagee, or otherwise, such person is a consenting party to such application: the registrar, if he entertains no doubt as to the title of the applicant, shall, on payment of the fees prescribed, register the said land under this Act.

The registrar to register land.

If title not clear, registrar to transmit application to the judge.

44. If, upon the application being made as aforesaid, it appears that any person other than the applicant is interested in the said lands, whether as mortgagee or otherwise, who is not a party to the application, or in case a caveat has been registered against the said land, or the registrar entertains any doubt as to the title of the applicant, he shall forthwith, having given the applicant a certificate of the filing of such application, transmit the application, with all evidence supplied, to the judge, to be dealt with as hereinafter mentioned.

Judge to examine titles submitted.

Powers of judge.

45. The judge shall examine, without delay, all titles which are submitted to him, and for such purpose, shall hear all persons interested, or claiming to be, and shall have and exercise all the powers for compelling the attendance of persons and the production of documents, which usually appertain to courts of civil justice and the judges thereof in civil actions brought therein

Adverse claims.

46. Any person having an adverse claim or a claim not recognized in the application for registration may, at any time before the judge has approved of the applicant's title, file with the registrar a short statement of his claim, verified by affidavit and shall serve a copy thereof on the applicant, or his solicitor or agent.

Judge to examine.

47. If any adverse claim is filed, the judge shall proceed to examine into and adjudicate thereon, and no certificate of title shall be granted until such adverse claim has been disposed of.

Judge may direct publication.

48. In any case before him, the judge may direct that notice of the application be published in some newspaper or newspapers, in such form and for such period as the judge thinks expedient, and no order for registration shall be granted by him until after the expiration of at least four weeks from the first publication of such notice.

Applicant's title found satisfactory, judge to order certificate of title by registrar after four weeks, unless order appealed from.

49. The judge, if satisfied with the applicant's title, shall thereupon grant to the applicant an order directing the registrar, after the expiration of four weeks from the date thereof, unless in the meantime such order is appealed from, to register the same and issue to him a certificate of title under this Act, which order, together with all documents and proofs submitted in the case, shall be transmitted to and retained by the registrar in his custody.

50 After registration, on application by the person entitled thereto, and payment of the prescribed fees, a certificate of title shall be granted by the registrar in the form F in the said schedule, signed by him, and sealed with the seal of his office, and a copy thereof shall be preserved by the registrar in his office, in the register; and the registrar shall endorse upon the certificate of title a memorial of every mortgage, encumbrance, lease, rent, charge, term of years, or other dealing affecting the land, and such memorial shall be endorsed upon the duplicate in the possession of the owner, as well as upon the duplicate which is in the register.

After registration applicant to receive certificate of title from the registrar.

Duty of registrar.

51. Upon any subsequent transfer of the land mentioned in any such certificate, the certificate of title to be issued to the transferree shall be issued by the registrar of the registration district where the land is situate, in the prescribed form

Certificate on subsequent transfer.

52. Every registered owner of any land or interest therein shall deliver to the registrar a memorandum in writing of some post office address within the Territories, to which it shall be sufficient to mail all notices that, under this Act, are required to be sent to such registered owner; and every registered owner or transferee of any registered interest shall, if required by the registrar so to do, before the delivery of any certificate of title, sign a receipt therefor in his own handwriting, or otherwise furnish the registrar with his signature, so as to prevent personation, as far as possible.

Registered owner to give his P. O. address and a receipt for certificate.

53. Every registration of ownership shall be made on a separate folio of the register, and upon any transfer of ownership the register of the transferror's title shall be cancelled, and the title of the transferree shall thereupon be entered upon a new folio; and the registrar shall note upon the register of the title of the transferror the number of the register of the transferree's title, and upon that of the transferree the number of the register of the transferror, so that reference can be readily made from one to the other, as occasion requires.

Every registration on separate folio, and to be properly numbered.

Effect of Registration.

54. In every instrument charging, creating or transferring any estate or interest in land under the provisions of this Act, there shall be implied the following covenant by the person charging, creating or transferring such estate or interest, that is to say: That he will do such acts and execute such instruments as in accordance with the provisions of this Act are necessary to give effect to all covenants, conditions, and purposes expressly set forth in such instrument, or by this Act declared to be implied against such person in instruments of a like nature.

Certain covenants to be implied in instruments creating or transferring estate in lands.

55. No instrument, until registered under this Act, shall be effectual to pass any estate or interest in any land (except a leasehold interest for three years or for a less period), or render such land liable as security for the payment of

No instrument valid until registered, except leasehold for three years or less.

money; but upon the registration of any instrument in manner hereinbefore prescribed, the estate or interest specified in such instrument shall pass, or, as the case may be, the land shall become liable as security, in manner and subject to the covenants, conditions, and contingencies set forth and specified in such instrument or by this Act declared to be implied in instruments of a like nature; and if two or more instruments executed by the same owner, and purporting to transfer or encumber the same estate or interest in any land, are presented at the same time to the registrar for registration and endorsement, he shall register and endorse that instrument under which that person claims property, who presents to him the certificate of title of such land for that purpose.

Effect of registration.

Case of more than one instrument to the same effect presented together.

56. The registered owner of land or of any estate or interest in land under the provisions of this Act, shall hold the same subject (in addition to the incidents implied by virtue of this Act) to such encumbrances, liens, estates or interests, as are notified on the folio of the register constituted by the certificate of title to such land, absolutely free from all other encumbrances, lien, estates, or interests whatsoever, except in case of fraud wherein he has participated or colluded, and except the estates or interests of all persons entitled to or interested in any portion of land that is, by wrong description of parcels or of boundaries, erroneously included in the certificate of title, lease, or other instrument evidencing the title of such registered owner not being a purchaser or mortgagee thereof for value or deriving from or through a purchaser or mortgagee for value, and except the estate or interest of an owner claiming the same land under a prior certificate of title registered under the provisions of this Act, and which priority shall, in favor of any person in possession of land, be computed with reference to the grant or earliest certificate of title under which he or any person through whom he derives title, has held such possession, notwithstanding the surrender of such certificate, in exchange for a new certificate upon any transfer or dealing.

Registered owner, title to be subject to encumbrances noted in register, etc., but free from all others; except as provided.

57. The land mentioned in any certificate of title granted under this Act, shall, by implication, and without any special mention in the certificate of title, unless the contrary is expressly declared, be subject to:

Title of registered owner to be subject to certain implied qualifications.

(*a.*) Any subsisting reservations contained in the original grant of said land from the Crown;

(*b.*) Any municipal charges, rates or assessments for the year current at the date of such certificate, or which are thereafter imposed on the said land, or which have theretofore been imposed for local improvements and which are not then due and payable;

(*c.*) Any subsisting right of way or other easement, howsoever created upon, over or in respect of said land;

(*d.*) Any subsisting lease or agreement for a lease for a period not exceeding three years, where there is actual occupation of the said land under the same;

(*e.*) Any decrees, orders or executions against or affecting the interest of the registered owner—in such land, which may be registered and maintained in force against such registered owner whilst he so continues the registered owner;

(*f.*) All public highways embraced in the description of the lands included in any certificate shall be deemed to be excluded from the certificate;

(*g.*) And any right of appropriation which may by statute be vested in any person or body corporate.

Certificate to be conclusive evidence of title.

58. Every certificate of title granted under this Act shall (except in case of fraud, wherein the registered owner has participated or colluded), so long as the same remains in force and uncancelled under this Act, be conclusive evidence at law and in equity as against Her Majesty and all persons whomsoever, that the person named in such certificate is entitled to the land included in such certificate, for the estate or interest therein specified, subject to the exceptions and reservations mentioned in section fifty-seven, except so far as regards any portion of land that may by wrong description of boundaries or parcels be included in such certificate when the holder of such certificate is neither a purchaser or mortgagee for value, nor the transferee of a purchaser or mortgagee for value, and except as against any person claiming under any prior certificate of title granted under this Act in respect of the same land, and, for the purpose of this section, that person shall be deemed to claim under a prior certificate who is holder of, or whose claim is derived directly or indirectly from the person who was the holder of the earliest certificate granted, notwithstanding such certificate has been surrendered and a new certificate granted upon any transfer or dealing.

Exception.

As to omission of notices.

59. A purchaser or encumbrancee for valuable consideration shall not be affected by the omission to send any notice by this Act directed to be given or by the non-receipt thereof.

Instruments must be executed according to this Act to be valid.

60. After the registration of the title to any land under the provisions of this Act, no instrument shall be effectual to pass any interest therein or to render such land liable as security for the payment of money as against any *bonâ fide* transferee of the said land under this Act, unless such instrument is executed in accordance with this Act, and is duly registered thereunder.

Transfers.

Memorandum to be made and what it must contain.

61. When land under the provisions of this Act, or any portion of such land, is intended to be transferred, or any right-of-way or other easement is intended to be created or

transferred, the registered owner may execute a memorandum of transfer in the form G in the said schedule, which memorandum shall, for description of the land intended to be dealt with, refer to the grant or certificate of title of such land, or shall give such description as is sufficient to identify the same, and shall contain an accurate statement of the estate, interest or easement intended to be transferred or created, and a memorandum of all leases, mortgages and other encumbrances to which the same are subject; and such transfer, if it be endorsed on the instrument evidencing the title of the transferror, need not be executed in duplicate.

When easement is to be enjoyed with other land.

62. Whenever any easement or any incorporeal right in or over any land under the provisions of this Act, is created for the purpose of being annexed to or used and enjoyed together with other land under the provisions of this Act, the registrar shall also enter a memorial of the instrument creating such easement or incorporeal right upon the folio of the register book, constituted by the existing certificate of title of such other land.

If the transfer is of the whole or part of the land mentioned in the transfer.

63. If the memorandum of transfer purports to transfer the transferror's interest in the whole or part of the land mentioned in any grant or certificate of title, the transferror shall deliver up the certificate of title of the said land, and the registrar shall, on payment of the prescribed fees, enter in the register and on the duplicate certificate of title, a memorandum cancelling the same, either wholly or partially, according as the memorandum of transfer purports to transfer the whole or part only of the interest of the transferror in the land mentioned in such certificate of title, and setting forth the particulars of the transfer.

Duty of registrar cancelling certificate.

64. The registrar, upon cancelling any certificate of title, either wholly or partially, pursuant to any such transfer, and receiving the prescribed fees, shall make out to the transferree a certificate of title to the land mentioned in such memorandum of transfer, and every such certificate of title shall refer, if practicable, to the original grant of such land and to the instrument of transfer, and the registrar shall retain every memorandum of transfer and cancelled or partially cancelled certificate of title, and in the case of a partially cancelled certificate of title, shall return the duplicate to the grantee after the memorandum partially cancelling the same has been entered thereupon, or may, whenever required thereto by the owner of an unsold portion of land included in any such partially cancelled grant or certificate of title, or by a registered transferree of such portion, or of any part thereof, or where such a course appears more expedient, make out to such owner or transferree a certificate of title for such portion or any part thereof, of which he is the owner or transferree, upon the delivery of the partially cancelled certificate of title to the registrar, to be cancelled and retained.

65. In every instrument transferring an estate or interest in land under the provisions of this Act, subject to mortgage or encumbrance, there shall be implied the following covenant by the transferree, that is to say: That such transferree will pay the interest, annuity or rent charge secured by such mortgage or encumbrance, after the rate and at the time specified in the instrument creating the same, and will indemnify and keep harmless the transferror from and against the principal sum or other moneys, secured by such instrument, and from and against all liability in respect of any of the covenants therein contained or under this Act implied, on the part of the transferror.

Implied covenants by transferee of estate or interest subject to encumbrance.

Leases.

66. When any land under the provisions of this Act is intended to be leased or demised for a life or lives, or for a term of three or more years, the owner shall execute a lease in the form H in the said schedule, and every such instrument shall, for description of the land intended to be dealt with, refer to the certificate of title of the land, or shall give such other description as is necessary to identify such land; and a right for the lessee to purchase the land therein described may be stipulated in such instrument; and in case the lessee pays the purchase money stipulated, and otherwise observes his covenants expressed and implied in such instrument, the lessor shall be bound to execute a memorandum of transfer to such lessee of the said land, and to perform all necessary acts, by this Act prescribed, for the purpose of transferring the land to the purchaser: Provided always, that no lease of mortgaged or encumbered land shall be valid and binding against the mortgagee or encumbrancee, unless such mortgagee or encumbrancee has consented to such lease prior to the same being registered.

Form of lease for three years or more

Right to purchase by lessee.

Obligation of lessor.

Provisd: as to land encumbered.

67. In every memorandum of lease, unless a contrary intention appears therein, there shall be implied the following covenants by the lessee, that is to say:

Covenants implied against lessee.

1. That he will pay the rent thereby reserved at the times therein mentioned, and all rates and taxes which may be payable in respect of the demised property during the continuance of the lease;

Payment of rent.

2. That he will at all times, during the continuance of the said lease, keep, and, at the termination thereof, yield up the demised property in good and tenantable repair, accidents and damage to buildings from fire, storm and tempest, and reasonable wear and tear excepted.

To keep in repair.

68. In every memorandum of lease, unless a different intention appears therein, there shall also be implied the following powers in the lessor, that is to say:

Powers in favor of lessor.

1. That he may, by himself or his agents, enter upon the demised property and view the state of repair thereof, and may serve upon the lessee, or leave at his last or usual place

To inspect premises.

of abode, or upon the demised premises, a notice in writing of any defect, requiring him within a reasonable time, to be therein mentioned, to repair the same;

To re-enter on default, etc.

2. That in case the rent or any part thereof is in arrear for the space of two calendar months, or in case default is made in the fulfilment of any covenant, whether expressed or implied in such lease, on the part of the lessee, and is continued for the space of two calendar months, or in case the repairs required by such notice, as aforesaid, are not completed within the time therein specified, such lessor may enter upon and take possession of such demised premises.

Duty of registrar in case of re-entry.

69. In any such case the registrar, upon proof to his satisfaction of lawful re-entry and recovery of possession by a lessor, shall note the same by entry in the register, and the estate of the lessee in such land shall thereupon determine, but without releasing the lessee from his liability in respect of the breach of any covenant in such lease expressed or implied, and the registrar shall cancel such lease, if delivered up to him for that purpose.

Conditions implied in lease or mortgage under Act.

70. Whenever, in any lease or mortgage made under this Act, the forms of words in column one of the form I in the said schedule, and distinguished by any number therein, are used, such lease or mortgage shall be taken to have the same effect, and be construed as if there had been inserted therein the form of words contained in column two of the same form, and distinguished by the same number; and every such form shall be deemed a covenant by the covenanter with the covenantee and his transferrees, binding the former and his heirs executors, administrators, and transferrees; but it shall not be necessary in any such lease to insert any such number. There may be introduced into or annexed to any of the forms in the first column, any expressed exceptions from or expressed qualifications thereof respectively, and the like exceptions or qualifications shall be taken to be made from, or in corresponding forms in the second column.

Case of surrender effected otherwise than by operation of law.

71. Whenever any lease or demise which is required to be registered by this Act is intended to be surrendered, and the surrender thereof is effected otherwise than through the operation of a surrender in law, there shall be endorsed upon such lease or counterpart thereof the word "surrendered," with the date of such surrender, and such endorsement shall be signed by the lessee and the lessor as evidence of the acceptance thereof, and shall be attested by a witness, and the registrar shall thereupon enter in the register a memorial recording the date of such surrender, and shall likewise endorse upon the lease a memorandum recording the fact of such entry having been so made in the register; and upon such entry having been so made, the estate or interest of the lessee in such land shall vest in the lessor or in the person in whom, having regard to intervening circumstances, if any, the said land would have vested if no such lease had ever been executed; and

production of such lease or counterpart bearing such endorsed memorandum shall be sufficient evidence that such lease has been so surrendered: Provided, that no lease subject to mortgage or encumbrance shall be surrendered without the consent of the mortgagee or encumbrancee.

MORTGAGES AND ENCUMBRANCES.

Forms of mortgages and encumbrances.

72. Whenever any land or estate, or interest in land, subject to the provisions of this Act, is intended to be charged or made security in favor of any mortgagee, the mortgagor shall execute a memorandum of mortgage in form J in the said schedule, or to the like effect; and whenever any such land is intended to be charged with or made security for the payment of an annuity, rent-charge, or sum of money, in favor of any encumbrancee, the encumbrancer shall execute a memorandum of encumbrance in form K in the said schedule, or to the like effect: and every such instrument shall contain an accurate statement of the estate or interest intended to be mortgaged or encumbered, and shall, for description of the land intended to be dealt with, refer to the certificate of title on which such estate or interest is held, or shall give such other description as is necessary to identify such land, together with all mortgages or encumbrances affecting the same, if any.

Estate or interest claimed must be stated.

Mortgage, etc., not to be a transfer.

73. Mortgage and encumbrance under this Act shall have effect as security, but shall not operate as a transfer of the land thereby charged; and if default is made in payment of the principal sum, interest, annuity or rent charge, or any part thereof thereby secured, or in the observance of any covenant expressed in any memorandum of mortgage or encumbrance registered under this Act, or that is herein declared to be implied in such instrument, and such default is continued for the space of one calendar month, or for such longer period of time as is expressly limited for that purpose in such instrument, the mortgagee or encumbrancee may give to the mortgagor or encumbrancer notice in writing to pay, within a time to be specified in such notice, the money then due or owing on such mortgage or encumbrance, or to observe the covenants therein expressed or implied, as the case may be, and that all competent rights and powers will be resorted to unless such default be remedied, or where the mortgagor or encumbrancer cannot be found, may give such notice in that behalf to the mortgagor or encumbrancer in such manner as the judge, on summary application *ex parte*, directs.

Notice in case of default by mortgagor to pay money secured, etc.

Power to mortgagee to sell, etc.

74. After such default in payment or in the observance of covenants continuing for the further space of one calendar month from the service of such notice, or for such period as to the judge seems meet, such mortgagee or encumbrancee is hereby authorized and empowered to sell the land so mortgaged or encumbered, or any part thereof, and all the estate or interest therein of the mortgagor or encumbrancer, and, either altogether or in lots, by public auction or by

private contract, or by both such modes of sale, and subject to such conditions as he thinks fit, and to buy in and re-sell the same, without being liable for any losses occasioned thereby, and to make and execute all such instruments as are necessary for effecting the sale thereof; and all such sales, contracts, matters and things hereby authorized shall be as valid and effectual as if the mortgagor or encumbrancer had made, done or executed the same; and the receipt or receipts in writing of the mortgagee or encumbrancee shall be a sufficient discharge to the purchaser of such land, estate, or interest, or of any portion thereof, for so much of his purchase-money as is thereby expressed to be received; and no such purchaser shall be answerable for the loss, misapplication or non-application, or be obliged to see to the application of the purchase-money by him paid, nor shall he be concerned to inquire as to the fact of any default or notice having been made or given as aforesaid; and the purchase-money to arise from the sale of any such land, estate, or interest, shall be applied: first, in payment of the expenses occasioned by such sale; secondly, in payment of the moneys which are then due or owing to the mortgagee or encumbrancee; thirdly, in payment of subsequent mortgages or encumbrances, if any, in the order of their priority; and the surplus, if any, shall be paid to the mortgagor or encumbrancer, as the case may be.

Receipts of mortgagee valid.

Purchaser not bound to see to application of purchase money.

Application of purchase money.

Registration to vest estate in purchaser.

75. Upon the registration of any memorandum or instrument of transfer executed by a mortgagee or encumbrancee, for the purpose of such sale, as aforesaid, the estate or interest of the mortgagor or encumbrancer therein described as conveyed, shall pass to and vest in the purchaser, freed and discharged from all liability on account of such mortgage or encumbrance or of any mortgage or encumbrance registered subsequent thereto; and the purchaser shall be entitled to receive a certificate for the same.

Mortgagee may apply to judge for order of foreclosure after offer for sale.

76. When default for six calendar months, has been made in the payment of the interest or principal sum secured by memorandum of mortgage, a registered mortgagee may make application in writing to the judge for an order for foreclosure; and such application shall state that such default has been made as aforesaid, and that the land, estate or interest mortgaged has been offered for sale at public auction after proper notice given to the mortgagor, as in this Act provided, and that the amount of the highest bid at such sale was not sufficient to satisfy the money secured by such mortgage, together with the expenses occasioned by such sale, and that notice in writing of the intention of such mortgagee to make such application has been given to the mortgagor, either personally or by leaving the same with an adult at his usual or last known place of abode, and such application shall be accompanied by a certificate of the licensed auctioneer by whom such land was put up for sale, and by such other proof of the matters stated by the application as the judge requires; and the statements made in such application shall be verified by the oath of the applicant.

Certificate of auctioneer employed to sell.

77. Upon receiving such application the judge shall cause notice to be published once in each of three successive weeks in a newspaper likely to give the best notice, offering such land for sale, and shall in such case limit and appoint a time, not less than one month from the date of the last advertisement of such notice in such paper, upon or after which the judge may issue to such applicant an order for foreclosure, unless, in the interval, a sufficient amount has been realized by the sale of such land to satisfy the principal and interest moneys due, and all expenses occasioned by such sale and proceedings ; and every such order for foreclosure, under the hand of the judge and entered in the register, shall have the effect of vesting in the mortgagee all the estate and interest of the mortgagor in the land mentioned in such order, free from all right and equity of redemption on the part of the mortgagor or of any person claiming through or under him.

Notice by judge offering land for sale.

Order for foreclosure.

Entry of order and its effect.

78. Upon the production of any memorandum of mortgage or encumbrance, having thereon an endorsement signed by the mortgagee or encumbrancee, and proved by the affidavit of an attesting witness, discharging the land from the whole or part of the principal sum or annuity secured, or discharging any part of the land comprised in such instrument from the whole of such principal sum or annuity, or upon proof being made to the satisfaction of the judge of the payment of all moneys due on any mortgage or encumbrance, the judge may direct the registrar to make, and the registrar shall thereupon make an entry in the register, noting that such mortgage or encumbrance is discharged wholly or partially, or that part of the land is discharged, as aforesaid, as the case requires ; and upon such entry being so made, the land, or the estate or interest in, or the portion of the land mentioned or referred to in such endorsement as aforesaid, shall cease to be subject to or liable for such principal sum or annuity, or, as the case may be, for the part thereof noted in such entry as discharged.

Discharge of mortgage, etc.

Entry by registrar.

Effect of entry.

79. Upon proof of the death of the annuitant, or of the occurrence of the event or circumstance upon which, in accordance with the provisions of any memorandum of encumbrance, the annuity or sum of money thereby secured ceases to be payable, and upon proof that all arrears of the said annuity and interest or money have been paid, satisfied, or discharged, the registrar shall, upon the order of the judge, make an entry in the register book, noting that such annuity or sum of money is satisfied and discharged, and shall cancel such instrument ; and upon such entry being made, the land shall cease to be subject to or liable for such annuity or sum of money, and the registrar shall, in any or either such case as aforesaid, endorse on the grant, certificate of title, or other instrument evidencing the title of the mortgagor or encumbrancer to the land mortgaged or encumbered, a memorandum of the date on which such entry as aforesaid was made by him in the register book, whenever such grant, certificate of title or other instrument is presented to him for that purpose.

Death of annuitant or cessation of encumbrance.

Entry.

Its effect.

Registrar's duty.

Payment into chartered bank allowed if no person in Territories to receive the money on order of judge.

80. If any mortgagor becomes entitled to pay off the mortgage money, and the registered mortgagee is absent from the Territories and there is no person authorized by registered power of attorney to give a receipt to the mortgagor for the mortgage money after the date appointed for the redemption of any mortgage, the judge, on application to him, and proof of the facts and of the amount due for principal and interest upon such mortgage, may direct the payment into a chartered bank having a branch or agency in the district, or, if not in the district, in the Territories, of such mortgage money, with all arrears of interest then due thereon, to the credit of the mortgagee or other person entitled thereto, and thereupon the interest upon such mortgage shall cease to run or accrue, and the registrar shall, upon presentation of the judge's order and of the receipt of the manager or agent of such bank for the amount of the said mortgage money and interest, make an entry in the register discharging such mortgage, stating the day and hour on which such entry is made, and such entry shall be a valid discharge of such mortgage and shall have the same force and effect as is hereinbefore given to a like entry when made upon production of the memorandum of mortgage with the receipt of the mortgagee; and the registrar shall endorse on the certificate of title, or other instrument as aforesaid, and also on the memorandum of mortgage, whenever those instruments are brought to him for that purpose, the several particulars hereinbefore directed to be endorsed upon each of such instruments respectively: Provided, that after payment as aforesaid of any mortgage money and interest, the mortgagee entitled thereto shall not recover any further sum in respect of such mortgage than the amount so paid.

Registration of discharge

Proviso.

Transfer of mortgages, etc.

81. Mortgages, encumbrances and leases may be transferred by a transfer executed in the form L in the said schedule, and the transfer shall be registered in the manner hereinbefore set forth, and transferrees shall have priority according to the date and time of registration. And any mortgagee may transfer a part of the sum secured by the mortgage by a transfer executed in the form M in the said schedule, and the part so transferred shall continue to be secured by the mortgage, and may be given priority over the remaining part, or may be deferred, or may continue to rank equally with it under the security of the original mortgage, as stated in the instrument of transfer; and the registrar shall enter on the certificate of title a memorandum of the amount of the mortgage so transferred, the name of the transferree, and now the sum so transferred is to rank, and shall notify the mortgagor of the facts.

Effect of registration of transfers.

82. Upon the registration of any transfer of any mortgage, encumbrance or lease, the estate or interest of the transferror, as set forth in such instrument, with all rights, powers and privileges thereto belonging or appertaining, shall pass to the transferree, and such transferree shall thereupon become subject to and liable for all and every the same requirements and liabilities to which he would have been subject and liable if named in such instrument.

Rights of transferree.

83. By virtue of every such transfer the right to sue upon any mortgage or other instrument, and to recover any debt, sum of money, annuity or damage thereunder (notwithstanding the same may be deemed or held to constitute a chose in action), and all interest at the time of such transfer in any such debt, sum of money, annuity or damages, shall be transferred so as to vest the same in law in the transferree thereof: Provided always, that nothing herein contained shall prevent any court of competent jurisdiction from giving effect to any trusts affecting the said debt, sum of money, annuity or damages, in case the said transferree shall hold the same as trustee for any other person.

Implied covenant to repair by mortgagor

84. In every memorandum of mortgage there shall be implied against the mortgagor remaining in possession, a covenant that he will repair and keep in repair all buildings or other improvements erected and made upon the land, and that the mortgagee may, at all convenient times, until such mortgage is redeemed, be at liberty, with or without surveyors or others, to enter into or upon such land to view and inspect the state of repair of such buildings or improvements.

Powers of Attorney.

To be in form N of schedule.

85. The registered proprietor of any land, estate or interest, may authorize and appoint any person to act for him or on his behalf in respect of the transfer or other dealing with such land, estate, or interest in accordance with the provisions of this Act, by executing a power of attorney in any form heretofore in use for the like purpose, or in form N in the said schedule, or as near thereto as circumstances permit, and a duplicate or attested copy thereof shall be deposited with the registrar, who shall enter in the register a memorandum of the particulars therein contained and the date and hour and minute it is deposited with him.

Registration.

Revocation: how effected.

86. Any such power of attorney may be revoked by a revocation order in the form O in the said schedule, and after the registration of any revocation of a power the registrar shall not give effect to any transfer or other instrument signed pursuant to such power unless under any registration abstract outstanding at the time.

Registration Abstract.

Registrar to grant abstract to enable owner to deal with land when out of Territories.

87. The registrar, upon the application of any registered owner of land subject to this Act, shall grant to such owner a registration abstract in the form P in the said schedule, enabling him to transfer or otherwise deal with his land at any place without the Territories, and shall, at the same time, enter in the register a memorandum recording the issue of such registration abstract, and shall endorse on the certificate of title or other instrument evidencing the title of such applicant owner, a like memorandum; and after the issuing of such registration abstract no transfer or other deal-

ing in any way affecting the land in respect of which such registration abstract is issued shall be entered in the register until such abstract has been surrendered to the registrar to be cancelled, or the loss or destruction of such abstract has been proven to his satisfaction, and the time therein limited for its production has expired.

Mode of dealing with land under abract .

88. Whenever any dealing is intended to be transacted after any such registration abstract has been issued, a transfer or other instrument, as the case requires, prepared in duplicate in the form herein appointed, shall be produced to some one of the persons hereinafter appointed as persons before whom the execution of instruments without the limits of the territories may be proven, and upon a memorial of such instrument being entered upon the registration abstract and authenticated by the signature of such authorized person as aforesaid, in manner herein directed for the entry of memorials in the register, such instrument shall be held to be registered, and such transfer or other dealing shall be as valid and binding as if the same had been entered in the register by the registrar; and whenever a memorial of any instrument which has not been endorsed upon the instrument evidencing the title to the estate or interest intended to be dealt with, has been entered upon the registration abstract, such authorized person as aforesaid shall record a like memorial on the duplicate certificate of title, lease, or other instrument evidencing title, as aforesaid, and the certificate of registration endorsed on the instrument of which the memorial has been so entered and signed by such authorized person and sealed with his seal of office shall be received in all courts in Canada as conclusive evidence that such instrument has been duly registered.

Entry on abstract.

Certificate and its effect.

Duty of registrar on delivery of abstract having dealings entered on it.

89. Upon the delivery of any registration abstract to the registrar, he shall record in the register, in such manner as to preserve their priority, the particulars of every transfer or other dealing, recorded therein, and shall file in his office duplicates of every memorandum of transfer or other instrument executed thereunder, for that purpose delivered to him, and shall cancel such abstract and note the fact of such cancellation in the book, and if the whole interest of the transferror in such land or in any part thereof is transferred, the certificate of title shall be delivered up to the registrar, who shall thereupon proceed, as is hereinbefore directed in the case of an absolute transfer.

Provision in case abstract lost, etc.

90. Upon proof at any time to the satisfaction of the registrar that any registration abstract is lost, or so obliterated as to be useless, and that the rights and powers thereby given have never been exercised, and that the time limited by such abstract for exercising the rights thereby conferred has expired, then, upon proof of the several matters and things, if any, that have been done thereunder, it shall be lawful for the registrar, as circumstances require, either to issue a new registration abstract, or to direct such entries to be made in the register, or such other matter or thing to

be done, as might have been made or done if no such loss or obliteration had taken place.

TRANSMISSION.

Land of deceased owner to vest in personal representative, and to be registered as owner.

91. Whenever the owner of any land dies leaving a will, such land shall, subject to the provisions of this Act, vest in the personal representative of the deceased owner, who shall, before dealing with such lands, make application in writing to the registrar to be registered as owner, and shall produce to the registrar the probate of the will of the deceased owner, or letters of administration, or the order of the court authorizing him to administer the estate of the deceased owner, or an office copy of the said probate, letters of administration or order, as the case may be, and thereupon the registrar shall enter in the register a memorial of the date of the will and of the probate or of the letters of administration or orde of the court as aforesaid, the date, hour and minute of the production of the same to him, the date of the death of such owner, when the same can be ascertained, with such other particulars as he deems necessary; and upon such entry being made, the executor or administrator as the case may be, shall be deemed to be the owner of such lands, and the registrar shall note the fact of such registration by memorandum under his hand on the probate of the will, letters of administration, order, or other instrument as aforesaid: Provided always, that the title of the executor or administrator to such land shall relate back and take effect as from the date of the death of the deceased owner: Provided also, that the duplicate certificate of title granted to the deceased owner shall be delivered up to be cancelled, and the registrar shall issue to the executor or administrator a fresh certificate of title, stating therein the fact that the new registered owner is the executor or administrator.

How registered.

Duty of registrar.

Proviso.

Proviso.

Mortgage, etc., transmitted by will or intestacy.

Registration of personal representative, as owner.

How effected.

Effects thereof.

92. Whenever any mortgage, encumbrance or lease affecting land registered under this Act is transmitted in consequence of the will or intestacy of the owner thereof, the probate of the will of the deceased owner, or letters of administration, or the order of the court authorizing a person as aforesaid to administer the estate of the deceased owner, accompanied by an application in writing from the executor, or administrator, or such other person as aforesaid, claiming to be registered as owner in respect of such estate or interest, shall be produced to the registrar, who shall thereupon enter in the register and on the instrument evidencing title to the mortgage, encumbrance or lease transmitted, the date of the will and of the probate, or of the letters of administration, or order of the court as aforesaid, the date and hour of the production of the same to him, the date of the death of such owner, when the same can be ascertained, with such other particulars as he deems necessary; and upon such entry being made, the executor, or administrator, or such other person, as the case may be, shall be deemed to be the owner of such mortgage, encumbrance, or lease, and the registrar shall note the fact

of such registration by memorandum under his hand on the letters of administration, probate, or order as aforesaid.

If lands of deceased are subject to trusts.

93. Any person registered in place of a deceased owner, shall hold the land in respect of which he is registered upon the trusts and for the purposes to which the same is applicable by this Act or by law, and subject to any trusts and equities upon which the deceased owner held the same, but, for the purpose of any registered dealings with such land, he shall be deemed to be the absolute owner thereof : Provided always, that any person beneficially interested in any such lands or any estate or interest therein, may apply to a court or judge having jurisdiction, to have the same taken out of the hands of the trustee having charge by law of such property, and transferred to some other person or persons ; and the court or judge, upon reasonable cause being shown, shall name some suitable person or persons as owner of the lands, or the estate or interest in question as the case may be ; and upon the person or persons named accepting the ownership and giving approved security for the due fulfilment of the trusts, the court or judge may order the registrar to cancel the certificate to the trustee, and to grant a new certificate to the person or persons so named ; and the registrar, upon the production of such order, shall cancel the certificate to the trustee, and shall enter in the register a memorandum of the appointment by order of the court or judge of such person or persons as owner in trust, and a certificate of title shall be issued to him or them.

Proviso : as to persons beneficially interested.

Duty of sheriff, etc., receiving process against land.

94. Every sheriff, or other officer charged with the execution thereof, shall, after this Act is in force and thereafter, after the delivery to him of any writ or other process affecting land, or lien, mortgage or encumbrance, or other interest therein, deliver a copy thereof, certified under his hand, together with a memorandum in writing of the lands intended to be charged thereby, to the registrar within whose district such lands are situate ; and no land shall be bound by any such writ or other process, until such copy and memorandum have been so delivered ; and from and after the delivery of a copy of any such writ or other process and memorandum to the registrar the same shall operate as a caveat against the transfer by the owner of the land mentioned in such memorandum, or of any interest he has therein, and no transfer shall be made by him of such land or interest therein except subject to such writ or other process.

Sheriff's memorandum to operate as a caveat.

Satisfaction of writ to be entered on register.

95. Upon production and delivery to the registrar of a certificate by the sheriff (under his seal of office) or other officer, of the satisfaction of or withdrawal from his hands of any such writ or process as aforesaid, he shall enter a memorandum to that effect on the register, and from thenceforth such writ or process shall be deemed to be satisfied.

Sheriff's sale to require confirmation by a judge.

96. No sale by a sheriff or other officer as aforesaid, under process of law, of any land, shall be of any effect until the

same has been confirmed by a judge; and upon the production to the registrar of a duly executed transfer of any land so sold, if an order of confirmation of such sale is endorsed on such transfer, the purchaser at such sale shall be entitled to be registered as the owner of the interest purchased by him at such sale, and to a certificate of title to the same.

The application for such sale, and how made.

97. The application for the confirmation of a sale made under any process of law, may be made by the sheriff or other officer making such sale, or any person interested in such sale, on notice to the owner, unless the judge, to whom such application is made, dispenses with such notice; and if the sale is confirmed the costs of confirmation shall be borne and paid out of the purchase money, or as the judge directs; but in case such sale is not confirmed, the purchase money paid by him shall be refunded to the purchaser; and the judge may make such order as to the costs of all parties to the sale and of the application for its confirmation as he thinks just.

Notice of intended registration of sheriff's sale.

Registration.

98. When any land is sold under process of law, the registrar shall, upon the production to him of the transfer of the same in the form Q in the said schedule with proof of the due execution thereof, and the order of confirmation of such sale, cause a notice to be mailed to the proper post office address of the person whose interest in such lands has been sold, and after the expiration of four weeks from the mailing of such notice shall register the purchaser as the owner of the interest in the said lands so sold, and shall issue to him a certificate in the prescribed form and do all other things necessary for the registration of the vendee as registered owner of the interest in the lands purchased by him, unless such registration is in the meantime stayed by the order of some court having jurisdiction, or of any judge thereof, and in such case the registration shall not be made nor the certificate issued, except according to the order and direction of such court or judge.

C of registra

On proof of marriage of female owner, husband's name to be entered by registrar.

Surrender of existing certificate, and issue of new one on application.

99. The registrar, upon the production of the register or other sufficient proof of the marriage of a female owner of any land, estate or interest, accompanied by a statement in writing, signed by her, shall enter on the register and also upon the certificate of title or other instrument evidencing the title of such female owner, when produced to him for that purpose, the name and description of her husband, the date of the marriage and where solemnized, and the date and hour of the production to him of the register or other sufficient evidence of such marriage; and the registrar, upon application to that effect, and surrender of the existing certificate of title, shall comply with such application, and perform such acts as, in accordance with the provisions of this Act, are necessary for the purpose of giving effect thereto.

Caveats.

Who may lodge caveat, and for what purpose.

100. Any person claiming to be interested under any will, settlement or trust deed, or any instrument of transfer or transmission, or under any unregistered instrument, or otherwise howsoever, in any land, may lodge a caveat with the registrar to the effect that no disposition of such land be made either absolutely, or in such manner and to such extent only as in such caveat is expressed, or until notice has been served on the caveator, or unless the instrument of disposition be expressed to be subject to the claim of the caveator, as claimed in such caveat, or to any lawful conditions expressed therein;

Form.

(*a.*) A caveat may be in the form R in the said schedule, and shall be verified by the oath of the caveator or his agent, and shall contain an address within the registration district at which notices may be served;

Registrar's duty on receipt.

(*b.*) Upon the receipt of a caveat, the registrar shall make a memorandum thereon of the date, hour, and minute of the receipt thereof, and shall enter a memorandum thereof in the register and shall forthwith send a notice of such caveat through the post office or otherwise to the person against whose title such caveat has been lodged;

Effect of caveat while in force.

(*c.*) So long as any caveat remains in force the registrar shall not enter in the register any memorandum of transfer or other instrument purporting to transfer or otherwise deal with or affect the land in respect to which such caveat is lodged;

Proceedings for setting it aside.

(*d.*) The owner or other person claiming the land may, by summons, call upon the caveator to attend before a court of competent jurisdiction or a judge thereof, to show cause why the said caveat should not be withdrawn, and the said court or judge may, upon proof that such last-mentioned person has been summoned, and upon such evidence as the court or judge requires, make such order in the premises either *ex-parte* or otherwise as to the said court or judge seems fit.

To lapse in one month unless proceedings taken.

(*e*) After the expiration of one month from the receipt thereof, such caveat shall lapse, unless, within that time, proceedings in a court of competent jurisdiction have been taken to establish the caveator's title to the estate or interest specified in the caveat, and an injunction or order has been granted, restraining the registrar from issuing a certificate of title or otherwise dealing with the said land.

Power to withdraw caveat.

(*f.*) The caveator may, by notice in writing to the registrar, withdraw his caveat at any time, but notwithstanding such withdrawal the court or judge may order the payment by the caveator of the costs of the caveatee incurred prior to such withdrawal;

Entry of withdrawal, etc.

(*g*). An entry shall be made by the registrar in the register of the withdrawal, lapse, or removal of any caveat or of any

order made by the court in connection therewith; and after such withdrawal, lapse, or removal, it shall not be lawful for the same person or for any one on his behalf to lodge a further caveat in relation to the same matter;

Liability of person wrongfully entering caveat.

(*h.*) Any person lodging or continuing any caveat wrongfully and without reasonable cause, shall be liable to make compensation to any person who has sustained damage thereby, and such compensation may be recovered by proceedings at law if the caveator has withdrawn such caveat, and no proceedings have been taken by the caveatee as herein provided, but if proceedings have been taken by the caveatee, then such compensation shall be determined by the court or judge acting in the same proceedings;

Power of judge to prohibit transfer of land.

(*j*) The judge, on application for that purpose, on behalf of any person who is under the disability of infancy, lunacy, unsoundness of mind or absence from the Territories, may, by order directed to the registrar, prohibit the transfer or dealing with any land belonging to any such person, and the dealing with any land in any case in which it appears to him that an error has been made by misdescription of such land or otherwise in any certificate of title or other instrument, or for the prevention of any or improper dealing.

ATTESTATION OF INSTRUMENTS.

How to be witnessed.

101 Powers of attorney and instruments requiring to be registered under this Act, other than grants from the Crown, orders in council, instruments under the seal of any corporation, orders of a court or a judge, or certificates of any judicial proceedings, attested as such, shall be witnessed by one person who shall attest the instrument in the usual legal form of attestation; and the witness so attesting the instrument shall appear before the registrar, deputy registrar or a stipendiary magistrate, or notary public or a justice of the peace in or for the said Territories, and make an affidavit in the form S in the said schedule.

Oath of witnesses.

As to instruments executed out of Territories.

102. Instruments requiring to be registered under the provisions of this Act, executed without the limits of the Territories, shall be witnessed by some person who can write, and who shall make an affidavit in the form S in the said schedule before one of the following persons:—

In Canada.

1. If made in any Province of Canada, before a judge of any court of record, any commissioner authorized to take affidavits, in such Province, for use in any court of record in the Territories, or before any notary public under his official seal; or

In United Kingdom.

2. If made in the United Kingdom, before a judge of any court of record, the mayor of any city or incorporated town under the common seal of such city or town, or notary public under his official seal; or

In a British colony.

3. If made in any British colony or possession out of Canada, before a judge of any court of record, the mayor of any city or incorporated town, under the common seal of such city or town, or notary public under his official seal; or

In a foreign country.

4. If made in a foreign country, before the mayor of any city or town, certified under the common seal of any such city or town, or before the British consul, vice-consul or consular agent residing therein, or before any judge of any court of record or a notary public, under his official seal.

EJECTMENT—ASSURANCE FUND, &C.

Registered owner protected against ejectment except:

103. No action of ejectment or other action for the recovery of any land shall lie or be sustained against the registered owner, under this Act, for the estate or interest in respect to which he is so registered, except in any of the following cases: that is to say,—

Mortgagor in default;

(*a*) The case of a mortgagee as against a mortgagor in default;

Encumbrancer in delault;

(*b.*) The case of an encumbrancee as against an encumbrancer in default;

Lessee in default;

(*c.*) The case of a lessor as against a lessee in default;

Fraud;

(*d.*) The case of a person deprived of any land by fraud as against the person registered as owner of such land through fraud, or as against a person deriving otherwise than as a transferree *bonâ fide* for value, from or through a person registered through fraud;

Wrong boundaries;

(*e.*) The case of a person deprived of or claiming any land included in any grant or certificate of title of other land by misdescription of such other land or of its boundaries, as against the registered owner of such other land, not being a transferree of such other land or deriving from or through a transferree thereof *bonâ fide* for value;

Double registration;

(*f.*) The case of a registered owner claiming under an instrument of title prior in date of registration, under this Act, in any case in which two or more grants, or two or more certificates of title, or a grant and a certificate of title, are registered under this Act in respect to the same land;

As to other cases.

(*g.*) And in any case, other than as aforesaid, the production of the certificate of title shall be an absolute bar and estoppel to any such action against the person named in such instrument as seized of, or as registered owner or lessee of the land therein described.

Compensation of party deprived of land by fraud, error, etc.

104. Any person deprived of land or of any estate or interest in land in consequence of fraud, or by the registration of any other person as owner of such land, estate, or interest, or in consequence of any fraud, error, omission or misdescription in any certificate of title or in

any entry or memorial in the register, may, in any case in which such lands have been included in two or more grants from the Crown, bring and prosecute an action at law for the recovery of damages against such person as the judge appoints, and in any other case against the person upon whose application such erroneous registration was made, or who acquired title to the estate or interest in question through such fraud, error, omission, or misdescription: Provided always, that except in the case of fraud or error occasioned by any omission, misrepresentation, or misdescription in the application of such person to be registered as owner of such land, estate or interest, or in any instrument executed by him, such person shall, upon a transfer of such land *bonâ fide* for value, cease to be liable for the payment of any damages which, but for such transfer, might have been recovered from him under the provisions hereinbefore contained, and such damages, with costs of action, may, in such last-mentioned case, be recovered out of the land assurance fund, by action against the registrar as nominal defendant.

Proviso: such person not to be liable in damages.

Rec y thereof from assurance fund.

105. Nothing in this Act contained shall be so interpreted as to leave subject to action for recovery of damages as aforesaid, or to action of ejectment, or to deprivation of the estate, or interest, in respect to which he is registered as owner, any purchaser or mortgagee *bonâ fide* for valuable consideration of land under this Act, on the plea that his vendor or mortgagor has been registered as owner through fraud or error, or has derived from or through a person registered as owner through fraud or error, and this whether such fraud or error consists in wrong description of the boundaries or of the parcels of any land, or otherwise howsoever.

Purchasers and mortgages protected in such case.

106. The land assurance fund shall be formed by the Receiver-General by deducting from the gross fees returned and paid into him by the registrars, twenty per cent of the fees so received for the purposes of this Act, and investing the same, together with all interest and profits accrued thereon from time to time, in Canadian Government securities.

Assurance fund; how formed.

107. If the person against whom such action for damages is directed to be brought as aforesaid, is dead, or cannot be found within the Territories, an action for damages may be brought against the registrar as nominal defendant, for the purpose of recovering the amount of the said damages and costs against the assurance fund, and in any such case, if final judgment is recovered, and also in any case in which damages are awarded in any action as aforesaid, and the sheriff makes a return of *nulla bona*, or certifies that any portion thereof, with costs awarded, cannot be recovered from such person, the Minister of Finance and Receiver-General, upon receipt of a certificate of the court before which said action was tried, shall pay the amount of such damages and costs as are awarded, or the unrecovered balance thereof as the case may be, and charge the same to the account of the assurance fund hereinbefore named.

If registered owner dead, action against registrar as nominal defendant.

Action for damages may in certain cases be brought against registrar as nominal defendant.

108. Any person sustaining loss or damage through any omission, mistake or misfeasance of the registrar, or any of his officers or clerks, in the execution of their respective duties, under the provisions of this Act, and any person deprived of any land or of any estate or interest in land, by the registration of any other person as owner of such land, or by any error, omission or misdescription in any certificate of title, or in any entry or memorial in the register, and who, by the provisions of this Act, is barred from bringing an action of ejectment or other action for the recovery of such land, estate or interest, may, in any case in which the remedy by action for recovery of damages, as hereinbefore provided, is barred, bring an action against the registrar as nominal defendant, for recovery of damages; and if the plaintiff recovers final judgment against such nominal defendant, the court or judge before whom such action is tried, shall certify to the fact of such judgment, and the amount of such damages and costs recovered, and the Minister of Finance and Receiver-General, shall pay the amount thereof to the person entitled on production of an exemplification or certified copy of the judgment rendered: Provided always, that notice in writing of every such action, and of the cause thereof, shall be served upon the Attorney-General of Canada, and also upon the registrar, one calendar month at least before the commencement of such action.

Payment out of assurance fund.

Proviso: notice of action.

When nominal defendant shall have costs.

109. If, in any such action, judgment is given in favor of the nominal defendant, or the plaintiff discontinues or becomes non-suited, the plaintiff shall be liable to pay the full costs of defending such action, and the same when taxed shall be levied in the name of the nominal defendant, by the like process of execution as in ordinary civil cases.

No action after a certain time.

110. No action for recovery of damages sustained through deprivation of land, or of any estate or interest in land, as hereinbefore described, shall lie or be sustained against the registrar, or against the assurance fund, unless the same is commenced within the period of six years from the date of such deprivation: Provided, nevertheless, that any person under the disability of infancy, lunacy or unsoundness of mind, may bring such action within six years from the date on which such disability ceases; and the plaintiff in any such action, within six years from the date on which such disability ceased, and the plaintiff in any such action at whatever time it is brought, and the plaintiff in any action for the recovery of land, shall be non-suited in any case in which it appears to the satisfaction of the judge before whom such action is tried, that such plaintiff or the person through or under whom he claims title had notice by personal service or otherwise was aware of such delay, and wilfully or collusively omitted to lodge a caveat forbidding the same, or allowed such caveat to lapse.

Proviso: in case of disability.

As to persons having notice and neglecting to file caveats.

Recovery of amount paid out of assurance fund.

111. Whenever any amount has been paid out of the assurance fund on account of any person, such amount may be recovered from him, or if dead, from the estate of such person, by action against his personal representatives, in the

name of the registrar; and a certificate signed by the Minister of Finance and Receiver-General of such payment out of the assurance fund, shall be sufficient proof of such debt; and whenever any amount has been paid out of the assurance fund on account of any person who has absconded, or who cannot be found within the Territories, and may have left any real or personal estate within the same, the judge, upon the application of the registrar, and upon the production of a certificate signed by the Minister of Finance and Receiver-General that the amount has been paid in satisfaction of a judgment against the registrar as nominal defendant, may allow the registrar to sign judgment against such person forthwith for the amount so paid out of the assurance fund, together with the costs of the application; and such judgment shall be final, and shall be signed in like manner as a final judgment by default in an adverse suit, and execution may issue immediately; and if such person has not left real or personal estate within the Territories sufficient to satisfy the amount for which execution has issued as aforesaid, the registrar may recover such amount, or the unrecovered balance thereof, by information against such person at any time thereafter in the Exchequer Court of Canada at the suit of the Attorney-General of Canada.

If party liable is out of Territories.

If he has not left property to satisfy the claim.

112. The assurance fund shall not, under any circumstances, be liable for compensation for any loss, damage or deprivation occasioned by the breach by a registered owner of any trust, whether express, implied or constructive; nor in any case in which the same land has been included in two or more grants from the Crown; nor shall the assurance fund be liable in any case in which such loss or deprivation has been occasioned by any land being included in the same certificate of title with other land, through misdescription of the boundaries or parcels of any land, unless, in the case last aforesaid, it is proved that the person liable for compensation and damages is dead, or has absconded from the Territories, or has been adjudged insolvent, or the sheriff has certified that he is not able to realize the full amount and costs awarded in any action for such compensation; and the said fund shall be liable for such amounts only as the sheriff fails to recover from the person liable as aforesaid.

Assurance fund not liable in certain cases.

Remedial Proceedings.

113. If any person is dissatisfied with any act, omission, refusal, decision, direction or order of the registrar, such person may require the registrar to set forth, in writing under his hand, the grounds of such act, omission, refusal, direction, decision, or order, and such person may then apply to the judge by petition, setting forth the grounds of his dissatisfaction, and the judge, having caused the registrar to be served with such petition, shall have jurisdiction to hear the said petition, and to make such order in the premises as the circumstances of the case require, and as to the costs of the parties appearing upon such petition.

Appeal by a person dissatisfied with act or omission of registrar.

Registrar may refer doubtful points to judge.

114. Whenever question arises with regard to the performance of any duty, or the exercise of any function by this Act conferred or imposed upon the registrar, or whenever, in the exercise of any duty of the registrar, question arises as to the true construction or legal validity or effect of any instrument, or as to the persons entitled, or as to the extent or nature of the estate, right or interest, power or authority, of any person or class of persons, or as to the mode in which any entry ought to be made on the register or certificate of title, or as to any doubtful or uncertain right or interest stated, or claimed to be dealt with by the registrar, he may refer the same in the form T in the said schedule to the judge, who may allow any of the parties interested to appear before him and summon any others of such persons to appear and show cause, either personally or by counsel or attorney, in relation thereto ; and the judge, having regard to the persons appearing before him, whether summoned or not, shall decide the question, or direct any proceedings to be instituted for that purpose, and direct such particular form of entry to be made on the register or certificate of title as under the circumstances appears to be just.

Proceedings before judge.

Power of registrar in case of fraud or error.

115. If it appears to the satisfaction of the registrar that any grant, certificate of title, or other instrument has been issued in error, or contains any misdescription of land, or boundaries, or that any entry or endorsement has been made in error on any grant, certificate of title or other instrument, or that any such grant, certificate, instrument, entry or endorsement has been fraudulently or wrongfully obtained, or that any such grant, certificate, or instrument, is fraudulently or wrongfully retained, he may, by written demand, require the person to whom such grant, certificate or instrument has been so issued, or by whom it has been so obtained or is retained, to deliver up the same, for the purpose of being cancelled or corrected, as the case requires ; and in case such person refuses or neglects to comply with such requisition, or cannot be found, the registrar may apply to the court or judge to issue a summons for such person to appear before him and show cause why such grant, certificate or other instrument should not be delivered up to be cancelled or corrected as aforesaid, and if such person, when served with such summons, neglects or refuses to attend before such court or judge at the time therein appointed, the court or judge may issue a warrant authorizing and directing the person so summoned to be apprehended and brought before said court or judge for examination.

Interference by judge.

Examination of persons before judge.

116. Upon the appearance, before the court or judge, of any person summoned or brought up by virtue of a warrant as aforesaid, such court or judge may examine such person upon oath, and in case it appears right so to do, may order such person to deliver up such grant, certificate of title or other instrument as aforesaid ; and upon refusal or neglect by such person to deliver up the same, pursuant to such order, or to be put under oath, or to be examined, or to answer any question touching the matter after being sworn, may commit such person to the nearest common gaol

for any period not exceeding six months, unless such grant, certificate of title, or other instrument is sooner delivered up, or sufficient explanation is made why the same cannot be done, and in such case, or in case such person has absconded so that summons cannot be served upon him as hereinbefore directed, such court or judge may direct the registrar to cancel or correct any certificate of title or other instrument, or any entry or memorial in the register relating to such land, and to substitute and issue such certificate of title or other instrument or make such entry as the circumstances of the case may require, and the registrar shall obey such order.

Cancellation by order of judge, and duty of registrar.

117. In any proceeding respecting land or in respect of any transaction or contract relating thereto, or in respect of any instrument, caveat, memorial, or other entry affecting land, the court or judge, by decree or order, may direct the registrar to cancel, correct, substitute or issue any certificate of title, or make any memorial or entry in the register, and otherwise to do every such act or make every such entry necessary to give effect to such decree or order.

Further powers of direction by court or judge.

General Provisions.

118. Upon the application of any owner of lands held under separate certificates of title, or under one certificate of title, and the delivering up of such certificate or certificates of title, the registrar may issue to such proprietor a single certificate of title for the whole of such land, or several certificates, each containing a portion of such lands, in accordance with such application and as far as the same may be done consistently with any regulation for the time being in force respecting the parcels of land that may be included in one certificate of title; and upon issuing any such certificate of title, the registrar shall enter on the new certificate of title all the memorials to which the piece of land is at the time subject, and shall cancel the previous certificate of title of such land so delivered up, and shall endorse thereupon a memorandum, setting forth the occasion of such cancellation and referring to the certificate of title so issued.

Registrar may cancel separate certificates to same person and issue one certificate for whole land.

119. In the event of a certificate of title of land being lost or destroyed, the owner of such land, together with other persons, if any, having knowledge of the circumstances, may make a declaration, stating the facts of the case, the names and descriptions of the registered owners, and the particulars of all mortgages, encumbrances, and other matters affecting such land and the title thereto, to the best of declarant's knowledge and belief; and the registrar, if satisfied of the truth of such declaration and the *bona fides* of the application, may issue to the owner of such land a provisional certificate of title of such land, which provisional certificate shall contain an exact copy of the original certificate of title bound up in the register, and of every memorandum and endorsement thereon, and shall also contain a statement why such provisional certificate is issued; and the registrar shall, at the same time, enter in the register

Provision in case of loss or destruction of certificate.

Provisional certificate.

Entry in register.

notice of the issuing of such provisional certificate and the date thereof, and why it was issued; and such provisional certificate shall be available for all purposes and uses for which the grant or certificate of title so lost or destroyed would have been available, and as valid, to all intents, as such lost certificate: Provided always, that the registrar, before issuing such provisional certificate, shall give at least thirty days' notice of his intention so to do, in some newspaper published in the registration district, or if there be no such newspaper, then by posting such notice upon the door of the registry office, or in some public place.

Proviso: notice of registrar.

Owner subdividing land to file map.

120. Any owner sub-dividing land for the purpose of selling the same in allotments, as a town plot, shall deposit with the registrar a map of such town plot, which map shall exhibit distinctly all roads, streets, passages, thoroughfares, squares, or reserves, appropriated or set apart for public use, and also all allotments into which the said land is divided, and such allotments shall be marked with distinct numbers and symbols; and every such map shall be signed by the owner or his agent, and certified as accurate by a Dominion land surveyor before the registrar or a justice of the peace.

How certified.

Implied covenants may be negatived or modified.

121. Every covenant and power declared to be implied in any instrument by virtue of this Act, may be negatived or modified by express declaration in the instrument, or endorsed thereon; and in any action for a supposed breach of any such covenant, the covenant alleged to be broken may be set forth, and it shall be lawful to allege that the party against whom such action is brought did so covenant, precisely in the same manner as if such covenant had been expressed in words in such memorandum of transfer or other instrument, any law or practice to the contrary notwithstanding; and every such implied covenant shall have the same force and effect, and be enforced in the same manner as if it had been set out at length in such instrument; and where any memorandum of transfer or other instrument, in accordance with this Act, is executed by more parties than one, such covenants as are by this Act to be implied in instruments of a like nature, shall be construed to be several, and not to bind the parties jointly.

Effect of such covenants.

Owner to allow use of his name in certain cases.

122. The owner of any land or of any lease, mortgage or charge, shall, on the application of any beneficiary or person interested therein, be bound to allow his name to be used by such beneficiary or person in any action, suit or proceeding, which it may be necessary or proper to bring or institute in the name of such owner, concerning such land, lease, mortgage or charge, or for the protection or benefit of the title vested in such owner, or of the interest of any such beneficiary or person, but, nevertheless, such owner shall, in any case, be entitled to be indemnified in like manner as, if being a trustee, he would, before the passing of this Act, have been entitled to be indemnified in a similar case of his name being used in any such action, suit or proceeding by his *cestui que trust.*

But entitled to indemnity.

How purchaser for valuable consideration shall be ascertained.

123. Whenever, in any action, suit or other proceeding affecting the title to land or other estate or interest therein, subject to the provisions of this Act, it becomes necessary to determine the fact whether the transferee, mortgagee, encumbrancee, or lessee, is a purchaser or transferee for valuable consideration or not, any person who is a party to such action, suit or other proceeding, may give, in evidence, any transfer, mortgage, encumbrance, lease or other instrument affecting the title to such land, estate or interest in dispute, although the same is not referred to in the certificate of title, or has been cancelled by the registrar.

Encumbrance prior to grant may be filed with registrar.

124. Any mortgage or other encumbrance created by any party rightfully in possession of land prior to the issue of the grant, may be filed in the office of the registrar, who shall, on registering such grant, enter in the register and endorse upon the certificate of the title before issuing the same to the applicant owner thereof a memorandum of such mortgage or encumbrance, and when so entered and endorsed, the said mortgage or encumbrance shall be as valid as if made subsequent to the issue of the grant; and if more than one mortgage or encumbrance are filed, they shall be registered in the order of time in which they have been filed in the office.

Purchaser from registered owner not affected by notice.

125. Except in the case of fraud, no person contracting or dealing with, or taking or proposing to take a transfer from the registered owner of any registered estate or interest, shall be bound or concerned to inquire into or ascertain the circumstances in, or the consideration for which such registered owner, or any previous registered owner of the estate or interest in question is or was registered, or to see to the application of the purchase money or of any part thereof, nor shall he be affected by notice, direct, implied or constructive, of any trust or unregistered interest, any rule of law or equity to the contrary notwithstanding; and the knowledge that any trust or unregistered interest is in existence, shall not of itself be imputed as fraud.

Registered owner suing for specific performance of contract to purchase entitled to proceed.

126. In any suit for specific performance brought by a registered owner of any land under this Act, against a person who has contracted to purchase such land, not having notice of any fraud or other circumstances which, according to this Act, would affect the right of the vendor, the certificate of title of such registered owner shall be held conclusive evidence that such registered owner has a good and valid title to the land, for the estate or interest therein mentioned or described, and shall entitle such registered owner to a decree for the specific performance of such contract.

Insertion of words "no survivorship."

127. Upon the transfer of any land, estate or interest under the provisions of this Act, to two or more persons as joint owners, to be held by them as trustees, it shall be lawful for the transferror to insert in the memorandum of transfer or other instrument the words "no survivorship;"

and the registrar, shall in such case, include such words in the memorial of such instrument, to be entered by him in the register as hereinbefore directed; and shall also enter the said words upon any certificate of title issued to such joint owners pursuant to such memorandum of transfer; and any two or more persons registered as joint owners of any land, estate or interest, under this Act, held by them as trustees, may, by writing under their hand, authorize the registrar to enter the words "no survivorship" upon the certificate of title or other instrument evidencing their title to such estate or interest, and also upon the duplicate of such instrument in the register or filed in his office; and after such entry has been made and signed by the registrar in either such case as aforesaid, it shall not be lawful for any less number of joint proprietors than the number then registered to transfer or otherwise deal with the said land, estate or interest, without obtaining the sanction of a court or a judge thereof, by an order on motion or petition.

Who may authorize insertion.

Effect of such entry.

Notice before effect is given to order of court or judge.

128. Before making any such order as aforesaid, the court or judge shall, if it seems requisite, cause notice of intention so to do to be properly advertised, and in such case appoint a period of time within which any person interested may show cause why such order should not be made; and thereupon the said court or judge may order the transfer of such land, estate or interest to any new owner or owners, solely or jointly with or in the place of any existing owner or owners, or may make such order in the premises as the court thinks just, for the protection of the persons beneficially interested in such land, estate or interest, or in the proceeds thereof; and upon such order being deposited with the registrar, he shall make such entry, and upon such entry being made, the person or persons named in such order shall be registered as owner or owners of such land, estate or interest.

Deposit of order and entry thereof.

Jurisdiction of courts in cases of fraud.

129. Nothing contained in this Act shall take away or affect the jurisdiction of any competent court on the ground of actual fraud, or over contracts for the sale or other disposition of land, or over equitable interest therein.

As to exceptions of mines, etc., in grants.

130. Whenever, in any grant or instrument under this Act, any mines or minerals are excepted from the grant or transfer, the registrar, on issuing a certificate of title, shall therein insert the words so used in the grant or instrument.

Governor in Council to provide books forms, rules, etc.

129. *The Governor in Council may, from time to time, provide the necessary books and forms, provide any additional forms he deems necessary, and make such rules and regulations as are necessary to carry into effect the provisions of this Act, and make such rules and regulations as to him appear necessary for giving effect to this Act, in cases unprovided for, according to its true intent and purpose.*

Governor in Council to establish fees.

131. *All fees payable under this Act or in connection therewith shall be settled by tariff made by the Governor in Council.*

133. *The registrar shall demand and receive the several fees so settled, and perform the duties for which fees are specified in this Act on payment thereof.*

Fees to be paid registrar.

134. *The registrar shall keep a correct account of all sums of money received by him in accordance with the provisions of this Act, and shall pay the same to the Minister of Finance and Receiver-General, at such times and in such manner as are directed by the Governor in Council.*

To keep account of fees and pay to Receiver-General.

135. Proceedings under this Act shall not abate or be suspended by any death, transmission or change of interest; but in any such event the judge may make such order for carrying on, discontinuing or suspending the proceedings, upon the application of any person interested, as under the circumstances he thinks just, and may for such purpose, require the production of such evidence, and such notices to be given as he thinks necessary.

In case of death, pending proceedings not to abate.

136. No petition, order, affidavit, certificate, registration or other proceeding under this Act shall be invalid by reason of any informality or technical irregularity therein, or of any mistake not affecting the substantial justice of the proceedings.

Petition, etc., not invalid for informality.

Appeal.

137. Any person feeling aggrieved by any judgment or decision of the court or judge may appeal to the Court of Appeal, and for the purposes of this Act the several stipendiary magistrates of the Territories sitting together are hereby constituted the Court of Appeal; and a majority of such stipendiary magistrates shall form a quorum. Such Court of Appeal shall be presided over by the senior stipendiary magistrate present, and shall sit at least once in each year at the seat of government of the Territories for the purpose of hearing appeals from orders, judgments and decisions of the court or a judge under this Act, and such court shall have power, by rules and orders, to regulate the sittings of the court, the practice and proceedings on appeal and before it, including costs and payment thereof, and the enforcement of judgments of such court, and such judgment shall be certified by the presiding judge, and shall be final in all cases.

Stipendiary magistrates to be Court of Appeal.

Penalties.

138. Every person who wilfully makes any false statement or declaration in any dealing in land under this Act, or suppresses or conceals, or assists or joins in, or is privy to the suppressing, withholding or concealing from the registrar, court or judge, or either of them, any material document, fact or matter of information, or wilfully makes any false declaration required under the authority or made in pursuance of this Act, or who fraudulently procures or is privy to the fraudulent procurement of any certificate of title or instrument, or of any entry in the register, or knowingly misleads or deceives the court, the judge, the registrar or any person hereinbefore

authorized to require explanation or information in respect to any land or the title to any land under this Act, or in respect to which any dealing or transmission is proposed to be registered, or is a party to or privy to any fraudulent act whatever in any matter connected with the working of this Act, shall, on conviction before a judge or stipendiary magistrate, without a jury, be liable to a penalty not exceeding five hundred dollars or to imprisonment with or without hard labor, for any period not exceeding two years.

REPEAL OF FORMER ACTS.

139. Sections twenty-three to forty-one. inclusive; forty-three to forty-six, inclusive; and sixty-three to seventy. inclusive of the Act forty-three Victoria, chapter twenty-five, and section one, forty-seven Victoria, chapter twenty-three, together with all laws, statutes, acts, ordinances, rules, regulations and practice whatever, relating to freehold and other interests in land in the Territories, so far as the same are inconsistent with the provisions of this Act, are hereby repealed, except as to matters done, or pending thereunder, or retained in operation by express provision in this Act.

SCHEDULE.

FORM A.

(*Section* 21.)

FORM OF REGISTRAR'S OATH OF OFFICE

Territories of Canada.

District of } I (*name and describe deponent*), having been appointed to the office of registrar in and for
To Wit: } the (*name of registration district, &c.*), do swear (*or as the case may be*) that I will well, truly and faithfully perform and execute all duties required of me, relating to the said office, so long as I continue therein, and that I have not given, directly or indirectly, nor authorized any person to give, any money, gratuity or reward whatsoever for procuring the said office for me.

Sworn before me at , the day of A.D. 18 .
A.B. J.P., in and for the said *District.*

Signature of Registrar.

FORM B.

(*Section* 22.)

FORM OF BOND OF REGISTRAR.

Territories of Canada, } Know all men by these presents
District of } that we of
To Wit: } the of , in the , in the territories of the Dominion of Canada, (hereinafter called "the principal")

and (*insert names and additions of principal and sureties*) of the of in the of in the aforesaid and of the of (hereinafter called " the sureties "), are respectively held and firmly bound unto our Sovereign Lady the Queen, her heirs and successors, in the respective penal sums following, that is to say :—" The principal " in the sum of dollars of lawful money of Canada, and each of " the sureties " in a sum of dollars of like lawful money, to be paid to our said Sovereign Lady the Queen, her heirs and successors ; for which said respective payments, well and faithfully to be made, we severally,—and not jointly, or each for the other,—bind ourselves, and our respective heirs, executors and administrators, firmly by these presents, sealed with our respective seals

Dated this day of in the year of our Lord one thousand eight hundred and and in the year of Her Majesty's reign.

Whereas " the principal,' having been appointed to the office of employment of is required by law to give security to the Crown for the due performance of the duties appertaining thereto ; and " the sureties " have consented to become his sureties for such his performance of the said duties ; and this bond is given in pursuance of (*insert the title of this Act.*)

Now the condition of this obligation is, that if " the principal " faithfully discharges the duties of the said office and duly accounts for all moneys and property which may come into his custody by virtue of the said office, this obligation shall be void.

Signed, sealed and delivered in the presence of }

Signatures and Seals.

FORM C.

(*Section* 23.)

AFFIDAVIT OF JUSTIFICATION BY A SURETY

Territories of Canada, } I, one of the
of } sureties in the foregoing bond
To Wit } named, make oath (*or* affirm, *as the case may be*) and say as follows:—

1 I am seized and possessed to my own use of real (*or* real and personal) estate, in the of

n Canada, of the actual value of dollars, over and above all charges upon or encumbrances affecting the ame.

2 My post office address is as follows: (*insert it*)

Sworn before me at the of
in the of
this
day of A.D. one thousand
eight hundred and eighty
, a J. P for the said

FORM D.

(*Section* 23.)

AFFIDAVIT OF ATTESTATION.

Territories of Canada, } I,
of } of the of in the
To WIT. } of

on the of make oath and say that I was personally present, and did see (*as the case may be*) of the obligors in the above bond or writing obligatory, named, duly execute the said instrument by signing, sealing, and, as (his *or* their respective acts and deeds, *as the case may be*), delivering the same; and that I am a subscribing witness to such execution.

Sworn before me, at the of
in the of
this day of A.D 18
, a J. P. for the said

A separate affidavit in this form will be made by a witness to the execution by each obligor, if the same person does not witness the execution by all of them.

FORM E.

(*Section* 42.)

APPLICATION TO BRING LAND UNDER THE OPERATION OF "THE NORTH-WEST TERRITORIES REAL PROPERTY ACT."

To the registrar of registration district:

I (*insert name and addition*) hereby apply to have the land hereinafter described brought under the operation of "*The North-West Territories Real Property Act.*" And I declare—

1. That I am the owner (*or* agent for , the owner) of an estate in fee simple in possession (*or* of an estate of freehold in possession for my life, *or otherwise as the case*

may require) in ALL THAT piece of land, being (*here describe the land.*)

2. That such land, including all buildings and other improvements thereon, is of the value of dollars, and no more.

3. That there are no documents or evidences of title affecting such land in my possession, or under my control, other than those included in the schedule hereto.

4. That I am not aware of any mortgage or encumbrance affecting the said land, or that any other person hath any estate or interest therein at law or in equity, in possession, remainder, reversion or expectancy (*if there be any add*: other than as follows, *and set the same forth.*)

5. That the said land is now occupied (*if unoccupied, prefix* un *to* occupied; *if occupied, add by whom, and state the name and addition of the occupant and the nature of his occupancy.*)

6. That the names and addresses, so far as known to me, of the occupants of all lands contiguous to the said land, are as follows:—

7 That the names and addresses, so far as known to me, of the owners of all lands contiguous to the said land, are as follows:—

(*If the certificate of title is not to issue to the applicant, add*): And I direct the certificate of title to be issued in the name of (*insert name and addition.*)

Dated this day of , 18 .

Made and subscribed at
in the presence of .

SCHEDULE OF DOCUMENTS REFERRED TO.

AFFIDAVIT.

Territories of Canada, } I,
of , } of
To WIT. } make oath and say—

1. I am the applicant named in the application hereto annexed.

2. That the several statements contained in the said application are true, to the best of my knowledge and belief.

Sworn before me at the of
in the of this
day of . A.D. 18 .

a J.P. for the said .

FORM F.

(*Section* 50.)

CERTIFICATE OF OWNERSHIP.

CANADA—NORTH-WEST TERRITORIES, REGISTRATION DISTRICT.

This is to certify that A.B., of is now the owner of an estate (*describe the estate*) of , and in (*describe the property*), subject to the encumbrances, liens and interests as are notified by memorial underwritten or endorsed hereon, or which may hereafter be recorded in the register of title, and subject to the exceptions and qualifications mentioned in the fifty-*fourth* section of the "*North-West Territories Real Property Act.*"

In witness whereof I have hereunto subscribed my name and affixed my seal this day of , A.D. 18 .

(*Signature.*)

If the title is possessory, say :

The title of A. B. is subject to the claims (if any) which can be enforced to the said land by reason of any defect in the title of (*name of the first registered owner.*)

And if subject to a mortgage, say :

The title of A. B. is subject to mortgage, dated the day of , made by A. B. to W. B., to secure $3,000 and interest at the rate of 8 per cent. per annum from the 17th day of July 1877, payable as therein mentioned. (*If mortgage is discharged, say*) : Discharged by certificate No. B, 1502.

(Signed.)

And if subject to a lease, say :

The title of A. B. is subject to a lease, dated the day of , made by A. B. to Y. Z., for the term of ten years.

When the transfer is absolute, say :

This declaration is cancelled and a new declaration of title. issued.

FORM G.

(*Section* 61.)

TRANSFER.

I, A. B., being registered owner of an estate (*state the nature of estate*), subject, however, to such encumbrances, liens and interests as are notified by memorandum under-

written (*or* endorsed hereon), in all that certain tract of land containing acres, more or less, and being section, township , range , in the (*or* district, *as the case may be.*) (*Here state rights of way, privileges, easements, if any, intended to be conveyed along with the land and if the land dealt with contains all included in the original grant, refer thereto for description of parcels and diagrams; otherwise set forth the boundaries and accompany it by a diagram*), do hereby, in consideration of the sum of $, paid to me by E. F., the receipt of which sum I hereby acknowledge, transfer to the said E. F. all my estate and interest in the said piece of land. (*When a lesser estate, then describe such lesser estate.*)

In witness whereof, I have hereunto subscribed my name this day of

(*Signature.*)

Signed on the day above named, by said A. B., in the presence of G. A.

FORM H.

(*Section* 66.)

LEASE.

I, A. B., being registered as owner, subject, however, to such mortgages and encumbrances as are notified by memorandum underwritten (*or* endorsed hereon), of that piece of land (*describe it*), part of , section , township , range , containing acres, more or less (*here state rights of way, privileges, easements, if any, intended to be conveyed along with the land, and if the land dealt with contains all included in the original grant or certificate of title or lease, refer thereto for description and diagram, otherwise set forth the boundaries by metes and bounds*) do hereby lease to E. F., of (*here insert description*), all the said lands, to be held by him, the said E. F., as tenant, for the space of years, from (*here state the date and term*), at the yearly rental of $, payable (*here insert terms of payment of rent*), subject to the covenants and powers implied (*also set forth any special covenants or modifications of implied covenants.*)

I, E. F., of (*here insert description*), do hereby accept this lease of the above described lands, to be held by me as tenant, and subject to the conditions, restrictions and covenants above set forth.

(*Signature of Lessor.*)
(*Signature of Lessee.*)

Dated this day of .

Signed by above-named A. B., as lessor, and E. F., as lessee, this day of , 188 , in presence of X. Y.

(*Here insert memorandum of mortgages and encumbrances.*)

FORM I.

(*Section* 70.)

STATUTORY COVENANTS.

COLUMN ONE.	COLUMN TWO.
1. Will not, without leave, assign or sublet.	1. The covenantor, his executors, administrators, or transferees, will not, during the said term, transfer, assign, or sublet the premises hereby leased, or any part thereof, or otherwise by any act or deed procure the said premises, or any part thereof, to be transferred or sublet, without the consent in writing of the lessor or his transferees first had and obtained.
2. Will fence.	2. The covenantor, his executors, administrators, or transferees, will, during the continuance of the said term, erect and put upon the boundaries of the said land, or on those boundaries on which no substantial fence now exists, a good and substantial fence.
3. Will cultivate.	3. The covenantor, his executors, administrators, or transferees, will, at all times during the said term, cultivate, use and manage in a proper husband-like manner, all such parts of the land as are now or shall hereafter, with the consent in writing of the said lessor or his transferees, be broken up or converted into tillage, and will not impoverish or waste the same.
4. Will not cut timber.	4. The covenantor, his executors and administrators, or transferees, will not cut down, fell, injure or destroy any living timber or timber-like tree standing and being upon the said land, without the consent in writing of the said lessor or his transferees.
9. Will not carry on offensive trade.	9. The covenantor, his executors, administrators, or transferees will not, at any time during the said term, use, exercise, or carry on, or permit, or suffer to be used, exercised, or carried on, in or upon the said premises, or any part thereof, any noxious, noisome, or offensive art, trade, business, occupation, or calling, and no act, matter or thing whatsoever shall, at any time during the said term, be done in or upon the said premises, or any part thereof, which shall or may be or grow to the annoyance, nuisance, grievance, damage, or any disturbance of the occupier or owners of the adjoining lands and properties.

FORM J

(*Section* 72.)

MEMORANDUM OF MORTGAGE.

I, A. B, being registered as owner of an estate (*here state nature of interest*), subject, however, to such encumbrances, liens and interests as are notified by memorandum under

written (*or* endorsed hereon), of that piece of land (*description* part of section , township , range , containing acres, be the same more or less (*here state rights of way, privileges, easements, if any, intended to be conveyed along with the land, and if the land dealt with does contain all included in the original grants, refer thereto for description of parcels and diagrams, otherwise set forth the boundaries and accompany it by a diagram*), in consideration of the sum of $ lent to me by E. F., of (*here insert description*), the receipt of which sum I do hereby acknowledge, covenant with the said E. F. :—

Firstly. That I will pay to him, the said E. F., the above sum of $, on the day of

Secondly. That I will pay interest on the said sum at the rate of on the $ in the year, by equal payments on the day of , and on the day of , in every year.

Thirdly. (*Here set forth special covenants, if any*).

And for the better securing to the said E. F. the repayment, in manner aforesaid, of the principal sum and interest, I hereby mortgage to the said E. F. my estate and interest in the land above described.

In witness whereof, I have hereunto signed my name this day of

Signed by the above named A. B. as mortgagor this day of in presence of G. H. } (*Signature of Mortgagor.*)

(*Insert memorandum of mortgages and encumbrances.*)
For form of transfer of mortgage, see Form L.

FORM K.

(*Section* 72.)

MEMORANDUM OF ENCUMBRANCE.

I., A.B., being registered as owner of an estate (*state nature of estate*), subject, however, to such mortgages and encumbrances as are notified by memorandum underwritten (*or* endorsed hereon), of that piece of land of (*description*) part of section , township , range containing acres, more or less (*here state rights of way, privileges, easements, if any, intended to be conveyed along with the land, and if the land dealt with contains all included in the original grant or certificate of title, refer thereto for description of parcels and diagrams, otherwise set forth the boundaries and accompany it by a diagram*), and desiring to render the said land available for the purpose of securing to and for the benefit of C.D., of (*description*) the (*sum of money,*

annuity or rent charge) hereinafter mentioned: do hereby encumber the said land for the benefit of the said C.D., with the (*sum, annuity or rent charge*) of , to be raised and paid at the times and in the manner following, that is to say: (*here state the times appointed for the payment of the sum, annuity or rent charge intended to be secured, the interest, if any, and the events on which such sum, annuity or rent charge shall become and cease to be payable, also any special covenants or powers, and any modification of the powers or remedies given to an encumbrancee by this Act*): And subject,, as aforesaid, the said C. D. shall be entitled to all powers and remedies given to an encumbrancee by "*The North-West Territories Real Property Act.*"

In witness whereof I have hereunto signed my name this day of , in presence of } (*Signature of encumbrancer.*)

(*Insert memorandum of mortgages and encumbrances.*)

FORM L.

(*Section* 81.)

(*Endorse memorandum of transfer of mortgage or encumbrance or lease.*)

TRANSFER OF MORTGAGE, ENCUMBRANCE, OR LEASE BY ENDORSEMENT.

I, the within mentioned C.D., in consideration of $ this day paid to me by X. Y., of , the receipt of which sum I do hereby acknowledge, hereby transfer to him the mortgage (encumbrance *or* lease, *as the case may be*) within written, together with all my rights, powers, title, and interest therein.

In witness whereof, I have hereunto susbcribed my name this day of .

C. D., *Transferror.*
Accepted, X. Y., *Transferee.*

FORM M.

(*Section* 81.)

TRANSFER OF PART OF MORTGAGE OR ENCUMBRANCE BY ENDORSEMENT.

I, the within mentioned C. D. in consideration of $ this day paid to me by X. Y., of , the receipt of which sum I do hereby acknowledge, hereby transfer to him $ of the mortgage (*or* encumbrance, *as the case may*

be) within written, together with all my rights, powers, title, and interest therein, and the sum so transferred shall be preferred (*or* deferred *or* rank equally, *as the case may be*) to the remaining sum secured by the mortgage.

In witness whereof, I have hereunto subscribed my name this day of

C. D., *Transferror.*
Accepted, X. Y., *Transferree.*

FORM N.

(*Section* 85.)

POWER OF ATTORNEY.

I, A. B., being registered as owner of an estate (*here state nature of the estate or interest*), subject, however, to such encumbrances, liens and interests as are notified by memorandum under written (*or* endorsed hereon), in (*here refer to schedule for description and contents of the several parcels of land intended to be affected, which schedule must contain reference to the existing certificate of title or lease of each parcel*) do hereby appoint C. D. attorney on my behalf to (*here state the nature and extent of the powers intended to be conferred, as whether to sell, lease, mortgage, &c.*) the lands in the said schedule described, and to execute all such instruments, and do all such acts, matters and things as may be necessary for carrying out the powers hereby given, and for the recovery of all rents and sums of money that may become or are now due, or owing to me in respect of the said lands, and for the enforcement of all contracts, covenants or conditions binding upon any lessee or occupier of the said lands, or upon any other person in respect of the same, and for the taking and maintaining possession of the said lands, and for protecting the same from waste, damage or trespass.

In witness whereof, I have hereunto subscribed my name this day of

Signed by the above named A. B. this day of in the presence of X. Y.

FORM O.

(*Section* 86.)

REVOCATION OF POWER.

I, A. B., of , hereby revoke the power of attorney, given by me to , dated the day of

In witness whereof, I have hereunto subscribed my name this day of

(*Signature of Constituent.*)

FORM P.

(*Section* 87.)

REGISTRATION ABSTRACT.

(*Here insert copy of Grant or Certificate of Title.*)

Pursuant to the provisions of (*insert title of this Act*), this registration abstract is issued for the purpose of enabling registered owner of the land described in the above written grant or certificate of title, to deal with the above described land at places without the limits of the said *Territories*, and shall continue in force from the date hereof until the day of , unless the same be sooner surrendered to me for cancellation.

In witness whereof, I have hereunto signed my name and affixed my seal this day of

Signed and sealed on the day of in presence of X.Y. } (*Signature*), [L.S.] Registrar.

FORM Q 1.

(*Section* 98.)

TRANSFER OF LAND UNDER PROCESS OF LAW.

I, , of the person appointed to execute the process hereinafter mentioned, in pursuance of a writ dated the day of one thousand eight hundred and and issued out of (*insert name of court*), a court of competent jurisdiction, in an action wherein is the plaintiff, and the defendant, which said is registered as the owner of the land hereinafter described, subject to the mortgages and encumbrances notified hereunder, do hereby, in consideration of the sum of paid to me, as aforesaid, by E. F. (*insert addition*) TRANSFER to the said E. F. all that piece of land (*here insert a sufficient description of the land, and refer to the debtor's certificate of title or grant.*)

Dated the day of one thousand eight hundred and

(*Signature of Officer.*)

Mortgages and encumbrances referred to. (*State them.*)

FORM Q 2.

TRANSFER OF LEASE, MORTGAGE, OR ENCUMBRANCE UNDER PROCESS OF LAW.

I, , of , the person appointed to execute the writ hereinafter mentioned (*or otherwise, as the case may be*), in pursuance of a writ of *fieri facias*, tested the

day of one thousand eight hundred and , and issued out of (*insert name of court*) a court of competent jurisdiction, in an action wherein is the plaintiff and the defendant, which said is registered as the owner of a lease (mortgage *or* encumbrance, *as the case may be*) numbered of (*or* upon) the land hereinafter described, subject to the mortgages or encumbrances notified hereunder, do hereby, in consideration of the sum of paid to me, as sheriff aforesaid, by E. F. (*insert addition*) TRANSFER to the said E. F. the lease (mortgage *or* encumbrance granted by) to and in favor of , dated the day of to, in and over (*here describe the land according to the description in the lease, mortgage, or encumbrance, and refer to the registered instrument.*)

Dated the day of one thousand eight hundred and

(*Signature of Officer.*)

Mortgages and encumbrances referred to. (*State them.*)

FORM Q 3.

TRANSFER OF LAND UNDER DECREE OR ORDER OF A COURT OF COMPETENT JURISDICTION.

I (*insert name*), in pursuance of a decree (*or order*) of (*insert name of court*), a court of competent jurisdiction, dated the day of one thousand eight hundred and , and entered in the register, vol. , fol. hereby TRANSFER to E. F. (*insert addition*), subject to the mortgages and encumbrances notified hereunder, all that piece of land being (*here insert a sufficient description of the land and refer to the certificate of title or grant*).

Dated the day of one thousand eight hundred and

(*Signature of Transferror*)

Mortgages and encumbrances referred to. (*State them*)

FORM Q 4.

TRANSFER OF LEASE, MORTGAGE OR ENCUMBRANCE, UNDER DECREE OR ORDER OF A COURT OF COMPETENT JURISDICTION.

I (*insert name*), in pursuance of a decree or order of (*insert name of court*), a court of competent jurisdiction, dated

the day of one thousand eight hundred and , and entered in the register, vol. fol. , hereby TRANSFER to E. F. (*insert addition*), subject to the mortgages and encumbrances notified hereunder, lease (*or* mortgage *or* encumbrance, *as the case may be*) granted by in favor of (of *or* upon) all that piece of land (*here insert description of the land according to the description in the lease, mortgage, or encumbrance, and refer to the registered instrument.*)

Dated the day of , one thousand eight hundred and

Signature of Transferror.

Mortgages and encumbrances referred to. (*State them.*)

FORM R.

(*Section* 100.)

FORM OF CAVEAT FORBIDDING REGISTRATION OR DEALING WITH LANDS.

To the Registrar-General (*or* registrar of district):

Take notice that I, A. B., of (*insert description*), claiming. (*here state the nature of the estate or interest claimed, and the grounds upon which such claim is founded*) in (*here describe land and refer to grant or certificate of title*), forbid the registration of any memorandum of transfer or other instrument until this *caveat* be withdrawn by the caveator or by the order of a court of competent jurisdiction, or a judge thereof, or unless such dealing be subject to the claim of the caveator, or until after the lapse of twenty-one days from the date of the service of notice by the caveator at the following address: (*Insert it.*)

Signature of Caveator or his Agent.

Dated this day of , 18 .

I, the above named A. B. (*or* C. D.) of (*residence and description*), agent for the above A. B., make oath (*or* affirm, *as the case may be*) and say, that the allegations in the above caveat are true in substance and in fact (*and if no personal knowledge, add*), as I have been informed and verily believe.

Sworn, &c.

FORM S.

(*Sections* 101 and 102.)

AFFIDAVIT OF ATTESTATION OF AN INSTRUMENT EXECUTED OUT OF THE TERRITORIES.

I (A. B.), of , in the , make oath and say—

1. I was personally present and did see named in the (within *or* annexed) instrument, duly sign and execute the same for the purposes named therein ;

2. That the same was executed on the day of the date thereof, at the , in the , and that I am the subscribing witness thereto ;

3. That I, , know the said

Sworn before me at , in the
, this day
of A.D. 18 .

FORM T.

(*Section* 114.)

REFERENCE BY REGISTRAR TO A JUDGE.

(*Date.*)

In the matter of the registration of transfer (*or as the case may be*) A.B. to C.D.

The registrar, under section one hundred and fourteen of "*The North-West Territories Real Property Act*," hereby humbly refers the following matter to the court, to wit: (*Here state briefly the difficulty mhich has arisen.*)

The parties interested, so far as the registrar knows or has been informed, are : (*Here give the names.*)

Signature.

[L.S.] Registrar of Titles.

No. 10.

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

An Act respecting Real Property in the North-West Territories.

Received and read first time, Wednesday, 3rd March, 1886.
Second reading, Friday, 5th March, 1886.

Mr. THOMPSON,
(Antigonish.)

OTTAWA:
PRINTED BY MACLEAN, ROGER & CO.
1886.

No. 11. **BILL.** [1886.

An Act for the more effectual Prevention of Cruelty to Animals.

(The penalties printed in Italics will be proposed in Committee.)

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

1. From and after the passing of this Act, all other Acts and parts of Acts passed by the Parliament of Canada, and inconsistent with this Act, are hereby repealed, save as to any offences committed against the provisions of the said repealed Acts or parts of Acts, or any of them, before the passing of this Act, which offences shall be dealt with and the offenders proceeded against and punished as if this Act had not been passed. Repealing clause.

2. Whosoever shall unlawfully and maliciously kill, maim, wound, poison or injure any cattle, shall be guilty of felony, and shall be liable to be imprisoned in the penitentiary for any term not exceeding fourteen years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labor, and with or without solitary confinement. (*Imp. Act*, 24 *and* 25 *Vic.*, *c.* 97, *ss.* 40-41. *Can.* 32-33 *Vic.*, *c.* 22, *and* 40 *Vic.*, *c.* 29.) Unlawfully and maliciously killing, &c., cattle.

3. Whosoever shall unlawfully and maliciously attempt to kill, maim, wound, poison or injure any cattle, or unlawfully or maliciously place poison in such a position as to be easily partaken of by any cattle, shall be guilty of a misdemeanor, and shall be liable to be punished by fine or imprisonment, or both, at the discretion of the court. (32-33 *Vic.*, *c.* 22, *s.* 46.) Unlawfully and maliciously attempting to kill, &c., cattle.

4. Whosoever shall unlawfully and maliciously kill, maim, wound, poison or injure any dog, bird, beast, or other animal, not being cattle, but being either the subject of larceny at common law, or being ordinarily kept in a state of confinement, or kept for any domestic purpose, or purpose of lawful profit or advantage, or science, shall, on conviction thereof before a justice of the peace, at the discretion of the justice, either be committed to the common gaol, or any other place of confinement, there to be imprisoned only, or to be imprisoned and kept to hard labor, for any term not exceeding three months, or else shall forfeit and pay, over and above the injury done, such sum of money, not exceeding *one hundred dollars*, as to the justice seems meet; and whosoever, having been convicted of any such offence, shall afterwards Unlawfully and maliciously killing, &c., other animals. Second offence.

commit any of the said offences in this section before mentioned, and is convicted thereof upon indictment, shall be guilty of a misdemeanor, and shall be liable to be punished by fine or imprisonment, or both, in the discretion of the court: Provided always, that the prosecutor may, if he shall see fit, proceed before a justice of the peace as for a first offence. (*Can.* 32, 33 *Vic.*, *c.* 22, *s.* 47.)

Proviso.

Acts of wanton cruelty.

5. Whosoever shall wantonly, cruelly and unnecessarily torture, torment, beat, kick, stab, stone, burn, scald, incite dogs to worry, kill by slow bleeding, or other needlessly cruel practice, starve, bury alive, overstock, overdrive, overload, drive when overloaded, or otherwise treat with cruelty any animal, or shall cause or procure to be done any of the aforesaid acts; or

(2.) Shall wantonly and unnecessarily, except for the purpose of identification or necessary trimming, mark, brand or cut the tail or ears of any animal over the age of six months; or

(3.) Having the charge or custody of any animal, either as owner thereof or otherwise, shall inflict unnecessary cruelty upon the same, or unnecessarily fail to provide the same with proper food, drink, shelter and protection from the weather; or

(4.) Being the owner, driver, or person having the charge or custody of any animal, shall wantonly and unnecessarily leave disabled or abandon such animal; or

(5.) Wantonly and unnecessarily carry or cause to be carried, in or upon any vehicle, or otherwise, any animal in a cruel or inhuman manner.

Penalty.

(6.) Shall, upon being convicted on summary conviction, of any of the offences aforesaid before a stipendiary magistrate or police magistrate, or any two justices having jurisdiction in the district, county or place in which the offence has been committed, for every such offence be punished by imprisonment in any gaol or place of confinement, other than a penitentiary, for a term not exceeding three months, and with or without hard labor, or by a fine not exceeding *fifty dollars*, or by both, such fine and imprisonment being in the discretion of the convicting magistrates or justices. (32-33 *Vic.*, 1869, *c.* 27, as amended by 43 *Vic.*, 1880, *c.* 38.)

Injury or damage while driving, or abusing animals.

6. Whosoever driving any animal shall by wilful negligence, or ill-usage in the driving thereof, be the means whereby any mischief, damage or injury is done to any such animal; or by cruelly beating, ill-treating, over-driving, abusing or torturing any animal, shall thereby cause any damage or injury to be done to any person, or to any property, or other animal, shall, upon conviction of such offence, pay such sum of money by way of fine, not exceeding the sum of *twenty-five dollars*, as shall be determined by the justice of the peace by whom such person shall have been convicted;

Provided always, that the payment of such fine, or any imprisonment for the non-payment thereof, shall not prevent, or in any manner affect the punishment to which such person or the owner of such animal may be liable for in respect of the beating, ill-treating or abusing of the said animal: Provided also, that nothing herein contained shall prevent any proceeding by action against such offender, or the employer of such offender, where the amount of damage or injury is not sought to be recovered under this Act. (*Imp. Act*, 12-13 *Vic.*, *c.* 92, *s.* 4.)

Proviso.

Proviso.

7. Whosoever shall keep, or use, or act in the management of any place for the purpose of fighting or baiting any bull, bear, badger, dog, cock or other kind of animal, whether of domestic or wild nature, or shall permit or suffer any place to be so used, shall be liable to a penalty not exceeding *twenty-five dollars* for every day he shall so keep, or use, or act in the management of any such place, or permit or suffer any place to be used as aforesaid: Provided always, that every person who shall receive money for the admission of any other person to any place kept or used for any of the purposes aforesaid, shall be deemed to be the keeper thereof; and every person who shall in any manner encourage, aid, or assist at the fighting or baiting of any bull, bear, badger, dog, cock, or other animal, as aforesaid, shall forfeit and pay a penalty not exceeding *twenty-five dollars* for every such offence. (*Imp. Act*, 12-13 *Vic.*, *c.* 92, *s.* 3.)

Keeping place for baiting animals, &c.

Who to be deemed the keeper.

8. Whosoever shall keep or use any live animal for the purpose of being a target, or to be shot at, either for amusement or as a test of skill in marksmanship, and whosoever shall shoot at such animal or bird, or be present as a party, umpire or judge at any such shooting of any animal, or whosoever shall keep or knowingly rent any building, shed, room, yard, field or premises, or knowingly permit the use of any building, shed, room, yard, field or premises, for the purpose of shooting any animal as aforesaid, shall forfeit and pay a penalty not exceeding *twenty-five dollars* for every such offence. (*Rhode Island Stats.*)

Using live animals as targets for shooting at.

9. Whosoever shall wilfully set on foot, or institute, or move to, or carry on, or promote, or engage in, or do any act towards the furtherance of any act of cruelty to any animal, shall be liable to the same penalty or other punishment as is imposed by this Act for the actual commission of such act of cruelty. (*Bergh.*, *s.* 2.)

Promoting cruelty.

10. Whosoever shall impound or confine, or cause to be impounded or confined, in any pound or receptacle of the like nature, any animal, shall provide and supply, during such confinement, a sufficient quantity of fit and wholesome food and water to such animal; and every such person who shall refuse or neglect to provide and supply such animal with such food and water as aforesaid, shall, for every such offence, forfeit and pay a penalty not exceeding *twenty-five dollars*: Provided always, that in case any animal shall, at any time, be impounded or confined, as aforesaid, and shall

Neglecting impounded animals.

Proviso.

continue confined, without fit and sufficient food and water, for more than twelve successive hours, it shall and may be lawful to and for any person whomsoever, from time to time, and as often as shall be necessary, to enter into and upon any pound or other receptacle of the like nature in which any such animal shall be so confined, and to supply such animal with sufficient food and water during so long a time as such animal shall remain and continue confined as aforesaid, without being liable to any action of trespass or other proceeding by any person whomsoever, for or by reason of such entry for the purposes aforesaid; and the reasonable cost of such food and water shall be paid by the owner of such animal, before such animal is removed, to the person who shall supply the same, and the said cost may be recovered in like manner as herein provided for the recovery of penalties under this Act. (*Imp. Act, ss.* 5, 6.)

Keeping, &c., animals having infectious or contagious disorder.

11. Whosoever shall turn out, keep or graze any animal knowing such animal to be infected with or laboring under any infectious or contagious disorder, or to have been exposed to infection or contagion, in or upon any forest, wood, moor, beach, marsh, common, waste-land, open field, highway, roadside or other undivided or unenclosed land, such person shall, on conviction thereof, forfeit and pay a sum not exceeding *two hundred dollars:* (*Can.*, 42 *Vic.*, *c.* 23, *s.* 8.)

Proviso: as to summary destruction of animal incurably diseased.

Provided always, that any justice of the peace may lawfully destroy or cause to be destroyed any animal found abandoned and not properly cared for, appearing, in the judgment of two reputable persons called by him to view the same in his presence, to be glandered, injured or diseased past recovery, for any useful purpose. (*N.Y.*, 1.)

Bringing animal infected into public place.

12. Whosoever shall bring or attempt to bring into any market, fair or other place, any animal known by him to be infected with or laboring under any infectious or contagious disorder, shall, upon conviction thereof, forfeit and pay for every such offence a sum not exceeding *two hundred dollars.* (42 *Vic.*, *c.* 23, *s.* 4., *Can.*)

Offering for sale in market any infected animal.

13. In case any animal infected with or laboring under any infectious or contagious disorder be exposed or offered for sale, or be brought or attempted to be brought for the purpose of being exposed or offered for sale, in any market, fair or other open or public place where other animals are commonly exposed for sale, then, and in any such case, it shall be lawful for any clerk or inspector, or other officer of such fair or market, or for any constable or policeman, or for any other person authorized by the mayor or reeve, or by any justice of the peace having jurisdiction in the place, or for any person authorized by the Governor General, to seize the same and to report the seizure to the mayor or reeve, or to any justice of the peace having jurisdiction in the place; and it shall be lawful for such mayor, reeve or justice to cause the same, together with any pens, hurdles, troughs, litter, hay, straw, or other articles which he may judge

likely to have been infected thereby, to be forthwith destroyed, or otherwise disposed of, in such manner as he shall deem proper. (42 *Vic.*, *c.* 23, *s.* 7.)

Cattle transported by railway to be unloaded every 28 hours

14. No railway company within the Dominion of Canada, whose railway forms any part of a line of road over which cattle are conveyed from one Province to another Province, or from the United States to or through any Province, or part of a Province to another part of the same, nor the owner or master of any vessel carrying or transporting cattle from one Province to another Province, or within any Province, or from the United States through or to any Province, shall confine the same in any car, or vessel of any description, for a longer period than twenty-eight consecutive hours, without unloading the same for rest, water and feeding, for a period of at least five consecutive hours, unless prevented from so unloading and furnishing water and food by storm or other unavoidable cause, or by necessary delay or detention in the crossing of the trains. In reckoning the period of confinement, the time during which the cattle have been confined without such rest and without the furnishing of food and water on any connecting railways or vessels from which they are received, whether in the United States or in Canada, shall be included—it being the intention of this Act to prevent their continuous confinement beyond a period of twenty-eight hours, except upon the contingencies hereinbefore stated. (38 *Vic.*, *c.* 42, *s.* 2.)

How time reckoned.

Feeding cattle at expense of owner.

15. Cattle so unladen shall be properly fed and watered during such rest by the owner or person having the custody thereof, or, in case of his default in so doing, then by the railway company or owner or master of the vessel transporting the same, at the expense of the owner or person in custody thereof; and the company, owner or master shall, in such case, have a lien upon such cattle for food, care and custody furnished, and shall not be liable for any detention of such cattle. (38 *Vic.*, *c.* 42, *s.* 3.)

Floors of cars to be cleaned and littered.

16. Where cattle are unladen from cars for the purpose of receiving food, water and rest, it shall be the duty of the railway company then having charge of the cars in which they have been transported to clean the floors of such cars, and to litter the same properly with clean sawdust or sand before reloading them with live stock, except during a period of frost. (38 *Vic.*, *c.* 42, *s.* 4.)

Penalty.

Proviso.

17. Any railway company, owner or master of a vessel having cattle in transit as aforesaid, who shall knowingly and wilfully fail to comply with the provisions contained in the three preceding sections of this Act, shall, for each and every such failure to comply with such provisions, forfeit and pay as a penalty a sum not exceeding *one hundred dollars* for each case in which such provisions are disregarded: Provided, however, that when cattle are carried in any car or vessel in which they can and do have proper space and opportunity for rest and proper food and water, the foregoing provisions

in the fourteenth section contained, in regard to their being unloaded, shall not apply (38 *Vic.*, *c.* 42, *s.* 5; 12 *and* 13, *Vic.*, *c.* 92, *s.* 12; *Bergh*, *s.* 5.)

Proceedings upon complaint or information.

18. That when and so often as any of the offences against the provisions of this Act shall happen, it shall and may be lawful for any constable or other peace officer, upon his own view thereof, or upon the complaint and information of any other person who shall declare his or her name and place of abode to the said constable or other peace officer, to seize and secure, by the authority of this Act, any such offender, and forthwith, without any other authority or warrant, to convey such offender before a justice of the peace, to be dealt with by such justice for such offence according to law. (*Imp.* 12 *and* 13 *Vic.*, *c.* 92, *s.* 12.)

Search warrant.

19. When a sworn complaint is made to and before any proper authority, that the complainant believes, and has reasonable cause for believing, that any of the provisions of this Act have been or are being violated in any particular building or place, such authority, if satisfied that there is reasonable cause for such belief, shall issue a warrant authorizing any sheriff, deputy sheriff, constable or police officer to search such building or place. (*Revised Statutes of Connecticut*, *Title* 20, *chap.* 13, *p.* 533.)

Offence to be determined in a summary way.

20. Every complaint under the provisions of this Act shall be made within three calendar months after the cause of such complaint shall arise, and every offence committed against this Act may be heard and determined by any justice of the peace within whose jurisdiction such offence shall be committed, in a summary way, upon the complaint of any person; and it shall be lawful for any such justice, in all cases where any person complained of shall not be in custody, to summon such person to appear before such justice, or before any other justice of the peace, at a time and place to be named in such summons; and on the appearance of the party accused, or in default of such appearance, upon proof of the service of such summons, the said justice, or any other

Examination.

justice who shall be present at the time and place appointed for such appearance, shall proceed to examine into the matter; and if, upon the confession of the party accused, or on the oath of one or more credible witness or witnesses, the party accused shall be convicted of having committed the offence charged or complained of, the party so convicted shall pay such penalty, damage or compensation, as the said justice shall, according to the provisions of this Act, adjudge, order or award, together with the costs of conviction, to be settled by such justice, or be otherwise dealt with according to the provisions of this Act. (*Imp. Act*, *s.* 14.)

Service of summons.

21. Any summons issued by any such justice, requiring the appearance of any party charged as an offender against the provisions of this Act, shall be held and taken to be well and sufficiently served in case either the summons or a copy thereof shall be served personally on such person as aforesaid, or shall be left at his usual or last known place of abode, in

whatever county or place such summons may be served or left. (*Imp. Act, s.* 15.)

Warrant

22. Any justice of the peace may, without issuing any such summons as aforesaid, forthwith issue his warrant for the apprehension of any person charged with any offence against the provisions of this Act, whenever good grounds for so doing shall be stated on oath before such justice. (*Imp. Act, s* 16.)

Summoning witnesses.

23. Any justice of the peace may summon any witness to appear and give evidence before him upon the matter of any offence against the provisions of this Act; and if any witness shall, after tender of his reasonable expenses in that behalf, neglect or refuse to attend at the time and place stated in such summons, then, proof on oath being first given of the personal service of the summons upon such witness, such justice may issue his warrant for the apprehension of such witness, and such justice may commit any witness appearing or being brought before him who shall refuse to give evidence to the common gaol within the jurisdiction of such justice, there to remain without bail for any period not exceeding twenty-one days, or until such witness shall sooner submit himself to be examined and to give evidence; and in case of such submission the order of such justice shall be a sufficient warrant for the immediate discharge of such witness from custody. (*Imp. Act, s.* 16.)

Warrant.

Commitment in default of penalty.

24. In every case of a conviction under this Act, where the sum imposed as a penalty, or the amount awarded for compensation or damage, together with costs, if any, by any justice of the peace, for or in respect of any offence against the provisions of this Act, shall not be paid immediately upon the conviction, or within such time as the convicting justice shall, in the exercise of his discretion, appoint and limit in that behalf, it shall be lawful for such justice, and he is hereby required to commit the offender to the common gaol, there to be imprisoned, with or without hard labor, for any time not exceeding two calendar months, unless payment be sooner made: Provided always, that it shall be lawful for such justice, if he shall think fit, instead of imposing a pecuniary penalty, forthwith to commit any such offender to the common gaol, there to be imprisoned, with or without hard labor, for any time not exceeding three calendar months. (*Imp. Act, s.* 18.)

Proviso.

Penalties, how divided.

25. All pecuniary penalties which shall be recovered before any justice of the peace under the provisions of this Act, shall be respectively divided, paid and distributed in the following manner, that is to say, one moiety thereof to the corporation of the city, town, village, township, parish or place in which the offence shall have been committed, and the other moiety, with full costs, to the person who complained and prosecuted for the same, or to such other person as to such justice shall seem fit and proper. (*Imp. Act, s.* 20.)

Transmission of conviction to sessions.

26. Every justice of the peace before whom any person shall be convicted of any offence against this Act, shall transmit the conviction to the next general or quarter sessions which shall be holden for the county, or other jurisdiction wherein the offence shall have been committed, there to be kept by the proper officer among the records of such court; and upon any complaint or proceeding against any person for a subsequent offence, a copy of such conviction, certified by the proper officer of the said court, or proved to be a true copy, shall be sufficient evidence to prove a conviction for the former offence, and the conviction shall be presumed to have been unappealed against until the contrary be shown. (*Imp. Act, s.* 23.)

Appeal.

27. In all cases where the sum adjudged to be paid on any conviction shall exceed *ten dollars*, and in all cases where imprisonment shall be adjudged, any person who shall think himself aggrieved by any such conviction may appeal to the next court of general or quarter sessions, which shall be holden not less than fourteen days after the day of such conviction, for the county or other jurisdiction wherein the cause of appeal shall have arisen; Provided, that such person shall give to the complainant a notice in writing of such appeal, and of the cause and matter thereof, within three days after such conviction, and seven clear days at least before such sessions, and shall also either remain in custody until the sessions, or enter into recognizance, with two sufficient sureties, before a justice of the peace, conditioned personally to appear at the said sessions, and to try such appeal, and to abide the judgment of the court thereon, and to pay such costs as shall be by the court awarded; and upon such notice being given and such recognizance being entered into, the justice before whom the same shall be entered into shall liberate such person, if in custody, and the court at such session shall hear and determine the matter of the appeal, and shall make such order therein as to the court shall seem meet, and in case of the dismissal for non-prosecution of the appeal or the affirmance of the conviction, shall order and condemn the offender to be punished according to the conviction, and to pay such costs as shall be thereby awarded, and also the costs of such appeal, or incident thereto or occasioned thereby, and shall, if necessary, issue process for enforcing such judgment:

Proviso: notice and recognizance to be given.

Proviso.

Provided always, that it shall be lawful for the said court to adjourn the hearing of any such appeal to any succeeding sessions, if any such court shall see fit, and such court, in the event of such postponement, may make any order for the payment of costs by either party to the other as to such court shall seem reasonable. (*Imp. Act, s.* 25.)

Adjournment of appeal.

Want of form not to render conviction, &c., void.

28. No conviction made under the authority of this Act, nor any order, judgment, or proceeding relative thereto, shall be quashed for want of form, or be removed, by *certiorari* or otherwise into any of Her Majesty's superior courts of record; and no warrant of commitment under the provisions of this Act shall be held void by reason of any defect therein;

Proviso.

Provided, it be therein alleged that the party committed has

been convicted and there be a good and valid conviction to sustain the same. (*Imp. Act, s.* 26.)

Interpretation.

29. For the purposes of this Act, the following words and expressions are intended to have the meanings hereby assigned to them respectively, so far as such meanings are not excluded by the context or by the nature of the subject matter, that is to say:—

Justice.

"Justice" shall be taken to mean a justice of the peace or magistrate for the county, city, or other jurisdiction in which any offence against this Act shall be committed, or in which the matter requiring the cognizance of any justice of the peace or magistrate shall arise;

Animal.

"Animal."—The word animal shall be taken to mean any horse, mare, gelding, bull, ox, cow, heifer, steer, calf, mule, ass, sheep, lamb, goat, pig, hog, sow, dog, cat, or any other domestic animal, fowl or bird, or wild animal, fowl or bird, tamed or domesticated;

Cattle.

"Cattle."—The word cattle shall be taken to mean any bull, cow, ox, heifer, or calf;

Infectious.

"Infectious"—The word infectious shall be taken to mean communicable in any manner whatever, even at a distance;

Contagious.

"Contagious."—The word contagious shall be taken to mean communicable by close contact or inoculation;

Common gaol

"Common Gaol."—The expression common gaol shall be taken to mean any place, other than a penitentiary, where parties charged with offences against the law are usually kept and detained in custody.

32-33 V., c. 31, to apply.

30. Every offence against any of the provisions of this Act may be prosecuted in the manner directed by the "*Act respecting the duties of Justices of the Peace out of Sessions, in relation to Summary Convictions and Orders*," so far as no provision is hereby made for any matter or thing which may be required to be done with respect to such prosecutions; and all the provisions contained in the said Act, and the forms contained in the schedule annexed thereto, shall be applicable to such prosecution, in the same manner as if they were incorporated in this Act.

Register of societies to be kept by Minister of Justice.

31. The Minister of Justice shall cause to be kept in his office a book, to be denominated "The Register of Societies for the Prevention of Cruelty to Animals, and Humane Societies," in which any society of this nature may be registered by the depositing with the said Minister a statement setting forth the name, organization and the objects of the said society, and also giving the name, quality and residence of the inspector, agent or officer of the society. Such statement shall be signed and sworn to by the president and secretary of the society:

Fee for registration.

2. The said Mnister of Justice, on receipt of this statement, and of a fee of *five dollars*, shall register the statement, and deliver to the president or secretary of the society, a certificate to the effect that the statement has been duly registered in accordance with the provisions of this Act;

Publication in *Canada Gazette*.

3. The Minister of Justice shall, from time to time, cause to be published in the *Canada Gazette*, the titles of the societies registered, and the names and places of abode of the inspectors, agents or officers of the said societies also registered.

Powers of agent, &c., of the society.

32. After the registration aforesaid, the inspector, agent or officer of any such society for the prevention of cruelty to animals, or humane society, shall have, for the purposes of this Act, all the powers of a sheriff, deputy sheriff, constable, police officer or other peace officer.

Badge of agent, &c.

33. The inspector, agent or officer of any such registered society shall be provided with a certificate or badge by the said society, certifying that he is such inspector, agent or officer, in such form as the directors of such society may choose, and shall, if requested, show such certificate or badge when acting under the authority of this Act.

Penalty for obstructing agent, &c.

34. Any inspector, agent or officer of any society for the prevention of cruelty to animals, or humane society, may lawfully interfere to prevent the perpetration of any act of cruelty upon any animal in his presence; and any person who shall interfere with, or obstruct, or resist any such inspector, agent or officer, in the discharge of his duty, shall be fined not more than *fifty dollars*, or imprisoned not more than thirty days.

Destruction of useless animals.

35. Any inspector, agent or officer of such society may lawfully destroy, or cause to be destroyed, any animal found to be abandoned and not properly cared for, when, in the judgment of two reputable citizens, called by him to view the same in his presence, it appears to be injured, disabled or diseased past recovery, for any useful purpose. (*Public Acts of Connecticut*, 1882, *p.* 166.)

No. 11.

4th Session, 5th Parliament, 49 Victoria,

BILL.

An Act for the more effectual prev
of Cruelty to Animals.

Received and read first time, Wednesd
March, 1886.
Second reading, Friday, 5th March, 18

Mr. CHARL

OTTAWA:
PRINTED BY MACLEAN, ROGER &
1886.

No. 12. **BILL.** [1886.

An Act to amend the Act relating to interest on moneys secured by mortgage of real estate.

Preamble. 43 V., c. 42.

WHEREAS it is expedient to amend the Act forty-third Victoria, chapter forty-two, intituled: "*An Act relating to interest on moneys secured by mortgage of real estate*," as hereinafter provided; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Sections 4 and 5 repealed.

1. Sections four and five of the said Act are hereby repealed and the following substituted therefor:—

New section 4. Recovery of illegal interest paid.

"**4.** In case any sum is paid on account of any interest, fine or penalty not chargeable, payable or recoverable under the foregoing sections, such sums may be recovered back. or deducted, together with an equivalent amount as liquidated damages, from any other interest, fine or penalty chargeable, payable or recoverable on the principal."

New section 5. Provision when the principal or interest is not payable until after three years.

"**5.** Whenever any principal money or interest secured by mortgage of real estate is not, under the terms of the mortgage, payable until a time more than three years after the date of the mortgage, then in case at any time after the expiration of such three years any person liable to pay or entitled to redeem the mortgage, having previously given three months' notice of his intention so to do, tenders or pays to the person entitled to receive the money, the amount due for principal money and interest to the time of payment as calculated under the foregoing sections, or if no such notice has been given, tenders or pays such amount due for principal money and interest, together with three months' further interest in lieu of notice, no further interest shall be chargeable, payable or recoverable at any time thereafter on the principal money or interest due under the mortgage."

In what case a mortgage may be paid off before the time limited therefore.

2. Whenever a sum of money is secured by mortgage on real estate bearing a rate of interest in excess of six per cent. per annum, not payable in advance, and payable at a longer period than one year from the date thereof, the mortgagor or any person entitled to pay the same may, upon giving six months notice of his intention to pay, pay off the entire sum secured by the said mortgage, together with the interest thereon to the date of payment; or in lieu of such six months' notice he shall have the right to pay off the said mortgage by paying six months' interest in advance.

No. 12.

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

An Act to amend the Act relating to interest on moneys secured by mortgage of real estate.

Received and read first time, Wednesday, 3rd March, 1886.
Second reading, Friday, 5th March, 1886.

Mr. McMULLEN.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.

No. 13.] **BILL.** [1886.

An Act to limit the jurisdiction of the Supreme Court as respects matters of a purely local nature in the Province of Quebec.

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

1. The appellate jurisdiction of the Supreme Court of Canada is abolished in all cases in which the subject matter of the suit relates to property and civil rights in the Province of Quebec, and generally in matters of a purely local and private nature coming within the exclusive jurisdiction of the Legislature of the Province of Quebec, according to the provisions of "*The British North America Act*, 1867," and the Acts amending it. Jurisdiction of Supreme Court abolished in matters within the exclusive jurisdiction of the Quebec Legislature.

2. This Act shall not apply to cases decided by the Exchequer Court of Canada, nor to cases in which the matter of dispute affects the constitutionality of any Act or Statute of the Legislature of Quebec, which cases shall continue to be appealable to the Supreme Court, as is now or shall be in the future prescribed. Act not to affect certain cases.

3. This Act shall not apply to appeals already brought or pending before the said Supreme Court. Or cases now pending.

No. 13.

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

An Act to limit the appellate jurisdiction of the Supreme Court as respects matters of a purely local nature in the Province of Quebec.

Received and read first time, Wednesday, 4th March, 1886.
Second reading, Friday, 5th March, 1886.

MR. LANDRY,
(Montmagny.)

OTTAWA:
PRINTED BY MACLEAN, ROGER & CO.
1886.

No. 14.] **BILL.** [1886.

An Act to reduce the Capital Stock of the Bank of New Brunswick.

WHEREAS the Bank of New Brunswick, by its petition has represented that in order to enable it to realize the largest possible return to the shareholders, it is necessary that its capital stock of one million dollars should be reduced to five hundred thousand dollars; and that a resolution of the shareholders to that effect was passed; and whereas the bank has prayed for the passing of an Act to that end, 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. From and after the day of in the year one thousand eight hundred and eighty-six, the capital stock of the said Bank of New Brunswick shall be reduced from one million to five hundred thousand dollars; and it shall be divided into five thousand shares of one hundred dollars each, so that the present number of shares shall be reduced by one-half: Provided always, that the liability of the shareholders to the present creditors of the bank shall not be in any way diminished by the said reduction. Capital stock reduced. Proviso: rights of creditors.

2. The present shares shall be converted on the said day of in the year one thousand eight hundred and eighty-six, into new shares, and the shareholders shall then be entitled to receive the sum of one hundred dollars and one new share for every two shares held by them: Conversion of present shares.

2. The bank shall issue such new shares and deliver the same with such amount in cash as aforesaid to the shareholders in the proportion aforesaid, on their delivering up to the bank the certificate of existing shares held by them, in respect of which such issue of new shares and payment of cash shall be made. Issue of new shares.

3. In any case wherein any shareholder holds an odd number of shares, or holds such a number of existing shares as are not divisible into new shares without a remainder, the said bank is authorized to accept a surrender of such odd shares, and is hereby authorized to sell such a number of new shares as shall represent one-half in number of the odd shares so surrendered, in such manner as the said bank As to holders of odd numbers of shares.

shall deem likely to produce the largest return therefor, and thereafter shall distribute the net proceeds of such sale and the sum of fifty dollars for every existing share so surrendered among the shareholders entitled thereto, on the execution by such shareholders of suitable discharges for the same.

Transfer of existing shares.

4. From and after the said day of only new shares of the new capital stock of the said bank shall be transferable.

Register to be amended.

5. The register of shareholders of the said bank shall be amended in accordance with the provisions of this Act.

Extinction of existing shares.

6. Except for the purposes hereinbefore set forth, the existing shares of the said stock shall, after the issue of such new shares, be extinguished, and the votes by the shareholders of the said bank shall be computed on the basis of the new shares.

No. 14.

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

An Act to reduce the Capital Stock of the Bank of New Brunswick.

Received and read first time, Thursday, 4th March, 1886.

Second reading, Monday, 8th March, 1886.

(PRIVATE BILL.)

Mr. WELDON.

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.

1886.

No. 15.] **BILL.** [1886.

An Act further to amend "An Act respecting Insolvent Banks, Insurance Companies, Loan Companies, Building Societies and Trading Corporations."

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

1. Section sixty of the Act passed in the forty-fifth year of Her Majesty's reign, and chaptered twenty-three, and intituled "*An Act respecting Insolvent Banks, Insurance Companies, Loan Companies, Building Societies and Trading Corporations*," is hereby amended by the addition of the following sub-section:— Section 60 amended; sub-section added.

"3. Clerks and other persons in the employ of the company in or about its business or trade, shall be collocated in the dividend sheet by special privilege over other creditors, for any arrears of salary or wages due and unpaid to them at the time of the making of the winding-up order, not exceeding three months of such arrears; and also for such salary or wages, for a period not exceeding two months of the unexpired portion of the then current year of service, during which period they shall be bound to perform, under the direction of the liquidator, any work or duty connected with the affairs of the company, which the company might have directed them to perform, under their respective engagements, and for any other claim they shall rank as ordinary creditors." Privilege of claims of clerks and employees allowed to a certain extent. Their duties under order of the liquidator.

2. This Act shall apply to cases in which the winding-up proceedings are pending, where the final dividends have not been declared; and such privileged claims shall be entitled to rank upon any portion of an estate in the hands of the liquidators at the time of the passing of this Act. Extent of application of this Act.

No. 15.

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

An Act further to amend "An Act respecting Insolvent Banks, Insurance Companies, Loan Companies, Building Societies and Trading Corporations."

Received and read first time, Thursday, 4th March, 1886.
Second reading, Monday, 8th March, 1886.

Mr. EDGAR.

OTTAWA:
PRINTED BY MACLEAN, ROGER & CO.
1886.

No. 15.] **BILL.** [1886.

An Act further to amend "An Act respecting Insolvent Banks, Insurance Companies, Loan Companies, Building Societies and Trading Corporations."

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

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

1. Section sixty of the Act passed in the forty-fifth year of Her Majesty's reign, chaptered twenty-three, and intituled "*An Act respecting Insolvent Banks, Insurance Companies, Loan Companies, Building Societies and Trading Corporations*," is hereby amended by the addition of the following sub-section:— Section 60 amended; sub-section added.

"3. Clerks and other persons in or having been in the employment of the company in or about its business or trade, shall be collocated in the dividend sheet by special privilege over other creditors, for any arrears of salary or wages due and unpaid to them at the time of the making of the winding-up order, not exceeding the arrears which have accrued to them during the three months next previous to the date of such order." Privilege of claims of clerks and employees allowed to a certain extent. Their duties under order of the liquidator.

2. This Act shall apply to cases in which the winding-up proceedings are pending, where the final dividends have not been declared; and such privileged claims shall be entitled to rank upon any portion of an estate in the hands of the liquidators at the time of the passing of this Act. Extent of application of this Act.

No. 15.

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

An Act further to amend "An Act respecting Insolvent Banks, Insurance Companies, Loan Companies, Building Societies and Trading Corporations."

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

Mr. EDGAR.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.

1886.

No. 16. **BILL.** [1886.

An Act to incorporate the Medicine Hat, Dunmore and Benton Railway Company.

Preamble.

WHEREAS the construction and operation of a railway from the main line of the Canadian Pacific Railway, at or near Medicine Hat or Dunmore, to the boundary line between the United States and Canada, to connect with a line from Benton, Territory of Montana, United States of America, would be of public advantage to Canada; And whereas, a petition has been presented, praying for the incorporation of a company for the purpose of constructing and operating such 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:—

Certain persons incorporated.

1. William Davis Swayze, Archibald McDonald, Samuel McCallum, George Patterson, John Murphy, Hugo Kranz and Joseph E. Seagram, together with such other persons as become shareholders in the company to be hereby incorporated, are hereby declared to be a body corporate and politic, by the name of the "Medicine Hat, Dunmore and Benton Railway Company," hereinafter called the company.

Corporate name.

Line of railway and branches.

2. The company may lay out, construct, equip and operate a standard or other gauge railway, from a point on the main line of the Canadian Pacific Railway, at or near Medicine Hat or Dunmore, in the Provisional District of Assiniboia, in a southerly direction to the boundary line between Canada and United States, on the most practicable route, to connect with a railway from Benton, Territory of Montana, United States, and may also build branch railways in connection with their main line; but no branch railway shall be of a greater length than ten miles, built, equipped or operated under this Act.

Provisional directors: their term of office.

3. The persons whose names are set forth in the first section hereof, with power to add to their number, shall be provisional directors of the company, of whom five shall be a quorum, and shall hold office as such until the first election of directors under this Act; and they shall have power forthwith to open stock books, procure subscriptions of stock for the undertaking, make calls on stock subscribed, receive payments thereon, make or cause to be made plans and surveys of the works herein contemplated, and to deposit in any chartered bank of Canada all moneys received by them on account of stock subscribed or otherwise received on

Powers and duties.

account of the company, and to withdraw the same for the purposes only of the undertaking, and to receive on behalf of the company any grant of land, loan, bonus or gift made to it in aid of the undertaking, or any portion of it, and generally to do all such acts as they could do if they had been elected directors under this Act.

Capital stock; application of moneys.

4. The capital stock of the company shall be four hundred thousand dollars, in shares of one hundred dollars each; and shall be applied in the first place for the payment of all expenses for procuring the passing of this Act, of organizing the company, and for making surveys, plans and estimates connected with the works hereby authorized.

Ten per cent to be paid on subscription.

5. No subscription in the capital stock of the company shall be legal or valid unless ten per centum has been actually and *bonâ fide* paid thereon within thirty days after subscription, into one or more of the chartered banks of Canada; and such ten per centum shall not be withdrawn from such bank or otherwise applied, except for the purposes of the company:

Allotment of stock.

2. The provisional directors may apportion the stock so subscribed among the subscribers as they deem most advantageous and conducive to the furtherance of the undertaking.

Shares may be paid up in advance and discount allowed.

3. The provisional or elected directors, when authorized by the shareholders at any general or special meeting called for that 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 thereupon may issue to such subscriber scrip to the full amount of such subscribed stock.

Payment for certain services in paid up stock.

4. The directors, elected by the shareholders may make or issue stock as paid up stock, and may pay or agree to pay in such paid up stock, or in the bonds of the company, such sums as they deem expedient, to engineers or contractors, or for right of way or for material, plant or rolling stock, or for the services of such persons as may be employed by the directors for the purchase of right of way, material, plant or rolling stock.

Grands of land or money in aid may be received.

6. The company may, from time to time, receive, in aid of the construction, equipment and maintenance of the railway, or otherwise for the purposes thereof, grants of land, bonuses, loans or gifts of money or securities for money, and may also

Lands may be held in trust.

purchase or lease any lands, rights or privileges; and the lands, leases and privileges so acquired by the company may be conveyed to trustees, to be held, conveyed and otherwise disposed of by them upon the trusts and for the purposes herein declared in reference to such lands, leases and privileges:

Application of proceeds and order of priority.

2. 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 the bonds, 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.

Lands sold to be free from lien in certain cases.

7. All lands sold and conveyed by the company, or by the said trustees, after a conveyance thereof to them upon the said trusts, 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 any such mortgage or lien created by the company thereon, the same shall be applied in accordance with the trusts in the next preceding section declared.

Application of proceeds.

First meeting of shareholders;

Notice.

8. When shares to the amount of one hundred thousand dollars in the capital stock of the company have been subscribed, and ten per centum paid thereon *bonâ fide*, the provisional directors shall call a meeting of the subscribers of the said capital at Toronto, for the purpose of electing directors of the company, giving two weeks' previous notice by public advertisement in the *Canada Gazette* and in some daily newspaper published in Toronto, and also by circular addressed by mail to each subscriber, of the time, place and purpose of such meeting.

Qualification of directors.

9. No person shall be a director of the company unless he is holder and owner of at least twenty shares in the stock of the company, and has paid up all calls thereon.

Elections of directors.

10. At such general meeting the subscribers for the capital stock assembled, who have so paid up ten per centum thereof may choose nine persons to be directors of the company, of whom five shall be a quorum.

Annual general meeting;

Notice.

11. Thereafter the annual general meeting of the shareholders of the company, for the election of directors and other general purposes, shall be held on the second Wednesday in the month of January in each year, at such place in Canada as is appointed by by-law of the company, and two weeks' previous notice thereof shall be given, by publication in the *Canada Gazette* and one newspaper published in the city of Toronto.

Calls on shares,

12. No call to be made at any time upon the capital stock shall exceed ten per centum on the subscribed capital.

Bonds may be issued with authority of shareholders.

13. The directors of the company, under the authority of the shareholders to them given by a resolution at a special general meeting called for that purpose, at which meeting shareholders representing at least one-half in value of the stock subscribed and paid for are present, may issue bonds under the seal of the company, signed by its president or other presiding officer, and countersigned by its secretary and treasurer; and such bonds may be made payable at such times, and in such manner, and at such place or places in Canada or elsewhere, and bearing such rate of interest as the directors think proper; and the directors may issue and sell or pledge all or any of the said bonds at the best price and upon the best terms and conditions which, at the time, they are able to obtain, for the purpose of raising money for prosecuting the said undertaking: Provided, that the amount of bonds so issued, sold or pledged shall not exceed twelve thousand dollars per mile of railway.

Form and disposal of bonds.

Limitation.

Bonds may be secured by mortgage deed.

14. Nothwithstanding anything in this Act contained, the company may secure the bonds issued by them by a mortgage deed, creating such mortgages, charges and incumbrances upon the whole or any part of the property, assets, rents and revenues of the company, present or future, or both, as are described in the said deed; but such rents and revenues shall be subject, in the first instance, to the payment of working expenses of the railway: and by the said deed the company may grant to the holders of such bonds, or to the trustee or trustees named in such deed, all and every the powers and remedies granted by this Act in respect of the said bonds, and all other powers and remedies not inconsistent with this Act, or may restrict the bondholders in the exercise of any power, privilege or remedy granted by this Act, as the case may be; and all such powers, rights and remedies as are so contained in such mortgage deed shall be valid, binding and available to the bondholders in the manner and form therein provided.

What such deed may contain.

Bonds to be the first charge on the railway.

15. The bonds hereby authorized to be issued, shall, without registration or formal conveyance, be the first preferential claim and charge upon the company, and the undertaking, tolls, income and real and personal property thereof, now or at any time hereafter acquired, save and except as is provided for in the next preceding section, and except lands held by the trustees for the company; and each holder of the said bonds shall be deemed to be a mortgagee or incumbrancer upon the said securities *pro ratâ* with other bondholders, and shall have priority as such.

Voting power of bondholders in default of payment.

16. If the company makes default in payment of the principal or of the interest on any of the bonds hereby authorized, at the time when the same, by the terms of the bonds, becomes due and payable, then at the next ensuing annual general meeting of the company, and all subsequent meetings, all holders of bonds so being and remaining in default shall, in respect thereof, have the same rights, privileges and qualifications for being elected directors and for voting at general meetings as they would have as shareholders if they held fully

paid-up shares of the company to a corresponding amount: Provided nevertheless, that the right given by this section shall not be exercised by any bondholder unless the bonds in respect to which he claims to exercise such right have been first registered in his name, in the same manner as is provided by law for the registration of the shares of the company; and for that purpose the company shall be bound, on demand, to register any of the said bonds in the name of the holder thereof, in the same manner as a transfer of shares: Provided also, that the exercise of the rights given by this section shall not take away, limit or restrain any other of the rights or remedies to which the holders of the said bonds are entitled.

Proviso: as to registration.

Proviso: certain rights not affected.

17. All bonds and other securities hereby authorized, and the coupons and interest warrants thereon respectively, may be made payable to bearer, and shall, in that case, be transferable by delivery, until registry thereof, in manner provided in the next preceding section, and while so registered, in the same manner as in the case of shares; but they shall again become transferable by delivery upon the registration of a transfer to bearer, which the company shall be bound to register on the demand of the registered holder for the time being.

Form of bonds and mode of transfer.

18. The company may become party to promissory notes and bills of exchange for sums of not less than one hundred dollars; and any such note or bill made, drawn, accepted or endorsed by the president or vice-president of the company, and countersigned by the secretary and treasurer, shall be binding on the company; and any such promissory note or bill of exchange made, drawn, accepted or endorsed by the president or vice-president, and countersigned by the secretary and treasurer, shall be presumed to have been made, drawn, accepted or endorsed with the proper authority until the contrary is shown; and in no case shall it be necessary to have the seal of the company affixed to such promissory note or bill of exchange, nor shall the president or vice-president, or secretary and treasurer, be individually responsible or liable for the same, unless the said promissory note or bill of exchange has been issued without proper authority: 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 bill or note of a bank.

Company may be party to promissory notes.

Form of notes.

Proviso: notes payable to bearer.

19. The works upon the main line of the said railway shall be commenced within three years, and finally completed within six years from the date of passing of this Act.

Time for construction.

20. The company shall have full power and authority to construct, work and operate such line or lines of telegraph or telephone in connection with and along the line of their railway and branches as are necessary or useful for the purposes of their undertaking.

Telegraph and telephone lines.

Conveyances to the company.

21. Deeds and conveyances of lands to the company (not being letters patent from the Crown) may, in so far as circumstances will admit, be in the form set forth in the schedule to this Act, or in any other form to the like effect; and every deed made in accordance herewith shall be held and construed to impose upon the vendor executing the same the obligation of guaranteeing the company and its assigns against all dower and claim for dower and against all hypothecs and mortgages, and against all liens and charges whatsoever, not excepted in the grant, and also that he has a good, valid and transferable title thereto.

SCHEDULE.

Know all men by these presents, that I, A.B., in consideration of paid to me by the Medicine Hat, Dunmore and Benton Railway Company the receipt whereof is hereby acknowledged, grant, bargain, sell and convey unto the said Medicine Hat, Dunmore and Benton Railway Company, their successors and assigns, all that tract and parcel of land (*describe the land*), to have and to hold the said land and premises unto the said company, their successors and assigns forever.

Witness my hand this day of one thousand eight hundred and

Signed, sealed and delivered in the presence of } A.B. [L S].

C.D.
E.F.

No. 16.

4th Session, 5th Parliament, 49 Victoria, 1

BILL.

An Act to incorporate the Medicine
Dunmore and Benton Railway
pany.

Received and read first time, Thursday
March, 1886.

Second reading, Monday, 8th March, 18

(PRIVATE BILL.)

MR. McCALL

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO

1886.

No. 17.] **BILL.** [1886.

An Act to amend the Act respecting the North-West Central Railway Company.

Preamble. 47 V., c. 72.

WHEREAS it is expedient to continue in force the Act forty-seventh Victoria, chapter seventy-two, and the Acts therein mentioned, and to extend the time for the construction of fifty miles of the North-West Central Railway; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Acts continued in force.

1. The said Act, forty-seventh Victoria, chapter seventy-two, and the said several Acts therein mentioned, are hereby continued in full force and effect of law, except the seventh section of the said first cited Act, which is hereby repealed

Time for construction extended.

2. The said North-West Central Railway Company shall have a further period for the construction and equipment of the first fifty miles of the said railway, until the first day of October next after the passing of this Act.

Provisional directors.

3. The directors of the said North-West Central Railway Company, until their successors are elected or appointed, shall be the Honorable John Norquay, L. A. Billy, M.P., Charles H. Tupper, M.P,. L. J. Riopel, M.P., Philip Low, Q.C., Robert Beaty, broker, George Pears, manufacturer, Warring Kennedy, merchant, and James Beaty, M.P.

Liability of the company as to certain claims defined.

4. The said North-West Central Railway Company shall not be chargeable with any liability of the Souris and Rocky Mountain Railway Company, except for actual work done or material supplied in the grading between Melbourne and Rapid City, which shall be payable directly to the several workmen and claimants respectively, on account of such work or supplies; and payments to such workmen or claimants shall be a discharge to the said North-West Central Railway Company.

Priority of certain obligations.

5. The mortgage and bonds authorized by the said Acts to be executed and issued shall be the first preferential charge and lien, and shall have priority as such, on the railway and lands and assets of the said North-West Central Railway Company, as described and charged in th said mortgage.

No. 17.

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

An Act to amend the Act respecting the North-West Central Railway Company.

Received and read first time, Friday, 5th March, 1886.

Second reading, Wednesday, 10th March, 1886.

(PRIVATE BILL.)

Mr. BEATY.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.

1886.

No. 17.] **BILL.** [1886.

An Act to amend the Act respecting the North-West Central Railway Company.

(*Again re-printed as proposed to be amended in the Railway Committee.*)

Preamble. 47 V., c. 72.

WHEREAS it is expedient to continue in force the Act forty-seventh Victoria, chapter seventy-two, and the Acts therein mentioned, and to extend the time for the construction of fifty miles of the North-West Central Railway; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Acts continued in force.

1. The said Act, forty-seventh Victoria, chapter seventy-two, and the said several Acts therein mentioned, are hereby continued in full force and effect of law.

Time for construction extended.

2. The said North-West Central Railway Company shall have a further period for the construction and equipment of the first fifty miles of the said railway, until the first day of October next after the passing of this Act.

No. 17.

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

An Act to amend the Act respecting the North-West Central Railway Company.

(Again re-printed as proposed to be amended in the Railway Committee.)

PR ATE BILL.)

Mr. BEA .

OTTAWA:
PRINTED BY MACLEAN, ROGER & Co.
1886.

No. 18. **BILL.** [1886.

An Act to incorporate the Midland Bank of Canada.

Preamble.

WHEREAS John Hallam, Alfred Hoskin, Arthur R. Boswell, David Walker, Henry H. Meredith, Frederick Cubitt, James H. Samo, and others, have, by their petition, prayed that they may be incorporated for the purpose of establishing a bank in the city of Toronto, and it is expedient to grant the prayer of the said petition : Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

Corporation created.

Name.

1. The seven persons hereinbefore mentioned, and such other persons as became shareholders in the corporation by this Act created, are hereby constituted a corporation by the name of " The Midland Bank of Canada."

Capital stock.

Chief office.

2. The capital stock of the said bank shall be one million of dollars, divided into ten thousand shares of one hundred dollars each, which said shares are hereby vested in the several persons who subscribed for the same ; and the chief office of the bank shall be at the city of Toronto.

Provisional directors ;

May open stock books.

First meeting of subscribers.

Notice.

Election of directors.

3. For the purpose of organizing the said bank, the persons hereinbefore mentioned by name shall be provisional directors thereof ; and they or a majority of them may cause stock books to the opened after giving due public notice thereof, upon which stock books may be received the subscriptions of such persons as desire to become shareholders in the said bank ; and such books shall be opened at the city of Toronto and elsewhere at the discretion of the provisional directors, and may remain open so long as they deem necessary ; and so soon as the sum of five hundred thousand dollars of the said capital stock has been *bonâ fide* subscribed and one hundred thousand dollars actually paid into some one of the present chartered banks in Canada, the said provisional directors may call a meeting of the subscribers, by notice published for at least four weeks in the *Canada Gazette* and in one newspaper published in the city of Toronto, —such meeting to be held at the city of Toronto at such time and place as such notice indicates and specifies ; and at such meeting the subscribers may elect seven directors, who shall remain in office until the third Monday in June, in the year next after the year in which they are so elected, and until such time as their successors in office have been elected ; and upon such first mentioned election being had, the functions of the said provisional directors shall cease.

Number of directors. Power to increase.

4. The number of directors of the said bank shall be seven, subject to be increased, from time to time, to any number not exceeding ten, by by-law made by the shareholders of the bank.

Banking Act, 34 V., c. 5, to apply.

5. The Act passed in the thirty-fourth year of Her Majesty's reign, intituled "*An Act relating to Banks and Banking*," and all Acts amending the same, shall apply to the Bank hereby incorporated, excepting so far as the provisions thereof relate only to banks already in existence, or to banks *en commandite*.

When certificate from treasury board must be obtained.

6. The said bank shall obtain from the Treasury Board, before commencing business and within two years after the passing of this Act, the certificate required by section seven of the "*Act relating to Banks and Banking*"; and if at least two hundred thousand dollars of the subscribed capital of such bank has not been paid up before it has received such certificate, such further amount as is required to complete the said sum shall be called in and paid up within one year from the date of such certificate; and in the event of failure to comply with any of the provisions in this section contained, this Act shall become and be null and void and of no effect, and the charter hereby granted and all and every the rights and privileges hereby conferred shall be forfeited.

Act to be void for failure to do so.

Duration of Act.

7. This Act shall remain in force until the first day of July, in the year of Our Lord one thousand eight hundred and ninety-one.

No. 18.

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

An Act to incorporate the Midland Bank of Canada.

Received and read the first time, Friday, 5th March, 1886.

Second reading, Wednesday, 10th March, 1886.

(PRIVATE BILL).

Mr. WARD.

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.

1886.

No. 19.] **BILL.** [1886.

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:— Preamble.

1. Section thirteen of the "*Animal Contagious Diseases Act*," passed in the Session held in the forty-eighth and forty-ninth years of Her Majesty's reign, is hereby repealed and the following substituted therefor:— Section 13 of 48-49 V., c. 70, repealed and new section substituted.

"**13.** The Governor in Council may, for animals slaughtered under the provisions of the said Act, order compensation to be paid as follows:— Compensation for animals slaughtered.

"(*a*) Where the animal slaughtered was affected with rinderpest (being the disease commonly called cattle plague) the compensation shall be one-half of its value, immediately before it became so affected, but so that the compensation shall not, in any such case, exceed *fifty dollars*; When affected with rinderpest.

"(*b*) Where the animal slaughtered was affected with contagious pleuro-pneumonia of cattle (commonly called, pleuro-pneumonia) the compensation shall be three-fourths of its value immediately before it became so affected, but so that the compensation shall not in any such case exceed *one hundred and fifty dollars*. When affected with pleuro-pneumonia.

"(*c*) In every other case the compensation shall be the value of the animal immediately before it was slaughtered, but so that the compensation shall not, in any case, exceed *two hundred dollars*, except in the case of thoroughbred pedigree animals, in which case it shall not exceed *three hundred dollars*; How the value of the animal shall be computed.

"Provided always that such compensation may be withheld in whole or in part where the owner or the person having charge of the animal has, in the opinion of the Governor in Council, been guilty, in relation to the animal, for an offence against this Act, or where the animal, being a foreign one, was, in his judgment, diseased at the time of entering Canada." Proviso: no compensation if the owner has contravened the Act.

2. If in any case the sum received by the Government, on the sale of a carcass of an animal slaughtered, under the provisions of the said Act, exceeds the amount paid for Excess of sum received for carcass, over compensation

paid to belong to owner.

compensation to the owner of the animal slaughtered, such excess, after deduction of reasonable expenses, shall be paid to the owner.

Section 27 amended, sub-section added.

3. Section twenty-seven of the said Act is hereby amended by adding thereto the following sub-section:— 5

Prescribing mode of ascertaining value of animal.

" 1. For prescribing the mode of ascertaining the value of an animal slaughtered or liable to be slaughtered under the provisions of the said Act "

No. 19.

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

An Act to amend "The Animal Contagious Diseases Act."

Received and read first time, Friday, 5th March, 1886.
Second reading Wednesday, 10th March, 1886

Mr. MULOCK.

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.

No. 20.] **BILL.** [1886.

An Act to punish seduction, and like offences, and to make further provision for the Protection of Women and Girls.

Preamble.

WHEREAS it is expedient to provide for the punishment of offences against chastity: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Seduction or attempted seduction of girl under 16.

1. Any person who—

(1) Seduces and has illicit connection with any girl of previously chaste character, or who attempts to seduce and have illicit connection with any girl of previously chaste character; being of or above the age of twelve years and under the age of sixteen years, or—

Unlawful connection or attempt with idiotic or imbecile females not amounting to rape.

(2) Unlawfully and carnally knows, or attempts to have unlawful carnal knowledge of any female idiot or imbecile woman or girl, under circumstances which do not amount to rape, but which prove that the offender knew at the time of the offence that the woman or girl was an idiot or imbecile, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as hereinafter provided. (*Imp. Act*, 48 *and* 49 *V.*, *c.* 69, *s.* 5.)

Seducing under promise of marriage.

2. Any person who, under promise of marriage, seduces, and has illicit connection with any unmarried female of previously chaste character and under twenty-one years of age, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as hereinafter provided:

Proviso: as to subsequent marriage.

Provided, that in the case of an unmarried man, the subsequent marriage of the parties may be pleaded in bar of a conviction.

Procuring protended marriage.

3. Any person who procures a feigned or pretended marriage between himself and any woman, or any person who knowingly aids and assists in procuring such feigned or pretended marriage, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as hereinafter provided.

Inducing resort to house for illicit carnal knowledge.

4. Any person who, being the owner and occupier of any premises, or having, or acting, or assisting in the management or control thereof, induces, or knowingly suffers, any girl of such age as in this section mentioned, to resort to or be in or

upon such premises for the purpose of being unlawfully and carnally known by any man, whether such carnal knowledge is intended to be with any particular man or generally,—

If the girl is under 12 years: felony.

(1) Shall, if such girl is under the age of twelve years, be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be imprisoned in any penitentiary for a term not exceeding five years, or for a period of less than two years in any other place of confinement:

If above 12 but under 16; misdemeanor.

(2) If such girl is of or above the age of twelve and under the age of sixteen years, shall be guilty of a misdemeanor and upon conviction thereof shall be punished as hereinafter provided:

Proviso: in case of reasonable belief in greater age than 16.

Provided, that it shall be a sufficient defence to any charge under this section if it shall be made to appear to the court or jury before whom the charge shall be brought, that the person so charged had reasonable cause to believe that the girl was of or above the age of sixteen years. (*Imp. Act*, 48 *and* 49 *V.*, *c.* 69, *s.* 6.)

Taking girl out of possession of parents, or lawful guardians.

5. Any person who –

With intent that any unmarried girl under the age of eighteen years should be unlawfully and carnally known by any man, whether such carnal knowledge is intended to be with any particular man, or generally,—

Takes, or causes to be taken, such girl out of the possession and against the will of her father or mother, or any other person having the lawful care and charge of her,—

Misdemeanor.

Shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as hereinafter provided:

Proviso: in case of reasonable belief in greater age than 18.

Provided, that it shall be a sufficient defence to any charge under this section if it shall be made to appear to the court or jury that the person so charged had reasonable cause to believe that the girl was of or above the age of eighteen years. (*Imp. Act*, 48 *and* 49 *V.*, *c* 69, *s.* 7.)

Detaining any female against her will for illicit purposes.

6. Any person who detains any woman or girl against her will,—

(1) In or upon any premises with intent that she may be unlawfully or carnally known by any man, whether any particular man or generally, or,—

Or in any brothel.

(2) In any brothel,—

Misdemeanor.

Shall be guilty of a misdemeanor, and being convicted thereof shall be punished as hereafter provided.

What shall be deemed to be such detention.

Where a woman or girl is in or upon any premises for the purpose of having any unlawful carnal connection, or is in any brothel, a person shall be deemed to detain such woman

or girl in or upon such premises, or in such brothel, if with intent to compel or induce her to remain in or upon any such premises, or in such brothel, such person withholds from such woman or girl any wearing apparel or other property belonging to her, or, where wearing apparel has been lent, or otherwise supplied to such womanor girl by or by the direction of such person, such person threatens such woman or girl with legal proceedings if she takes away with her the wearing apparel so lent or supplied :

Witholding apparel or furnishing it with threat of punishment if taken away.

No legal proceedings, whether civil or criminal, shall be taken against any such woman or girl for taking away, or being found in possession of any such wearing apparel as was necessary to enable her to leave such premises or brothel. (*Imp. Act*, 48 *and* 49 *V.*, *c.* 69, *s.* 8.)

No legal proceedings against female taking apparel necessary in order to escape.

7. Any person who induces a married woman to permit him to have carnal connection with her by personating her husband shall be deemed to be guilty of rape (*Imp. Act*, 48 *and* 49 *V.*, *c.* 69, *s.* 4)

Personating husband of married woman.

8. No person shall be convicted of any offence under this Act upon the evidence of one witness, unless such witness be corroborated in some material particular, by evidenee implicating the accused. (*Imp. Act*, 48 *and* 49 *V.*, *c* 69, *s.* 3.)

No conviction on evidence of one witness only.

9. In every case arising under this Act the defendant shall be a competent witness in his own behalf upon any charge or complaint against him.

Defendant to be a competent witness.

10. No prosecution under this Act shall be commenced after the expiration of one year from the time of committing the offence.

Prosecution must be within one year after offence.

11. Any person convicted of any offence declared to be a misdemeanor under this Act, shall be imprisoned two years in a penitentiary, or for a less term in any other place of confinement, in the discretion of the court having jurisdiction.

Punishment misdemeanor not under this Act.

No. 20.

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

An Act to punish seduction and like offences and to make further provision for the Protection of Women and Girls.

Received and read first time, Monday, 8th March, 1886.
Second reading, Thursday, 11th March, 1886,

Mr. CHARLTON.

OTTAWA:
PRINTED BY MACLEAN, ROGER & CO.
1886.

No. 21.] **BILL.** [1886.

An Act further to amend "The Supreme and Exchequer Court Act."

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

1. The following shall be added as a new sub-section at the end of section fifty-two of "*The Supreme and Exchequer Court Act*":— Section 52 of 38 V., c. 11 amended by adding new sub-section.

"1. The Lieutenant Governor in Council of any Province, whose Legislature shall have passed an Act in accordance with the provisions of section fifty-four of this Act, may request the Governor in Council to obtain the opinion of the Supreme Court upon the question of the validity of any Act of the Legislature of such Province, and the Governor in Council shall thereupon refer the said question to the Supreme Court for hearing and consideration hereunder." Lt.-Governor of any province may request the Governor in Council to obtain opinion of the Court as to validity any Act passed under section 54.

No. 21.

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

An Act further to amend "The Supreme and Exchequer Court Act."

Received and read first time, Monday, 8th March, 1886.
Second reading, Thursday, 11th March, 1886.

Mr. EDGAR.

OTTAWA:
PRINTED BY MACLEAN, ROGER & CO.
1886.

No. 22.] **BILL.** [1886.

An Act respecting interest in the Province of British Columbia.

Preamble.

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

Rate when there is no special agreement.

1. In the Province of British Columbia in all cases where interest is chargeable or recoverable by law or by any contract expressed or implied, or upon any judgment of any court in British Columbia, if the rate of interest has not been agreed upon in writing, such rate shall be eight per cent. per annum.

Rate on sum awarded by a judgment when more than 8 per cent. has been agreed upon.

2. In all cases in which judgment is recovered upon any contract in or by which interest at a higher rate than eight per cent. per annum has been agreed in writing to be paid, the amount awarded by such judgment shall bear interest at the rate agreed upon, not, however, exceeding twelve per cent. per annum.

Ordinance No. 71 of 1871 repealed.

3. The Ordinance number seventy-one of the revised statutes of British Columbia (1871) is hereby repealed.

Act not to apply to contracts made before its passing.

4. This Act shall not extend to contracts entered into before its passing.

No. 22

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

An Act respecting interest in the Province of British Columbia.

Received and read first time, Monday, 8th March, 1886.

Second reading, Thursday, 11th March, 1886.

Mr Baker.
(Victoria.)

OTTAWA:

Printed by MacLean, Roger & Co.

1886

No. 23.] **BILL.** [1886.

An Act to further amend the Law of Evidence in Criminal Cases.

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

1. Every person charged with an offence, and the wife and husband, as the case may be, of the person so charged, shall be a competent witness on every hearing at every stage of such charge, and whether the person so charged is charged or arraigned solely or jointly with another or others. Persons charged to be competent as witness.

2. Provided that no person so charged shall be compellable to be a witness on any such hearing, nor shall such wife or husband be an admissible witness on any such hearing, without the consent of the person so charged, unless so compellable heretofore. Consent of person charged necessary. Exception.

3. Provided also, that nothing in this Act shall qualify or affect the law as to the competency of witnesses, nor the rules of evidence, except as herein expressly enacted. Saving clause.

4. Provided also, that no person so charged, being a witness on any hearing of such charge, shall have the right to refuse to answer any question, on the ground that it would tend to criminate him or her, as to the offence charged, unless the court, before whom such hearing shall take place, shall think fit. Person charged if witness, bound to answer all questions. Exception.

5. This Act may be cited as "The Law of Evidence in Criminal Cases Amendment Act." Short title.

No. 23.

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

An Act to further amend the Law of Evidence in Criminal Cases.

Received and read first time, Tuesday, 9th March, 1886.
Second reading, Thursday, 11th March, 1886.

Mr. Cameron,
(West Huron.)

OTTAWA:
Printed by MacLean, Roger & Co.
1886.

No. 24.] **BILL.** [1886.

An Act to incorporate the Kingston and Pembroke Mutual Aid and Insurance Company, Limited.

Preamble.

WHEREAS the employees of the Kingston and Pembroke Railway Company and others have, by their petition, represented that they are desirous of obtaining power to associate themselves together for the purpose of creating superannuation, provident and insurance funds, or one or more of such funds, for the benefit of such employees and others, and have prayed that they may be incorporated for the purpose; and whereas it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Certain persons incorporated.

Corporate name.

Objects of the company.

1. Benjamin W. Folger, Charles F. Gildersleeve, James Swift, James H. Taylor, Napoleon Parent, M. J. Neville and the contributors to the superannuation and provident funds hereinafter authorized to be created, shall be a corporation under the name of the "Kingston and Pembroke Mutual Aid and Insurance Company, Limited," hereinafter called the company; the objects of which shall be to extend relief, in cases of sickness, injury, old age, accident, or death, to the employees of the Kingston and Pembroke Railway Company and others, and their families; and, generally, to promote the welfare of the contributors to the said funds and their families.

Committee of management.

2. The powers of relief belonging to the company shall be exercised by a committee of management, consisting of ten persons, one of whom shall be the president, or in the absence of the president the vice-president of the said railway company; and three members of such committee shall be appointed by such president or vice-president, and six shall be elected annually by the members of the company.

Certain funds may be constituted.

And trustees appointed.

3. The company shall have power to create superannuation and provident funds by means of the contributions of its members and others for that purpose; and such funds shall be vested in a board of trustees consisting of five persons, two of whom shall be appointed by the said president or vice-president of the said railway company, and three elected annually by the members of the company; and such trustees shall have the administration of such funds and shall deal with the same as provided by the by-laws of the company.

Election of managers and trustees

4. Elections for those members of the committee of management and members of the board of trustees, not appointed by the president or vice-president of the railway company, shall be held at the time and place and in the manner set forth in the by-laws of the company; and any vacancies occurring in either the committee or the board shall be filled in the manner provided by such by laws.

Voting powers of members of company.

5. Any of the employees and others above mentioned upon subscribing to the by-laws of the company and performing all other obligations required to constitute membership in the company shall have the privilege of voting for members of the committee of management or trustees, as the case may be, either in person or by proxy, according to the by-laws of the company;

Common seal.

2. The company shall have power to have and use a common seal or seals for its board of trustees and committee of management, respectively, and to alter the same at pleasure; to acquire, by purchase, gift, devise, or bequest, or in any other manner, and to receive, hold, use, sell, lease, mortgage, or otherwise dispose of property, real or personal, which may be necessary or proper for the company in carrying on its operations; and, generally, to do every other act or thing not inconsistent with law, which may be necessary to promote the objects and purposes for which the company is formed.

Real estate, &c.

General powers of company.

By-laws.

6. The committee of management may make and adopt such by-laws, rules and regulations, not inconsistent with the law, as may be deemed proper and necessary for the accomplishment of the objects of the company, and, from time to time, alter, amend or repeal the same or any part thereof; and such by-laws may declare, define and regulate the benefits which the members of the company and their families may derive from the funds of the company, and may prescribe the terms and conditions on which the members of the company and beneficiaries thereof shall become entitled to such benefits.

Head office.

7. The head office of the company shall be in the city of Kingston.

No. 24.

4th Session, 5th Parliament, 49 Victoria,

BILL.

An Act to incorporate the Kingston Pembroke Mutual Aid and Insu Company, Limited.

Received and read first time, Thursday, March, 1886.
Second reading, Monday, 15th March, 18

(PRIVATE BILL.)

Mr. WHITE,
(Renfrew, N.I

OTTAWA:

PRINTED BY MACLEAN, ROGER & C

1886.

No. 25] **BILL.** [1886.

An Act respecting The Northern and Pacific Junction Railway Company.

Preamble.

WHEREAS the Northern and Pacific Junction Railway Company, hereinafter called the company, have presented a petition praying that an Act may be passed to amend the company's Act with regard to its borrowing powers, to confirm the lease of the company's line to the Northern Railway Company of Canada and the Hamilton and North-Western Railway Company, to confirm the agreement relating thereto between the above mentioned three companies, and for other purposes hereinafter mentioned; and it is expedient to grant the prayers of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Power to issue debenture stock in lieu of bonds.

1. The directors of the company may, for the purposes of the railway section of their undertaking in their Act of incorporation mentioned issue perpetual debenture stock, signed by the president or vice-president and by the secretary, and under the seal of the company, in lieu of the bonds authorized to be issued under the twenty-fourth section of the said Act incorporating the company, and such perpetual debenture stock shall, without registration or formal conveyance, be taken and considered to be the first lien and preferential charge and claim upon the said railway section of the undertaking, and the tolls and property, real and personal, of and belonging to such section, after deducting from such tolls and revenues the working expenses of the said section; and each holder of the said perpetual debenture stock shall be deemed to be a mortgagee and encumbrancer *pro rata* with all the other holders thereof: Provided however, that the whole amount of such perpetual debenture stock to be issued shall not exceed the amount of the bonds authorized to be issued under the company's said Act of incorporation in respect of the railway section of the undertaking; and provided also, that in the event at any time of the interest upon the said perpetual debenture stock remaining unpaid and owing, then at the next general meeting of the company, and at all other general meetings of the company, so long as the said default shall continue, all holders of the said perpetual debenture stock shall have the same rights, privileges and qualifications for being elected directors and for voting as they would have had if the perpetual debenture stock they held had been shares: Provided, that the said perpetual debenture stock, and any transfer thereof

Proviso: whole amount limited.

Proviso: registration of stock.

shall have first been registered, in the same manner as is provided for the registration of shares ; and it shall the duty of the secretary of the company to register the same on being required so to do by any holder thereof.

First issue limited.

2. Perpetual debenture stock shall, in the first place, only be issued to the amount of the present existing bonds of the company, and shall only be applied in exchange for such bonds, and the company shall make such exchange free from expense to the bondholders respectively, at the company's office in Toronto, on demand at any time after months from the passing of this Act, upon the surrender of the said bonds ; and no further issue of such perpetual debenture stock shall be made unless the sanction of the shareholders of the company shall have been first obtained at any special general meeting of the company to be called for that purpose, nor without the consent required by the provisions of the lease hereinabove mentioned.

Consent of shareholders.

46 V., c. 67, amended.

3. Section two of the Act forty-sixth Victoria, chapter sixty-seven, is hereby amended, by striking out the words "and from a point at or near the point of intersection of the Wahnapiti River by the Canadian Pacific Railway through the district of Algoma to the town of Sault Ste. Marie, in the district of Algoma."

Sec. 22 of c. 45 of 44 V. repealed.

4. Section twenty-two of the Act forty-fourth Victoria, chapter forty-five, is hereby repealed, and the following substituted therefor :

New section ; special meetings of company.

"**22.** A special general meeting of the company may be called at any time by the directors, but notice thereof, stating the object of the meeting, must be given by the secretary of the company, by the insertion thereof once a week, for three weeks previous to the said meeting, in some newspaper published in the city of , or by sending such notice by post or otherwise, to each shareholder two weeks before the day upon which the said meeting is to be held."

Lease of railway confirmed.

5. The indenture of lease in the schedule hereunto attached, and the agreement relating thereto, are hereby confirmed and declared legal and valid.

Time for commencing extension of railway extended.

6. The time for commencing the extension of the railway beyond its intersection with the Canadian Pacific Railway is hereby extended for the period of four years, and for its completion for the period of six years.

Number of directors.

7. The number of directors may be reduced at any general meeting of the company to such number as the shareholders think fit.

SCHEDULE.

THIS INDENTURE made the 24th day of June 1884, between the Northern and Pacific Junction Railway Company, hereinafter called the lessors, of the first part, and the Northern Railway Company of Canada and the Hamilton and North-Western Railway Company, hereinafter called the lessees, of the second part :

Whereas, by an Act of the Parliament of Canada, the lessors are incorporated as a company to construct a line of railway from a point on the Northern Railway of Canada, at or near the village of Gravenhurst, in the district of Muskoka, *viâ* Bracebridge, and thence through the district of Muskoka and Parry Sound to some convenient place on the east shore of Lake Nipissing, and from thence or from some other point on such line of railway to the Callander station on the Canadian Pacific Railway, or to some other point on the said railway between Callander and Lake Nipissing; and from a point at or near the point of intersection of the Wahnapiti River by the Canadian Pacific Railway, through the district of Algoma to the town of Sault Ste. Marie, in the district of Algoma, and from some convenient point at or near Callander, at or near Lake Nipissing, to the Ottawa River, at or near the Long Sault on the Upper Ottawa, or to some convenient point in navigable connection with Lake Temiscamingue, and also to construct, as an extension, or spur or branch, from a point at or near the town of Sault Ste. Marie to the navigable waters of Lake Superior.

And whereas, pursuant to an Order in Council, dated the tenth day of April, one thousand eight hundred and eighty-four, whereby there was granted to the lessors in aid of the construction of the said railway from Gravenhurst to Callander a subsidy of twelve thousand dollars per mile thereof, a contract and agreement bearing date the twelfth day of the said month, was made between Her Majesty the Queen, acting in respect of the Dominion of Canada, and the lessors, whereby it was agreed that the lessors should and would commence the work of construction of the said railway not later than the first day of July, one thousand eight hundred and eighty-four and would carry on the same with all reasonable despatch, and so that the whole line of railway from Gravenhurst to its connection with the Canadian Pacific Railway should be completed by the first day of May, one thousand eight hundred and eight-six as a first-class railway ; and in order to establish a standard whereby the quality and the character of the railway and of the materials used in construction thereof might be regulated, the Canada Atlantic Railway, between Ottawa and Coteau station, on the Grand Trunk Railway, was thereby selected and fixed as such standard, except that wooden superstructures for the truss bridges might be substituted for iron, and the alignment, gradients and curvatures should be the best the physical features of the country will admit of, and be subject to the approval of the Governor in Council; and it was thereby declared and

agreed to be a condition of the granting of the said subsidy that the lessors should, before the payment of any portion of such subsidy, lease the said railway, so to be constructed, to the lessees in perpetuity, or for such shorter period as the lessees should elect, to take such lease and upon such terms and at such rent as might be agreed between the lessors and lessees, the Northern Railway Company of Canada being interested in such lease to the extent of two-thirds, and the Hamilton and North-Western Railway Company to the extent of one-third; and it was thereby further provided that such lease should contain the provisions set forth in the eighth, ninth and tenth clauses of this indenture.

And whereas the lessors have agreed with the lessees to lease their line of railway and undertaking to the lessees, upon the terms and conditions hereinafter mentioned, the Northern Railway Company of Canada being interested in such lease to the extent of two-thirds, and the Hamilton and North-Western Railway Company to the extent of one-third.

Now this indenture witnesseth, that the lessors and lessees, each for themselves, their successors and assigns, respectively, covenant and agree in manner following, that is to say:—

1. The lessors shall and will commence the work of construction of their said railway before the first day of July next, and carry on the same with all reasonable despatch, and shall and will construct, build and, by the first day of May, one thousand eight hundred and eighty-six, complete the same, with its stations, buildings, platforms, telegraph, signals, switches, sidings and other appurtenances, from the point of junction with the Northern Railway, at the said village of Gravenhurst, to its connection with the Canadian Pacific Railway, upon the location and in accordance with the maps and specifications signed by the engineer of the lessors and lessees respectively, and also in accordance with the above recited provisions of the agreement between Her Majesty the Queen and the lessors.

2. The lessors agree to lease, and do hereby lease to the lessees, the whole of the said line of railway so to be constructed as in the next preceding clause mentioned, and its appurtenances, and all such branches and extensions thereof as may be from time to time constructed, and their appurtenances, and to place the lessees in possesion thereof from time to time, as and when completed, so that the lessees may work the same in such manner as they may deem most profitable and advantageous, and so that the lessees may collect, receive, take and have to their own use, the tolls, fares, receipts and earnings in respect thereof, to have and to hold the railway and premises so demised, or intended so to be, to the use of the said lessees, in the proportion of two-thirds thereof to the Northern Railway Company of Canada, and one-third thereof to the Hamilton and North-Western Railway Com-

pany, to commence and take effect from the day of the date hereof in perpetuity.

3 That no bonds or debentures for the payment of money charged or secured upon the said Railway for the purposes of the undertaking, either for construction, equipment or otherwise, in excess of eight thousand dollars per mile of the railway, or bearing interest in excess of five per cent. per annum, payable half yearly, shall be issued without the consent in writing of the lessees, first given under their respective seals, nor shall any such bonds or debentures in excess of twelve thousand dollars per mile of the railway be issued without the sanction and consent of a majority of the stockholders and bondholders of the Northern Railway Company of Canada, who may be present in person or by proxy, voting together, at a special meeting of the company called for the purpose, and of a majority of the shareholders of the Hamilton and North-Western Railway Company who may be present in person or by proxy, and voting at a special meeting of the company called for the purpose.

4. The lessees shall and will yield and pay to the lessors as a rental for the said demised railway and premises, half-yearly, a sum equal to the half-yearly interest upon the bonds or debentures of the lessors from, time to time issued, subject to the provisions and consents in the preceding clause referred to, together with a sum equal to two per cent., half-yearly, upon the amount which, at the date of this indenture, has been paid up upon the capital stock of the lessors, and which may, with the like written consent of the lessees, be hereinafter paid up thereon.

5. The rent shall begin and be computed from the date when the said railway and its appurtenances shall have been fully and finally completed, and lawfully opened for the public conveyance of freight and passengers, and possession thereof delivered to the lessees ; and in the event of any portion or portions of such railway being so completed and lawfully opened, and possession thereof delivered to the lessees, a proportionate part of the rent shall thereafter be payable in the proportion which the length of such portion or portions shall bear to the entire length of the said line of railway from Gravenhurst to the point of connection with the Canadian Pacific Railway.

6 It shall be lawful for the lessees to pay to the holders of such bonds or debentures issued, as aforesaid, all or any portion of the interest thereon, and payments so made shall be taken as payments *pro tanto* of rent to the lessors.

7. The lessors shall and will, during the continuance of this lease, at all times well and truly pay all interest upon the bonds or debentures which may be issued by them as aforesaid, and shall and will, from time to time, apply, as received, the whole of the rents received by them from the lessees, in payment of such interest and of the said dividend

of four per cent. per annum upon the paid up capital stock, and not otherwise ; and in the event of the principal money of the said bonds or debentures becoming due at any time or times during the currency of this lease, that they will renew or pay off such bonds or debentures, to the end that the lessees may at all times during the currency of this lease have quiet possession of the premises hereby demised, free from any claim or encumbrance, either for principal or interest, in respect of the aforesaid bonds or debentures, or any renewals thereof.

8. The lessees shall have during the continuance of this lease, entire control and management of the said railway hereby leased, as well in regard to the regulating and settling from time to time the amount and rates of tolls, fares, freight and other charges to be paid, collected and taken thereon, and the mode of collecting and receiving the same as also all other matters and things in any way touching or concerning or incident to the using, operating and working of the said railway, or the traffic thereon. Provided however, it shall be the duty of the lessees of the said railway to observe the several provisions contained in the thirty-second, thirty-fourth and thirty-fifth sections of the special Act incorporating the lessors under the name of the Northern, North-Western and Sault Ste. Marie Railway Company.

9. Provided further, that through rates and fares shall be agreed upon and made between the lessees and the Canadian Pacific Railway Company, from time to time, for traffic to and from all points on the Canadian Pacific Railway west of the point of junction with the said leased railway, and all points on the railways of the lessees, and such rates and fares shall be divided (cartage, when included in the rate, to be first allowed to the company performing it) on the basis of mileage, except where such division would act unfairly, by reason of the one line of railway having a largely preponderating mileage, in which case the division of rates and fares shall be settled on a fair and equitable basis by mutual agreement, and in default of agreement, by arbitration. If the parties can agree upon a single arbitrator there shall be but one arbitrator ; otherwise, each party shall appoint one arbitrator, and the two so appointed shall appoint a third, and the award of the majority shall be binding ; failing agreement as to the third arbitrator, he shall be appointed by one the judges of the High Court of Justice of the Province of Ontario, provided that this clause shall have no effect unless the Canadian Pacific Railway Company shall, within six months from the twelfth day of April, now last past, enter into a contract with the lessees, agreeing, on its part, to the terms of this clause, and the said agreement shall provide that through freight business shall be conducted in through freight cars without transhipment, in the manner and on the terms usual among connecting railways ; and for the purpose of facilitating and developing the business of both parties, it shall also provide for the making, from time to time, by mutual arrangement, of close and suitable train connections at the point of junction for through passenger

business, having regard to the connections of both companies' railways with their other connecting lines; and also for the running of through sleeping cars in such business, and that such connecting trains shall be run by the lessees on their own railways and on the said leased railway, and by the Canadian Pacific Railway Company on their railway, with due and reasonable expedition, and that each company shall give to the freight traffic intercharged between them the despatch usually given to through freight by connecting lines of railway.

10. For the purpose of ensuring free interchange of traffic coming to or going from the railway hereby leased between the lessees' railways and the railways connecting therewith, so far as such interchange shall be under the control of the lessees, it is further provided that in the event of the Parliament of Canada being, at any time hereafter, of opinion that the traffic of the railway system of the lessees coming from or going to the leased railway, and interchanged with lines connecting with the lessees' system of railways, is not so interchanged without preference or prejudice, as between such connections: then, being of such opinion, the Parliament of Canada may, if it see fit, cancel the said lease and take over the said railway, free from encumbrance, upon assumption of the bond or debenture debts of the lessor company, to the amount of eight thousand dollars per mile of the railway, and upon payment of such further sum of money beyond the said bond debt of eight thousand dollars per mile and the said subsidy, as the said railway may then be worth, the value thereof to be ascertained, in case the Government and the lessors cannot agree, by arbitration; the arbitrators to be appointed, one by the Government and the other by the lessors, and the third by the two so appointed; failing agreement as to such third arbitrator, then by one of the Chief Justices of the High Court of Ontario, under the provisions of the Ontario Judicature Act in that behalf, and the award of the majority shall be binding.

IN WITNESS whereof, the said companies have hereunto affixed their respective corporate seals.

(Signed) CHARLES MOSS,
President.
(Signed) WALTER TOWNSEND,
Secretary.

N. & P. Ry. Co.

(Signed) FRANK SMITH,
President.
(Signed) WALTER TOWNSEND,
Secretary.

N. Ry. Co. of Canada

(Signed) JOHN PROCTOR,
Vice-President.
(Signed) MAITLAND YOUNG,
Secretary.

H. & N.W. Ry. Co.

No. 25.

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

An Act respecting the Northern and Pacific Junction Railway Company.

Received and read first time, Thursday, 11th March, 1886.

Second reading, Monday, 15th March, 1886.

(PRIVATE BILL.)

MR. MCCARTHY.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.

1886.

No. 25.] BILL. [1886.

An Act respecting The Northern and Pacific Junction Railway Company.

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

WHEREAS the Northern and Pacific Junction Railway Company, hereinafter called the company, have presented a petition praying that an Act may be passed to amend the Act to incorporate the said company with regard to its borrowing powers, and for other 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.

Bonds not to be issued in respect of a certain part of the railway.

Issue of debenture stock, &c.

Amount limited.

Provision in case of default of payment.

1. The provisions of section twenty-four of the Act forty-fourth Victoria, chapter forty-five, shall not apply to the portion of the railway section of the company's undertaking, extending from Gravenhurst to its intersection with the Canadian Pacific Railway at Callendar, and in lieu thereof the directors may issue perpetual debenture stock or terminable bonds, signed by the president or vice-president and by the secretary and under the seal of the company; and such perpetual debenture stock or terminable bonds shall, without registration or formal conveyance, be taken and considered to be the first lien and preferential charge and claim upon the said portion of the railway section, and upon the tolls and property, real and personal, of and belonging to the said portion, after deducting from such tolls and revenues the working expenses of the said portion, and upon the rent payable in respect of such portion, under the lease set forth in schedule A to this Act, to the extent of the interest payable on such perpetual debenture stock or terminable bonds, and each holder of such perpetual debenture stock or terminable bonds, as the case may be, shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof: Provided however, that the whole amount of such perpetual debenture stock or terminable bonds to be issued, shall not exceed *the sum of twenty thousand dollars per mile of such portion*, and that the perpetual debenture stock or terminable bonds shall bear such rate of interest as the directors determine, payable half-yearly: and provided also, that in the event at any time of the interest upon the said perpetual debenture stock or terminable bonds remaining unpaid and owing, then at the next general meeting of the company, and at all other general meetings of the company, so long as the said default shall continue, all holders of the said perpetual debenture stock

or terminable bonds shall have the same rights, privileges and qualifications for being elected directors and for voting as they would have had if the perpetual debenture stock or terminable bonds they held had been shares : Provided, that the said perpetual debenture stock or terminable bonds, and any transfer thereof have first been registered, in the same manner as is provided for the registration of shares ; and it shall be the duty of the secretary of the company to register the same on being required so to do by any holder thereof.

Stock or bonds to be registered.

Company to elect which security shall be issued. Application thereof.

2. If the company shall elect to issue perpetual debenture stock then their power to issue terminable bonds shall cease and *vice-versâ*, and the perpetual debenture stock or terminable bonds so issued shall in the first place be applied in exchange for the present existing bonds, and the company shall make such exchange free from expense to the holders of the existing bonds respectively, by delivering to them perpetual debenture stock or terminable bonds, as the case may be, equal in amount to the existing bonds held by them respectively, with coupons for interest corresponding in amount to all accruing interest on the existing bonds so exchanged ; and upon the surrender of the said existing bonds, no further issue of the stock or bonds by the first section of this Act authorized shall be made unless the sanction of the shareholders of the company shall have been first obtained at any special general meeting of the company to be called for that purpose, nor without the consent required by the provisions of the said lease : Provided, that any such consents already given to the issue of existing bonds shall apply to the issue of the bonds or debenture stock hereby authorized.

When issue shall cease.

Conditions of further issue.

Proviso.

Sec. 22 of c. 45 of 44 V., repealed.

3. Section twenty-two of the Act forty-fourth Victoria, chapter forty-five, is hereby repealed, and the following substituted therefor :

New section : special meetings of company.

"**22.** A special general meeting of the company may be called at any time by the directors, but notice thereof, stating the object of the meeting, shall be given by the secretary of the company, by the insertion thereof once a week, for three weeks previous to the said meeting, in some newspaper published in the city of Toronto, or by sending such notice by post or otherwise, to each shareholder two weeks before the day upon which the said meeting is to be held."

Lease of railway confirmed.

4. The indenture of lease in the schedule hereunto attached, is hereby confirmed and declared legal and valid.

Time for commencing extension of railway extended.

5. The time for commencing the extension of the railway beyond its intersection with the Canadian Pacific Railway is hereby extended for the period of four years, and for its completion for the period of six years.

Number of directors.

6. The number of directors may be reduced at any general meeting of the company to such number as the shareholders think fit.

SCHEDULE.

THIS INDENTURE made the 24th day of June 1884, between the Northern and Pacific Junction Railway Company, hereinafter called the lessors, of the first part, and the Northern Railway Company of Canada and the Hamilton and North-Western Railway Company, hereinafter called the lessees, of the second part :

Whereas, by an Act of the Parliament of Canada, the lessors are incorporated as a company to construct a line of railway from a point on the Northern Railway of Canada, at or near the village of Gravenhurst, in the district of Muskoka, *viâ* Bracebridge. and thence through the district of Muskoka and Parry Sound to some convenient place on the east shore of Lake Nipissing, and from thence or from some other point on such line of railway to the Callander station on the Canadian Pacific Railway, or to some other point on the said railway between Callander and Lake Nipissing; and from a point at or near the point of intersection of the Wahnapiti River by the Canadian Pacific Railway, through the district of Algoma to the town of Sault Ste. Marie, in the district of Algoma, and from some convenient point at or near Callander, at or near Lake Nipissing, to the Ottawa River, at or near the Long Sault on the Upper Ottawa, or to some convenient point in navigable connection with Lake Temiscamingue, and also to construct, as an extension, or spur or branch, from a point at or near the town of Sault Ste. Marie to the navigable waters of Lake Superior.

And whereas, pursuant to an Order in Council, dated the tenth day of April, one thousand eight hundred and eighty-four, whereby there was granted to the lessors in aid of the construction of the said railway from Gravenhurst to Callander a subsidy of twelve thousand dollars per mile thereof, a contract and agreement bearing date the twelfth day of the said month, was made between Her Majesty the Queen, acting in respect of the Dominion of Canada, and the lessors, whereby it was agreed that the lessors should and would commence the work of construction of the said railway not later than the first day of July, one thousand eight hundred and eighty-four and would carry on the same with all reasonable despatch, and so that the whole line of railway from Gravenhurst to its connection with the Canadian Pacific Railway should be completed by the first day of May, one thousand eight hundred and eight-six as a first-class railway ; and in order to establish a standard whereby the quality and the character of the railway and of the materials used in construction thereof might be regulated, the Canada Atlantic Railway, between Ottawa and Coteau station, on the Grand Trunk Railway, was thereby selected and fixed as such standard, except that wooden superstructures for the truss bridges might be substituted for iron, and the alignment, gradients and curvatures should be the best the physical features of the country will admit of, and be subject to the approval of the Governor in Council; and it was thereby declared and

agreed to be a condition of the granting of the said subsidy that the lessors should, before the payment of any portion of such subsidy, lease the said railway, so to be constructed, to the lessees in perpetuity, or for such shorter period as the lessees should elect, to take such lease and upon such terms and at such rent as might be agreed between the lessors and lessees, the Northern Railway Company of Canada being interested in such lease to the extent of two-thirds, and the Hamilton and North-Western Railway Company to the extent of one-third; and it was thereby further provided that such lease should contain the provisions set forth in the eighth, ninth and tenth clauses of this indenture.

And whereas the lessors have agreed with the lessees to lease their line of railway and undertaking to the lessees, upon the terms and conditions hereinafter mentioned, the Northern Railway Company of Canada being interested in such lease to the extent of two-thirds, and the Hamilton and North-Western Railway Company to the extent of one-third.

Now this indenture witnesseth, that the lessors and lessees, each for themselves, their successors and assigns, respectively, covenant and agree in manner following, that is to say:—

1. The lessors shall and will commence the work of construction of their said railway before the first day of July next, and carry on the same with all reasonable despatch, and shall and will construct, build and, by the first day of May, one thousand eight hundred and eighty-six, complete the same, with its stations, buildings, platforms, telegraph, signals, switches, sidings and other appurtenances, from the point of junction with the Northern Railway, at the said village of Gravenhurst, to its connection with the Canadian Pacific Railway, upon the location and in accordance with the maps and specifications signed by the engineer of the lessors and lessees respectively, and also in accordance with the above recited provisions of the agreement between Her Majesty the Queen and the lessors.

2. The lessors agree to lease, and do hereby lease to the lessees, the whole of the said line of railway so to be constructed as in the next preceding clause mentioned, and its appurtenances, and all such branches and extensions thereof as may be from time to time constructed, and their appurtenances, and to place the lessees in possesion thereof from time to time, as and when completed, so that the lessees may work the same in such manner as they may deem most profitable and advantageous, and so that the lessees may collect, receive, take and have to their own use, the tolls, fares, receipts and earnings in respect thereof, to have and to hold the railway and premises so demised, or intended so to be, to the use of the said lessees, in the proportion of two-thirds thereof to the Northern Railway Company of Canada, and one-third thereof to the Hamilton and North-Western Railway Com-

pany, to commence and take effect from the day of the date hereof in perpetuity.

3 That no bonds or debentures for the payment of money charged or secured upon the said Railway for the purposes of the undertaking, either for construction, equipment or otherwise, in excess of eight thousand dollars per mile of the railway, or bearing interest in excess of five per cent. per annum, payable half yearly, shall be issued without the consent in writing of the lessees, first given under their respective seals, nor shall any such bonds or debentures in excess of twelve thousand dollars per mile of the railway be issued without the sanction and consent of a majority of the stockholders and bondholders of the Northern Railway Company of Canada, who may be present in person or by proxy, voting together, at a special meeting of the company called for the purpose, and of a majority of the shareholders of the Hamilton and North-Western Railway Company who may be present in person or by proxy, and voting at a special meeting of the company called for the purpose.

4. The lessees shall and will yield and pay to the lessors as a rental for the said demised railway and premises, half-yearly, a sum equal to the half yearly interest upon the bonds or debentures of the lessors from, time to time issued, subject to the provisions and consents in the preceding clause referred to, together with a sum equal to two per cent., half-yearly, upon the amount which, at the date of this indenture, has been paid up upon the capital stock of the lessors, and which may, with the like written consent of the lessees, be hereinafter paid up thereon.

5. The rent shall begin and be computed from the date when the said railway and its appurtenances shall have been fully and finally completed, and lawfully opened for the public conveyance of freight and passengers, and possession thereof delivered to the lessees ; and in the event of any portion or portions of such railway being so completed and lawfully opened, and possession thereof delivered to the lessees, a proportionate part of the rent shall thereafter be payable in the proportion which the length of such portion or portions shall bear to the entire length of the said line of railway from Gravenhurst to the point of connection with the Canadian Pacific Railway.

6. It shall be lawful for the lessees to pay to the holders of such bonds or debentures issued, as aforesaid, all or any portion of the interest thereon, and payments so made shall be taken as payments *pro tanto* of rent to the lessors.

7. The lessors shall and will, during the continuance of this lease, at all times well and truly pay all interest upon the bonds or debentures which may be issued by them as aforesaid, and shall and will, from time to time, apply, as received, the whole of the rents received by them from the lessees, in payment of such interest and of the said dividend

of four per cent. per annum upon the paid up capital stock, and not otherwise ; and in the event of the principal money of the said bonds or debentures becoming due at any time or times during the currency of this lease, that they will renew or pay off such bonds or debentures, to the end that the lessees may at all times during the currency of this lease have quiet possession of the premises hereby demised, free from any claim or encumbrance, either for principal or interest, in respect of the aforesaid bonds or debentures, or any renewals thereof.

8. The lessees shall have during the continuance of this lease, entire control and management of the said railway hereby leased, as well in regard to the regulating and settling from time to time the amount and rates of tolls, fares, freight and other charges to be paid, collected and taken thereon, and the mode of collecting and receiving the same as also all other matters and things in any way touching or concerning or incident to the using, operating and working of the said railway, or the traffic thereon. Provided however, it shall be the duty of the lessees of the said railway to observe the several provisions contained in the thirty-second, thirty-fourth and thirty-fifth sections of the special Act incorporating the lessors under the name of the Northern, North-Western and Sault Ste. Marie Railway Company.

9. Provided further, that through rates and fares shall be agreed upon and made between the lessees and the Canadian Pacific Railway Company, from time to time, for traffic to and from all points on the Canadian Pacific Railway west of the point of junction with the said leased railway, and all points on the railways of the lessees, and such rates and fares shall be divided (cartage, when included in the rate, to be first allowed to the company performing it) on the basis of mileage, except where such division would act unfairly, by reason of the one line of railway having a largely preponderating mileage, in which case the division of rates and fares shall be settled on a fair and equitable basis by mutual agreement, and in default of agreement, by arbitration. If the parties can agree upon a single arbitrator there shall be but one arbitrator ; otherwise, each party shall appoint one arbitrator, and the two so appointed shall appoint a third, and the award of the majority shall be binding ; failing agreement as to the third arbitrator, he shall be appointed by one the judges of the High Court of Justice of the Province of Ontario, provided that this clause shall have no effect unless the Canadian Pacific Railway Company shall, within six months from the twelfth day of April, now last past, enter into a contract with the lessees, agreeing, on its part, to the terms of this clause, and the said agreement shall provide that through freight business shall be conducted in through freight cars without transhipment, in the manner and on the terms usual among connecting railways ; and for the purpose of facilitating and developing the business of both parties, it shall also provide for the making, from time to time, by mutual arrangement, of close and suitable train connections at the point of junction for through passenger

business, having regard to the connections of both companies' railways with their other connecting lines; and also for the running of through sleeping cars in such business, and that such connecting trains shall be run by the lessees on their own railways and on the said leased railway, and by the Canadian Pacific Railway Company on their railway, with due and reasonable expedition, and that each company shall give to the freight traffic intercharged between them the despatch usually given to through freight by connecting lines of railway.

10. For the purpose of ensuring free interchange of traffic coming to or going from the railway hereby leased between the lessees' railways and the railways connecting therewith, so far as such interchange shall be under the control of the lessees, it is further provided that in the event of the Parliament of Canada being, at any time hereafter, of opinion that the traffic of the railway system of the lessees coming from or going to the leased railway, and interchanged with lines connecting with the lessees' system of railways, is not so interchanged without preference or prejudice, as between such connections: then, being of such opinion, the Parliament of Canada may, if it see fit, cancel the said lease and take over the said railway, free from encumbrance, upon assumption of the bond or debenture debts of the lessor company, to the amount of eight thousand dollars per mile of the railway, and upon payment of such further sum of money beyond the said bond debt of eight thousand dollars per mile and the said subsidy, as the said railway may then be worth, the value thereof to be ascertained, in case the Government and the lessors cannot agree, by arbitration; the arbitrators to be appointed, one by the Government and the other by the lessors, and the third by the two so appointed; failing agreement as to such third arbitrator, then by one of the Chief Justices of the High Court of Ontario, under the provisions of the Ontario Judicature Act in that behalf, and the award of the majority shall be binding.

IN WITNESS whereof, the said companies have hereunto affixed their respective corporate seals.

(Signed) CHARLES MOSS,
President.
(Signed) WALTER TOWNSEND,
Secretary.

N. & P. Ry Co.

(Signed) FRANK SMITH,
President.
(Signed) WALTER TOWNSEND,
Secretary.

N. Ry. Co. of Canada

(Signed) JOHN PROCTOR,
Vice-President.
(Signed) MAITLAND YOUNG,
Secretary.

H. & N.W. Ry. Co.

No. 25.

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

An Act respecting the Northern and Pacific Junction Railway Company.

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

(PRIVATE BILL.)

Mr. McCarthy.

OTTAWA:

Printed by MacLean, Roger & Co.

1886.

No 26. **BILL.** [1886.

An Act to incorporate the Tecumseh Insurance Company of Canada.

Preamble.

WHEREAS George S. Birrell, Henry Taylor, Charles S. Hyman, Benjamin Cronyn, Joseph H. Marshall, John R. Minhinnick and Duncan Macmillan, M.P., have, by their petition, represented that the establishment of an association for the insurance of fire, marine and live stock risks would be greatly beneficial, and have prayed for the passing of an Act of incorporation for the purpose of carrying on a business of that nature; and it is expedient to grant the prayer of their petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Certain persons incorporated.

Corporate name and powers.

1. The persons hereinbefore mentioned by name and all such persons as shall become shareholders in the company to be hereby incorporated, shall be and are hereby ordained, constituted and declared to be a body corporate and politic in law, in fact and in name, by the style and title of the "Tecumseh Insurance Company of Canada," hereinafter called the company, for the purpose of carrying on the business of fire, marine and live stock insurance, and doing all other things appertaining thereto or connected therewith, in the Dominion of Canada and elsewhere, in their corporate name aforesaid.

Provisional directors.

Stock books.

Deposit on subscribing.

2. For the purpose of organizing the said company, George S. Birrell, Henry Taylor, Charles S. Hyman, Benjamin Cronyn, Joseph H. Marshall, John R. Minhinnick and Duncan Macmillan, M.P., shall be provisional directors thereof; and they or a majority of them may cause stock books to be opened after giving due public notice thereof by advertisement for ten days in one or more of the daily newspapers published in the city of London, Ontario; upon which stock books shall be recorded the subscriptions of such persons as shall desire to become shareholders in the company; and such books shall be opened at the said city of London and at such other places and for such a length of time as the said provisional directors shall deem necessary; and the provisional directors are hereby authorized to receive from the shareholders a deposit of five per cent. on the amount of stock subscribed by them respectively; and to pay all costs and expenses incurred in the application for and obtaining the passing of this Act.

Capital stock and shares.

3. The capital stock of the company shall be five hundred thousand dollars, divided into five thousand shares of one hundred dollars each, with the privilege to increase the same, at any time, to any amount not exceeding one million dollars, by a vote of the shareholders at any annual or special meeting called for that purpose, which said shares shall be and are hereby vested in the several persons who shall subscribe for the same, their legal representatives and assigns, subject to the provisions of this Act; Provided always, that upon every increase of the capital stock of the company, the sum of at least five per cent. upon the amount of such increased capital shall be paid in.

Proviso: Five per cent. payable on every increase of capital.

Equal rights shareholders.

4. Aliens as well as British subjects, and whether residents in Canada or elsewhere, may be shareholders in the company; and all such shareholders shall have equal privileges with British subjects; but it is hereby provided that the majority of the directors of the company shall be residents of Canada.

First meeting of shareholders.

5. When and so soon as two hundred and fifty thousand dollars of the said capital stock shall have been subscribed as aforesaid, and ten per cent. of the amount so subscribed paid in, the said provisional directors shall call a meeting of shareholders at some place to be named in the city of London aforesaid, giving at least two weeks' notice thereof in one or more of the daily newspapers published in the said city of London, and also in the *Canada Gazette*; at which meeting the shareholders, present in person, or represented by proxy, shall elect not less than six nor more twelve directors in the manner and qualified as hereinafter provided, who shall constitute a board of directors and hold office until the next annual meeting, which shall be held on the fourth Tuesday in January in each year.

Election of directors.

Calls on stock

6. The shares of capital stock, so subscribed for, shall be paid in and by such instalments and at such times and places as the directors shall appoint; no such instalment shall exceed ten per cent. of the sum subscribed; thirty days' notice of each call shall be given, and instalments shall not be made payable more frequently than once in three months; Provided, that the company shall not be authorized to avail themselves of the privileges conferred by this Act otherwise than in accordance with the provisions of the several Acts of the Parliament of Canada relating to fire and marine insurance companies; and, provided further, that until two hundred and fifty thousand dollars of the capital stock of the company shall have been *bonâ fide* subscribed for, and fifty thousand dollars paid on account of the said capital stock, the company shall not commence business under this Act.

Proviso: general insurance Acts to apply

Proviso: when business may be commenced.

Forfeiture of shares for non-payment of calls.

7. If any shareholder shall neglect or refuse to pay the instalments due upon any share or shares held by him, the directors may declare such share or shares forfeited, together with the amount previously paid thereon, in such manner as may be provided in the by-laws of the Company; and such forfeited share or shares may be sold at a public sale by the

directors after such notice as they may direct; and the moneys arising therefrom shall be applied for the purposes of this Act; Provided always, that if the money realized by any sale of shares be more than sufficient to pay all arrears and interest, together with the expenses of such sale, the surplus of such money shall be paid on demand to the owner; and no more shares shall be sold than what are deemed necessary to pay such arrears, interest and expenses.

Sale of forfeited shares.

8. If payment of such arrears, calls, interest and expenses be made before any share so declared forfeited shall have been sold, such share shall revert to the owner as if the same had been duly paid before forfeiture thereof; and in all actions or suits for the recovery of such arrears or calls, it shall be sufficient for the company to allege that the defendant, being the owner of such shares, is indebted to the company in such sum of money as the call in arrears amounts to for such and so many shares, whereby an action has accrued to the company by virtue of this Act; and on the trial it shall only be necessary to prove that the defendant was owner of the said shares in the company, that such calls were made, and that notice was given as directed by this Act; and it shall not be necessary to prove the appointment of the directors who made such calls or any matter whatsoever other than what is before mentioned; a copy of any by-law, rule, regulation or minute, or of any entry in any book of the company certified to be a true copy or extract under the hand of the president, vice-president, managing director or secretary of the company, and sealed with the corporate seal, shall be received in all courts and proceedings as *primâ facie* evidence of such by-law, rule, regulation, minute or entry, without proof of the official character or signature of the officer signing the same or of the corporate seal.

Share to revert to owner in case of payment before sale.

Recovery of calls by suit: what may be alleged and proved.

What shall be evidence of certain matters.

9. No transfer of any share of the stock of the company shall be valid until entered in the books of the company according to such form as may from time to time, be fixed by the by-laws; and until the whole capital stock of the company is paid up it shall be necessary to obtain the consent of the directors to such transfer being made; Provided, that no shareholder indebted to the company shall be permitted to make a transfer or to receive a dividend, until such debt is paid or secured to the satisfaction of the directors; and no transfer of stock shall, at any time, be made until all calls thereon shall have been paid in.

Transfer of shares.

Proviso: as to shareholder indebted.

10. Each shareholder shall be individually liable to the creditors of the company to an amount equal to the amount unpaid on the stock held by him for the debts and liabilities of the company, but no further.

Limited liabilities of shareholders.

11. The transmission of any share of the stock of the company in consequence of the death, marriage or insolvency of a shareholder, or by any other means than an ordinary transfer, shall be made, proved and authenticated in such form, by such proof and, generally, in such manner as the directors shall from time to time, require or by by-law

Transmission of shares otherwise than by transfer.

direct, before any persons claiming such share shall be entitled to vote thereon or to receive any dividends or money payable in respect thereof.

Board of directors.

12. The stock, property, affairs and concerns of the company shall be managed and conducted by not less than six nor more than twelve directors, who shall hold office until the next following general election of directors, and such

Election.

directors shall be shareholders and shall be elected at the annual general meeting of shareholders to be holden at the city of London, Ontario, on the fourth Tuesday in January in each year, not less than two weeks' notice of such meeting being given, as hereinbefore provided; such election shall be held and made by such of the shareholders present in person or represented by proxy as shall have paid all calls made and then due; and all such elections shall be by ballot, and the required number of persons who shall have the greatest number of votes at any such election shall be

Ties.

directors, except as hereinafter directed; and if two or more persons shall have an equal number of votes, in such a manner that a greater number of persons than are required shall appear to be chosen as directors, then the directors who shall have the greatest number of votes or a majority of them shall determine which of the said persons so having an equal number of votes shall be the director or directors, so as to complete the whole number required; and the said

President and vice-president

directors shall, as soon as may be after the said election, proceed in like manner to elect by ballot one of their num-

Vacancies, how filled.

ber to be president and one to be vice-president; and if any vacancy shall occur amongst the said directors by death, resignation, disqualification or removal during the current year of office, such vacancy shall be filled for the remainder of the year by the remaining directors, or a majority of them, electing in such place or places a shareholder or

Proviso: qualification of directors.

shareholders eligible for such office; Provided always, that no person shall be eligible to be or to continue as director unless he shall hold in his name and for his own use stock in the company to the amount of twenty shares, whereof at least ten per cent. shall have been paid in, and shall have paid all calls made upon his stock and all liability actually matured and incurred by him with the company.

Failure of election not to dissolve company.

13. In case it should at any time happen that an election of the directors of the company should not be made at any day when pursuant to this Act it should have been made, the company shall not for that cause be deemed dissolved; but it shall and may be lawful on any other day to hold and make an election at a special general meeting to be called for that purpose by the directors, who shall continue in office until a new election is made.

Votes on shares.

14. At all general meetings of the company each shareholder shall be entitled to give one vote for every share held by him for not less than fourteen days prior to the time of voting, upon which all calls, then due, shall have been paid

Proxies.

up; such votes may be given either in person or by proxy, the

holder of any such proxy being himself a shareholder; and all questions proposed for the consideration of shareholders shall be determined by the majority of votes, the chairman presiding at such meeting having a casting vote, in case of an equality of votes. Casting vote.

15. At the annual meeting of shareholders, the election of directors shall be held and all business transacted without the necessity of specifying such business in the notice of such meeting; and at such meeting a general balance sheet and statement of the affairs of the company, with a list of all the shareholders thereof, and all such further information as may be required by the by-laws, shall be laid before the shareholders; special general meetings of the shareholders may be called in such manner as may be provided for by the by-laws; and at all meetings of the shareholders the president, or, in his absence, the vice-president, or in their absence, a director or shareholder—chosen by the shareholders—shall preside, who, in case of an equality of votes, shall give his casting vote in addition to his vote as shareholder. Annual general meeting. Special general meetings.

16. At all meetings of the directors five shall be a quorum for the transaction of business, and all questions before them shall be decided by a majority of votes; and in case of an equality of votes, the president, vice-president or presiding director shall give his casting vote in addition to his vote as a director. Quorum of directors. Casting vote.

17. The directors of the company, at a meeting held for such specified purpose, may declare such annual or semi-annual dividends upon the capital stock, as they shall deem justified by its business, so that no part of the capital thereof shall be appropriated to such dividend, and if the directors of the company declare and pay any dividend when the company is insolvent, or any dividend the payment of which renders the company insolvent, or diminishes the capital stock thereof, the directors declaring such dividends shall be jointly and severally liable as well to the company as to the individual shareholders and creditors thereof, for the amount of the dividend or dividends so paid; but if any director present when such dividend is declared do forthwith, or if any director then absent do within twenty-four hours after he shall become aware thereof, and able to do so, enter in the minutes of the board of directors, his protest against the same, and do, within eight days thereafter, publish such protest in the *Canada Gazette* and in at least one newspaper published in the said city of London, Ontario, such director may thereby, and not otherwise, exonerate himself from such liability. Dividends. Liability of directors when dividend is improperly declared. How such liability may be avoided.

18. The company shall have power and authority to make and effect contracts of insurance with any person or persons, or body corporate or politic, against loss or damage by fire or lightning on any house, store or other building whatsoever, and, in like manner, on any goods, chattels or personal estate whatsoever, for such time or times, and for such premiums and considerations, and under such modifi- Business and general powers of the company. Fire.

cations and restrictions, and upon such conditions as may be bargained and agreed upon and set forth by and between the company and the person or persons agreeing with them for such insurance; and the company, in like manner, shall have power and authority to make and effect contracts of insurance with any person or persons, or body politic or corporate, against loss or damage by fire, storm or tempest, or from any other cause, or to ships, boats, vessels, steamboats and other craft navigating the oceans, lakes, rivers or high seas or other navigable waters whatsoever, from any port or ports in Canada to any other port or ports in Canada, or to any foreign port or ports upon the oceans, lakes, rivers and other navigable waters aforesaid, or from one foreign port to another foreign port, or from any foreign port or ports to any port or ports in Canada or elsewhere, upon all or any of the oceans, lakes, rivers or other navigable waters aforesaid, and against any loss or damage of or to the cargoes or property conveyed in or upon such ships, vessels, boats or other craft, and the freight due or to grow due in respect thereof, or of or to timber or other property of any description conveyed in any manner upon any of the oceans, seas, lakes, rivers or navigable waters aforesaid, or on any railway or stored in any warehouse or railway station, and generally to do all matters and things relating to or connected with fire, marine and live stock insurance, as aforesaid, and to make and to grant all policies therein or thereupon; and to cause themselves to be insured against any loss or risk they may have incurred in the course of their business; and generally to do and perform all other necessary matters connected with and proper to promote those objects; and all policies and contracts of insurance entered into or issued by the company shall be signed by the president or vice-president and countersigned by the managing director or secretary, or otherwise, as may be directed by the by-laws, rules and regulations of the company; and being so signed and countersigned, shall be deemed valid and binding upon the company, according to the tenor and meaning thereof.

On ships, vessels, steamboats.

On freight.

Re-insurance.

Policies, how executed.

Amalgamations with another company.

19. The company shall have power to amalgamate with or to purchase the business of any other insurance company, or to sell out and dispose of the business of the company to any such other company, upon such terms and conditions as may be agreed upon and as shall not impair the recourse or remedy of any creditor of either company; but before the completion of any such amalgamation, purchase or sale the consent of two-thirds of the votes of the shareholders shall be obtained at any general or a special meeting of the shareholders called for the purpose.

Consent of shareholders.

Powers as to real estate.

20. The company shall have powers to acquire and hold such real estate as may be necessary for the purposes of its business, and to sell and dispose of the same and to acquire other property in its place, as may be deemed expedient; and to take, hold and acquire all such lands and tenements, real and immovable estate, as shall have been *bonâ fide* mortgaged to it by way of security, or conveyed to it in satisfac-

tion of debts previously contracted in the course of its dealings, or purchased at sales upon judgments which shall have been obtained for such debts, or purchased for the purpose of avoiding a loss to the company in respect thereof, or of the owners thereof, and to retain the same for a period not exceeding five years; and the company may invest its funds or any part thereof in the public securities of the Dominion of Canada, or of any of the provinces thereof, or of any foreign state or states, when required for the carrying on of business in such foreign state or states—or in the stocks of any chartered banks, or building societies, or in the bonds or debentures of any incorporated city, town or municipality authorized to issue bonds or debentures, or in mortgages on real estate, or in such other securities of like character and in such manner and at such rate of interest as may be agreed upon, not exceeding the rate allowed by law in the Province where the investment is made, as the directors may elect, and may from time to time vary or sell the said securities or mortgage or pledge the same from time to time as occasion may require; but not more than fifty per cent. of the whole amount of the investments of the company at any time shall consist of the public securities of any foreign state or states.

Investment of funds.

Foreign securities.

21. The directors shall have full power and authority from time to time to make and alter such by-laws and rules, regulations and ordinances as shall appear to them proper and needful touching the well ordering of the company, the management and disposition of its stock, property, estate and effects, the calling of special general meetings, the regulations of the meetings of the board of directors, the increasing or decreasing of the number of directors, the increasing of the capital stock, the appointment of a managing director and of local boards to facilitate the details of the business and the definitions of the duties and powers of such local boards, the making of calls upon the subscribed capital, the issue and allotment of shares, the appointment and removal of officers and agents of the company, the regulation of their powers and duties and the remuneration to be paid to them, the regulation of the transfer of stock and the form thereof, the compensation of directors, the establishment and regulation of agencies and the determining of the rates, rules and conditions under which the company's policies shall be issued, transferred and repurchased; Provided always, that all such by-laws, rules, regulations and ordinances made by the directors as aforesaid shall only be valid and binding until the next annual general meeting of the shareholders, unless they are then approved by such meeting, and thereafter shall have force and effect as so approved and modified at such meeting; and provided further, that such by-laws do not contravene the provisions of this Act.

Directors may make by-laws.

Proviso: as to approval of shareholders.

22. The chief place of business of the company shall be in the city of London, in the Province of Ontario; and the company shall have power and authority to comply with the laws of any province, state or country wherein it proposes to

Head office and agencies.

carry on business, so far as such laws are not inconsistent with the provisions of this Act, or with the laws of Canada, and to appoint therein, under the seal of the company, local managers, agents and other officers.

Company not bound to see to execution of trusts.

23. The company shall not be bound to see to the execution of any trust, whether express, implied or constructive, to which any share or shares of its stock may be subject; and the receipt of the person in whose name any share stands, shall be a sufficient discharge to the company for any money paid in respect of such share or shares, notwithstanding any trust subject to which they or any of them may be held, and whether or not the company shall have had notice of such trust.

General Act to apply.

24. The company shall be subject to the provisions of all Acts passed by the Parliament of Canada in force, or that may hereafter be in force, respecting fire and marine insurance companies generally.

Certificate of Minister of Finance.

25. The company shall obtain from the Minister of Finance, within two years from and after the passing of this Act, the licenses required by section five of the Act passed in the thirty-eighth year of Her Majesty's reign, chapter twenty, in default of which this Act shall become and be null and void and of no effect, and the charter hereby granted and all and every of the rights and privileges hereby conferred, shall be forfeited.

No. 26.

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL

An Act to incorporate the Tecumseh Insurance Company of Canada.

Received and read the first time, Thursday, 11th March, 1886.

Second reading, Monday, 15th March, 1886.

(PRIVATE BILL.)

Mr. MACMILLAN,
(Middlesex, E.R.)

OTTAWA:
PRINTED BY MACLEAN, ROGER & Co.
1886.

No. 27.] **BILL.** [1886.

An Act to amend the Act to incorporate the West Ontario Pacific Railway Company.

Preamble.

WHEREAS the West Ontario Pacific Railway Company have, by their petition, prayed for an Act to amend, as hereinafter mentioned, the Act incorporating the said company, passed in the Session held in the forty-eighth and forty-ninth years of Her Majesty's reign and chaptered eighty-seven, 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 :—

48-49V., c. 87.

New sub-sections added to section two of Act.

1. The following sub-sections are hereby added to section two of the said Act as sub-sections two and three thereof, and shall be read as forming part of the said section.

New branch line of railway described.

"2. The company shall have full power and authority to lay out, construct and operate as a branch line of their railway, a double or single line of railway from some point at or near the city of London, in the county of Middlesex, or from some point west of the said city of London, on the main line of the railway of the company through the counties of Middlesex, Kent, Lambton and Essex, or any of them, to some point at or near the town of Windsor, in the county of Essex, or some other point on the Detroit river, with full power to cross all or any railways running in any of the counties above named in the Province of Ontario; and the company shall have the same full power and authority to construct and operate steam ferries across the Detroit river for the purposes of the company, or in connection with any other railways, as are granted by the twenty-first section of this Act as to the St. Clair river ; and the company shall have full power and authority to expropriate, purchase, acquire, take and hold such lands, lands covered with water, beaches and other property of what description soever as may be necessary for the purposes of the company ; and all the provisions contained in this Act as to the issuing of mortgage bonds on the security of the main line and branch thereof to the town of Ingersoll, or the town of Woodstock, shall apply as fully and effectually to the branch line from the city of London or point west thereof to the Detroit river as they apply to the said main line :

Steam ferries.

Expropriation and purchase of lands.

Mortgage bonds.

Powers granted by Act to apply to branches.

"3. All the rights, powers, privileges and franchises granted to the company by this Act shall apply to and be in force in respect to the said branches thereof, whether in

regard to the building of the said extensions or branch from the main line through the counties of Middlesex, Lambton, Kent and Essex, or any of them, to the Detroit river, or in regard to the crossing of the Detroit river, and the establishing, acquiring and working elevators, docks and wharves, and the acquiring, owning and holding, chartering, working and running steam and other vessels for the transportation of cargo and passengers upon any navigable waters which their railway reaches or with which it connects, or in regard to constructing and operating steam ferries across the Detroit river for the purposes of the company in connection with any other railway or railways."

Vacancies in board of provisional directors.

2. Vacancies in the board of provisional directors, by death, resignation or otherwise, may be filled by the board of provisional directors from time to time, and, at all meetings of provisional directors, three shall be deemed a quorum.

Place of general meeting changed.

3. The general meeting of the subscribers to the capital stock referred to in the fifth section of the said Act shall be held at the city of London, instead of the town of Sarnia, and the notice thereof required by the said section shall be published in some newspaper published in the said city of London instead of in Sarnia; and the sixth section of the said Act is hereby amended by substituting the words "city of London" for "town of Sarnia."

Railway Act amended as to this railway.

4. The twelfth sub-section of section seven of "*The Consolidated Railway Act*, 1879," shall, as to the said company, be deemed to be amended by inserting the words "or any part or branch thereof," after the word "railway" therein, and by inserting the words "all or any" after the word "pledge" therein.

Sections 11 and 12 of Act of incorporation amended.

5. Sections eleven and twelve of the said first cited Act are hereby repealed and the following substituted therefor;—

Grants in aid of undertaking may be received.

"**11.** The company may receive, in aid of the construction of the said railway, or any part or section or branch thereof, from any Government or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, any bonus in money or debentures or by way of freedom from taxes, or from water rates or other benefit of any sort, either with or without conditions, and may enter into agreements for the carrying out of any such conditions or with respect thereto.

Head officer of municipality granting aid to be *ex-officio* one of the directors.

"**12.** The mayor, warden or reeve of any municipal corporation lawfully giving a bonus to the amount of ten thousand dollars or upwards in aid of the construction of such railway or any part or section or branch thereof, shall be *ex-officio* one of the directors of the company, in addition to the number of directors authorized by this Act."

Section 14 amended.

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

"**14**. The directors of the company, after the sanction of the shareholders has been first obtained at any special general meeting to be called, from time to time, for such purpose,—at which meeting shareholders representing at least one-half in value of the stock are present,—may issue bonds made and signed by the president or vice-president of the company, and countersigned by the secretary and treasurer, and under the seal of the company, for the purpose of raising money for prosecuting the said undertaking, or any part or section or branch of the said undertaking, and such bonds shall, without registration or formal conveyance, be taken and be considered to be the first preferential claim and charge upon all or such part or branch of the undertaking as any such bonds shall specify, and the tolls and property of the company, real and personal, then existing, and at any time thereafter acquired; Provided however, that the whole amount of such issue of bonds shall not exceed, in all, the sum of twenty thousand dollars per mile; and provided also, that in the event, at any time, of the interest upon the said bonds remaining unpaid and owing, then, at the next ensuing annual general meeting of the company, and at all other general meetings as long as the said default continues, all holders of bonds shall have and possess the same rights and privileges and qualifications for being elected directors and for voting as they would have if the bonds they held had been shares, provided that the bonds and any transfers thereof have been first registered in the same manner as is provided for the registration of shares; and it shall be the duty of the secretary of the company to register the same on being required so to do by any holder thereof."

Bonds may be issued with consent of shareholders.

How secured.

Proviso: amount limited and bondholders to have voting power in default of payment.

Previous registration required.

7. Section fifteen of the said Act is hereby repealed and the following substituted therefor:—

Section 15 amended.

"**15**. The company may secure any such bonds by a deed or deeds of mortgage executed by the company, with the authority of its shareholders, expressed by a resolution passed at such special general meeting; and any such deed may contain such description of the property mortgaged by such deed, and such conditions respecting the payment of the bonds secured thereby, and of the interest thereon, and the remedies to be enjoyed by the holders of such bonds, or by any trustee or trustees for them, in default of such payment, and the enforcement of such remedies, and may provide for such forfeitures and penalties, in default of such payment, as are approved by such meeting; and such deed may also contain, with the approval aforesaid, authority to the trustee or trustees, upon such default, as one of such remedies, to take possession of the railway or part or branch thereof and property mortgaged, and to hold and run the same for the benefit of the bondholders thereof, for a time to be limited by such deed, or to sell the said railway or part or branch thereof, and property after such delay and upon such terms and conditions as are stated in such deed; and with like approval, any such deed may contain provisions to the effect that, upon such default and upon such other conditions as are described in such deed, the right of voting,

Mortgage deed to secure bonds.

What provisions such deed may contain.

Powers to trustee under it.

Right of voting to bondholders in default of payment.

as to the railway or part or branch thereof and property so mortgaged, possessed by the shareholders of the company shall cease and determine, and shall thereafter appertain to the bondholders; and such deed may also provide for the conditional or absolute cancellation, after such sale, of any or all of the shares so deprived of voting power, and may also, either directly by its terms or indirectly by reference to the by-laws of the company, provide for the mode of enforcing and exercising the powers and authority to be conferred and defined by such deed under the provisions hereof; and such deed and such provisions thereof as purport, with like approval, to grant such further and other powers and privileges to such trustee or trustees, and to such bondholders, as are not contrary to law or to the provisions of this Act, shall be valid and binding; but if any change in the ownership or possession of the said railway or part or branch thereof and property at any time takes place under the provisions hereof, or of any such deed, or in any other manner, the said railway or part or branch thereof and property shall continue to be held and operated under the provisions hereof, and of "*The Consolidated Railway Act*, 1879," as hereby modified."

Validity of deed.

Provisions in case of change in ownership.

Certain services may be patd for in bonds.

8 The directors of the company may issue mortgage bonds of the company, in payment of right of way, plant, rolling stock or materials of any kind, and also for the services of or work done by contractors, engineers and other persons who have been or are, before or after such issue, engaged in promoting the undertaking and interests of the company.

Section 19 amended.

9. Section nineteen of the said Act is hereby repealed and the following substituted therefor:—

Company may amalgamate or arrange with any other railway company for leasing or hiring any portion of railway, &c.

"**19.** The company may enter into an agreement with any other railway company whose line of railway or any part or branch thereof is or is hereby authorized to be crossed by the line of the company hereby incorporated, or with which it connects or is hereby authorized to connect, for granting running powers to or making other traffic arrangements with such company, or for conveying or leasing to such company the railway of the company hereby incorporated, in whole or in part, or any branch thereof, or any rights or powers acquired under this Act, as also the surveys, plans, works, plant, material, machinery and other property to them belonging, on such terms and conditions, and for such period as may be agreed upon, and subject to such restrictions as to the directors seems fit, provided that the said conveyances, leases, agreements and arrangements have been first sanctioned by a majority 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 one-half in value of the stock are present in person or represented by proxy,—on due notice given; and also by the Governor in Council: Provided, that before such sanction by the Governor in Council shall be given, notice of the application therefor shall be published in the *Canada*

Proviso; as to approval of shareholders and of the Governor in Council.

Notice of application for approval.

Gazette and in one newspaper in each of the counties through which the said railway runs, for at least two months prior to the time therein named for the making of such application; and such notice shall state a time and place when and where the application will be made, and that all parties may then and there appear and be heard on such application."

"2. The powers hereinbefore given may be exercised by the provisional directors with the consent of the majority of the holders of such stock as may be subscribed for at the time when the special general meeting in this section before mentioned is held." Exercise of such powers by the provisional directors.

10. The twenty-first section of the said Act is hereby amended by adding the words "and the river Detroit or either of them" after the word "St. Clair" therein. Section 21 amended.

11. The twenty second section of the said Act is hereby repealed, and in lieu thereof it is hereby enacted that the railway or some branch thereof shall be commenced within two years, and shall be completed between some point at or near the city of London to some point at or near the town of Ingersoll, or the town of Woodstock, within five years, and the railway shall be fully completed within ten years from the passing of this Act, otherwise the powers granted by the said Act of incorporation and by this Act shall be forfeited as to any part or branch not so completed. Section 22 amended. Time for construction.

No. 27.

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

An Act to amend the Act to incorporate the West Ontario Pacific Railway Company.

Received and read a first time, Thursday, 11th March, 1886.

Second Reading, Monday, 15th March, 1886.

PRIVATE BILL.

Mr. MACMILLAN.
(Middlesex, E.R.)

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.

No. 28.] **BILL.** [1886.

An Act to amend the Criminal Law of Canada.

Preamble.

WHEREAS it is expedient to amend the Criminal Law of Canada so far as it relates to the punishment of burglars: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Section 51 of 32-33 V., c. 21, amended

1. Section fifty-one of chapter twenty-one of the Statutes of Canada, passed in the Session held in the thirty-second and thirty-third years of Her Majesty's reign, and intituled: "*An Act respecting Larceny and other similar offences*" is hereby amended by adding thereto the following provision:

New provision added.

"But when it shall be found that such person at the time of committing such offence, had in his possession any implement, known as a burglar's tool, or any murderous weapon of any kind whatsoever, he shall, when convicted, be sentenced to the penitentiary for life."

Punish on a second or subsequent conviction.

2. Where any person is convicted of the crime of burglary who has already been found guilty, or convicted of, or served a term of imprisonment for a similar offence, he, or she, upon such conviction thereof, shall be sentenced to imprisonment in the penitentiary for life.

Section 59, amended. Punishment increased.

3. Section fifty-nine of the said Act is hereby amended by striking out all the words after the word "penitentiary" in the twelfth line and substituting therefor the words "for a period of seven years."

Section 60, amended. Punishment increased.

4. Section sixty of the said Act is hereby amended by striking out all the words after the word "imprisoned" in the fourth line and substituting therefor the words "for a period of ten years."

Summary trial for burglary, and Judge to have the powers given by this Act.

5. Any person arrested for, or charged with, the crime of burglary may be tried summarily before the senior, junior or deputy judge of the county or united counties in which the offence has been committed, or the arrest has been made; and the powers of the judge for trial and sentence of burglars shall be the same as those given to other judges under this Act.

No. 28.

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

An Act to amend the Criminal Law of Canada.

Received and read first time, Thursday, 11th March, 1886.
Second reading, Wednesday, 17th March, 1886.

Mr. ROBERTSON,
(Hastings).

OTTAWA:
PRINTED BY MACLEAN, ROGER & Co.
1886.

No. 29.] **BILL.** [1886.

An Act to amend "The Dominion Elections Act, 1874."

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

1. Section twenty-six of the Act passed in the thirty-seventh year of Her Majesty's reign, known as "*The Dominion Elections' Act*, 1874," is hereby repealed, and the following is substituted in lieu thereof :— Section 26 of 37 V., c. 9, repealed.

"**26.** Whenever a poll has been granted the same shall be opened at the hour of nine of the clock in the forenoon, and kept open in all cities until eight o'clock in the afternoon, and in all other places until five o'clock in the afternoon of the day fixed for holding it ; and the votes at the several polling stations shall be given on that day, and by ballot." New section substituted. Hours during which poll shall be kept open. In cities and in other places, respectively.

No. 29

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

An Act to amend "The Dominion Elections' Act, 1874."

Received and read first time, Thursday, 11th March, 1886.
Second reading, Wednesday, 17th March, 1886.

MR. MCCARTHY.

OTTAWA
PRINTED BY MACLEAN, ROGER & Co.

No. 30.] **BILL.** [1886.

An Act to incorporate the E. B. Eddy Manufacturing Company.

Preamble.

WHEREAS Ezra Butler Eddy, of the city of Hull, in the Province of Quebec, manufacturer, Richard Reid Dobell, of the city of Quebec, in the said Province, lumber merchant, Thomas Beckett, of the said city of Quebec, lumber merchant, George Henry Millen, of the said city of Hull, esquire, and Sturgis Salmon Cushman of the said city of Hull, esquire, by their petition have represented that they are desirous of becoming incorporated under the name of "The E. B. Eddy Manufacturing Company," and have prayed that an Act may be passed for that purpose; and whereas it is expedient to grant the prayer of their said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Certain persons incorporated.

1. The said Ezra Butler Eddy, Richard Reid Dobell, Thomas Beckett, George Henry Millen, and Sturgis Salmon Cushman, and such other persons as may hereafter become shareholders in the company hereby incorporated, shall be and they are hereby constituted a body corporate and politic by the name of "The E. B. Eddy Manufacturing Company."

Business of the company.

2. The said company shall have power to carry on throughout the Dominion of Canada and elsewhere the business of lumberers, lumber merchants, manufacturers of matches, sashes, doors, woodenware of all kinds, packing boxes and packing box shooks, wood pulp and pulp from any other material, and all kinds of pulp or paper ware or chemicals, and timber and lumber in all its branches; also the business of general merchants, manufacturers, forwarders, common carriers, wharfingers, warehousemen, and ship and vessel owners; and to do all such things as are incidental or conducive to the attainment of all or any of the above purposes aforesaid, to purchase, lease, or otherwise acquire any lands, licenses to cut timber, timber limits, buildings, works, goods, merchandize, and other property real and personal, movable and immovable, and to sell, exchange, improve, manage, develop, lease, mortgage, dispose of, turn to account, or otherwise deal in the same.

Certain business and property may be acquired.

3. The said company shall also have power to purchase, take over or otherwise acquire, all or any of the businesses now carried on by the said Ezra Butler Eddy and the whole or any of the assets and property, real and personal, movable

and immovable, of the said Ezra Butler Eddy, subject to the obligations, if any, affecting the same; and to pay the said Ezra Butler Eddy the price thereof wholly or partly in cash, or wholly or partly in fully paid up shares or in partly paid up shares of the said company or otherwise, and also to undertake, assume, pay, or guarantee all or any of the obligations or liabilities of the said Ezra Butler Eddy, or the obligations affecting the assets and property purchased from him

Also shares in certain companies.

4. The said company shall have power to take or otherwise acquire shares in the stock of any boom company, or of any company carrying on, or engaged in, or about to carry on or engage in, any business or transaction which the said company is authorized to carry on or engage in, and to sell, hold, or otherwise deal in the same.

As to certain instruments.

5. The said company shall have power to make, accept, indorse, or execute cheques, promissory notes, bills of exchange, warehouse receipts and other negotiable instruments.

Borrowing powers.

6. The directors of the said company shall have power, from time to time, at their discretion, to borrow money for the purposes of the company, and to secure the repayment of money so borrowed, or any moneys owing by the company, in such manner and upon such terms and conditions as they shall see fit, and in particular by the mortgage, pledge, hypothecation, or charge of, or on all or any of the property of the company, or by the issue of debentures, chargeable or otherwise, on all or any of the assets and property of the company.

Capital stock and shares.

7. The capital stock of the company shall be one million five hundred thousand dollars, divided into fifteen thousand shares of one hundred dollars each.

Provisional directors.

8. The said Ezra Butler Eddy, Richard Reid Dobell, Thomas Beckett, George Henry Millen and Sturgis Salmon Cushman shall be the first directors of the said company and shall hold office until replaced by others duly appointed in their stead; and until otherwise ordered by by-law or resolution of the directors, any three of the above named directors shall have power to call meetings of the above named directors to be holden at the cities of Hull, Ottawa, Montreal or Quebec, at such times as they shall determine, provided that notice in writing signed by the directors calling any such meeting of the date and place of holding the same shall be mailed to the address of the other directors not less than six days previously.

Meetings.

Vacancies.

9. The continuing directors of the said company shall have power to act, notwithstanding any vacancy in their body, but so that if the number shall fall below three the directors shall not, except for the purpose of filling vacancies, have power to act so long as the number is below the said minimum.

10. A call shall be deemed to have been duly made at the time when the resolution of the directors authorizing such call was passed; and if a shareholder fails to pay any call due from him, before or on the day appointed for the payment thereof, he shall be liable to pay interest for the same, at the rate of six per cent. per annum, from the day appointed for the payment to the time of actual payment thereof. Calls on stock.

11. The head office of the said company shall be at the city of Hull, in the Province of Quebec; but every place in Canada at or in which the said company shall have an office or place of business shall be deemed to be a domicile of the said company; so that if any cause or action or suit shall arise against the said company within the Province or territory in which such domicile is situate, service of any writ or process in such action or suit may be validly made upon the said company at such domicile, by delivering the same to the person then in charge of such office or place of business: Provided, that the domicile of the said company, in the Province of Quebec, shall be at the said city of Hull. Head office and domicile. Service of process. Proviso.

12. The "*Canada Joint Stock Companies Clauses Act*, 1869," except section eighteen thereof, and except so far as inconsistent with the express provisions of this Act, shall be deemed to be incorporated herewith. 32-33 V., c. 12 to apply.

No. 30

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

An Act to incorporate the E. B. Eddy Manufacturing Company.

Received and read a first time, Friday, 12th March, 1886.

Second reading, Monday, 15th March, 1886.

(PRIVATE BILL.)

MR. WRIGHT.

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.

1886.

No. 31.] **BILL.** [1886.

An Act to incorporate the Alberta Railway Company.

Preamble.

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

Certain persons incorporated.

Corporate name.

1. The Honorable Sir Alexander Tilloch Galt, G.C.M.G., William G. Conrad, Peter Redpath, William Miller Ramsay and Elliot Torrance Galt, together with such persons as shall, under the provisions of this Act, become shareholders in the company hereby incorporated, are hereby constituted a body corporate and politic, under the name of "The Alberta Railway Company," hereinafter called the company; and the said railway and the works hereby authorized are declared to be for the general advantage of Canada.

Line of railway to be constructed.

2. The company shall have full power and authority to lay out, construct and complete a railway of a gauge of four feet eight and one half inches, from a point on the railway of the North-Western Coal and Navigation Company (Limited), between Dunmore and Lethbridge, in the district of Alberta, in the North-West Territory, southerly to the boundary line between Canada and the United States of America, to connect with a railway to Fort Benton, in the territory of Montana.

Provisional directors and powers.

Stock books.

3. The persons hereinbefore mentioned by name shall be provisional directors of the company (of whom three shall be a quorum), and shall hold office as such until the first election of directors under this Act, and shall have power forthwith to open stock books, procure subscriptions for stock for the undertaking, make calls on the stock subscribed, receive payments thereon, make, or cause to be made, plans and surveys of the work herein contemplated, and to deposit

Gifts in aid.

in any chartered bank of Canada all moneys received by them on account of stock subscribed, or otherwise received on account of the company, and to withdraw the same for the purposes only of the undertaking, and to receive, on behalf of the company, any grant, loan, bonus or gift made to it in aid of the undertaking, or any portion of it.

Capital stock

Application thereof.

4. The capital stock of the company shall be one million of dollars, divided into ten thousand shares of one hundred dollars each, and the money so raised shall be applied, in the first place, to the payment of all fees, expenses and disbursements for procuring the passing of this Act, and for making the surveys, plans and estimates hereby authorized; and all the remainder of such money shall be applied to the making, equipping, completing and maintaining of the said railway, and other purposes of this Act.

First meeting of subscribers to stock.

Notice.

Election of directors.

5. When one hundred thousand dollars of the capital stock has been subscribed, and ten per cent. thereof has been paid in to some chartered bank of Canada, to the credit of the company, the provisional directors shall call a general meeting of the subscribers to the said capital stock, for the purpose of electing directors, giving at least two weeks' previous notice of such meeting by publication in the *Canada Gazette*, and also by circular addressed by mail to each subcriber, stating the time, place and purpose of the said meeting; and at such general meeting the shareholders may choose five persons, qualified as hereinafter mentioned, to be directors of the company, who shall constitute a board of directors, and shall hold office until the first Tuesday in May in the year following their appointment.

Annual general meeting and election.

Notice.

6. Thereafter the annual general meeting of the shareholders of the company for the election of directors and other general purposes shall be held on the first Tuesday in March in each year, when five directors shall be chosen to hold office for one year; and two weeks' previous notice of such meeting shall be given by advertisement, published as provided for in the next preceding section.

Qualification of directors.

7. No person shall be a director of the company unless he is the holder, in his own right, of at least twenty shares in the stock of the company, and has paid up all calls thereon.

Special meetings.

8. Special general meetings of the shareholders of the company may be called in the method prescribed by the by-laws of the company, and upon notice to be given by advertisement published as provided in section five.

Quorum of directors.

9. At all meetings of the board of directors three shall form a quorum for the transaction of business, and the said board of directors may employ one of their board as a paid director.

Number of directors may be increased.

10. The number of directors may be increased to not more than nine, by by-law passed by the shareholders at any annual or special general meeting called for that purpose.

11. The company may receive as aid in the construction of the said railway any lands in the vicinity thereof, or any other real property required for the purposes of the railway either as gifts or in payment of stock, and may legally dispose of the same, and may alienate the lands or other real property for the purposes of the company; and the company may receive in aid of the construction of the said railway, any bonus in money or debentures, either with or without conditions, and may enter into agreements for the carrying out of any such conditions, or with respect thereto.

Grants of land in aid or in payment for stock.

Gifts in money, &c.

12. The company may become party to promissory notes and bills of exchange of not less than one hundred dollars; and every such promissory note or bill of exchange made, drawn, accepted or endorsed by the president or vice-president of the company, and countersigned by the secretary and treasurer, shall be binding on the company; and every such promissory note or bill of exchange made, drawn, accepted or endorsed by the president or vice-president, and countersigned by the secretary and treasurer, shall be presumed to have been duly made with the proper authority, until the contrary is shown; and in no case shall it be necessary to have the seal of the company affixed to any such promissory note or bill of exchange, nor shall the president or vice-president, or secretary and treasurer, of the company be individually responsible for the same, unless the said promissory note or bill of exchange has been issued without the proper authority: Provided however, that nothing in this section shall be construed to authorize the company to issue notes or bills of exchange payable to bearer or intended to be circulated as money, or as the notes or bills of a bank.

Promissory notes, &c.

Proviso: no notes payable to bearer.

13. The directors of the company, after the sanction of the shareholders shall have been first obtained at any special general meeting to be called from time to time for such purpose, may issue bonds, made and signed by the president or vice-president of the company, and countersigned by the secretary and treasurer, and under the seal of the company, for the purpose of raising money for prosecuting the said undertaking; and such bonds shall, without registration or formal conveyance, be taken and be considered to be the first preferential claim and charge upon the undertaking, and the tolls and property of the company, real and personal, then existing and at any time thereafter acquired: Provided however, that the whole amount of such issue of bonds shall not exceed in all the sum of fifteen thousand dollars per mile:

Bonds may be issued with consent of shareholders.

To be a first charge on the undertaking.

Amount limited.

2. In the event at any time of the interest upon the said bonds remaining unpaid and owing, then at the next ensuing annual general meeting of the company, and at all other general meetings, as long as the said default shall continue, all holders of bonds shall have and possess the same rights and privileges and qualifications for being elected directors, and for voting, as they would have if the bonds they held had been shares. Provided that the bonds

Power of bondholders to vote, &c., in case of default.

Proviso: as to registration.

and any transfers thereof, shall have been first registered in the same manner as is provided for the registration of shares; and it shall be the duty of the secretary of the company to register the same on being required so to do by any holder thereof.

Mortgage deed to secure bonds.

14. The company may secure such bonds by a deed or deeds of mortgage executed by the company with the authority of its shareholders, expressed by a resolution passed at such special general meeting; and any such deed may contained such description of the property mortgaged by such deed, and such conditions respecting the payment of the bonds secured thereby, and of the interest thereon, and the remedies which shall be enjoyed by the holders of such bonds, or by any trustee or trustees for them, in default of such payment and the enforcement of such remedies, and may provide for such forfeitures and penalties in default of such payment, as may be approved by such meeting; and such deed may also contain, with the approval aforesaid, authority to the trustee or trustees upon such default, as one of such remedies, to take possession of the railway and property mortgaged, and to hold and run the same for the benefit of the bondholders thereof for a time to be limited by such deed, or to sell the said railway and property after such delay and upon such terms and conditions as may be stated in such deed; and with like approval any such deed may contain provisions to the effect that upon such default, and upon such other conditions as shall be described in such deed, the right of voting possessed by the shareholders of the company shall cease and determine, and shall thereafter appertain to the bondholders; and such deed may also provide for the conditional or absolute cancellation, after such sale, of any or all of the shares so deprived of voting power, and may also, either directly by its terms or indirectly by reference to the by-laws of the company, provide for the mode of enforcing and exercising the powers and authority to be conferred and defined by such deed under the provisions hereof; and such deed, and the provisions thereof as shall purport (with like approval) to grant such further and other powers and privileges to such trustee or trustees, and to such bondholders, as are not contrary to law or to the provisions of this Act, shall be valid and binding; but if any change in the ownership or posssesion of the said railway and property shall at any time take place under the provisions hereof, or of any such deed, or in any other manner, the said railway and property shall continue to be held and operated under the provisions hereof, and of "*The Consolidated Railway Act*, 1879," as hereby modified.

What such deed may contain.

Provisions in case of default.

Forfeiture of rights of shareholders, cancellation of shares.

Validity of deed.

Change of ownership of railway.

Denomination of bonds.

15. The bonds authorized by this Act to be issued by the company may be issued in whole or in part, in the denomination of dollars or pounds sterling, or in either or both of them, and the coupons may be for payment in denominations similar to those of the bond to which they are attached, and the whole or any of such bonds may be pledged, nego-

Bonds may be sold, &c.

tiated or sold, upon such conditions and at such price as the board of directors, from time to time, determine.

Pledging of bonds for advances.

16. The company may, from time to time, for advances of money made thereon, mortgage or pledge any bonds which they, under the provisions of this Act, issue for the construction of the railway, or otherwise.

Registration not required.

17. It shall not be necessary, in order to preserve the lien, priority, charge or privilege purporting to appertain to or be created by any bond issued or mortgage deed executed under the provisions of this Act. that such bond or deed should be registered in any manner or in any place whatever; but every such mortgage deed shall be deposited in the office of the Secretary of State of Canada, of which deposit notice shall be given in the *Canada Gazette*; and in like manner any agreement entered into by the company under the next following section of this Act shall also be deposited in the said office; and a copy of such mortgage deed or agreement, certified to be a true copy by the Secreary of State or his deputy, shall be received as *primâ facie* tvidence of the original in all courts, without proof of the seignature or seal upon such original.

But deed, &c., to be deposited with Secretary of State.

Company may sell or lease its railway with consent of shareholders and sanction of Governor in Council.

18. The company may enter into an agreement with any other railway company with which it connects, for conveying or leasing to such company the railway of the company hereby incorporated, in whole or in part, or any branch thereof, or any rights or powers acquired under this Act, as also the surveys, plans, works, plant, material, machinery and other property to them beloging, on such terms and conditions, and for such period, as may be agreed upon, and subject to such restrictions as to the directors seem fit, provided that the said conveyances, leases, agreements and arrangements have been first sanctioned by a majority of the votes, at a special general meeting of the shareholders called for the purpose of considering the same, on due notice given, and also by the Governor in Council: Provided, that before such sanction by the Governor in Council shall be given, notice of the application therefor shall be published in the *Canada Gazette* and in one newspaper in each of the counties through which the said railway runs, for at least two months prior to the time therein named for the making of such application; and such notice shall state a time and place when and where the application will be made, and that all parties may then and there appear and be heard on such application.

Proviso: notice of application for such sanction.

Amalgamation with other companies.

19. The company may enter into any arrangement for leasing, amalgamating with or purchasing any railway connecting with the railway of the company, or any part or branch thereof, or the use thereof, at any time or for any period, provided that the terms of such amalgamation, acquisition, lease, sale, arrangement or argreement are sanctioned by a majority of the shareholders present in person or represented by proxy at a special general meeting called for the purpose of considering the same;

Leasing or hiring rolling stock, &c., from or to other companies.

2. The company shall also have the power to enter into any arrangement with any other railway company for leasing or hiring, as lessors or lessees, any locomotives, tenders, cars or other rolling stock or movable property, from or to any such company, and generally to make any agreement or arrangement with any other such company touching the use by one or the other or by both of the said railway or rolling stock or movable property of either or both, or any part thereof, or touching any service to be rendered by the one to the other and the compensation therefor.

Telegraph and telephone lines.

20. The company may construct, work and operate such line or lines of telegraph and telephone, in connection with and along the line of their railway and branches, as are necessary or useful for the purposes of their undertaking.

Time for construction.

21. The railway shall be commenced within eighteen months, and completed within three years from the passing of this Act.

No. 31.

4th Session, 5th Parliament, 49 Victoria, 1886.

An Act to incorporate the Alberta Railway Company.

Received and read the first time, Friday, 12th March, 1886.

Second reading, Monday, 15th March, 1886.

(PRIVATE BILL.)

Mr. SHANLY.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.

1886.

No. 32] **BILL.** [1886

An Act to incorporate a Community of Religious Ladies under the name of "The Sisters, Faithful Companions of Jesus."

Preamble.

WHEREAS, there exists in the North-West Territories a community of religious ladies known under the name of "The Sisters, Faithful Companions of Jesus," whose object is the instruction of youth and the practice of the works of Christian charity; and whereas, the said community, through the lady superior and the sisters hereinafter named, have, by their petition to the Parliament of Canada, set forth that the incorporation of the said community would enable them more effectually to attain their object, and have asked to be incorporated in conformity with the provisions hereinafter contained, and it is expedient to grant the prayer of their 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:—

Certain persons incorporated.

1. The reverend sisters Louisa Collings, lady superior of the said community, Mary Frances Austin and Gertrude Wareing, and such other persons as may hereafter become members of such community, shall be and are hereby incorporated as a body politic and corporate under the name of "The Sisters, Faithful Companions of Jesus."

Corporate name.

Corporation to be directed by a chapter.

2. The temporal affairs of the said corporation shall be directed and represented by a chapter of three sisters of the aforesaid community, composed of the superior for the time being and two other sisters chosen and named by the said superior from time to time, which chapter shall have full power to devise and establish such rules and constitutions not being contrary to the provisions of this Act, as they shall deem useful and necessary, as well concerning the benefit of education as for the practice of Christian charity and the conduct and government of the community, and for the superintendence and management of all real and personal estate belonging to or which shall hereafter belong to the said corporation.

Power to acquire real estate.

3. The said corporation and their successors shall have power to acquire, have, take, hold, enjoy and possess for the objects of the community, whether by purchase, exchange, demise, gift, bequest, donation, *causâ mortis*, or by will, and whether directly or through trustees, all land and property, movable and immovable, which may be hereafter sold, ceded, exchanged, given, bequeathed or granted to the said

corporation, and to sell, alienate, convey or lease the same, if need be; Provided always, that such real estate so held by the said corporation, shall not exceed two thousand five hundred acres in extent, over and above the real estate, lands and tenements held and enjoyed by the said community at the time of the passing of this Act.

Extent of real estate limited.

Property of community may be conveyed to corporation.

4. It shall and may be lawful for all persons, incorporated or otherwise, to grant, assign, transfer and convey by good and sufficient deeds and instruments to the said corporation any and all real or personal estate now or heretofore acquired or held, or which may be hereafter acquired or held, for the use and benefit of the aforesaid community, whether a trust of the same shall have been declared or not, and any such grant, assignment, transfer or conveyance may be for nominal consideration, and shall be duly filed or registered, as the case may require, in accordance with the laws of the North-West Territories.

Statement of Governor General.

5. It shall be the duty of the said corporation, when called upon so to do by the Governor General, to render an account of their property for the preceding year, in which account shall be set forth the property movable and immovable and all other property possessed in virtue of this Act; the income by them derived from such property; the number of members of the said corporation; the number of pupils that frequent the schools of the said religious ladies, and the number of the schools taught by them.

No. 32.

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

An Act to incorporate a Community of Religious Ladies under the name of "The Sisters, Faithful Companions of Jesus."

Received and read first time, Friday, 12th March, 1886.
Second reading, Monday, 15th March, 1886,

(PRIVATE BILL.)

Mr. ROYAL.

OTTAWA:
PRINTED BY MACLEAN, ROGER & Co.

No. 33] **BILL.** [1886.

An Act to incorporate the Shuswap and Okanagan Railway Company.

WHEREAS the construction of a railway from some point on the Canadian Pacific Railway in British Columbia, at or near Sickamoose Narrows, and extending thence up the Shuswap River and Spallumcheen valley to a point on Okanagan Lake, would be for the general advantages of Canada; and whereas a petition has been presented praying for the passing of an Act to incorporate a company for the purpose of constructing and working the same, 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 Honorable John Andrew Mara, of the town of Kamloops, M.P.P., James Reid, of Quesnelle, M.P., Frank S. Barnard, of the city of Victoria, Robert P. Rithet, of the said city of Victoria, commission merchant, Thomas Earle, of the same place, merchant, John Herbert Turner, of the same place, merchant. David MacEwen Eberts, of the same place, barrister-at-law, Forbes G. Vernon, of Okanagan, farmer, Moses Lumby, of Spallumcheen, farmer, and Ernest B. C. Hanington, of Yale, doctor of medicine, together with all such persons and corporations as shall become shareholders in the company to be hereby incorporated, shall be and are hereby constituted a body corporate and politic, by and under the name of "The Shuswap and Okanagan Railway Company," hereinafter called the company. Certain persons incorporated. Corporate name.

2. The company shall have power and authority to lay out and construct a railway from a point on the Canadian Pacific Railway at Sickamoose Narrows, and running thence up the left bank of the Shuswap River, and continuing the same general direction to a point on Okanagan Lake, known as Priest's Valley Arm, and to construct all necessary bridges over rivers crossing the said line between the said points. Line of railway to be constructed.

3. The company shall have power and authority to lay out and construct, complete, maintain, work, manage and use a railway bridge over any navigable stream or streams on the line of the said railway. Railway bridges over navigable waters.

4. The company shall not commence any such bridge or any work thereunto appertaining until the company have submitted to the Governor in Council plans of such bridge, Plans of bridges to be submitted for approval of

Governor in Council.

and of all the works thereunto appertaining, nor until the plans and site of such bridge have been approved by the Governor in Council, and such conditions as he shall have thought fit for the public good to impose touching the said works have been complied with, nor shall any such plan be altered nor any deviation therefrom allowed, except upon the permission of the Governor in Council, and upon such conditions as he shall impose; Provided always, that if any such bridge be placed over any such river or stream at a place where the same is navigable, and if the Governor in Council determines that such bridge shall be a draw bridge, the same shall be constructed so as to have one draw in the main channel of such river or stream, which draw shall be of such width as the Governor in Council determines, and shall otherwise give a free and unobstructed passage to vessels of every description navigating the said river or stream; and the said draw shall at all times during the season of navigation be kept open, except when actually required to be closed for the passage of railway trains, and shall be otherwise tended and moved at the expense of the company, so as not to hinder unnecessarily the passage of any vessel; from sundown to sunrise during the season of navigation, suitable lights shall be maintained upon such bridge to guide vessels approaching the said draw.

Provision as to draw bridges.

Lights at night.

Povisional directors.

5. The persons mentioned by name in the first section of of this Act, with power to add to their number, shall be and are hereby constituted provisional directors of the company (of whom five shall be a quorum), and shall hold office as such until the first election of directors under this Act, and shall have power forthwith to open stock books and procure subscriptions of stock for the undertaking, giving at least four weeks' previous notice in the *British Columbia Gazette* of the time and place of the opening of such stock books.

Stock books to be opened; notice.

Capital stock and shares.

6. The capital stock of the company shall be seven hundred and fifty thousand dollars (with power to increase the same in manner provided by "*The Consolidated Railway Act*, 1879") divided into shares of one hundred dollars each; and the money so raised shall be applied, in the first place, to the payment of all expenses and disbursements connected with the organization of the company, and other preliminary expenses, and making the surveys, plans and estimates connected with the works hereby authorized; and all the remainder of such money shall be applied to the making, completing, equipping and maintaining of the said railway, and the other purposes of this Act, and to no other purpose whatsoever.

Application of moneys.

Ten per cent. payable on subscription.

7. No subscription of stock in the capital of the company shall be legal or valid unless ten per centum shall have been actually and *bonâ fide* paid thereon within thirty days after subscription into one or more of the chartered banks in British Columbia to be designated by the directors; and such ten per centum shall not be withdrawn except for the purposes of the company; and the said directors, or a majority

of them, may, in their discretion, apportion the stock so subscribed among the subscribers as they deem most advantageous and conducive to the furtherance of the undertaking. Allotment of stock.

8. It shall be lawful for the elected directors, when authorized by the shareholders at any annual meeting, or any special general meeting called for that purpose, to accept payment in full for stock from any subscriber therefor at the time of subscription thereof, or at any time before the making of a final call thereon, and to allow such percentage or discount as as they deem expedient and reasonable; and thereupon to issue to such subscriber scrip to the full amount of such stock subscribed. Payment in full for stock may be accepted and discount allowed.

9. The directors elected by the shareholders may issue stock as paid up stock, and may pay, or agree to pay, in such paid up stock, or in the bonds of the company, such sums as they deem expedient to engineers or contractors, or for the right of way, or material, plant or rolling stock, and for the services of such persons as may be employed by the directors in the furtherance of the undertaking, or for the purchase of the right of way, material, plant or rolling stock. Paid up stock in payment for right of way, &c.

10. The company may, for the purposes of the railway, receive from any Government, person or body corporate, in aid of the construction, equipment and maintenance of the said railway, grants of land, bonuses, loans or gifts of money, or securities for money Grants in aid.

11. When and so soon as shares to the amount of seventy-five thousand dollars in the capital stock of the company have been subscribed, and ten per centum paid thereon *bonâ fide*, the provisional directors shall call a general meeting of the subscribers to the said capital stock at the city of Victoria, or such other place in the Province of British Columbia as they deem most convenient, for the purpose of electing directors of the company, giving at least four weeks' previous notice by public advertisement in the *British Columbia Gazette*, and in some daily newspaper published in the said city of Victoria, and also by a circular addressed by mail to each subscriber (when his or her address is known) of the time, place and purpose of the said meeting: Provided always, that the directors so elected may, by by-law or resolution passed by them, close the stock books after shares to the said amount of seventy-five thousand dollars have been subscribed, and may, from time to time, reopen the said stock books, and receive subscriptions for additional shares of stock up to the limit authorized by this Act, when and as the same are required for the purposes of the company. First general meeting for election of directors. Notice. When stock books may be closed and reopened.

12. No person shall be elected a director of the company unless he is the holder and owner of at least fifty shares in the stock of the company, and has paid up all calls thereon. Qualification of directors.

13. At such general meeting the subscribers for the capital stock assembled who have paid up ten per centum First election

thereof, and also are present in person or represented by proxy, shall choose nine persons to be directors, of whom five shall be a quorum.

Annual general meeting.

14. Thereafter, the annual general meeting of the shareholders of the company for the election of directors and other general purposes shall be held at such place in British Columbia as may be appointed by by-law of the company on the first Tuesday of July in each year, and two weeks' previous notice of such meeting shall be given by publication in the *British Columbia Gazette*, and in one newspaper published in the city of Victoria.

Calls on stock

15. No call to be made at any time upon the capital stock shall exceed ten per centum on the subscribed capital; and not less than thirty days shall intervene between any one call and a succeeding call.

Bonds may be issued with approval of shareholders.

16. The directors of the company, under the authority of the shareholders, to them given by a resolution of a special general meeting called for that purpose, are hereby authorized to issue bonds under the seal of the company, signed by its president or other presiding officer, and countersigned by its secretary and treasurer, and such bonds shall be made payable at such times and in such manner, and at such place or places in British Columbia or elsewhere, and shall bear such rate of interest, as the directors think proper; and the directors shall have power to issue and sell or pledge all or any of the said bonds at the best price and upon the best terms and conditions which, at the time, they may be able to obtain, for the purpose of raising money for prosecuting the said undertaking:

Disposal of bonds.

To be a first charge on undertaking.

2. Such bonds shall, without registration or formal conveyance be taken and considered to be the first preferential claim and charge upon the undertaking and the tolls and property of the company, real and personal, then existing and at any time thereafter acquired, save and except as hereinafter provided for in this section; and each holder of the said bonds shall be held and deemed to be a mortgagee or incumbrancer upon the said securities *pro rata* with the other bondholders, and shall have priority as such; Provided, that the amount of bonds so issued, sold or pledged, shall not exceed twenty thousand dollars per mile, to be issued in proportion to the length of the railway constructed or under contract to be constructed; Provided also, that no such bond shall be issued until at least seventy-five thousand dollars have been subscribed to the capital stock, and ten per centum of the same *bonâ fide* paid thereon:

Limitation as to amount.

When bonds may be issued

Mortgage deed to secure bonds.

3. Notwithstanding anything in this Act contained, the company may secure the bonds to be issued by them by a mortgage deed, creating such mortgages, charges and incumbrances upon the whole of such property, assets, rents and revenues of the company, present and future, or both, as shall be described in the said deed; but such rents and revenues shall be subject, in the first instance, to the pay-

ment of the working expenses of the railway; and by the said deed the company may grant to the holders of such bonds, or to the trustee or trustees named in such deed, all and every the powers and remedies granted by this Act in respect of the said bonds, and all other powers and remedies not inconsistent with this Act, or may restrict the bondholders in the exercise of any power, privilege or remedy granted by this Act, as the case may be; and all such powers, rights and remedies as shall be so contained in such mortgage deed shall be valid, binding and available to the bondholders, in manner and form as therein provided.

Provisions of deed.

Validity of deed.

17. The directors of the company, under the authority, and with the powers and on the terms hereinbefore set forth with respect to the issue of bonds, may issue preference stock or shares of the company, to be redeemed or made liable to be called in at such time and in such manner as the directors, by the by-law for issuing the same, fix and determine, upon which preference stock a dividend may be made payable at such rate, not exceeding eight per centum per annum, as to the directors seems fit; and such dividend may be made payable in scrip, which shall have the same security, and shall be redeemable in the like manner, as the said preference stock; and such preference stock may be exchanged by the holder thereof for ordinary stock, on such terms and conditions as the directors, from time to time, by by-law, fix and appoint; Provided always, that the total amount of bonds and preference stock to be issued by the company shall not exceed twenty-five thousand dollars per mile for every mile of the said railway constructed or under contract to be constructed.

Preference stock may be issued.

Dividend.

Proviso: limitation as to amount.

18. The lands acquired by the company and held for sale for the purposes thereof may be conveyed to trustees, to be held and conveyed by them upon the trusts and for the purposes herein declared in reference to such lands, and all moneys arising from the sale of such lands 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, survey, management and sale of the said lands; secondly, in payment of the interest on the bonds, from time to time, payable in cash by the company; thirdly, in payment and redemption of the said bonds when and as they become due; and fourthly, for the general purposes of the company.

Lands for sale may be vested in trustees.

Application of proceeds.

19. 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, shall 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 satisfaction of any mortgage thereon created by the company, and after payment of any such mortgage or lien created by the company thereon, shall be applied in

Lands sold released from lien.

Application of moneys.

accordance with the trusts in the next preceding section declared.

Provisions in case of default of payment of bonds, &c.

20. If the company make default in paying the principal of or interest on any of the bonds, preference stock or scrip for dividends hereby authorized, at the time when the same, by the terms of the bonds or by the conditions upon which the preference stock or scrip for dividends was issued become due and payable, then at the next ensuing annual general meeting of the company, and all subsequent meetings, all the holders of the bonds, preference stock or scrip for dividends so being and remaining in default shall, in respect thereof, have and possess the same rights and privileges and qualifications for being elected directors and for voting at the general meetings as would be attached to them as shareholders if they had held fully paid up shares of the company to a corresponding amount; Provided nevertheless, that the right given by this section shall not be exercised by any bondholder, preference stockholder or holder of scrip for dividends, unless the bonds, preference stock or scrip for dividends in respect of which he claims to exercise such right have been first registered in his name, in the same manner as provided by by-law for the registration of the shares of the company; and for that purpose the company shall be bound, on demand, to register any bonds, preference stock or scrip for dividends in the name of the holder thereof, and to register any transfers thereof, in the same manner as a transfer of shares; Provided also, that the exercise of the right given by this section shall not take away, limit or restrain any other rights or remedies to which the holders of the said bonds, preference stock or scrip for dividends are entitled.

Proviso: as to registration.

Proviso: certain rights not impaired.

Transfer of bonds, &c.

21. All bonds, preference stock, debentures and other securities hereby authorized and, the coupons and interest warrants thereon respectively, may be made payable to bearer, and shall, in that case, be transferable by delivery, unless and until registry thereof in manner provided in the next preceding section, and while so registered they shall be transferable by written transfer, registered in the same manner as in the case of shares; but they shall again become transferable by delivery upon the registration of a transfer to bearer, which the company shall be bound to register on the demand of the registered holder for the time being

Promissory notes, &c.

22. The company shall have power and authority to become party to promissory notes and bills of exchange for sums of not less than one hundred dollars; and any such note or bill made, drawn, accepted or endorsed by the president or vice-president of the company, as president or vice-president thereof, and countersigned by the secretary, shall be binding on the company; and any such promissory note or bill of exchange so made, drawn, accepted or endorsed as aforesaid, shall be presumed to have been made, drawn, accepted or endorsed with proper authority; and in no case shall it be necessary to have the seal of the company affixed

Form.

to such promissory note or bill of exchange; nor shall the president, or vice-president, or secretary, be individually responsible or liable for the same, unless the said promissory notes or bills of exchange have been issued without proper authority; 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 bills or notes of a bank.

Proviso: no notes payable to bearer.

23. The works upon the main line of the said railway shall be commenced within two years and completed within six years from the passing of this Act.

Time for construction.

24. The company shall have full power and authority to construct, work and operate such line or lines of telegraph and telephone along the line of their railway and branches as may be necessary or useful for the purposes of their undertaking.

Telegraph and telephone lines.

25. Deeds and conveyances of land to the company (not being letters patent from the Crown) may, in so far as circumstances will admit, be in the form set forth in the schedule to this Act, or in any other form to the like effect.

Form of conveyance to company.

SCHEDULE.

Know all men by these presents that I, A.B, in consideration of paid to me by the Shuswap and Okanagan Railway Company, the receipt whereof is hereby acknowledged, grant, bargain, sell and convey unto the said company, their successors and assigns, all that tract or parcel of land, (here describe the land), to have and to hold the said land and premises unto the said company, their successors and assigns, forever.

Witness my hand seal this day of one thousand eight hundred and .

Signed, sealed and delivered, in the presence of } A.B. [L.S.]

C.D.
E.F.

No. 33.

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

An Act to incorporate the Shuswap and Okanagan Railway Company.

Received and read the first time, Friday, 12th March, 1886.

Second reading, Monday, 15th March, 1886.

(PRIVATE BILL.)

Mr. HOMER.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.

1886.

No. 34.] **BILL.** [1886.

An Act to incorporate The Lake Superior Mineral Railway Company.

WHEREAS the construction of a railway running from a point at or near the Huronian Mine, in the township of Moss, to Port Arthur, in the Province of Ontario, or to a point on the Canadian Pacific Railway west of Port Arthur, would materially assist in opening up and developing the mineral lands north of Lake Superior, and be for the general advantage of Canada; and whereas a petition has been presented praying for the incorporation of a company for that purpose, and it is expedient to grant the prayer of such petition: Therefor Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. Alexander McEwen, of London, England; Frederick T. Sibley, of Detroit, Michigan; G. McDonald, of Port Arthur; John McIntyre, of Fort William; T.A. Keefer, of Port Arthur; J. J. Vickers, of Toronto; Arthur L. McEwen, of Port Arthur; Nicol Kingsmill, of Toronto; Peter McKellar, of Fort William, Certains persons incorporated.

together with such other persons as shall, under the provisions of this Act become shareholders in the company hereby incorporated, are hereby constituted a body corporate and politic, under the name of "The Lake Superior Mineral Railway Company," hereinafter called the company, and the said railway and works hereby authorized are declared to be for the general advantage of Canada. Corporate name.

2. The head office of the company shall be in Toronto, or at such other place in Canada as the by-laws of the company from time to time direct. Head office.

3 The company may lay out and construct and operate a railway, with a single or double iron or steel track, from a point in the township of Moss, in the Province of Ontario, at or near the Huronian Mine, to a point at or near Port Arthur or Fort William, in the Province of Ontario, or to a point on the Canadian Pacific Railway west of Port Arthur. Line of railway.

4. The persons named in the first section of this Act, with power to add to their number by a resolution passed by a majority of any meeting at which five in number are present, are hereby constituted provisional directors of the company (of whom four shall be a quorum), and shall hold Provisional directors.

office as such until the first election of directors under this Act, and shall have power forthwith to open stock books and procure subscriptions of stock for the undertaking, to make calls upon the subscribers in respect of their stock, and sue for and recover the same; and to cause surveys and plans to be made and executed, and to acquire any plans and surveys now existing; and to deposit in any chartered bank of Canada all moneys received by them on account of stock subscribed, and to withdraw the same for the purposes of the undertaking; and to receive for the company any grant, loan, bonus or gift made to it in aid of the undertaking; and, as hereinafter provided, to call a general meeting of the shareholders for the election of directors.

Capital stock and shares.

5. The capital stock of the company shall be five hundred thousand dollars, divided into five thousand shares of one hundred each; and the money so raised shall be applied in the first place towards the payment of all fees, expenses and disbursements for procuring the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and all the rest and remainder of such moneys shall be applied towards the building making, equipping completing, operating and maintaining the said railway, and other purposes of this Act.

Application of moneys.

Grants in aid.

6. The company may receive from any Government, or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway, by way of gifts or bonuses in land, money, or securities for money, or by loans, or by way of guarantee; upon such terms and conditions as may be agreed on.

First meeting for election of directors.

7. So soon as one hundred thousand dollars of the said capital stock shall have been subscribed as aforesaid, and ten per cent. paid thereon, the hereinbefore mentioned directors shall call a meeting of the shareholders of the company at the city of Toronto, at such time and place as they think proper, giving at least two weeks' notice by public advertisement in the *Canada Gazette*, and in one or more of the newspapers published in the city of Toronto and the town of Port Arthur, of the time, place and purposes of such meeting; at which meeting the shareholders shall elect nine directors from the shareholders possessing the qualifications hereinafter mentioned, of whom shall form a quorum, which directors shall hold office until the next annual meeting of the shareholders, as hereinafter provided.

Notice.

Quorum of directors.

Annual general meeting.

8. The annual general meeting of the shareholders for the election of directors and other general purposes shall be held at the city of Toronto (or elsewhere, as may be appointed by by-law), and on such day and at such hour as may be directed by the by-laws of the company; and public notice thereof shall be given at least fourteen days previously in the *Canada Gazette*, and in one or more newspapers published in the city of Toronto and the town of Port Arthur.

Notice.

. At such general meeting the shareholders assembled shall choose nine persons to be directors of the company, of whom five shall be a quorum; and such shareholders may also pass such rules, regulations and by-laws as may be deemed expedient, provided they are not inconsistent with this Act, or "*The Consolidated Railway Act*, 1879." Proceedings thereat.

10. No person shall be elected a director of the company unless he is a shareholder holding at least twenty shares in the stock of the company, and has paid up all calls made thereon. Qualification of directors.

11. The directors of the company, under the authority of the shareholders to them given at any annual meeting or general meeting called for such purpose—at which meeting shareholders representing at least one-half in value of the stock are present, in person or represented by proxy—are hereby authorized to issue bonds under the seal of the company, signed by its president or vice-president and countersigned by its secretary; and such bonds may be made payable at such times, and in such manner, and at such place or places in Canada or elsewhere, and bearing such rate of interest, as the directors think proper; and the directors shall have power to issue and sell or pledge all or any of the said bonds at the best price, and upon the best terms and conditions which, at the time, they may be able to obtain, for the purpose of raising money for prosecuting the said undertaking: Provided, that the amount of such bonds so issued, sold or pledged shall not exceed twenty thousand dollars per mile of the said railway, to be issued in proportion to the length of the railway constructed or under contract to be constructed: Bonds may be issued with consent of shareholders. Issue and sale of Bonds. Amount limited.

2. Notwithstanding anything in this Act contained, the company may secure the bonds to be issued by them by a mortgage deed, creating such mortgages, charges and incumbrances upon the whole of such property, assets, rents and revenues of the company, present or future, or both, as shall be described in the said deed; but such rents and revenues shall be subject, in the first instance, to the payment of the working expenses of the railway, and by the said deed the company may grant to the holders of such bonds, or to the trustee or trustees named in such deed, all and every the powers and remedies granted by this Act in respect of the said bonds, and all other powers and remedies not inconsistent with this Act, or may restrict the bondholders in the exercise of any power, privilege or remedy granted by this Act, as the case may be; and all such powers, rights and remedies as shall be so contained in such mortgage deed shall be valid and binding, and available to the bondholders, in manner and form as therein provided; and every such mortgage deed shall be deposited in the office of the Secretary of State of Canada, of which deposit notice shall be given in the *Canada Gazette*. Mortgage deed to secure bonds. But working expenses to be a first charge. Validity of deed.

12 The bonds hereby authorized to be issued shall be taken and considered to be the first preferential claim and Bonds to be the first charge after

working expenses.

charge u on the company, and the franchise, undertaking, tolls and income and real and personal property thereof, now or at any time hereafter acquired, save and except as provided for in the next preceding section; and each holder of the said bonds shall be deemed to be a mortgagee or incumbrancer upon the said securities *pro rata* with all the other bondholders; and all the proceedings upon the bonds shall be taken through the trustee or trustees regularly appointed.

Voting power of bondholders in case of default.

13. If the company make default in paying the principal or interest of any of the bonds hereby authorized at the time when the same by the terms of the bond become due and payable, then at the next annual general meeting of the company, and at all subsequent meetings, all holders of the bonds so bein and remaining in default shall, in re spect thereof, have and possess the same rights and privileges and qualifications for being elected directors and for voting at general meetings as would be attached to them as shareholders if they had held fully paid up shares of the company to a corresponding amount: Provided nevertheless, that the right given by this section shall not be exercised by any bondholder unless the bonds in respect of which he shall claim to exercise such right shall have been first registered in his name, in the same manner as is provided by law for the registration of the shares of the company; and for that purpose the company shall be bound on demand, on default made in principal or interest, to register any transfers thereof in the same manner as a transfer of shares: Provided also, that the exercise of the rights given by this section shall not take away, limit or restrain any other of the rights or remedies to which the holders of the said bonds shall be entitled.

Proviso: registration of bonds.

Proviso: certain rights not affected.

Form and mode of transfer of bonds.

14. All the bonds, debentures, mortgages and other securities hereby authorized, and the coupons and interest warrants thereon, respectively, may be made payable to bearer, and shall, in that case, be transferable by delivery, and may be sued upon by any owner in his own name, unless and until registered in the manner provided in the next preceding section; and whilst so registered they shall be transferable by written transfer, registered in the same manner as in the case of shares; but they shall again become transferable by delivery upon registration of a transfer to bearer—which the company shall be bound to register on the demand of the registered holder for the time being.

Promissory notes.

15. The company may become party to promissory notes and bills of exchange for sums not less than one hundred dollars, and any such note or bill made, drawn, accepted or indorsed by the president or vice-president of the company and countersigned by the secretary of the company, shall be binding on the company; and every such promissory note or bill of exchange so made, drawn, accepted or indorsed shall be presumed to have been made, drawn, accepted or indorsed with proper authority until the contrary be shown; and in no case shall it be necessary to have the seal of the company affixed to such promissory note or bill of exchange

Form.

nor shall the president or vice-president, or the secretary, be individually responsible for the same, unless the said promissory note or bill of exchange has been issued without proper authority; Provided however, that nothing in this section shall be construed to authorize the company to issue any note or bill of exchange payable to bearer, or intended to be circulated as money or as the note or bill of a bank.

Notes payable to bearer.

16. The company may also construct an electric telegraph or telephone line for the purposes of their undertaking in connection with the railway, and the company may also build, purchase, acquire, lease or possess, work and operate, steam and other vessels running in connection with the said railway.

Telegraph and telephone lines.

17. The company may enter into an agreement with any other railway company whose line of railway is crossed by the line of the company hereby incorporated, or with which it connects, for conveying or leasing to such company the railway of the company hereby incorporated, in whole or in part, or any branch thereof, or any rights or powers acquired under this Act, as also the surveys, plans, works, plant, material, machinery and other property belonging to them, on such terms and conditions and for such period as may be agreed upon and subject to such restrictions as to the directors seem fit, provided that the said conveyances, leases, agreements and arrangements have been first sanctioned by a majority of the votes, at a special general meeting of the shareholders called for the purpose of considering the same, on due notice given, at which meeting shareholders representing at least one-half in value of the stock are present in person or represented by proxy, and also have been sanctioned by the Governor in Council; Provided, that before such sanction by the Governor in Council shall be given, notice of the application therefor shall be published in the *Canada Gazette*, and in one newspaper in each of the counties through which the said railway runs, for at least two months prior to the time therein named for the making of such application; and such notice shall state a time and place where and when the application will be made, and that all parties may then and there appear and be heard on such application.

Company may convey or lease its railway to any connecting company.

Consent of shareholders.

Sanction of Governor in Council.

Proviso: As to notice.

18. The directors, subject to the by-laws, rules and regulations of the company, may, from time to time, appoint an agent in the city of London, England, or in the city of New York, with power to pay dividends, to open and keep books of transfer, for the shares of the company, and for the issue of scrip and stock certificates; and thereupon shares may be transferred from the Canada office to the London office in the name of the transferees, in the same manner as shares may be transferred in the former office, and *vice versâ;* and shares originally taken and subscribed for in Great Britain may be entered in the books at the London office and scrip certificates issued for them; and the agent or other officer shall transmit an accurate list of all such transfers and scrip certificates so issued to the secretary or other officer of the

Agents in London and New York.

Transfer of shares to London Office, &c.

Share lists to be transmitted to Canada.

company in Canada, who shall thereupon make the requisite entries respecting such transfer and scrip certificates in the register kept in Canada, and thereupon the same shall be binding upon the company as to all rights and privileges of shareholders, as though scrip certificates had been issued by the secretary of the company in Canada.

Effect of transfers made in England.

19 Whenever any transfer is made in England of any share or stock of the company, the delivery of the transfer, duly executed, to the agent of the company for the time being, in London aforesaid, shall be sufficient to constitute the transferee a shareholder or stockholder in the company in respect of the share or stock so transferred; and such agent shall transmit an accurate list of all such transfers to the secretary of the company in Canada, who shall thereupon make the requisite entries in the register.

How shares may be transferred.

20. Shares in the capital stock of the company may be transferred by any form of instrument, in writing; but no transfer shall become effectual unless the stock or scrip certificates issued in respect of the shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company.

Issue of paid up shares only in certain cases.

21. The directors of the company for the time being may make and issue paid up shares in the stock of the company, which shares shall not be assessable for calls, and may allot and hand over such shares in payment for right of way, plant, rolling stock or material of any kind, or for the services of contractors, engineers or other persons employed by the company: Provided always, that no such paid up shares shall be issued,—

For right of way, materials, &c.

(*a.*) Except in payment for right of way, plant, rolling stock, materials or services as aforesaid;

Actually conveyed or furnished;

(*b.*) And until such right of way, plant, rolling stock or materials have been actually conveyed or furnished to the company, or such services have been fully and completely rendered to the company, according to the terms of the contract therefor previously sanctioned by the shareholders, as hereinafter required;

Under contract approved by shareholders;

(*c.*) And unless the contract for such right of way, plant, rolling stock, materials or services, and for the payment therefor by such paid up shares has been, at some time before the issue of such paid up shares, sanctioned by a majority of the votes of the shareholders voting on their shares at a general meeting of the shareholders of the company duly convened;

Form of certificate for paid up shares;

(*d.*) And except by share certificates in the form shown in schedule A to this Act, under the seal of the company, signed by the President and by the Secretary, which certificate shall state that such shares are issued pursuant to this section of this Act, with the sanction of the shareholders, and also the date upon which sanction was given, following the said form:

2. All transfers of such shares shall shew that the shares thereby transferred are fully paid up and unassessable shares, and the holders thereof shall be entitled to vote thereon in the same manner as the holders of other shares in the stock of the company may vote on their shares, but they shall not be liable to the creditors of the company thereon. Transfers of paid up shares, &c.

22. All deeds and conveyances of land to the company for the purposes of this Act, in so far as circumstances will then admit, may be in the form of schedule B to this Act subjoined, or in any other form to the like effect. Form of deeds to company.

23. The railway shall be commenced within two years and completed within seven years from the passing hereof. Time for construction.

SCHEDULE A.

(*Section —.*)

Each share, one hundred dollars. Total capital stock, five hundred thousand dollars.

"The Lake Superior Mineral Railway Company."

, of , is the holder of shares in the capital stock of the company, as fully paid up and unassessable stock, which shares (were, *or* are now, *according to the fact*), originally issued to under the — section of the Act of the Statutes of Canada, incorporating the said company, with the sanction of the shareholders of the company, given at their general meeting holden on the day of A.D., 188 .

SCHEDULE B.

Form of Deed of Sale.

Know all men by these presents that I, A B., do hereby, in consideration of paid to (*as the case may be*) by "The Lake Superior Mineral Railway Company," the receipt whereof is hereby acknowledged, grant, bargain, sell, convey and confirm unto the said company, their successors and assigns forever, all that certain parcel or tract of land situate (*describe the land*), the same having been selected and laid out by the said company for the purpose of their railway, or for purposes connected with their railway, to have and to hold the said land and premises, together with everything pertaining thereto, to the said company, their successors and assigns, forever.

As witness my (*or* our) hand (*or* hands) and seal (*or* seals) this day of , A.D. 188 .

Signed, sealed and delivered in the presence of C. D. E. F. } A. B.

No. 34.

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

An Act to incorporate "The Lake Superior Mineral Railway Company."

Received and read a first time, Friday, 12th March, 1886.

Second reading, Monday, 15th March, 1886.

(PRIVATE BILL.)

Mr. DAWSON.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.

1886.

No. 35] **BILL.** [1886.

An Act to amend the Act to incorporate the Lake Nipissing and James' Bay Railway Company.

Preamble.

WHEREAS the Lake Nipissing and James' Bay Railway Company have by their petition prayed for the passing of an Act amending their Act of incorporation passed by the Parliament of Canada in the forty-seventh year of Her Majesty's reign, and chaptered eighty, 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:—

Railway may be divided into sections.

1. The company may, for the purpose of building their line of railway by the shortest and most available engineering route, divide their said road into sections—the first section to run from some point at or near the junction of the Northern and Pacific Junction Railway with the Canadian Pacific Railway to Lake Temiscamingue, the second section from Lake Temiscamingue to Lake Abittibi, and the third section from Lake Abittibi to Moose Factory or some other point on James' Bay.

Limit of time for construction changed.

2. The time limited for the commencement of the railway is hereby extended for three years from the passing of this Act, and the first section shall be completed in five years, the second in eight, and the third in ten years from the time of the commencement of the said railway.

No. 35.

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

An Act to amend the Act to incorporate the Lake Nipissing and James' Bay Railway Company.

Received and read first time, Friday, 12th March, 1886.
Second reading, Monday, 15th March, 1886.

(PRIVATE BILL.)

Mr. SUTHERLAND,
(Oxford.)

OTTAWA:
PRINTED BY MACLEAN, ROGER & CO.
1886.

No. 36]. **BILL.** [1886.

An Act to grant certain powers to "The Sable and Spanish Boom and Slide Company of Algoma (Limited.)"

Preamble.

WHEREAS "The Sable and Spanish Boom and Slide Company of Algoma (Limited)," a body corporate and politic, incorporated on the seventeenth day of March, one thousand eight hundred and eighty-five, under the provisions of the Revised Statute of the Legislature of the Province of Ontario, intituled: "*An Act respecting the incorporation of Joint Stock Companies by Letters Patent*," is desirous of acquiring the right to attach booms to the shores at the mouth of the Spanish River, in the district of Algoma, at points south and east of Island G, or Rock Island, at the mouth of such river, and to acquire, construct and maintain piers from a point or points on the north shore of the said river, near the mouth thereof, to the said island, and from such island south and east to the main shore, and to use booms in connection therewith, and to levy and collect tolls on saw-logs, timber and lumber for the use of such works, and has by petition prayed for the passing of an Act of the Parliament of Canada for that purpose, and it is expedient to grant the prayer of such petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Company may attach booms at certain points, &c.

Approval of Governor.

1. The said company shall have power to attach booms to the shores at the mouth of the Spanish River at points south and east of Island G, or Rock Island, at the mouth of such river, and to acquire, construct and maintain piers from a point or points on the north shore of the said river, near the mouth thereof, to the said island and from the said island south and east to the main shore, first having obtained a formal approval by the Governor in Council of their selection of such points, and to use booms in connection therewith.

Plans of works to be submitted to Minister of Public Works.

2. Before the company shall proceed with the construction of any of such piers, or of any alteration or enlargement thereof, or of any of the piers hitherto constructed that may be acquired by the Company, plans and specifications of the same, and of any such proposed amendments, shall be made and submitted to and approved of by the Minister of Public Works for the time being.

Tolls on timber, &c.

3. The company shall have power, so long as the said works are maintained in an efficient state, to levy and collect tolls, dues and charges on all saw-logs, timber and

lumber which may have come into their possession by the reason of the existence of the company's works or the exercise of any of the powers under this Act, upon such tolls, dues and charges being first approved of by the Governor in Council, and upon publication thereof in the *Canada Gazette*; and the Governor in Council may, from time to time, alter and amend such tariff of dues, tolls and charges; and the company shall hold a lien for such tolls, dues and charges on the said logs, timber and lumber in respect of which the same are chargeable.

Lien of the company.

4. The said works shall be open to the use of the public at all reasonable times on equal terms.

Facilities to the public.

5. The company shall commence the said works within two years and complete the same within five years from the date of the coming into force of this Act.

Time for construction.

No. 36.

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

An Act to grant certain powers to "The Sable and Spanish Boom and Slide Company, Algoma. (Limited.)"

Received and read a first time, Friday, 12th March, 1886.

Second reading, Monday, 15th March, 1886.

(PRIVATE BILL.)

Mr. SUTHERLAND, (Oxford.)

OTTAWA:
PRINTED BY MACLEAN, ROGER & Co.
1886.

No. 37] **BILL.** 1886.

An Act to naturalize Girolamo Cosentini, commonly called Baron Girolamo Cosentini.

WHEREAS Girolamo (Jerome) Cosentini, commonly called Baron Girolamo Cosentini, a native of Italy, but at present a resident of Canada, is desirous of becoming a British subject and of acquiring the rights and privileges of such subject, and has already taken the oath of allegiance to Her Majesty; and whereas he has, by his petition, prayed that an Act may be passed conferring upon him the rights and privileges of a British subject at a date earlier than that at which under the general statute law respecting naturalization he could acquire the same, and it is expedient to grant the prayer of his 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. From and after the passing of this Act the said Girolamo (Jerome) Cosentini, commonly called Baron Girolamo Cosentini, shall become and be a naturalized British subject, as fully and effectually as if he had acquired the rights of such subject after three years' residence in Canada, and complied with all the requirements of the general statute law now in force respecting the naturalization of aliens. Girolamo Cosentini naturalized.

No. 37.

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

An Act to naturalize Girolamo Cosentini, commonly called Baron Girolamo Cosentini.

Received and read first time, Friday, 12th March, 1886.
Second reading, Monday, 15th March, 1886.

(PRIVATE BILL.)

Mr. HALL.

OTTAWA:
PRINTED BY MACLEAN, ROGER & Co.
1886.

No. 38.] BILL. [1886.

An Act respecting the Niagara Grand Island Bridge Company.

Preamble.

WHEREAS the Niagara Grand Island Bridge Company have, by their petition, prayed for the passing of an Act to extend the times limited for the commencement and completion of their undertaking, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Time for completion extended.

1. The times limited by the Act thirty-seventh Victoria, chapter seventy-seven, incorporating the Niagara Grand Island Bridge Company, as amended by the Acts fortieth Victoria, chapter sixty-four, forty-third Victoria, chapter sixty, and forty-fifth Victoria, chapter eighty-six, for the commencement and completion of its undertaking, are hereby extended as follows: The works authorized by the firstly recited Act shall be commenced within three years and completed within six years from the passing of this Act.

No. 38.

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

An Act relating to the Niagara Grand Island Bridge Company.

Received and read first time, Friday, 12th March, 1886.
Second reading, Monday, 15th March, 1886

(PRIVATE BILL.)

Mr. BAKER,
(Victoria, B.C.)

OTTAWA:
PRINTED BY MACLEAN, ROGER & Co.
1886.

No. 39.] **BILL.** [1886.

An Act to incorporate the Emerson and North-Western Railway Company.

Preamble.

WHEREAS George F. R. Harris, banker, Alexander R. Irwin, broker, William N. Fairbanks, gentleman, Horace F. Despars, merchant, George Christie, stockdealer, Edward M. Gatliff, lumber merchant, and Frederick E. Burnham, barrister, all of the city of Emerson, Manitoba; Alborn C. Smith of the town of Morden the Honorable Samuel C. Biggs, barrister, and William Shoults, contractor, of the city of Winnipeg; Casper Killer of the town of Waterloo, in the county of Waterloo, and Alexander Mutchmor of the town of Gananoque, in the county of Leeds, and others, have petitioned for an Act of incorporation to construct, equip and operate a railway and telegraph line from some point within the limits of the city of Emerson in the Province of Manitoba, in a north-westerly direction to the town of Portage la Prairie, and also a branch line in a westerly or north-westerly or south-westerly direction to a point on the western boundary of the Province of Manitoba; and it is expedient to grant the prayer of the said petition; and whereas the construction of the said line of railway would be for the general advantage of Canada: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Certain persons incorporated.

1. The persons hereinbefore mentioned by name, together with such other persons and corporations as shall become subscribers and shareholders in the company hereby incorporated, shall be and are hereby constituted and declared to be a body corporate and politic in fact, by and under the name of the Emerson and North Western Railway Company, hereinafter called the company.

Railway may be constructed.

2. The company shall have full power to lay out, construct, make, finish and operate a double or single iron or steel railway and an electric telegraph, commencing at a point within the limits of the city of Emerson, in the Province of Manitoba, in a north-westerly direction to the town of Portage la Prairie, and also a branch line from some point on the said line of railway in a westerly or north-westerly or south-westerly direction to a point on the western boundary of the Province of Manitoba.

Provisional directors.

3. George F. R. Harris, Alexander R. Irwin, William N Fairbanks, Horace F. Despars, George Christie, Edward M. Gatliff, Frederick E. Burnham, Alborn C. Smith, Honor-

able Samuel C. Biggs, William Shoults, Casper Killer and Alexander Mutchmor shall be provisional directors of the company (of whom three shall be a quorum), and shall hold office as such until the first election of directors under this

Their powers.

Act, and shall have power forthwith to open stock books, procure subscriptions for stock for the undertaking, make calls on the stock subscribed, receive payments thereon, make, or cause to be made, plans and surveys of the work herein contemplated, and to deposit in any chartered bank of Canada, all moneys received by them on account of stock subscribed, or otherwise received on account of the company, and to withdraw the same for the purposes only of the undertaking, and to receive, on behalf of the company, any grant, loan, bonus or gift made to it in aid of the undertaking or any portion of it.

Capital stock and shares.

4. The capital stock of the company shall be one hundred thousand dollars, divided into two thousand shares of fifty dollars each; and the money so raised shall be applied, in the first place, to the payment of all fees, expenses and disbursements for procuring the passing of this Act, and for making the surveys, plans and estimates hereby authorized; and all the remainder of such money shall be applied to the making, equipping, completing and maintaining of the said railway, and other purposes of this Act.

First meeting of shareholders.

5. When one-fifth of the capital stock has been subscribed, and five per cent. thereof has been paid into some chartered bank of Canada, to the credit of the company, the provisional directors shall call a general meeting of the subscribers to the said capital stock, for the purpose of electing directors,

Notice.

giving at least two weeks' previous notice of such meeting in the *Canada Gazette* and also by circular addressed by mail to each subscriber, stating the time, place and purpose of the said meeting; and at such general meeting the shareholders may choose nine persons, qualified as hereinafter mentioned, to be directors of the company, who, shall constitute a board of directors, and shall hold office until the first Monday in February in the year following their appointment.

Annual general meeting.

6. Thereafter the annual general meeting of the shareholders of the company, for the election of directors and other ge eral purposes, shall be held on the first Monday in February in each year, when nine directors shall be chosen to hold office for one year; and two weeks' previous notice of such meeting shall be given by advertisement, published as provided for in the next preceding section.

Qualification of director.

7. No person shall be a director of the company unless he is the holder, in his own right, of at least twenty shares in the stock of the company, and has paid up all calls thereon.

Special general meetings.

8. Special general meetings of the shareholders of the company may be called in the method prescribed by the by-laws of the company, and upon notice to be given by advertisement published as provided in section five.

9. At all meetings of the board of directors five shall form a quorum for the transaction of business, and the said board of directors may employ one of their board as a paid director. Quorum.

10. The company may receive as aid in the construction of the said railway, any lands in the vicinity thereof, or any other real property, required for the purposes of the railway, either as gifts or in payment of stock, and may legally dispose of the same, and may alienate the lands or other real property for the purposes of the company; and the company may receive in aid of the construction of the said railway, any bonus in money or debentures, either with or without conditions, and may enter into agreements for the carrying out of any such conditions, or with respect thereto. Grants in aid.

11. All shareholders in the company whether British subjects or aliens, or residents in Canada, or elsewhere, shall have equal rights to hold stock in the company and to vote on the same, and shall be eligible to office in the company. Equal rights of shareholders.

12. The company may become party to promissory notes and bills of exchange of not less than one hundred dollars; and every such promissory note or bill of exchange, made, drawn, accepted or endorsed by the president or vice-president, of the company and countersigned by the secretary and treasurer, shall be binding on the company; and every such promissory note or bill of exchange, made, drawn, accepted or endorsed by the president or vice-president and countersigned by the secretary and treasurer, shall be presumed to have been duly made with the proper authority, until the contrary is shown; and in no case shall it be necessary to have the seal of the company affixed to any such promissory note or bill of exchange; nor shall the president or vice-president, or secretary and treasurer, of the company be individually responsible for the same, unless the said promissory note or bill of exchange has been issued without the proper authority: Provided, however, that nothing in this section shall be construed to authorize the company to issue notes or bills of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank. Company may become party to promissory notes, &c. No note to be payable to bearer.

13. The directors of the company, after the sanction of the shareholders shall have been first obtained, at any special general meeting to be called from time to time for such purpose, may issue bonds made and signed by the president or vice-president of the company, and countersigned by the secretary and treasurer, and under the seal of the company, for the purpose of raising money for prosecuting the said undertaking; and such bonds shall, without registration or formal conveyance, be taken and be considered to be the first preferential claim and charge upon the undertaking, and the tolls and property of the company, real and personal, then existing and at any time thereafter acquired: Provided, however, that the whole amount of such issue of bonds shall not exceed in all the sum of fifteen thousand dollars per mile: Bonds may be issued. Amount limited.

Voting power of bond-holders in default of payment.

2. In the event at any time of the interest upon the said bonds remaining unpaid and owing, then at the next ensuing annual general meeting of the company and at all other general meetings, as long as the said default shall continue, all holders of bonds shall have and possess the same rights and privileges and qualifications for being elected directors, and for voting, as they would have if the bonds they held had been shares, provided that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares; and it shall be the duty of the secretary of the company to register the same on being required so to do by any holder thereof

Registration in such case.

Mortgage deed may be executed to secure bonds.

14. The company may secure such bonds by a deed or deeds of mortgage executed by the company with the authority of its shareholders, expressed by a resolution passed at such special general meeting; and any such deed may contain such description of the property mortgaged by such deed, and such conditions respecting the payment of the bonds secured thereby, and of the interest thereon, and the remedies which shall be enjoyed by the holders of such bonds, or by any trustee or trustees for them, in default of such payment, and the enforcement of such remedies, and may provide for such forfeitures and penalties in default of such payment as may be approved by such meeting: and such deed may also contain, with the approval aforesaid, authority to the trustee or trustees upon such default, as one of such remedies, to take possession of the railway and property mortgaged, and to hold and run the same for the benefit of the bondholders thereof for a time to be limited by such deed, or to sell the said railway and property after such delay and upon such terms and conditions as may be stated in such deed; and with like approval any such deed may contain provisions to the effect that upon such default and upon such other conditions as shall be described in such deed, the right of voting possessed by the shareholders of the company shall cease and determine, and shall thereafter appertain to the bondholders; and such deed may also provide for the conditional or absolute cancellation, after such sale, of any or all of the shares so deprived of voting power, and may also, either directly by its terms or indirectly by reference to the by-laws of the company, provide for the mode of enforcing and exercising the powers and authority to be conferred and defined by such deed under the provisions hereof; and such deed, and the provisions thereof as shall purport (with like approval) to grant such further and other powers and privileges to such trustee or trustees, and to such bondholders, as are not contrary to law or to the provisions of this Act, shall be valid and binding; but if any change in the ownership or possession of the said railway and property shall at any time take place under the provisions hereof, or of any such deed, or in any other manner, the said railway and property shall continue to be held and operated under the provisions hereof, and of "*The Consolidated Railway Act*, 1879," as hereby modified.

Powers may be granted to trustees.

Voting power of bond-holders.

Cancellation of shares on default.

Further conditions.

Provision as to change of ownership.

15. The bonds authorized by this Act to be issued by the company may be issued in whole or in part in the denomination of dollars or pounds sterling, or in either or both of them; and the coupons may be for payment in denominations similar to those of the bond to which they are attached, and the whole or any of such bonds may be pledged, negotiated or sold upon such conditions and at such price as the board of directors shall, from time to time, determine.

Bonds may be in currency or sterling.

Disposal of bonds.

16. The company may, from time to time, for advances of money made thereon, mortgage or pledge any bonds which they, under the provisions of this Act, issue for the construction of the railway, or otherwise.

Power to sell or pledge bonds.

17. It shall not be necessary, in order to preserve the lien priority, charge or privilege purporting to appertain to or be created by any bond issued or mortgage deed executed under the provisions of this Act, that such bond or deed should be registered in any manner or in any place whatever; but every such mortgage deed shall be deposited in the office of the Secretary of State of Canada,—of which deposit notice shall be given in the *Canada Gazette*; and in like manner any agreement entered into by the company under the next following section of this Act shall also be deposited in the said office; and a copy of such mortgage deed or agreement, certified to be a true copy by the Secretary of State or his deputy, shall be received as *primâ facie* evidence of the original, in all courts, without proof of the signature or seal upon such original.

Registration not necessary

Mortgage deed, &c., to be deposited with Secretary of State.

18. The company may enter into an agreement with any other railway company with which it connects, for conveying or leasing to such company the railway of the company hereby incorporated, in whole or in part, or any branch thereof, or any rights or powers acquired under this Act, as also the surveys, plans, works, plant, material, machinery and other property to them belonging, on such terms and conditions, and for such period as may be agreed upon, and subject to such restrictions as to the directors seem fit: Provided, that the said conveyances, leases, agreements and arrangements have been first sanctioned by a majority of the votes, at a special general meeting of the shareholders called for the purpose of considering the same, on due notice given, and also by the Governor in Council: Provided, that before such sanction by the Governor in Council shall be given, notice of the application therefor shall be published in the *Canada Gazette* and in one newspaper in each of the counties through which the said railway runs, for at least two months prior to the time therein named for the making of such application; and such notice shall state a time and place, when and where the application shall be made, and that all parties may then and there appear and be heard on such application.

Power to lease railway to other companies.

Proviso: as to sanction of shareholders and approval of Governor in Council.

19. The company may enter into any arrangement for leasing, amalgamating or purchasing any railway connect-

Amalgamation, purchase, &c., of

other railways.

ing with the railway of the company or any part or branch thereof, or the use thereof, at any time or for any period: Provided, that the terms of such amalgamation, acquisition, lease, sale, arrangement or agreement are sanctioned by a majority of shareholders, present in person or represented by proxy at a special general meeting called for the purpose of considering the same; and the company shall also have power to enter into any arrangement with any other railway company for leasing or hiring, as lessors or lessees, any locomotives, tenders, cars or other rolling stock or movable property, from or to any such company, and generally to make any agreement or arrangement with any other such company touching the use by one or the other, or by both, of the said railway or rolling stock or movable property of either or both, or any part thereof, or touching any service to be rendered by the one to the other and the compensation therefor.

Leasing or hiring rolling stock, &c.

Lines of telegraph and telephone.

20. The company may construct, work and operate such line or lines of telegraph and telephone, in connection with and along the line of their railway and branches, as are necessary or useful for the purposes of their undertaking.

Conveyances to company.

21. All deeds and conveyances of land to the company for the purposes of this Act, not being letters patent from the Crown, may, in so far as circumstances will permit, be in the form set forth in the schedule to this Act.

Limit of time.

22. The railway shall be commenced within three years and be completed within seven years from the passing of this Act.

SCHEDULE.

DEED OF SALE.

Know all men by these presents that I of the in the of for and in consideration of the sum of to paid by the Emerson and North Western Railway Company, which acknowledge to have received, do grant, bargain, sell and convey unto the said Emerson and North-Western Railway Company, their successors and assigns, all that tract or parcel of land (*describe the land*) the same having been selected and laid out by the said company for the purposes of the said railway; to have and to hold the said lands and premises unto the said company their successors and assigns forever.

Witness hand and seal at this day of one thousand eight hundred and

Signed, sealed and delivered in the presence of } A. B. [L.S.]

C. D.

No. 39.

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

An Act to incorporate the Emerson and and North-Western Railway Company.

Received and read first time, Friday, 12th March, 1886.
Second reading, Monday, 15th March, 1886.

(PRIVATE BILL.)

Mr. PRUYN.

OTTAWA:
PRINTED BY MACLEAN, ROGER & Co.

No. 40.] **BILL.** [1886.

An Act relating to the Canada Southern Bridge Company.

Preamble.

WHEREAS the Canada Southern Bridge Company has, by its petition, represented that by the Act fortieth Victoria, chapter sixty-three, it was authorized to construct, maintain, work and manage a tunnel under the Detroit River, from a point in the township of Anderdon, in the county of Essex, near the town of Amherstburg, towards Grosse Isle, in the State of Michigan, and that the time limited for the completion of such tunnel was extended by the Act forty-fifth Victoria, chapter eighty-seven, and that it is necessary that the time limited for the completion of such tunnel should be extended beyond the periods limited by the said recited Acts, and has prayed for the passing of an Act for that purpose; and whereas it is expedient to grant the prayer of such petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Time for completion extended.

1. The period limited by the said recited Acts for the completion of the said tunnel is hereby extended for the period of four years from the passing of this Act.

No. 40.

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

An Act relating to the Canada Southern Bridge Company.

Received and read the first time, Friday, 12th March, 1886.

Second Reading, Monday, 15th March, 1886.

(PRIVATE BILL.)

Mr. BAKER,
(Victoria, B.C.)

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.

1886.

No. 41] **BILL.** [1886.

An Act to reduce the capital stock of the Union Bank of Lower Canada and to change the corporate name thereof to the "Union Bank of Canada."

Preamble

WHEREAS the existing subscribed and paid up capital stock of the Union Bank of Lower Canada is two million dollars, divided into twenty thousand shares of the nominal value of one hundred dollars each; and whereas the said bank has, by its petition, represented that, owing to losses sustained in the course of its business, the capital of the bank has been impaired and the value of the shares reduced; and that in order to enable it advantageously to continue its business and to realize the largest possible return for the shareholders it is necessary that the capital stock of the said bank should be reduced to the extent of twenty-five per cent. by reducing the nominal or par value of each share from one hundred dollars to seventy-five dollars; and whereas, in conformity with a resolution of the shareholders of the said bank, adopted at their last annual general meeting held on the sixth day of July in the year of Our Lord one thousand eight hundred and eighty-five, the directors of the said bank have, by their petition, prayed for the passing of an Act to reduce the capital stock by twenty-five per cent. and to change the name of the said bank from its present corporate name to the "Union Bank 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:—

Capital stock and shares reduced.

1. The existing paid up capital stock of the said bank is hereby reduced from two million dollars to one million five hundred thousand dollars, divided into twenty thousand shares of seventy-five dollars each, and the par or face value of the existing subscribed shares is also hereby reduced from one hundred dollars each to seventy-five dollars each.

Name changed.

2. The corporate name of the said bank is hereby changed from the "Union Bank of Lower Canada," to that of the "Union Bank of Canada."

Existing rights and obligations not to be affected.

3. Nothing herein contained, nor the change hereby made in the name of the said bank, shall prejudice or be construed to prejudice, or affect the rights or obligations of the said bank, and all proceedings may be continued or commenced by or against the said Union Bank of Lower Canada by or under the corporate name of the Union Bank of Canada, nor shall anything herein contained prejudice any existing claim of any creditor of the bank.

No. 41.

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

An Act to reduce the capital stock of the Union Bank of Lower Canada and to change the corporate name thereof to the "Union Bank of Canada."

Received and read first time, Friday, 12th March, 1886.
Second reading, Monday, 15th March, 1886.

(PRIVATE BILL.)

Mr. Bossé.

OTTAWA:
PRINTED BY MACLEAN, ROGER & CO.
1886.

No. 42]. **BILL.** [1886.

An Act respecting "The Saskatchewan Land and Homestead Company (Limited.)"

Preamble.

WHEREAS "The Saskatchewan Land and Homestead Company (Limited)" was duly incorporated by letters patent under the Great Seal of Canada, issued in pursuance of "*The Canada Joint Stock Companies Letters Patent Act*, 1877," and dated the eleventh day of May, one thousand eight hundred and eighty-two (and recorded on the twenty-fifth day of May, one thousand eight hundred and eighty-two, in liber eighty-four, folio one hundred and sixty-two), with a nominal capital stock of five hundred thousand dollars, divided into five thousand shares of one hundred dollars each; and whereas four hundred thousand dollars of the said capital has been subscribed for and issued, the remaining one hundred thousand dollars thereof being still unissued; and whereas calls to the extent of seventy per cent. of the said subscribed and issued capital have been made; and whereas the said company have petitioned for authority to reduce the amount of their said capital stock, and for other provisions, 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:—

Capital stock reduced.

1. The capital of the said company is hereby reduced to the sum of three hundred and fifty thousand dollars, divided into five thousand shares of seventy dollars each, so that the shares of the said capital stock shall hereafter be seventy dollars each, instead of one hundred dollars, the reduction of thirty per cent. hereby made, being, with respect to the subscribed and issued capital, the thirty per cent. thereof which has not been called up.

Surrender of shares.

2. Any shareholder of the said company may surrender to the company the whole or part of the shares held, by him, and receive from the company in consideration thereof lands or other property of the company:

Transfer of lands to surrendering shareholders.

2 The company may accept from any shareholder a surrender of the whole or any part of the shares held by him, and may grant, convey and transfer to the shareholders, in consideration thereof, lands or other property of the company, and on such surrender being made the shares so surrendered shall be *ipso facto* cancelled, and the capital stock of the company, and the number of shares thereof, shall thereby become reduced accordingly.

By-law to be complied with.

3. No lands or other property of the company shall be granted, conveyed or transferred in consideration of surrendered shares, except in accordance with the terms and conditions of a by-law or by-laws passed at a general meeting of shareholders.

Approval of shareholders.

4. The foregoing provisions of this Act shall not take effect or go into operation until the same has been submitted to a general meeting of the shareholders of the said company, and has been approved of by the shareholders voting in person or by proxy, and representing at least two-thirds in value of the stock voted upon at the said meeting; and upon, from and after such approval, the said provisions shall take effect and go into operation.

Rights of creditors of company.

5. Nothing in this Act shall lessen or vary the liability of the shareholders of the said company to the present creditors thereof.

No. 42.

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

An Act respecting "The Saskatchewan Land and Homestead Company (Limited)."

Received and read first time, Friday, 12th March, 1886.
Second reading, Monday, 15th March, 1886.

(PRIVATE BILL.)

Mr. ORTON.

OTTAWA:
PRINTED BY MACLEAN, ROGER & CO.
1886.

No. 43.] **BILL.** [1886.

An Act to amend the Act incorporating the Canada Atlantic Railway Company.

Preamble.

WHEREAS the Canada Atlantic Railway Company has by its petition, prayed for the passing of an Act to empower the said company to issue first mortgage bonds to the extent hereinafter mentioned, and also to extend the time for the completion of its works; and has also prayed that its Act of incorporation, being forty-second Victoria, chapter fifty-seven, may be otherwise amended; 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:—

42 V., c. 57.

Bonds secured by deed of mortgage may be issued.

1. From and after the passing of this Act the said company shall have power to issue mortgage bonds not to exceed the sum of twelve hundred thousand dollars, and in addition thereto not to exceed the sum of twenty-five thousand dollars per mile of the whole length of the railway of the said company, the said mortgage bonds to be secured by a deed or deeds of mortgage from the said company to a trustee or trustees for the holders thereof; and the said bonds and the said mortgage or mortgages securing the same shall be a first charge and lien upon the whole of the railway and bridges, franchises, rolling stock, plant, tolls and revenues, and other property, real and personal, movable and immovable, now owned or that shall hereafter be acquired by the said company; and the said mortgage deed or deeds may contain such powers, provisoes and conditions as the company think desirable to insert therein, and may define and determine the amount of each of the said bonds, the form thereof, the time, place and mode of payment, rate of interest, remedies to be exercised on non-payment of the said bonds, and of the interest or coupons, and the mode of enforcing such remedies, and also the penalties and forfeitures to be enforced on non-payment of the said bonds, interest or coupons; and may also contain powers in such form as the said company shall think desirable, authorizing the trustee or trustees of the said mortgage or mortgages from time to time upon default in payment of the said bonds, interest or coupons to take possession of the said railway and bridges, franchises, property and premises, and to hold and run the same for the benefit of the holders of the said bonds, and to sell the said railway and bridges, franchises, property, and premises; Provided, that no issue of bonds hereunder shall be made until the same shall be authorized by a special general meeting of the shareholders called for the purpose of considering the same.

Conditions of deed.

Proviso: consent of shareholders.

Bonds not to be sold until after surrender of first mortgage bonds now outstanding.

2 No bonds issued under the authority of this Act shall be sold, negotiated or otherwise disposed of by the said company until all the outstanding first mortgage bonds of the company forming part of the present issue of the first mortgage bonds, secured by the mortgage trust deed of the said company, dated the second day of January, one thousand eight hundred and eighty-four, and made between the said company, of the first part, and Helier Vavasour Noel, Esquire, George Hay, hardware merchant, and John Sweetland, Sheriff of the County of Carleton, thereinafter called the trustees, of the second part, shall have been surrendered to the trustees for the time being of the said last mentioned mortgage trust deed in exchange for mortgage bonds issued under the authority of this Act, at such a rate of exchange as shall be agreed upon between the said company and the respective holders of the said outstanding mortgage bonds; and upon the surrender of the said bonds, as aforesaid, the said trustees for the time being shall forthwith cancel and deface all the said present issue of first mortgage bonds of the company, and shall deliver the same so cancelled and defaced to the company and shall forthwith release and discharge the said mortgage trust deed of the second day of January, one thousand eight hundred and eight-four.

Bonds need not be registered.

3. It shall not be necessary, in order to preserve the priority, lien, charge, mortgage, or privilege purporting to appertain to or to be created by any bond issued or mortgage deed executed under the authority of this Act, that such bond or deed should be registered in any manner or in any place whatsoever; but every such mortgage deed shall be deposited in the office of the Secretary of State of Canada, of which deposit notice shall be given in the *Canada Gazette*, and a copy of any such mortgage deed, certified to be a true copy by the said Secretary of State or his deputy, shall be received as *primâ facie* evidence of the original in all courts of justice, without proof of the signatures or seal upon such original.

Deposit of mortgage deed with Secretary of State.

42 V., c. 57, amended.

4. The schedule to the said Act of incorporation is hereby amended by substituting the word "and" for the word "or" whereever the same occurs in lines thirty-nine and forty of page twenty, of the said chapter fifty-seven, as printed in the copies of the Statutes of Canada for the year one thousand eight hundred and seventy-nine.

Time for completion extended.

5. The time specified in section fourteen of the said Act of Incorporation of the company is hereby extended to ten years from the passing of this Act, for the completion of the works of the company.

No. 43.

4th Session, 5th Parliament, 49 Victori

BILL.

Act to amend the Act incorporati
Canada Atlantic Railway Comp

Received and read the first time,
12th March, 1886.

Second reading, Monday, 15th March,

(PRIVATE BILL.)

MR. MACKINTOSI

OTTAWA:
PRINTED BY MACLEAN, ROGER &
1886.

No. 44] **BILL.** [1886.

An Act to incorporate the Bow River Coal Mine and Transportation Company.

Preamble.

WHEREAS the persons whose names are hereinafter mentioned, and others, have by petition represented that they are desirous of associating themselves together for the purpose of mining and selling coals and other fuel, and buying and selling coal mines, coal lands and wood lands for fuel, and for constructing and operating railways and vessels in connection therewith, and that their incorporation would be of great advantage to the Dominion, and have prayed for the passing of an Act of incorporation to that end; and whereas it is expedient to grant the prayer of their petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Declaratory

1. The works and undertaking of the Bow River Coal Mine and Transportation Company, hereby incorporated, are declared to be for the general advantage of Canada

Certain persons incorporated.

2. Thomas E. Howard, of Bath, in the County of Lennox; Henry Meade, Alexander Forbes, George A. Smith, all of Trenton; and Ruliff Grass, of Frankford, all in the County of Hastings; David A. Fleming, of Montreal, Province of Quebec; David A. Purdon, John N. Lee, Abel H. Gilbert and Adam H. Meyers, all of Toronto, in the County of York; together with all such persons and corporations as shall become shareholders in the company to be hereby incorporated shall be and are hereby constituted a body corporate and politic, by the name of the "Bow River Coal Mine and Transportation Company," hereinafter called the company, and by that name shall have power to carry on the business hereinafter mentioned.

Corporate name.

Line of railway to be constructed.

3. The company shall have power and authority to lay out, construct and operate a railway from a point on the Canadian Pacific Railway, in the North-West Territories, near Medicine Hat, to be fixed by the Governor in Council, and running thence towards the east half of section four, township thirteen, range six, west of the fourth principal meridian, in the district of Assiniboia; and to construct all necessary bridges over rivers crossing the said line between the said points; and also from any mines or lands they may hereafter acquire to connect with the Canadian Pacific Railway, or any railway connected with the same, which point of connection shall be fixed by the Governor in Council as aforesaid.

Railway bridges.

4. The company shall have power and authority to lay out, construct, complete, maintain, work, manage and use a railway bridge over any navigable stream or streams on the line of the said railway.

General powers and business of company.

5. The company shall have power and authority to buy, lease and construct wharves in connection with their mines and railways, and to buy and sell coal mines, coal lands and wood lands in connection with their business; and also to buy, hire, charter, operate and sell steamers or other vessels suitable for the transportation of coal and other fuel.

Plans of bridges to be submitted to Governor in Council.

6. The company shall not commence any such bridge, or any works thereunto appertaining, until the company have submitted to the Governor in Council plans of such bridge, and of all the works thereunto appertaining, nor until the plans and site of such building have been approved by the Governor in Council, and such conditions as he has thought fit for the public good to impose, touching the said works, have been complied with; nor shall any such plan be altered, nor any deviation therefrom be allowed, except upon the permission of the Governor in Council, and upon such conditions as he imposes.

Provision as to draw bridges.

2. If any such bridge be placed over any such river or stream at a place where the same is navigable, and if the Governor in Council determines that such bridge shall be a drawbridge, the same shall be constructed so as to have one draw in the main-channel of such river or stream, which drawbridge shall be of such width as the Governor in Council determines, and shall otherwise give free and unobstructed passage to vessels of every description navigating the said river or stream; and the said draw shall at all times, during the season of navigation, be kept open, except when actually required to be closed for the passage of railway trains, and shall be otherwise tended and moved at the expense of the company, so as not to hinder unnecessarily the passage of any vessel; from sundown to sunrise, during the season of navigation, suitable lights shall be maintained upon every such bridge, to guide vessels approaching the said draw.

Lights at nights.

Provisional directors and powers.

7. The persons named in the first section of this Act are hereby constituted provisional directors of the company (of whom three shall be a quorum), and shall hold office as such until the first election of directors under this Act, and shall have power forthwith to open stock books and procure subscriptions of stock for the undertaking; and for that purpose they may cause stock books to be opened, and shares of the capital stock of the company to be made transferable, and the dividends accruing thereon to be made payable in the United Kingdom of Great Britain and Ireland, as well as in the Dominion of Canada; and to that end they may, from time to time, determine the proportion of the shares which shall be transferable in the United Kingdom; and they shall give at least four weeks, previous notice in the *Canada Gazette* of the time and place of the opening of such stock books.

Stock books, shares and their transfer.

Notice.

8. The capital stock of the company shall be five hundred thousand dollars, divided into shares of one hundred dollars each, and shall be applied, in the first place, to the payment of all expenses and disbursements connected with the organization of the company, and other preliminary expenses, and making the surveys, plans and estimates connected with the works hereby authorized; and all the remainder of such money shall be applied to the making, completing, equipping and maintaining of the said railway, and the other purposes of this Act, and to no other purpose whatsoever.

Capital stock and shares.

Application of moneys.

9. No subscription of stock in the capital of the company shall be legal or valid unless ten per centum has been actually and *bonâ fide* paid thereon within thirty days after subscription, into one or more of the chartered banks of Canada, or into some bank in the United Kingdom, as the case may be, to be designated by the provisional directors; and such ten per centum shall not be withdrawn, except for the purposes of the company; and the said directors, or a quorum of them, may, in their discretion, apportion the stock so subscribed among the subscribers as they deem most advantageous and conducive to the furtherance of the undertaking: Provided always, that the directors may, at the time of the subscription, or any time thereafter, accept coal mines, coal lands, wood lands, or steamers or other vessels, in full payment and satisfaction of stock subscribed.

Ten per cent payable on subscription.

Allotment.

Proviso: mines, land, &c., in payment of stock subscribed.

10. The elected directors, when authorized by the shareholders at any general meeting, or special meeting called for that purpose, may accept payment in full for stock from any subscriber therefor at the time of subscription thereof, or at any time before the making of a final call thereon, and allow such percentage or discount as they deem expedient and reasonable, and thereupon may issue to such subscriber scrip to the full amount of such stock subscribed; and such stock, when issued, shall not be liable to calls.

Payment for stock in full and discount allowed.

11. The directors of the company may make and issue as paid up stock, shares in the company, whether subscribed for or not, and may allot and hand over such shares as paid up stock, and also mortgage bonds of the company in payment of right of way, plant, rolling stock or materials of any kind, and also for the services of or work done by contractors, engineers and other persons who may have been, are, or may be engaged in promoting the undertaking and interests of the company, and in whole or in partial payment for the purchase or lease of coal mines, coal lands, wood lands, railways and wharves; and such allotment of stock or bonds shall be binding on the company, and the paid up stock shall be unassessable thereafter for calls.

Paid up stock may be issued for certain services or property.

12. The company may, for the purposes of the railway, receive from any Government, person or body corporate, in aid of the construction, equipment and maintenance of the said railway, grants of land, bonuses, loans or gifts of money or securities for money; and the company may, from time to time, purchase or lease any lands, rights or privileges, and

Grants in aid.

may sell, convey and mortgage the same for the purpose of raising money for the prosecution of the undertaking.

First meeting of shareholders for election of directors.

13. When and so soon as shares to the amount of fifty thousand dollars in the capital stock of the company have been subscribed, and ten per centum paid thereon *bonâ fide*, the provisional directors shall call a general meeting of the subscribers to the said capital stock, at such place in the Dominion of Canada or in the United Kingdom as they deem most convenient for the purpose of electing directors of the company, giving at least four weeks, previous notice by public advertisement in the *Canada Gazette*, and in some daily newspaper published in the city of Winnipeg or the North-West Territories, and also by a circular addressed by mail to each subscriber (when his or her address is known), of the time, place and purpose of the said meeting: Provided always, that the directors so elected may, by by-law or resolution passed by them, close the stock books after shares to the said amount of fifty thousand dollars have been subscribed, and may, from time to time, re-open the said stock books and exercise the powers by section seven of this Act conferred upon the provisional directors, and receive subscriptions for additional shares of stock up to the limit authorized by this Act, when and as the same are required for the purposes of the company.

Notice.

Proviso as to closing and re-opening stock books.

Qualification of directors.

14. No person shall be a director of the company unless he is the holder and owner of at least twenty shares in the stock of the company, and has paid up all calls thereon.

Election of directors and quorum.

15. At such general meeting the shareholders may choose not more than nine nor less than five persons to be directors of the company, of whom three shall be a quorum.

Annual general meeting and election.

16. Thereafter the annual general meeting of the shareholders of the company for the election of directors and other general purposes shall be held in such place in Canada or the United Kingdom, and on such day, as may be appointed by by-law of the company, and two weeks' previous notice thereof shall be given by publication in the *Canada Gazette* and in one newspaper published in the city of Winnipeg or the North-West Territories.

Calls on stock; limitation.

17. No call to be made at any time upon the capital stock shall exceed ten per centum on the subscribed capital, and not less than thirty days shall intervene between any one call and a succeeding call, and more than one may be made at any meeting of the board.

Bonds may be issued with consent of shareholders.

18. The directors of the company, under the authority of a vote of a majority of two-thirds of the shareholders, to them given by a resolution of a special general meeting called for that purpose, are hereby authorized to issue bonds under the seal of the company, signed by its president or other presiding officer, and countersigned by its secretary or treasurer; and such bonds may be made payable at such times, and in such manner, and at such place or places in Canada

Form and disposal of bonds.

or elsewhere, and bearing such rate of interest, as the directors think proper; and the directors shall have power to issue and sell or pledge all or any of the said bonds at the best price and upon the best terms and conditions which, at the time, they are able to obtain, for the purpose of raising money for prosecuting the said undertaking:

To be a first charge on the undertaking; rights of holders.

2. Such bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential claim and charge upon the undertaking, and the tolls and property of the company, real and personal, then existing and at any time thereafter acquired, save and except as hereinafter provided for in this section; and each holder of the said bonds shall be held and deemed to be a mortgagee or incumbrancer upon the said securities *pro rata* with the other bondholders, and shall have priority as such: Provided always, that the amount of bonds so issued, sold or pledged, shall not exceed twelve thousand dollars per mile, to be issued in proportion to the length of the y constructed or under contract to be constructed.

Proviso: amount limited.

Bonds may be secured by a mortgage deed.

3. Notwithstanding anything in this Act contained, the company may secure the bonds to be issued by them by a mortgage deed, creating such mortgage, charges and incumbrances upon the whole or part of such property, assets, rents and revenues of the company, present or future, or both, as are described in the said deed, but such rents and revenues shall be subject, in the first instance, to the payment of the working expenses of the railway; and by the said deed the company may grant to the holders of such bonds, or to the trustee or trustees named in such deed, all and every the powers and remedies granted by this Act in respect of the said bonds, and all other powers and remedies not inconsistent with this Act; or may restrict the bond holders in the exercise of any power, privilege or remedy granted by this Act, as the case may be; and all such powers, rights and remedies as are so contained in such mortgage deed shall be valid, binding and available to the bondholders in manner and form as therein provided.

Provisions of deed.

Preference stock may be issued.

19. The directors of the company, under the authority and with the powers and on the terms hereinbefore set forth with respect to the issue of bonds, may issue preference stock or shares of the company, to be redeemed, or made liable to be called in at such time and in such manner as the directors, by the by-law for issuing the same, fix and determine, upon which preference stock a dividend may be made payable at such rate, not exceeding eight per centum per annum, as to the directors seems fit; and such dividend may be made payable in scrip, which shall have the same security and shall be redeemable in like manner as the said preference stock, and such preference stock may be exchanged for ordinary stock on such terms and conditions as the directors, from time to time, by by-law fix and appoint.

Privileges of such stock.

May be exchanged for ordinary stock.

Lands for sale may be vested in trustees.

20. The lands, leases and privileges acquired by the company and held by the company for sale or otherwise for the

purposes thereof, may be conveyed to trustees, to be held, conveyed and otherwise disposed of by them upon the trusts and for the purposes herein declared in reference to such lands, leases and privileges, and all moneys arising from the sale or other disposition of such lands, leases and privileges shall be held and applied in trust for the purposes following, that is to say: 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 the bonds from time to time payable in cash by the company, provided such dividends and interest have been made a charge on such lands; thirdly, for the general purposes of the company.

Application of proceeds.

Lands sold released from lien.

21. 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 any such mortgage or lien created by the company thereon the same shall be applied in accordance with the trusts in the next preceding section declared.

Application of purchase money.

Powers of bondholders to vote, &c., in case of default.

22. If the company makes default in paying the principal of or interest on any of the bonds, preference stock or scrip for dividends hereby authorized, at the time when the same, by the terms of such bonds, preference stock or scrip for dividends becomes due and payable, then at the next ensuing annual general meeting of the company, and at all subsequent meetings, all holders of bonds, preference stock or scrip for dividends, so being and remaining in default, shall, in respect thereof, have and possess the same rights and privileges and qualifications for being elected directors, and for voting at general meetings, as would be enjoyed by them as shareholders if they had held fully paid up shares of the company to a corresponding amount: Provided nevertheless, that the right given by this section shall not be exercised by any bondholder, preference stock holder or holder of scrip for dividends, unless the bonds, preference stock or scrip for dividends in respect of which he claims to exercise such right have been first registered in his name, in the same manner as is provided by law for the registration of the shares of the company; and for that purpose the company shall be bound, on demand, to register any of the said bonds, preference stock or scrip for dividends in the name of the holder thereof, and to register any transfers thereof in the same manner as a transfer of shares: Provided also, that the exercise of the right given by this section shall not take away, limit or restrain any other of the rights or remedies to which the holders of the said bonds, preference stock or scrip for dividends are entitled.

Proviso: as to registration.

Proviso: certain rights not affected.

23. All bonds, preference stock, debentures and other securities hereby authorized, and the coupons and interest warrants thereon respectively, may be made payable to bearer, and shall, in that case, be transferable by delivery until registry thereof, in manner provided in the next preceding section; and while so registered they shall be transferable by written transfer, registered in the same manner as in the case of shares, but they shall again become transferable by delivery upon the registry of a transfer to bearer, which the company shall be bound to register on the demand of the registered holder for the time being. Transfer of bonds, &c.

24. The company may become party to promissory notes and bills of exchange for sums not less than one hundred dollars, and any such note or bill made, drawn, accepted or endorsed by the president or vice-president of the company, and countersigned by the secretary, shall be binding on the company, and any such promissory note or bill of exchange so made, drawn, accepted or endorsed, as aforesaid, shall be presumed to have been made, drawn, accepted or endorsed with proper authority; and in no case shall it be necessary to have the seal of the company affixed to such promissory note or bill of exchange, nor shall the president or vice-president or secretary be individually responsible or liable for the same, unless the said promissory note or bill of exchange has been issued without proper authority: 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 bill or note of a bank. Promissory notes, &c. Form. Proviso: not to be payable to bearer.

25. The works upon the main line of the said railway shall be commenced within three years and completed within six years from the coming into operation of this Act, and the works upon some one additional line shall be commenced within five years and completed within eight years from the coming into operation of this Act. Time for construction.

26. The company shall have full power and authority to construct, work and operate such line or lines of telegraph and telephone along the line of their railway and branches as may be necessary or useful for the purposes of their undertaking. Telegraph and telephone lines.

27. Deeds and conveyances of lands to the company (not being letters patent from the Crown) may, in so far as circumstances will admit, be in the form set forth in the schedule to this Act, or in any other form to the like effect. Form of deeds of land to company.

SCHEDULE.

Know all men by these presents that I, A. B., in consideration of paid to me by the Bow River Coal Mine and Transporation Company, the receipt whereof is acknowledged, grant, sell and convey unto the said Bow River Coal Mine and Transportation Company, their successors and assigns, all that tract or parcel of land (*describe the land*), to have and to hold the said land and premises unto the said company, their successors and assigns, forever.

Witness my hand and seal this day of one thousand eight hundred and .

Signed, sealed and delivered in the presence of C. D. E. F. } A. B [L.S.]

No. 44.

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

An Act to incorporate the Bow River Coal Mine and Transportation Company.

Received and read first time, Monday, 15th March, 1886.
Second reading, Wednesday, 17th March, 1886.

(PRIVATE BILL.)

Mr. ROBERTSON
(Hastings.)

OTTAWA:
PRINTED BY MACLEAN, ROGER & Co.
1886.

No. 45.] **BILL.** [1886.

An Act respecting the Dominion Lands Colonization Company (Limited).

Preamble.

WHEREAS the Dominion Lands Colonization Company (Limited) was duly incorporated by letters patent under the Great Seal of Canada, issued in pursuance of "*The Canada Joint Stock Companies' Act*, 1877," and dated the twelfth day of May, one thousand eight hundred and eighty-two (and recorded on the twenty-seventh day of May, one thousand eight hundred and eighty two, in liber 85, folio 105); and whereas, by supplementary letters patent, the nominal capital stock of the said company was fixed at the sum of five hundred thousand dollars, divided into ten thousand shares of fifty dollars each; and whereas four hundred and fifty thousand dollars of the said capital has been subscribed for and issued, the remaining fifty thousand dollars thereof being still unissued; and whereas the company have petitioned for authority to accept surrenders of shares in their capital stock in lieu of lands and other property of 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:—

Surrender of shares.

1. Any shareholder of the said company may surrender to the company the whole or part of the shares held by him, and receive from the company in consideration thereof lands or other property of the company; and the company may accept from any shareholder a surrender of the whole or part of the shares held by him, and may grant, convey and transfer to the shareholder, in consideration thereof, lands or other property of the company; and on such surrender being made the shares so surrendered shall be *ipso facto* cancelled, and the capital stock of the company and the number of shares thereof shall thereby become reduced accordingly.

Shares surrendered to

By-law to be passed.

2. No lands or other property of the company shall be granted, conveyed or transferred in consideration of surrendered shares, except in accordance with the terms and conditions of a by-law or by-laws passed at a general meeting of the shareholders.

Approval of shareholders

3. The foregoing provisions of this Act shall not take effect or go into operation until the same have been submitted to a general meeting of the shareholders of the said

company, and have been approved of by shareholders representing in person or by proxy at least two-thirds in value of the stock voted upon at the said meeting; and upon, from and after such approval the foregoing provisions of this Act shall take effect and go into operation.

Rights of creditors.

4. Nothing in this Act shall lessen or vary the liability of the shareholders of the said company to the present creditors thereof.

No. 45.

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

An Act respecting the Dominion Lands Colonization Company (Limited).

Received and read first time Tuesday, 16th March, 1886.
Second reading, Wednesday, 17th March, 1886.

(PRIVATE BILL).

Mr. BEATY.

OTTAWA:
PRINTED BY MACLEAN, ROGER & CO.
1886.

No. 46.] **BILL.** [1886.

An Act to repeal the Act intituled "An Act for facilitating the navigation of the River St. Lawrence, in and near the Harbor of Quebec.

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

1. The Act passed in the Session held in the forty-eighth and forty-ninth years of Her Majesty's reign, intituled "*An Act for facilitating the navigation of the River St. Lawrence, in and near the Harbor of Quebec,*" is hereby repealed. The Act 48-49 V, c. 77, repealed.

2. Sub-section seventy-eight of the twenty-ninth section of the Act of the Legislature of the late Province of Canada, passed in the twenty-ninth year of Her Majesty's reign, and intituled "*An Act to amend and consolidate the provisions contained in the Acts and Ordinances relating to the incorporation of and supply of water in the City of Quebec,*" and the by-law made by the Council of the city of Quebec, by virtue of the said sub-section are hereby revived. Sub-section 78 of the Act of the Province of Canada, 29 V, c. 57, and the by-law made under them revised.

No. 46

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

An Act to repeal the Act intituled: "An Act for facilitating the navigation of the River St. Lawrence, in and near the Harbor of Quebec."

Received and read first time, Thursday, 10th March, 1886.

Second reading, Wednesday, 17th March, 1886.

Mr. LANGELIER.

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.

1886.

No. 47.] **BILL.** [1886.

An Act respecting the Railway from Esquimalt to Nanaimo, in British Columbia.

Preamble.

WHEREAS by the articles of agreement between certain persons therein named, and Her Majesty, therein represented by the Minister of Railways and Canals, and the specification thereunto annexed, which are recited in the Act passed in the forty-seventh year of Her Majesty's reign, and chaptered six, it is provided that the gradients and allignments of the railway from Esquimalt to Nanaimo therein mentioned as to be constructed by the parties of the first part, or a company to be formed by their incorporation, shall be the best that the physical features of the country will admit of without involving unusually or unnecessarily heavy works of construction, with respect to which the Governor in Council shall decide; And whereas the company formed as aforesaid, having carried the works of construction of the said railway far forward towards completion, have represented that in order to avoid such unusually heavy work, they have been compelled by the physical features of the country in many places, to adopt sharper curves than those mentioned in the said specification, and have prayed that the same be allowed by Parliament and the said Act amended accordingly; and inasmuch as it appears by the reports of the Engineer of the Department of Railways and Canals, who has inspected the said works, that the gradients of the said railway are as required by the said specification, and the work satisfactorily performed, and that although sharper curves have been introduced than are admissible under the said specification, the railway is of a more durable and substantial character than if built where flatter curves could have been obtained, and that the allegations of the said company as to the difficulties arising from the physical features of the country appear to be true, it is expedient to grant their prayer: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada enacts as follows:—

When the Legislature of British Columbia has assented thereto by Act, the Governor in Council may accept the existing curves.

1. The Governor in Council may, when the Legislature of the Province of British Columbia, has by an Act passed by it, assented thereto, accept curves in the said railway not being of less radius than five hundred and seventy-three feet, as satisfying the requirements of the said Act forty-seventh Victoria, chapter six, which shall be construed and have effect as if that radius had been mentioned as the least allowed by paragraph 2 of the specification A in the schedule to the said Act, instead of a radius of eight hundred feet.

No. 47.

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

An Act respecting the Railway from Esquimalt to Nanaimo, in British Columbia.

Received and read first time, Monday, 15th March, 1886.
Second reading, Tuesday, 16th March, 1886.

Mr. POPE.

OTTAWA:
PRINTED BY MACLEAN, ROGER & CO.
1886.

No. 48.] **BILL.** [1886.

An Act to amend the Act to incorporate the Niagara Frontier Bridge Company.

Preamble.

WHEREAS the Niagara Frontier Bridge Company have, by their petition, prayed that an Act may be passed continuing and amending an Act passed in the forty-seventh year of Her Majesty's reign, chaptered eighty-one, and intituled "*An Act to incorporate the Niagara Frontier Bridge 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, enacts as follows:—

47 V. c. 81.

Act continued and time for construction extended.

1. The Act incorporating the Niagara Frontier Bridge Company is hereby continued and the times limited by section thirty of the said Act for the commencement and completion of the said work are hereby respectively extended, so that the said work shall be commenced within three years after the passing of this Act and completed within six years from the date fixed by the sixth section of the said Act of incorporation.

Section 5 amended.

2. Section five of the said Act is hereby amended by substituting for the words: "village of Queenston in the county of Lincoln" the following words, "town of Niagara Falls in the county of Welland."

No. 48.

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

An Act to amend the Act to incorporate the Niagara Frontier Bridge Company.

Received and read first time, Tuesday, 16th March, 1886.
Second reading, Wednesday, 17th March, 1886.

(PRIVATE BILL.)

Mr. RYKERT.

OTTAWA:
PRINTED BY MACLEAN, ROGER & Co.
1886.

No. 49.] **BILL.** [1886.

An Act to incorporate the Ontario, Minnesota and Manitoba Railway Company.

Preamble.

WHEREAS the construction of a railway from the town of Port Arther, in the Province of Ontario, in a westerly direction to or near White Fish Lake, thence north-westerly to some point near where the line of latitude forty-nine crosses the line of longitude ninety-two, thence in a westerly direction to and crossing the Rainy River by means of a bridge into the United States of America at some point between Fort Frances and the mouth of the said river: also the construction of a branch of the same railway from some point on and crossing the boundary line between the United States of America and the Dominion of Canada between the Lake of the Woods and longitude ninety-six, thence in a north-westerly direction to the city of Winnipeg in the Province of Manitoba; also the construction of a branch thereof from a point at or near the crossing of lines of latitude forty-nine and longitude ninety-three in a north-westerly direction to the village of Rat Portage, would be of general benefit to the Dominion of Canada; and whereas, a petition has been presented for the incorporation of a company for the purpose of constructing and working the same. And whereas it is expedient to grant the prayer of such petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Certain persons incorporated.

1. James Comnee, Robert E. Mitchell, Michael Dwyer, Thomas A. Gorham, William W. Russell, all of the town of Port Arthur, in the Province of Ontario, and Kenneth McKenzie, R. J. Whitla, James H. Ashdown, William F. Luxton and Isaac Campbell, all of the city of Winnipeg, in the Province of Manitoba, together with all such persons and corporations as shall become shareholders in the company hereby incorporated, shall be, and are hereby constituted a body corporate and politic by and under the name of the "Ontario, Minnesota and Manitoba Railway Company," hereinafter called the company.

Corporate name.

Main line of railway to be constructed.

2. The company, their agents and servants, shall have full power and authority to survey, lay out, construct, complete, lease, purchase and operate a single or double line of railway, of four feet eight and one-half inches gauge, from the town of Port Arthur, in the district of Thunder Bay, in the Province of Ontario, thence in a westerly direction to or near White Fish Lake, thence north-westerly to some point near

where the line of latitude forty-nine crosses the line of longitude ninety-two, thence in a westerly direction to and crossing the Rainy River, by means of a bridge into the United States of America at some point between Fort Frances and the mouth of the said river; also to construct and operate a branch of the same railway from some point on and crossing the boundary line between the United States of America and the Dominion of Canada between the Lake of the Woods and longitude ninety-six, thence in a north-westerly direction to the city of Winnipeg in the Province of Manitoba; also to construct and operate a branch of the said railway from a point at or near the crossing of lines of latitude forty-nine and longitude ninety-three in a north-westerly direction to the village of Rat Portage.

Branch line.

Power to build and own vessels, &c.

4. The company shall have power to construct, purchase, sell, charter, own and use, scows, boats and steam or other vessels on the lakes, rivers and canals of Canada in connection with their railway.

Power to amalgamate with the Thunder Bay Colonization Railway Company.

5. The company is also authorized and empowered to make necessary arrangements to contract and agree with the "Thunder Bay Colonization Railway Company" for amalgamation with the said company or for the leasing their said line or any part or parts thereof, and may also make traffic or running arrangements with the said company; provided that the terms of such amalgamation or lease are approved of by two-thirds of the shareholders present in person or represented by proxy at a special general meeting to be held for that purpose in accordance with this Act.

Proviso: approval of shareholders.

Bridges over navigable waters.

6. The company shall have power and authority to lay out and construct, complete, maintain, work, manage and use a railway bridge over any navigable river or rivers, stream or streams, water or waters, on the line of the said railway.

Plans of bridges to be submitted to Governor in Council and be subject to approval.

7. The company shall not commence any such bridge or any work thereunto appertaining, until the company have submitted to the Governor in Council plans of such bridge and of all the works thereunto appertaining, nor until the plans and 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 works, have been complied with; nor shall any such plan be altered nor any deviation therefrom allowed except upon the permission of the Governor in Council and upon such conditions as he imposes: Provided always, that if any such bridge be placed over any such river, stream or water at a place where the same is navigable, and if the Governor in Council determines that such bridge shall be a draw bridge the same shall be constructed so as to have one draw in the main channel of such river or stream, which draw shall be of such width as the Governor in Council determines and shall otherwise give free and unobstructed passage to vessels of every description navigating the said river, stream or water; and the said draw shall at all times, during the season of

Proviso: as to draw bridges.

navigation, be tended and moved at the expense of the company so as not to hinder unnecessarily the passage of any vessel; from sundown to sunrise, during the season of navigation, suitable lights shall be maintained upon any such bridge to guide vessels approaching the said draw. Lights on draw bridges.

8. The persons named in the first section of this Act, with power to add to their number, shall be and are hereby constituted provisional directors of the company (of whom five shall be a quorum), and shall hold office as such until the first election of directors under this Act, and shall have power forthwith to open stock books and procure subscriptions of stock for the undertaking, and all such other powers as under "*The Consolidated Railway Act*, 1879," are vested in ordinary directors; and such provisional directors may appoint a committee from their number to open such stock books, giving at least four weeks' notice in the *Canada Gazette*, and in one newspaper published in the town of Port Arthur, of the time and place of meeting to open such books and to receive such subscriptions; and the said committee, or a majority of them, may, in their discretion, exclude any person from subscribing; and they shall have power to receive payments on account of stock so subscribed, and to cause plans and surveys to be made, and to acquire any plans and surveys now existing and to deposit in any chartered bank of Canada all moneys received by them on account of stock subscribed, and to receive on behalf of the company any grant, loan, bonus or gift made to it in aid of the undertaking. Provisional directors; their powers or duties. Opening of stock books. Grants in aid.

9. The capital stock of the company shall not exceed twenty-five thousand dollars per mile (with power to increase the same in manner provided by "*The Consolidated Railway Act*, 1879") to be divided into shares of one hundred dollars each; and the money so raised shall be applied in the first place to the payment of all fees, expenses and disbursements connected with the organization of the company and other preliminary expenses and making the surveys, plans and estimates connected with the works hereby authorized; and all the remainder of such money shall be applied to the making, equipping, completing and maintaining of the said railway and other purposes of this Act, and to no other purpose whatsoever. Capital stock limited. Application of moneys.

10. No subscription of stock in the capital of the company shall be legal or valid unless ten per centum shall have been actually and *bonâ fide* paid thereon within sixty days after subscription into one or more of the chartered banks of Canada, to be designated by the directors; and such ten per centum shall not be withdrawn from such bank or otherwise applied, except for the purposes of the company, or upon the dissolution of the company from any cause whatever; and the said directors, or a majority of them, may, in their discretion, apportion the stock so subscribed among the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking. Ten per cent payable on subscription. Allotment of stock.

Company may receive grants in aid.

11. The company may for the purposes of the railway receive from any Government, person, or body corporate, in aid of the construction, equipment and maintenance of the said railway, grants of land, bonuses or gifts of money or securities for money; and the company may, from time to time, purchase lands from the Government of Canada or from the Government of the Province of Ontario, and may sell, convey and mortgage the same for the purpose of raising money for the prosecution of the said undertaking.

And may acquire and dispose of lands.

First meeting of shareholders.

12. When and so soon as shares to the amount of two hundred thousand dollars in the capital stock of the company have been subscribed and ten per centum paid thereon *bonâ fide*, the provisional directors shall call a general meeting of the subscribers to the said capital stock at the town of Port Arthur, for the purpose of electing directors of the company, giving at least four weeks' previous notice by public advertisement in the *Canada Gazette* and in some daily newspaper published in each of the cities of Toronto and Winnipeg and the town of Port Arthur, and also by circular addressed by mail to each subscriber, of the time, place and purpose of the said meeting :

Notice.

Closing and re-opening of stock books.

2. The directors so elected may, by by-law or resolution passed by them, close the stock books after shares to the said amount of two hundred thousand dollars have been subscribed and may, from time to time, upon notice published as aforesaid, re-open the said stock books and receive subscriptions for additional shares of stock up to the limit authorized by this Act when and as the same shall be required for the purposes of the company.

Qualification of directors.

13. No person shall be elected a director of the company unless he is the holder and owner in his own right of at least twenty shares in the stock of the company and has paid up all calls thereon.

Election of directors.

4. At such general meeting the subscribers for the capital stock assembled who have so paid up ten per centum thereof, and also are present in person or represented by-proxy, shall choose nine persons to be directors of the company, of whom five shall be a quorum.

Quorum.

Annual general meeting.

15. Thereafter the annual general meeting of the shareholders of the company for the election of directors and other general purposes, shall be held in the town of Port Arthur, on the third Wednesday in the month of July, in each year, and two weeks' previous notice thereof shall be given by publication in the *Canada Gazette*, and in a newspaper published in each of the cities of Toronto and Winnipeg, and the town of Port Arthur.

Notice.

Calls on stock.

16. No call to be made at any time upon the capital stock shall exceed ten per centum on the subscribed capital, and not less than thirty days shall intervene between any one call and a succeeding call.

Payment of stock in full, and discount thereon.

17. It shall be lawful for the elected directors, when authorized by the shareholders at any annual general meeting or special general meeting, called for that purpose, to accept payment in full for stock from any subscriber therefor, at the time of subscription thereof, or at any time before the making of a final call thereon, and to allow such percentage or discount as they deem expedient or reasonable, and thereupon to issue to such subscriber scrip to the full amount of such stock subscribed

Paid up stock may be issued for certain considerations.

18. The directors elected by the shareholders may make or issue stock as paid-up stock and may pay or agree to pay in such paid-up stock or in the 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 for the services of such persons as are employed by the directors in the furtherance of the undertaking or purchase of right of way, material, plant or rolling-stock.

Preference stock may be issued with consent of shareholders.

19. The company shall have power and authority to issue guaranteed or preferred stock, to such an amount not exceeding ten thousand dollars per mile, as shall be authorized by a majority of the shareholders voting in person or by proxy, at any regular annual meeting or special general meeting called for that purpose; but such stock shall not interfere with the lien, mortgage and privilege attaching to bonds issued under the authority of this Act, and the holders of such stock shall have all the rights and privileges of the holders of the capital or common stock.

Bonds may be issued with approval of shareholders.

20. The directors of the company, under the authority of the shareholders to them given by resolution of a special general meeting, called for that purpose, of which notice shall be given as provided in the twelfth section of this Act, are hereby authorized to issue bonds under the seal of the company, signed by its president or other presiding officer, and countersigned by its secretary and treasurer; and such bonds shall be made payable in such money or moneys at such times and in such manner and in such place or places in Canada or elsewhere and bearing such rate of interest as the directors think proper; and the directors shall have power to issue and sell or pledge all or any of the said bonds at the best price and upon the best terms and conditions which at the time they may be able to obtain, for the purpose of raising money for prosecuting the said undertaking; and such bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential claim, lien and charge upon the undertaking, and the revenues and property of the company, real and personal then existing, and at any time thereafter acquired, save and except as hereinafter provided for in this section; and each holder of the said bonds shall be deemed to be a mortgagee or incumbrancer upon the said securities *pro ratâ* with the other bondholders and shall have priority as such; Provided, that the amount of such bonds so issued, sold or pledged, shall not exceed twenty-five thousand dollars per mile, to be issued in proportion to the length of railway

Sale of bonds.

To be a first charge on the undertaking.

Proviso: amount limited.

Proviso : as to time of issue.

constructed, or under contract to be constructed ; provided also, that no such bonds shall be issued until at least two hundred thousand dollars shall have been subscribed to the capital stock and ten per centum of the same *bonâ fide* paid thereon.

Mortgage deed to secure bonds.

2. Notwithstanding anything in this Act contained the company may secure the bonds to be issued by them by a mortgage deed creating such mortgages, charges and incumbrances upon the whole of such property, assets, rents and revenues of the company, present or future, or both, as shall be described in the said deed ; but such rents and revenues shall be subject in the first instance to the payment of the working expenses of the railway ; and by the said deed the company may grant to the holders of such bonds or to the trustee or trustees named in such deed, all and every the powers and remedies granted by this Act, in respect of the said bonds and all other powers and remedies not inconsistent with this Act, or may restrict the bondholders in the exercise of any power, privilege or remedy granted by this Act, as the case may be ; and all such powers, rights and remedies as shall be so contained in such mortgage deed shall be valid and binding and available to the bondholders in manner and form as therein provided.

What conditions deed may contain.

Validity of deed.

Form of bonds.

3. All bonds hereby authorized and the coupons and interest warrants thereon respectively may be made payable to bearer and shall in that case be transferable by delivery, until registry thereof in manner provided in the next succeeding section ; and while so registered they shall be transferable by written transfer registered in the same manner as in the case of shares ; but they shall again become transferable by delivery upon the registration of a transfer to bearer, which the company shall be bound to register on the demand of the registered holder for the time being.

Transfer thereof.

Voting power of bond holders, &c., in case of default in payment.

4. If the company shall make default in paying the principal of or interest on any of the bonds hereby authorized, at the time when the same shall by the terms of the bonds become due and payable, then at the next ensuing annual general meeting of the company and at all subsequent meetings, all holders of bonds so being and remaining in default shall in respect thereof have and possess the same rights, privileges and qualifications for being elected directors and for voting at general meetings as would be attached to them as shareholders, if they had held fully paid up shares of the company to a corresponding amount ; provided, nevertheless, that the right given by this section shall not be exercised by any bondholder, unless the bonds in respect of which he claims to exercise such right have been first registered in his name, in the same manner as is provided by law for the registration of the shares of the company ; and for that purpose the company shall be bound on demand to register any of the said bonds in the name of the holder thereof and to register any transfers thereof in the

Proviso : as to registration.

same manner as a transfer of shares: Provided, also, that the exercise of the right given by this section shall not take away, limit or restrain any other of the rights or remedies to which the holders of the said bonds shall be entitled. Proviso: certain rights not impaired.

23. The lands acquired by the company and held for sale for the purposes thereof may be conveyed to trustees to be held and conveyed by them upon the trusts and for the purposes herein declared in reference to such lands; and all moneys arising from the sale of such lands 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, survey, management and sale of the said lands; secondly, in payment of the interest and dividends on the bonds hereinbefore mentioned; thirdly, in payment and redemption of the said bonds; and fourthly, for the general purposes of the company: Lands may be held in trust. Application of proceeds.

2. Notwithstanding anything in this Act if any lands shall be acquired by the company by gift, grant or bonus, and shall be specially appropriated by such gift, grant or bonus to aid any particular portion of the railway, the said lands may be vested in trustees as security for the payment of the bonds issued in respect of that portion of the said railway not exceeding twenty-thousand dollars per mile; and the company may specify the particular bonds which shall be entitled to the benefit of this additional security. As to lands given in aid of a particular portion of the railway.

24. 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 shall 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 accordance with the next preceding section, unless it shall be otherwise provided by any deed of mortgage executed under the provisions of this Act, and if so provided shall only be so released and discharged in accordance with the provisions of such deed. Lands sold released from lien.

25 The company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one huudred dollars; and any such note or bill made, accepted or endorsed by the president or vice-president of the company, as president or vice-president thereof, and countersigned by the secretary, and under the authority of a majority of a quorum of the directors shall be binding on the company; and any such promissory note or bill of exchange made, accepted or endorsed by the president or vice-president of the company and countersigned by the secretary, shall be presumed to have been made with proper authority until the contrary is shown; and in no case shall it be necessary to have the seal of the Company affixed to such promissory note or bill of exchange; nor shall the president, vice-president or secretary be individually responsible or liable for the same unless the said promissory note Promissory notes and bills of exchange.

or bill of exchange has been issued other than as aforesaid;

Proviso: no notes payable to bearer.

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 notes or bills of a bank.

Equal rights of shareholders.

26. All shareholders in the company whether British subjects or aliens, resident in Canada or otherwise, shall have equal rights to hold stock in the company and to vote on the same and shall be eligible to office as directors in the company, and for enforcing at law or in equity payments or rights under this Act and all Acts relative to railways whether as trustees or bondholders.

Lines of telegraph and telephone.

27. The company shall have full power and authority to construct, work and operate a line or lines of telegraph or telephone along the line of their railway and branches.

Time for construction.

28. The railway shall be commenced within three years and completed within seven years from the passing of this Act.

Form of conveyances to company.

29. Deeds and conveyances of land to the company (not being letters patent from the Crown) may, in so far as circumstances will admit, be in the form set forth in the schedule to this Act, or in any other form to the like effect; and such conveyance may be registered in such manner and upon such proof of execution as is required under the registry laws affecting the same.

SCHEDULE.

Know all men by these presents that I, A. B., in consideration of dollars paid me by the Ontario, Minnesota and Manitoba Railway Company, the receipt whereof is hereby acknowledged, do grant, bargain, sell and convey unto the said Ontario, Minnesota and Manitoba Railway Company, their successors and assigns, all that certain parcel or tract of land situate (*fully describe the land.*)

To have and to hold the said land and premises unto the said Ontario, Minnesota and Manitoba Railway Company, their successors and assigns forever.

Witness my hand and seal this day of one thousand eight hundred and

A. B. {L. S.}

Signed sealed and delivered in presence of }

C. D.

No. 49.

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

An Act to incorporate the Ontario, Minnesota and Manitoba Railway Company.

Received and read first time, Tudesay, 16th March, 1886.
Second reading, Wednesday, 17th March, 1886.

(PRIVATE BILL.)

Mr. ROYAL.

OTTAWA:
PRINTED BY MACLEAN, ROGER & CO.
1886.

No. 50.] **BILL.** [1886.

An Act respecting the Pictou Bank.

WHEREAS, the Pictou Bank has, by its petition, represented that it has sustained heavy losses in the course of its business; that it has been found necessary to suspend the payment of dividends since January, one thousand eight hundred and eighty-four; that it has certain assets that may become valueless or incapable of realization, in which event the capital stock of the said bank would become impaired; that it is most important, in the interests of the shareholders, that the payment of dividends should be resumed at as early a day as possible, and that, to accomplish that end, and to secure the capital of the said bank from becoming impaired, it is necessary that the capital of the said bank, which is now paid up to the extent of fifty per centum of the nominal value thereof, should be held and deemed to be paid up only to the extent of forty per centum of its nominal value, and that the amount of the reduction thereby made on the paid-up capital of the said bank, should be carried to the profit and loss account of the said bank; and that at the general meeting of the said bank, holden at Pictou, on the twenty-seventh day of January, one thousand eight hundred and eighty-six, the shareholders of the said bank unanimously resolved:—"That the Parliament of Canada be applied to, in the usual way, for authority to reduce the present paid-up capital of two hundred and fifty thousand dollars, to two hundred thousand dollars, and that the balance be placed in reserve fund or profit and loss, to wait liquidation of assets; 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 shares of the said bank shall, on and after the passing of this Act, be deemed to be paid up to the extent of forty per centum of the nominal value thereof, instead of fifty per centum as at present; and all persons, who at the time of the passing of this Act, are shareholders of the said bank, shall be liable, on the shares then held by them, as if forty per centum only were paid on the nominal value thereof. Shares of the stock reduced

2. The said bank shall have power to place the amount of the said reduction on its paid-up capital to the credit of its profit and loss account, for the uses of the bank. How reduction shall be credited.

Certificates of shares.

3. The said bank shall have power to recall all certificates of shares hitherto issued, and to issue new certificates in lieu thereof, showing the reduction effected by this Act on the amount paid up thereon.

Liability of shareholders.

4. Nothing in this Act shall be construed so as to lessen or vary the liability of the shareholders of "The Pictou Bank" to the present creditors thereof.

No. 50.

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

An Act respecting the Pictou Bank.

Received and read first time, Tuesday, 16th March, 1886.

Second reading, Wednesday, 17th March, 1886.

(PRIVATE BILL.)

Mr. TUPPER.

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.

1886.

No. 51] **BILL.** [1886.

An Act to amend the Act to incorporate the Nova Scotia Steamship Company (Limited.)

Preamble.

WHEREAS the Board of Directors of the Nova Scotia Steamship Company (Limited) have, by their petition, prayed for the passing of an Act to amend their Act of incorporation, passed by the Parliament of Canada in the forty-fifth year of Her Majesty's reign, and intituled: "*An Act to incorporate the Nova Scotia Steamship Company (Limited)*," by changing their principal place of business from Yarmouth, in the Province of Nova Scotia, to the city of St. John, in the Province of New Brunswick, 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:—

45 V., c. 115.

Chief place of business changed.

1. The eighth section of the Act hereinbefore cited is hereby amended by striking out the words "in Yarmouth, Nova Scotia," and inserting the words "in the city of St. John, in the Province of New Brunswick," in lieu thereof.

Rights of creditors.

2. Nothing in this Act mentioned or done hereunder shall in any way lessen or vary the liability of the company to any creditor thereof.

No. 51

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

An Act to amend the Act incorporating the Nova Scotia Steamship Company (Limited).

Received and read first time, Tuesday, 16th March, 1886.

Second reading, Wednesday, 17th March, 1886.

(PRIVATE BILL.)

MR. KINNEY.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.

No. 52] **BILL.** [1886.

An Act to reduce the Capital Stock of the Union Bank of Halifax.

Preamble.

WHEREAS the existing capital stock of the Union Bank of Halifax is one million of dollars, divided into ten thousand shares of the nominal value of one hundred dollars each, on which fifty per cent. has been paid up; and whereas the shareholders of the said bank have authorised an application to be made by the board of directors to Parliament for the reduction of the said capital; and whereas the board of directors of the said bank have, by their petition, represented that for the proper carrying on of its business the said capital should be reduced to five hundred thousand dollars and divided into ten thousand paid up shares of fifty dollars, each, and distributed *pro rata* among the existing shareholders, and have prayed for the passing of an Act for that purpose, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Capital stock reduced.

1. The capital stock of the said Union Bank of Halifax is hereby reduced to five hundred thousand dollars and divided into ten thousand shares of the nominal value of fifty dollars each.

Conversion of shares.

2. For every share of the existing stock of the nominal value of one hundred dollars each held by any shareholder or shareholders jointly, he or they is or are entitled to one paid up share in the said capital stock of five hundred thousand dollars.

Register to be amended.

3. The register of shareholders of the said bank shall be amended in accordance with the provisions of this Act

Existing shares extinguished.

4. Except for the purpose hereinbefore set forth, the existing shares of the said stock are hereby extinguished.

Creditors of bank,

5. Nothing herein contained shall prejudice any claim of creditors of the said bank.

No. 52.

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

An Act to reduce the Capital Stock of the Union Bank of Halifax.

Received and read first time, Tudesay, 16th March, 1886.
Second reading, Wednesday, 17th March, 1886.

(PRIVATE BILL.)

Mr. STAIRS.

OTTAWA:
PRINTED BY MACLEAN, ROGER & CO.
1886.

No. 53] **BILL.** [1886.

An Act to incorporate the Calvin Company (Limited.)

Preamble.

WHEREAS Hiram A. Calvin and James A. Hendry have, by their petition, represented that Hiram A. Calvin and James A. Hendry are now, as executors of the late Dileno Dexter Calvin, of Garden Island, in the Province of Ontario, carrying on business as general merchants, manufacturers, forwarders, common carriers, wharfingers, warehousemen, ship and vessel builders and owners, lumber merchants and wreckers, in the Provinces of Ontario and Quebec and elsewhere in the Dominion of Canada and the United States of America; and whereas a majority, in value, of the persons interested in the estate of the said Dileno Dexter Calvin, are desirous that an incorporated company should be formed to take over the business of the said estate and all the property and plant belonging thereto so as to facilitate the winding up of the said estate and to extend the said bnsiness, and have ayed that an Act may be passed for that purpose, and to increase the capital invested in the said business; 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:—

Certain persons incorporated.

Corporate name.

1. Hiram Augustus Calvin, James Anderson Hendry, Laura Electa Hendry, Nelson Gordon Bigelow, Minerva Edna Bigelow, and such other persons as may hereafter become shareholders in the company to be hereby constituted, are hereby incorporated under the name of "The Calvin Company, (Limited)," hereinafter called the company.

Capital stock and power to increase the same.

Consent of shareholders required.

2. The capital stock of the company shall be three hundred thousand dollars, divided into three thousand shares of one hundred dollars each, with power, by resolution of the shareholders, to increase the said capital stock to five hundred thousand dollars, the shares in all cases to be one hundred dollars each; but no such increase of the capital shall be made without a two-thirds vote of the shareholders of the company given at a meeting of shareholders specially called for the purpose of increasing the capital stock, nor until the whole of the original capital stock shall have been *bonâ fide* subscribed and paid up, as provided for by this Act.

General powers and business of the company.

3. The company shall have power to carry on the business of general merchants (including the purchase and sale of timber and lumber) manufacturers, forwarders, common

carriers, wharfingers, warehousemen, ship and vessel builders and owners, also to hold shares in any navigation company, railway company or other corporation, and to sell or dispose thereof in the usual course of business; also to own and run steam and other vessels between any port or place in Canada and any other port or place in Canada or the United States of America or elsewhere, and to charter and hire steam and other vessels for the same purpose; to own, rent and hire and use steam pumps and any other wrecking appliances; also to hold licenses from the Crown to cut timber and to acquire and sell any such licenses as they, in the course of their business may think expedient; also to buy, hold or sell lands or any interest therein, as may be requisite for the carrying on of their business and for the purposes of the company; and generally shall have all the powers of general merchants and dealers, general manufacturers, carriers, warehousemen, wreckers and ship and vessel builders and owners, and such as are necessary to enable them properly and conveniently to carry on their said business.

Provisional directors.

4. The company shall be managed by a board of not less than three nor more than five directors, and Hiram A. Calvin, James A. Hendry and Nelson G. Bigelow shall be provisional directors of the company with power to open stock books and receive subscriptions of stock therein; and as soon as two-thirds of the stock of the company shall have been subscribed for *bonâ fide*, the provisional directors shall call a meeting of the subscribers for the election of directors, who shall be the first directors of the company

First meeting, and election of directors.

Company may purchase the business of certain firms;

5. The company may purchase and take over all the business of the co-partnership lately carried on under the names of Calvin and Son and D. D. Calvin and Co. in all their branches and may pay therefor in paid up shares in the capital stock of the company or as the parties interested in the co-partnership business or in the estate of the late Dileno Dexter Calvin may agree, such price as may be agreed upon; and may also purchase and take over the whole or any part of the estate, real and personal, stock, plant and property whatsoever and wheresoever situate, of the said firms and of the said estate, subject to all the rights and obligations now upon or pertaining thereto, and may pay the parties interested therein as aforesaid in paid up shares in the capital stock of the company or as may be agreed upon; and on so acquiring the said business and property the company shall have all the rights and remedies and be subject to all the obligations in respect thereof, that the said firms or estate have or are liable to in respect of the said business and property at the time of the purchase and the transfer to the company.

And the real and personal property thereof.

Chief offices of the company.

6. The chief places of business of the company shall be at Garden Island in the county of Frontenac and Province of Ontario, and the city of Quebec in the Province of Quebec; but every office in Canada at or in which the company transacts its business or any portion thereof shall be deemed

to be a domicile of the company; so that if any cause of action or suit shall arise against the company, within the province or territory in which such domicile is situate, service of any writ or process in such action or suit may be validly made upon the company at such domicile by delivering the same to the person then in charge of such place of business: Provided, that the domicile of the company in the Province of Ontario shall be at Garden Island, aforesaid, and the domicile of the company in the Province of Quebec shall be at the city of Quebec, aforesaid.

Proviso; as to domicile in Ontario and Quebec.

7. The company may, in the course of buying and selling, take or give mortgages for purchase money, or take mortgages on real or personal property in the course of their business and as circumstances may require, and generally may do all things requisite for the proper and efficient management of the said business as if their business was carried on by private individuals.

Power to give or accept mortgages on real estate, &c.

8. The "*Canada Joint Stock Companies Clauses Act*, 1869" shall, except so far as inconsistent with the express provisions of this Act, be incorporated herewith.

Joint Stock Companies Act to apply.

No. 53.

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

An Act to incorporate the Calvin Company, limited.

Received and read first time, Tuesday, 16th March, 1886.
Second reading, Wednesday, 17th March, 1886.

(PRIVATE BILL.)

MR. SMALL.

OTTAWA:
PRINTED BY MACLEAN, ROGER & CO.
1886.

No. 54.] **BILL.** [1886.

An Act to incorporate the Medicine Hat Railway and Coal Company.

Preamble.

WHEREAS the construction and operation of a railway from some point in or near Medicine Hat, in the North-West Territories, on the line of the Canadian Pacific Railway, in a south-westerly direction, to the coal fields in or near townships twelve and thirteen, range six, west of the fourth principal meridian, would be for the general advantage of Canada; and whereas a petition has been presented, praying for the incorporation of a company for that purpose, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Certain persons incorporated.

1. Hector Cameron, of the city of Toronto, barrister; Arthur A. Boswell, of the same place, barrister; John Small, of the same place, esquire; William G. McWilliams, of the same place, barrister; Thomas Davies, of the same place, brewer; Charles McMichael, of the same place, esquire; Arthur Armstrong, ef the village of Lloydtown, in the Province of Ontario, esquire; and John Lamb, of the city of Toronto, merchant, together with such persons as shall, under the provisions of this Act, become shareholders in the company hereby incorporated, are hereby constituted a body corporate and politic, under the name of "The Medicine Hat Railway and Coal Company," hereinafter called the company; and the said railway and the works hereby authorized are declared to be for the general advantage of Canada.

Corporate name.

Head office.

2. The head office of the company shall be in the city of Toronto, but the board of directors may establish one or more offices in other places in Canada or elsewhere.

Line of railway to be constructed.

3. The company shall have full power and authority to lay out, construct and complete a railway of a gauge of four feet eight and one-half inches, from a point in or near Medicine Hat, in the North-West Territories, on the line of the Canadian Pacific Railway, thence in a south-westerly direction to the coal fields on the south bank of the Saskatchewan River, in or near townships twelve and thirteen, range six, west of the fourth principal meridian.

Provisional directors.

4. The persons mentioned by name in the first section of this Act, with power to add to their number by a resolution

their powers and duties.

passed by a majority of any meeting at which five in number are present, shall be and are hereby constituted provisional directors of the company (of whom four shall be a quorum), and shall hold office as such until the first election of directors under this Act, and shall have power forthwith to open stock books and procure subscriptions of stock for the undertaking, and to receive payments on account of stock subscribed, and to cause plans and surveys to be made, and to deposit in any chartered bank of Canada moneys received by them on account of stock subscribed.

Capital stock.

5. The capital stock of the company shall be seventy-five thousand dollars, divided into shares of fifty dollars each; and the money so raised shall be applied, in the first place, to the payment of all fees, expenses and disbursements for procuring the passing of this Act, and for making the surveys, plans and estimates hereby authorized; and all the remainder of such money shall be applied to the making, equipping, completing and maintaining of the said railway, and other purposes of this Act.

Application of moneys.

Grants in aid.

6. The company may receive from any Government, or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, in aid of the construction, equipment and maintenance of the said railway, bonuses in land, or loans or gifts of money, or securities for money.

First general meeting for election of directors.

7. So soon as thirty-seven thousand five hundred dollars of the said capital have been subscribed as aforesaid, and ten per cent. thereof paid into some chartered bank in Canada, the hereinbefore mentioned directors, or a majority of them, shall call a meeting of the shareholders of the company, at the city of Toronto, at such time and place as they think proper, giving at least two weeks' notice in the *Canada Gazette*, and in one or more of the daily newspapers published in the city of Toronto, at which meeting the shareholders shall elect seven directors from the shareholders possessing the qualifications hereinafter mentioned, of whom four shall form a quorum, which directors shall hold office until the next annual meeting of the shareholders, as hereinafter provided.

Annual general meeting

8. The annual general meeting of the shareholders for the election of directors and other general purposes shall be held at the city of Toronto (or elsewhere, as may be appointed by by-law), and on such day and at such hour as may be directed by the by-laws of the company; and public notice thereof shall be given at least fourteen days previously in the *Canada Gazette*, and in one or more daily newspapers published at the city of Toronto.

Annual election of directors, number, quorum, &c.

9. At such general meeting the subscribers for the capital stock assembled shall choose seven persons to be directors of the company, of whom four shall be a quorum, and such subscribers may also pass such rules, regulations and by-laws as may be deemed expedient, provided they are not

inconsistent with this Act or "*The Consolidated Railway Act*, 1879."

Qualification of directors.

10. No person shall be elected a director of the company unless he is a shareholder holding at least ten shares in the stock of the company, and has paid up all calls made thereon.

Bonds may be issued; terms and interest.

11. The directors of the company, under the authority of the shareholders to them given at any general meeting called for the purpose, at which meeting shareholders representing at least one-half in value of the capital stock are present, are hereby authorized to issue bonds under the seal of the company, signed by its president or other presiding officer, and countersigned by its secretary; and such bonds shall be made payable at such times and in such manner, and at such place or places, in Canada or elsewhere, and bearing such rate of interest, as the directors think proper; and the directors shall have power to issue and sell or pledge all or any of the said bonds at the best price and upon the best terms and conditions which, at the time, they may be able to obtain, for the purpose of raising money for prosecuting the said undertaking:

Issue and sale.

Proviso: amount limited.

Provided, that the amount of such bonds so issued, sold or pledged, shall not exceed fifteen thousand dollars per mile of the said railway and branches, to be issued in proportion to the length of railway constructed or under contract to be constructed:

Deed of mortgage to secure bonds.

2. Notwithstanding anything in this Act contained, the company may secure the bonds to be issued by them by a mortgage deed creating such mortgages, charges and incumbrances upon the whole of such property, assets, rents and revenues of the company, present or future, or both, as shall be described in the said deed, but such rents and revenues shall be subject, in the first instance, to the payment of the working expenses of the railway; and by the said deed the company may grant to the holders of such bonds, or to the trustee or trustees named in such deed, all and every the powers and remedies granted by this Act in respect of the said bonds, and all other powers and remedies not inconsistent with this Act, or may restrict the bondholders in the exercise of any power, privilege or remedy granted by this Act, as the case may be; and all such powers, rights and remedies as shall be so contained in such mortgage deed shall be valid and binding and available to the bondholders, in manner and form as therein provided; and every such mortgage deed shall be deposited in the office of the Secretary of State of Canada, of which deposit notice shall be given in the *Canada Gazette*.

Powers may be granted to holders of bonds.

Validity of deed.

Bonds to be a first charge on undertaking.

12. The bonds hereby authorized to be issued shall be taken and considered to be the first preferential claim and charge upon the company, and the franchise, undertaking, tolls and income, and real and personal property thereof, now or at any time hereafter acquired, save and except as provided for in the next preceding section; and each holder of the said bonds shall be deemed to be a mortgagee or incum-

brancer upon the said securities *pro ratâ* with all the other bondholders; and all the proceedings upon the bonds shall be taken through the trustee or trustees regularly appointed.

Voting power of bond holders in default of payment.

13. If the company make default in paying the principal or interest of any of the bonds hereby authorized at the time when the same shall, by the terms of the bond, become due and be payable, then at the next annual general meeting of the company, and all subsequent meetings, all holders of bonds so being and remaining in default, shall, in respect thereof, have and possess the same rights and privileges and qualifications for directors, and for voting at general meetings, as would be attached to them as shareholders if they had held fully paid up shares of the company to a corresponding amount: Provided, nevertheless, that the right given by this section shall not be exercised by any bondholder, unless the bonds in respect of which he shall claim to exercise such right shall have been first registered in his name, in the same manner as is provided by law for the registration of the shares of the company; and for that purpose the company shall be bound, on demand, on default made in principal or interest, to register any transfers thereof, in the same manner as a transfer of shares: Provided also, that the exercise of the rights given by this section shall not take away, limit or restrain any other of the rights or remedies to which the holders of the said bonds shall be entitled.

Proviso: as to registration.

Proviso: certain rights not impaired.

Transfer of bonds and coupons.

14. All bonds, debentures and other securities hereby authorized may be made payable to bearer, and shall, in that case, be transferable by delivery, unless and until registry thereof is made in manner provided in the next preceding section, and while so registered they shall be transferable by written transfers, registered in the same manner as in the case of shares.

Company may become party to promissory notes.

15. The company shall have power and authority to become party to promissory notes and bills of exchange for sums not less than one hundred dollars; and any such note or bill made, accepted or endorsed by the president or vice-president of the company, and countersigned by the secretary shall be binding on the company; and any such note or bill of exchange so made shall be presumed to have been made with proper authority, until the contrary be shown; and in no case shall it be necessary to have the seal of the company affixed to such promissory note or bill of exchange, nor shall the president or vice-president, or secretary, be individually responsible for the same, unless the said promissory note or bill of exchange has been issued without the sanction of the board of directors: Provided, however, that nothing in this section shall be construed to authorize the company to issue any note or bill payable to bearer, or intended to be circulated as money, or as the note or bill of a bank.

Proviso: as to notes payable bearer.

Telegraph lines.

16. The company may also construct an electric telegraph or telephone line for the purposes of their undertaking, in connection with the railway.

Sale or lease of railway or part thereof, &c.

17. The company may enter into an agreement with any other railway company whose line of railway is crossed by the line of the company hereby incorporated, or with which it connects, for conveying or leasing to such company the railway of the company hereby incorporated, in whole or in part, or any branch thereof, or any rights or powers acquired under this Act, as also the surveys, plans, works, plant, material, machinery and other property to them belonging, on such terms and conditions and for such period as may be agreed upon, and subject to such restrictions as to the directors seem fit: Provided, that the said conveyances, leases, agreements and arrangements have been first sanctioned by a majority of the votes, at a special general meeting of the shareholders called for the purpose of considering the same, on due notice given, and also by the Governor in Council: Provided, that before such sanction by the Governor in Council shall be given, notice of the application therefor shall be published in the *Canada Gazette*, and in one newspaper in each of the counties through which the said railway runs, for at least two months prior to the time therein named for the making of such application; and such notice shall state a time and place where and when the application shall be made, and that all parties may then and there appear and be heard on such application.

Proviso: sanction of Governor and approval of shareholders.

Mining for coal, &c.

18. The company may use and exercise such powers of mining for coal, iron and other minerals as are granted to the company by the Government of Canada.

Limit of time.

19. The railway shall be commenced within two years, and be completed within seven years, from the passing of this Act.

No. 54.

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

An Act to incorporate the Medicine Hat Railway and Coal Company.

Received and read first time, Tuesday, 16th March, 1886.
Second reading, Wednesday, 17th March, 1886.

(PRIVATE BILL.)

Mr. SMALL.

OTTAWA:
PRINTED BY MACLEAN, ROGER & CO.
1886.

No. 55] **BILL.** 1886.

An Act to incorporate the Portage la Prairie and Lake of the Woods Railway and Navigation Company.

Preamble.

WHEREAS the construction of a railway, running from the town of Portage la Prairie, south-easterly to a point on the forty-ninth parallel north latitude, at or near the Lake of the Woods in the Province of Manitoba, would open up the timbered lands east of the Red River, and afford an outlet to the Rainy River district ; and whereas a branch or branches from such main line to a point or points on the international boundary between the United States of America and the Dominion of Canada, would be of public benefit ; and whereas a petition has been presented for the incorporation of a company for that purpose, and it is expedient to grant the prayer of such petition : Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as ollows :—

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Certain persons incorporated.

1. Duncan Macarthur, Thomas Clarkson Scoble, George Frederic Carruthers, Daniel Hunter McMillan, William McGregor, James H. Ashdown, Robert J. Whitla, and George F. Stephens, of the city of Winnipeg, Robert P. Roblin, of the village of Carman, John P. Young and Michael Blake, of the town of Portage la Prairie, in the said Province, together with all such persons and corporations as shall become shareholders in the company hereby incorporated, shall be and are hereby incorporated and constituted a body corporate and politic, by and under the name of the Portage la Prairie and Lake of the Woods Railway and Navigation Company, hereinafter called the company.

Corporate name.

Line of railway may be built.

2. The company may lay out, construct and operate a railway, with double or single iron or steel track, and an electric telegraph line or lines along the same, such railway to commence at the town of Portage la Prairie, thence running southward or south-easterly to a point at or near the village of Carman, thence easterly or south-easterly to a point on the forty-ninth parallel north latitude, at or near the Lake of the Woods ; and the company may build a branch from the main line at or near the village of Carman to the international boundary line at a point within ranges four and five, west of the first principal meridian, and branches to other points on the international boundary line within the Prov ince of Manitoba, as defined by Act of Parliament previous to year the one thousand eight hundred and eighty-one.

Railway and traffic bridges.

3. The company may build a bridge for railway and traffic purposes, or for railway purposes alone, across the Red River at or near the town of Morris and a bridge for railway and traffic purposes, or for railway purposes alone, across the Assiniboine river at or near the town of Portage la Prairie, such bridge to be of such dimensions and upon such a plan as shall be approved of by the Governor General in Council; and the company may impose and collect tolls for traffic upon such bridges.

Provisional directors and their powers.

4. The persons named in the first section of this Act, with power to add to their number, shall be and are hereby constituted provisional directors of the company (of whom nine shall be a quorum) and shall hold office as such until other directors are elected under the provisions of this Act, and shall have power and authority forthwith to open stock books and procure subscriptions of stock for the undertaking; to make calls upon the subscribers in respect of their stock, and sue for and recover the same, and to cause surveys and plans to be made and executed, and to acquire any plans and surveys now existing, and to deposit in any chartered bank of Canada all moneys received by them on account of stock subscribed and to withdraw the same for the purposes of the undertaking; and to receive for the company any grant, loan, bonus or gift made to it in aid of the undertaking, and to acquire, take, hold and convey lands and to enter into any agreement respecting the conditions or dispositions of any gift or bonus in aid of the railway; and as hereinafter provided, to call a general meeting of the shareholders for the election of directors; and shall have all such other powers, as under "*The Consolidated Railway Act*, 1879" are vested in ordinary directors.

Capital stock and shares.

5. The capital stock of the company shall be five hundred thousand dollars (with power to increase the same), divided into five thousand shares of one hundred dollars each, and shall be raised by the persons hereinbefore mentioned and such other persons and corporations as become shareholders in such stock; and the money so raised shall be applied in the first place towards the payments of all fees, expenses and disbursements for procuring the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and all the rest and remainder of such moneys shall be applied towards the building, making, equipping, completing, operating and maintaining the said railway and other purposes of this Act.

Ten per cent. payable on subscription.

6. No subscription for stock in the capital of the company shall be binding on the company unless ten per centum of the amount subscribed has been actually paid thereon into a chartered bank to the credit of the company within one month after subscription: Provided always, that in case of any after payment such payment may be accepted by a resolution of the board of directors at any lawfully constituted meeting thereof.

7. When, and so soon as one-half of the said capital stock has been subscribed as aforesaid, and ten per centum paid thereon into the hands of the bankers or other authorized agents of the company and to the credit of the company, the provisional directors shall call a general meeting of the shareholders at the city of Winnipeg, for the purpose of electing directors of the company, giving at least four weeks' notice by public advertisement in the *Canada Gazette*, and once a week during the four weeks next preceding such meeting, in a newspaper published in the said city of Winnipeg, of the time, place and purposes of such meeting. First general meeting. Notice.

8. At such general meeting of the shareholders, who have so paid up ten per centum of the stock subscribed by them, and who are assembled in person or represented by proxy, persons shall be chosen to be directors, and such rules and regulations and by-laws as are deemed expedient and are not inconsistent with this Act, may be passed. Proceedings at such meeting.

9. On the first Tuesday in February of each year thereafter, the general annual meeting of the shareholders of the company shall be held at the principal office of the company, at the city of Winnipeg, at which meeting the shareholders shall elect directors for the ensuing year, in the manner and qualified as hereinafter provided; public notice of such annual general meeting and election shall be published one month before the day of election, in at least two papers published in the Province of Manitoba; and the election of the directors shall be by ballot, and the persons so elected shall form the board of directors, and shall hold office until their successors are elected Annual general meeting. Notice.

10. Special general meetings of the shareholders of the company may be held at such places, at such times, and in such manner and for such purposes, and notice thereof shall be given in such manner as are provided by the by-laws of the company. Special general meetings.

11. Until otherwise provided by by-law of the company, a majority of the directors shall form a quorum for the transaction of business, and the said directors may employ one of their number as a paid director; but no person shall be elected as a director unless he is the holder and owner of at least ten shares of the stock of the company, and has paid up all calls upon the said stock. Quorum and qualification of directors.

12. The directors may, from time to time, make calls of money upon the respective shareholders for such instalments upon each share, which they or any of them hold in the capital stock of the company, and in such proportion as they see fit; but no such instalment shall exceed ten per centum of the subscribed capital and not more than fifty per centum shall be called in any one year, and thirty days' notice shall be given in such manner as the directors think fit. Calls on stock.

13. Any director may appoint another director to be his proxy and to vote for him at meetings of the board. The appointment may be as follows, or to the like effect:— Appointment of proxies.

Form.

I appoint A. B, of , one of the directors of the Portage la Prairie and Lake of the Woods Railway and Navigation Company, to be my proxy as a director of that company, and, as such proxy, to vote for me at all meetings of the directors of that company, and generally to do all that I could myself do as such director, if personally present at such meeting.

Dated this day of , A.D.

(*Signature*)

Company may become party to promissory notes.

14. The company may become party to promissory notes and bills of exchange for sums not less than one hundred dollars; and any such note or bill made, accepted or endorsed by the president or vice-president of the company, and countersigned by the secretary of the company, and under the authority of a quorum of the directors, shall be binding on the company; and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority, until the contrary is shown; and in no case shall it be necessary to have the seal of the company affixed to such promissory note or bill of exchange, nor shall the president or vice-president, or the secretary, be individually responsible for the same, unless the said promissory note or bill of exchange has been issued without the sanction and authority of the board of directors, as herein provided and enacted: Provided, however, that nothing in this section shall be construed to authorize the company to issue any note or bill of exchange payable to bearer, or intended to be circulated as money or as the note or bill of a bank.

Proviso: as to bank notes.

Bonds may be issued.

15. The directors of the company may issue bonds under the seal of the company, signed by its president or other presiding officer, and countersigned by its secretary; and such bonds may be made payable in such money or moneys, at such times, in such manner, at such place or places in Canada or elsewhere, and bearing such rate of interest as the directors think proper; and the directors may issue and sell or pledge all or any of the said bonds at such prices and upon such terms and conditions as they think fit, for the purpose of raising money for prosecuting the said undertaking, provided, that the amount of such bonds shall not exceed twenty thousand dollars per mile, to be issued in proportion to the length of railway constructed or under contract to be constructed: Provided also, that no such bonds shall be issued until at least three hundred thousand dollars shall have been subscribed to the capital stock and fifteen per centum paid thereon.

Proviso.

Proviso.

Ranking of Bonds on the undertaking.

16. The bonds hereby authorized to be issued shall, without registration or formal conveyance, be taken and considered to be the first preferential claim and charge upon the company, and the undertaking, tolls and income and real and personal property thereof, now or at any time hereafter acquired, and each holder of the said bonds shall be deemed a mortgagee or incumbrancer upon the said securities *pro ratâ* with all the other bondholders.

Powers of bondholders in case of default of payment.

17. If the company makes default in paying the principal of or interest on any of the bonds hereby authorized, at the times when the same, by the terms of the bonds, become due and payable, then, at the next ensuing general annual meeting of the company, and all subsequent meetings, all holders of bonds so being and remaining in default shall, in respect thereof, have and possess the same rights and privileges and qualifications for being elected directors as would be attached to them as shareholders, if they held fully paid-up shares of the stock of the company to a corresponding amount:

In such case bonds to be registered.

2. The right given by this section shall not be exercised by any bondholder unless the bonds in respect of which he claims such right have first been registered in his name, in the same manner as is provided by law for the registration of the shares of the company; and for that purpose the company shall be bound, on demand, to register any of the said bonds in the name of the holder thereof, in the same manner as a transfer of shares:

Rights saved.

3. The exercise of the rights given by this section shall not take away, limit or restrain any other of the rights or remedies to which the holders of the said bonds are entitled.

Transfer of bonds.

18. All the bonds, debentures, mortgages, and other securities hereby authorized, and the coupons and interest warrants thereon, respectively, may be made payable to bearer, and shall, in that case, unless and until registered in the manner provided in the next preceding section, be transferable by delivery, and may be sued upon by any owner in his own name; and whilst so registered they shall be transferable by written transfer in the same manner as in the case of shares, but they shall again become transferable by delivery upon registration of a transfer to bearer, which the company shall be bound to register on the demand of the registered holder for the time being.

Equal rights of shareholders.

19. All shareholders in the company, whether British subjects or aliens, or residents in Canada or elsewhere, shall have equal rights to hold stock in the company and to vote on the same; but the president, vice-president, and a majority of the directors, shall be British subjects.

Running arrangements may be made

20. The company may make running arrangements with any railway company whose line of railway is situate on the line hereby authorized, or crosses or connects with the same, upon terms to be approved of by two-thirds of the directors present at a special meeting held for that purpose in accordance with this Act.

Agreements with other companies for certain services.

21. The company may enter into any agreement with any other railway company whose line is situated on the line hereby authorized, or whose line can connect therewith, for leasing the said railway, or any part thereof, or for the use thereof at any time or times, or for any period, to such other company, or for the leasing or hiring from such other com-

pany any railway or part thereof, or use thereof, or for leasing or hiring any locomotives, tenders, plant, rolling stock or other property, or either or both, or any part thereof, and generally may make any agreement or agreements with any such other company, touching the use by one or the other, or by both companies, of the railway or movable 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; 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 individual or company accepting or executing such lease shall be and is hereby empowered to exercise all the rights and privileges by this Act conferred.

Amalgamation with other companies.

22. The company may amalgamate with any other railway company, and may accept and receive such company as forming part of the Portage la Prairie, and Lake of the Woods Railway and Navigation Company; any such amalgamation may be by deed, which, however, shall not have any force or effect until it has been submitted to the shareholders of both companies, at meetings of such shareholders, respectively, duly called for the purpose thereof, and approved by them:

Proceedings in such case.

2. By such deed or amalgamation it may be agreed that the amalgamating companies shall thereafter form one company, under the name of the Manitoba Central Railway Company, of which change of name and amalgamation notice shall be given by advertisement published for one month in the *Canada Gazette*, and after such amalgamation all debts due and owing by the companies, parties to such amalgamation, shall become due and owing to the amalgamated company, in like manner as if they had been originally contracted by it, and upon such deed being approved of by the Governor in Council, all the assets and properties of the companies, parties to such amalgamation, shall become vested in the amalgamated company, in like manner and to the same extent as if they had been originally acquired by it, but subject to all liens, privileges and charges thereon;

What the deed may provide.

and by such deed the proportion of stock which shall be represented by each company shall be settled, and provision shall be made for giving the voting power to the shareholders of such of the companies as are entitled thereto, either by the retention of the stock originally issued by them or by the conversion thereof, on terms agreed upon by the said deed, into stock of the amalgamated company; and by such deed also the number of directors to constitute the board of directors of the amalgamated company shall be fixed, and the mode of appointing the first board of such directors shall be established, leaving subsequent boards of directors to be elected at the annual meetings of the amalgamated company, in the manner provided by law for the election of directors of the Portage la Prairie and Lake of the Woods Railway and Navigation Company.

23. The company may purchase any lines of railway already constructed, or which are hereafter constructed, and all branch lines in connection therewith, with the rights and privileges appertaining thereto. **Railways may be bought.**

24. The directors or the company may, subject to the rules and regulations from time to time of the board, appoint an agent in the city of London, England, with power to pay dividends, to open and keep books of transfer for the shares of the company, and for the issue of scrip and stock certificates, and thereupon shares may be transferred from the Canada office to the London office, in the name of the transferees, in the same manner as shares may be transferred in the former office, and *vice versâ*; and shares originally taken and subscribed for in Great Britain may be entered in the books at the London office, and scrip certificates issued for them; and the agent or other officer shall transmit an accurate list of all such transfers and scrip certificates so issued to the secretary or other officer of the company in Canada, who shall thereupon make the requisite entries respecting such transfer and scrip certificates in the register kept in Canada, and thereupon the same shall be binding upon the company as to all rights and privileges of shareholders, as though scrip certificates had been issued by the secretary of the company in Canada. **London office, and business thereat.**

25. Whenever any transfer is made in England of any share or stock of the company, the delivery of the transfer, duly executed, to the agent of the company for the time being, in London aforesaid, or the secretary of the London board, if formed, shall be sufficient to constitute the transferee a shareholder or stockholder in the company, in respect of the share or stock so transferred, and such agent shall transmit an accurate list of all such transfers to the secretary of the company in Canada, who shall thereupon make the requisite entries in the register; and the directors may, from time to time, make such regulations as they see fit for facilitating the transfer of shares or stock in Canada as well as elsewhere, and as to the closing of the register of transfers for the purpose of dividends, as they find expedient; and all such regulations not being inconsistent with the provisions of this Act shall be valid and binding. **Provision as to transfers in England.**

26. The company shall, from time to time, cause the names of the several persons interested in the stock of the company, and the amount of interest therein of such persons respectively, to be entered in a book called the "stock register," and the several holders of such stock shall be entitled to participate in the dividends and profits of the company according to their respective interest therein; and such interest shall, in proportion to the amount thereof, confer on the respective holders the same privileges of voting qualifications and otherwise as would have been conferred by shares of equal amount in the capital of the company; but so that none of such privileges, except that of participation in the dividends and profits, shall be conferred by the holding of any aliquot part of such amount of stock, unless **Stock register to be kept.** **Effect of entry.**

such aliquot part, if existing in shares, would have conferred such privileges respectively.

Duplicate registers.

27. Duplicates of all registers of shares and debentures of the company, and the shareholders thereof, or of the stock register which is at any time kept at the principal offices of the company in Canada (such duplicates being authenticated by the signature of the secretary of the company), may be transmitted to the agent, for the time being, of the company in London aforesaid, by the secretary to such board, and kept by such agent.

Extra lands for stations, &c.

28. Whenever it shall be necessary, for the purposes of procuring sufficient lands for stations or gravel-pits for the constructing, maintaining and using the said railway, or for opening a street to any station from any existing highway, or for any other purpose, the said company may purchase, hold, use and enjoy such lands, and also the right of way thereto, if the same is separated from their railway, and may sell and convey the same, or parts thereof, from time to time, as they deem expedient, and may also make use of, for the purposes of the said railway, the water of any stream or water course over or near which the said railway passes, doing, however, no unnecessary damage thereto, and not impairing the usefulness of such stream or water course; and the compensation to be paid to the owners of such lands or for the use of such water, as also the powers of the said company to take possession thereof, shall, in case of difference, be ascertained and exercised in the manner provided by "*The Consolidated Railway Act*, 1879."

Compensation.

Company may own vessels.

29. The company may also build, purchase, acquire, lease or possess, work and operate, steam or other vessels in any lakes, rivers or other navigable waters, as they deem proper.

Issue of paid-up shares for services.

30. The directors of the company, for the time being, may make and issue paid up shares in the stock of the company, which shares shall not be assessable for calls, and may allot and hand over such shares in payment for right of way, plant, rolling stock or materials of any kind, or for the services of contractors, engineers or other persons employed by the company: Provided always, that no such paid up share shall be issued,—

Conditions.

(*a*) Except in payment for right of way, plant, rolling stock, materials or services, as aforesaid;

(*b*) And until such right of way, plant, rolling stock or materials have been actually conveyed or furnished to the company, or such services have been fully and completely rendered to the company, according to the terms of the contract therefor previously sanctioned by the shareholders, as hereinafter required;

(*c*) And unless the contract for such right of way, plant, rolling stock, materials or services, and for the payment therefor by such paid up shares, has been, at some time

before the issue of such paid up shares, sanctioned by a majority of the votes of the shareholders voting on their shares at a general meeting of the shareholders of the company duly convened;

(*d*) And except by share certificates in the form shown in schedule A to this Act, under the seal of the company, signed by the president and by the secretary, which certificate shall state that such shares are issued pursuant to this section of this Act, with the sanction of the shareholders, and also the date upon which such sanction was given, following the said form;

Transfer of such shares.

2. All transfers of such shares shall show that the shares thereby transferred are fully paid up and unassessable shares, and the holders thereof shall be entitled to vote thereon in the same manner as the holders of other shares in the stock of the company may vote on their shares, but they shall not be liable to the creditors of the company thereon.

Telegraphs and bridges.

31. The company may also construct an electric telegraph line in connection with the railway; and may also erect and construct, across any river, stream, lake or water-course, in or near the route of the railway, a bridge or bridges, when the same are necessary for the purposes of the railway.

Form of deed of conveyance.

32. All deeds and conveyances of land to the company, for the purposes of this Act, in so far as circumstances will admit, may be in the form of schedule B to this Act subjoined, or in any other form to the like effect, and for the purpose of the due enregistration of the same, all registrars, in their respective counties and districts, are required to register in their registry books such deeds and conveyances upon the production thereof; and for the enregistration or entry of such deeds, the registrar shall receive from the company, for all fees on every such registration and for a certificate of the same, one dollar, and no more; and such registration shall be deemed to be valid in law, any statute or provision of law to the contrary notwithstanding.

Registration.

Limitation of time.

33. This Act and all provisions thereof shall become null and void unless the construction of the said railway is commenced within five years from the passing thereof.

SCHEDULE A.

(SECTION .)

Each share, $100. Total capital stock, $500,000.

The Portage la Prairie and Lake of the Woods Railway and Navigation Company

, of , is the holder of

shares in the capital stock of the company, as fully paid up and unassessable stock, which shares (were *or* are now, *according to the fact*) originally issued to under the section of the Act of the statutes of Canada incorporating the said company, with the sanction of the shareholders of the company, given at their general meeting holden on the day of , A.D. 188 .

SCHEDULE B.

Form of Deed of Sale.

Know all men by these presents, that I, A.B., do hereby, in consideration of paid to (*as the case may be*), by the Portage la Prairie and Lake of the Woods Railway and Navigation Company, the receipt whereof is hereby acknowledged, grant, bargain, sell, convey and confirm unto the said company, their successors and assigns forever, all that certain parcel or tract of land situate (*describe the land*), the same having been selected and laid out by the said company for the purposes of their railway, or purposes connected with their railway, to have and hold the said land and premises, together with everything pertaining thereto, to the said company, their successors and assigns forever.

As witness my (*or* our) hand (*or* hands) and seal (*or* seals) this day of , A.D. 188 .

A. B.
C. D.

Signed, sealed and delivered
in the presence of,
E. F.

No. 55.

4th Session, 5th Parliament, 49 Victoria, 18

BILL.

An Act to incorporate the Portage Prairie and Lake of the Woods Railway and Navigation Company.

Received and read first time, Wednesday, 1 March, 1886.
Second reading, Friday, 19th March, 188

(PRIVATE BILL.)

Mr. WATSON

OTTAWA:
PRINTED BY MACLEAN, ROGER & Co.
1886.

No. 56] **BILL.** [1886.

An Act to incorporate the Nova Scotia and Western Railway Company.

Preamble.

WHEREAS the persons hereinafter mentioned have, by their petition, prayed for an Act of incorporation under the name of the "Nova Scotia and Western Railway Company," to construct, equip and operate a line of railway from Sydney and Louisburg to Oxford, on the Intercolonial Railway, and to a point at or near Moncton, and to acquire and operate intervening lines and branches, and to own and operate a steam ferry or ferries at the Straits of Canso; and whereas it is expedient to grant the prayer of the said petitioners: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Certain persons incorporated.

1. Andrew T. Drummond, David MacKeen, John S. McLennan, Henry S. Poole, Henry A. Budden, John D. McLennan, together with such persons and corporations as shall, under the provisions of this Act, become shareholders in the company, are hereby constituted and declared to be a body corporate and politic by the name of the "Nova Scotia and Western Railway Company," of which the first four named persons shall be the provisional directors, and shall hold office as such until the first election of directors under this Act, and shall be as such invested with all powers which are incident and appertain to provisional directors in such corporations.

Corporate name.

Capital stock.

2. The capital stock of the company shall be two millions of dollars, divided into shares of one hundred dollars each.

Head office.

3. The chief offices of the company shall be in the city of Montreal, but the company may also have offices elsewhere in Canada or in Great Britain, and may, by by-law, change its chief offices to any other place in Canada.

First general meeting.

4. When and so soon as shares to the amount of one hundred thousand dollars in the capital stock of the company have been subscribed, and ten per centum *bonâ fide* paid thereon, the provisional directors shall call a general meeting of the subscribers to the said capital stock at the city of Montreal or at New Glasgow, in Nova Scotia, for the purpose of electing directors of the company, giving at least two weeks' previous notice by circular addressed by mail to each subscriber of the time, place and purpose of the said meeting.

Election of directors.

5. At such general meeting the subscribers for the capital stock assembled who shall have so paid up ten per centum thereon, with such proxies as may be present, shall choose the directors of the company, whose number shall be five, until changed by by-law, provided that any person acting as trustee for any corporation may be elected a director; but no person shall be elected a director unless he is the holder in his own right or as such trustee of at least fifty shares in the stock of the company, and has paid all calls thereon.

Qualification.

Annual and special general meetings.

6. Thereafter the annual general meeting of the shareholders of the company for the election of directors, and all special meetings, shall be held at such place and time and after such notice as may be provided by the by-laws of the company.

Voting by directors.

7. Until altered by by-law, directors may vote and act by proxy, such proxy being held by a director, but no director shall hold more than one proxy, and at least three directors must in person be present at any meeting of the board: Provided however, that the board may appoint an executive committee or a managing director, with such powers and remuneration as by by-law may be arranged.

Managing director.

Limitation of calls.

8. No call to be made at any time upon the capital stock shall exceed ten per centum on the subscribed capital, and not more than fifty per centum shall be called in in any one year.

Line of railway to be constructed.

9. The company shall have power and authority to construct, equip, maintain and operate a line of railway from Sydney and Louisburg to Oxford, on the Intercolonial Railway, and to a point at or near Moncton, and to acquire and operate intervening lines; to own and operate a steam ferry or ferries at the Straits of Canso; to build, acquire, own, use and operate piers, docks, wharves, elevators and warehouses for the purposes of the said railway, and to engage in any business connected with or incident to the shipment of coal.

Power to acquire docks, elevators, &c.

Lines of telegraph and telephone.

10. The company shall have power and authority to construct and operate such line or lines of telegraph and telephone in connection with and along the line of their railway and branches as may be necessary or useful for the purposes of their undertaking, and may undertake the transmission of messages for the public, and collect tolls for so doing, or the company may lease such line or lines, or any part thereof.

Steam and other vessels.

11. The company shall have power to build, purchase, acquire, charter, work and operate steam and other vessels on any seas, lakes, rivers or navigable waters, as they may deem proper and expedient, in connection with the railway.

Power to purchase intervening lines of railway.

12. The company shall have power to acquire or lease from any Government, private individual or corporation, any line or lines of railway intervening between the terminal

points of the railway authorized by this Act, and forming a connecting link or links thereof, and any line or lines of railway connecting the main line with the collieries in the vicinity of Pictou and Sydney, and to operate the same, and to acquire the respective charters under which such lines are being constructed or operated, and to use, exercise and enjoy any or all of the rights and privileges conferred by such charters; and further, the company shall have power to construct and operate branches not exceeding six miles in length to mines, collieries or smelting works situated in the vicinity of the railway.

To build branch lines.

13. The company shall have power to receive subsidies, bonuses, loans and free grants of land from Governments, municipalities, private corporations or individuals, for the purpose of aiding in the construction, equipment and maintainance of the said railway, and may purchase or otherwise acquire land for such purposes, and may hold, sell or otherwise dispose of or mortgage all such lands, or pledge or otherwise dispose of such subsidies or bonuses, for the purposes of the company.

Grants in aid may be received.

14. The directors of the company, under the authority of the shareholders to them given, are hereby authorized to issue bonds under the seal of the company, signed by its president, or other presiding officer, and countersigned by its secretary; and such bonds shall be made payable at such times and in such manner, and at such place or places in Canada or elsewhere, and bear such rate of interest, as the directors shall think proper, and the principal or interest of such bonds may be guaranteed or agreed to be paid by any Government or municipal or other corporation, and the directors shall have power to issue and sell or pledge all or any of the said bonds for the purpose of raising money for prosecuting the undertaking; Provided, that the amount of such bonds so issued, sold or pledged shall not exceed thirty thousand dollars per mile, to be issued in proportion to the length of railway constructed, or under contract to be constructed:

Bonds may be issued with consent of shareholders.

Sale of bonds.

Proviso: amount limited.

2. The directors, under the said authority, may secure the bonds to be issued by them by a mortgage deed, creating such mortgages, charges and incumbrances upon such of the property, assets, rents and revenues, or any of them, of the company, present or future or both, as shall be described in the said deed; but such rents and revenues shall be subject, in the first instance, to the payment of the working expenses of the railway; and by the said deed the directors may grant to the holders of such bonds, or to the trustee or trustees named in such deed, all such powers and remedies in respect of the said bonds as to the directors may seem fit, and which are not inconsistent with this Act, and may, with the approval of the shareholders, authorize the trustee or trustees, among other remedies, in the event of default in the payment of principal or interest, to take possession of the railway property and assets so mortgaged, and to sell the same, upon terms to be provided in such

Mortgage deed to secure bonds.

What such deed may contain.

Further conditions.

deed ; and may, with like approval, grant, among other rights to the holders of such bonds, the right in the event of such default thereon to vote at meetings of shareholders ; and all such powers, rights and remedies as shall be so contained in such mortgage deed shall be valid and binding and available to the bondholders in manner and form as therein provided.

Bonds for bridges, piers and ferries.

15. The Directors, with the authority of the shareholders, shall have power to issue bonds to an amount not exceeding nine hundred thousand dollars, on such terms as they see fit, for the purposes of a steam ferry and piers at the straits of Canso and of a bridge or bridges, piers or steam ferries which may be found necessary on the line of railway in Cape Breton, which bonds may be made a first charge on such bridges, piers and ferries, may have the interest paid or guaranteed by any Government, or municipal or other corporation, and may have a fund formed for the interest and sinking fund, or either of them, by a reserve of such sum as the Directors see fit from the through rates on goods and passengers carried upon such bridges, piers or ferries ; and the bonds may be further secured over the property and revenues of the railway or any of them *pari passu*, or otherwise, with other bonds issued under this Act and with the same privileges to bondholders.

Interest and sinking fund.

Further security.

Form of bonds.

16. All bonds hereby authorized, and the coupons and interest warrants thereon, respectively, may be made payable to bearer, and shall in that case be transferable by delivery unless and until the company shall, by the said mortgage or by by-law, provide for the registry thereof, in which case and while so registered they shall be transferable by written transfer, registered in the same manner as in the case of shares.

Promissory notes.

17. The company shall have power to become a party to promissory notes or bills of exchange, and for this purpose it shall not be necessary to affix the seal of the company to the said notes or bills, but they shall be made or endorsed by the president or vice-president, and countersigned by the secretary of the company.

Lands conveyed to be discharged from lien in certain cases.

18. All lands sold and conveyed by the company, and which have been paid for in cash, shall 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, by the company, in satisfaction of any mortgage thereon created.

Time for construction.

19. The said railway shall be commenced within two years from the passing of this Act and shall be completed within ten years ; otherwise all powers and authority conferred by this Act shall be void.

No. 56

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

An Act to incorporate the Nova Scotia and Western Railway Company.

Received and read a first time, Wednesday, 17th March, 1886.

Second reading, Friday, 19th March, 1886.

(PRIVATE BILL.)

Mr. DODD.

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.

1886.

No. 57.] **BILL.** [1886.

An Act respecting the extension of the Intercolonial Railway from a point at or near Stellarton to the Town of Pictou.

Preamble.

WHEREAS by the Act of Supply passed in the Session held in the forty-eighth and forty-ninth years of Her Majesty's reign, and chaptered forty-one, the sum of two hundred and fifty thousand dollars was granted to Her Majesty, "to extend "the Intercolonial Railway from a point at or near Stellarton "to the Town of Pictou:" Therefore Her Majesty by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows:—

Power to construct or acquire, &c., the said branch line.

1. It is, and has been since the passing of the Act cited in the preamble to this Act, lawful for the Minister of Railways and Canals, to locate, construct, acquire, equip and work a branch line of railway from a point on the Intercolonial Railway at or near Stellarton in Nova Scotia, to a point in the town of Pictou in the said Province; and such branch line shall be part of the Intercolonial Railway.

Powers of Minister under 44 V., c. 25.

2. For the construction and working of and for all purposes relating to the said Branch Railway, the said Minister shall have and exercise and shall be held to have had all the powers and authority vested in him by "*The Government Railways Act*, 1881," all the provisions whereof shall extend and apply to the said Branch Railway, which shall be held to be constructed and worked under the said Act.

Money appropriated to be available until work is completed and paid for.

3. The money appropriated as aforesaid for the said branch line shall be applied to defray the cost of, or occasioned by, its construction and acquisition, and shall be available for that purpose until the work is completed and paid for.

No. 57.

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

An Act respecting the extension of the Intercolonial Railway from a point at or near Stellarton to the Town of Pictou.

Received and read a first time, Wednesday, 17th March, 1886.
Second reading, Friday, 19th March, 1886.

Mr. Pope.

OTTAWA:
Printed by MacLean, Roger & Co.
1886.

No. 58] **BILL.** [1886

An Act to incorporate the St. Lawrence and Atlantic Junction Railway Company.

Preamble.

WHEREAS the construction and operation of a railway from a point near the village of Caughnawaga to West Farnham and to a convenient point on the international boundary line in the Province of Quebec, west of Lake Champlain, would be for the general advantage of Canada; and whereas a petition has been presented praying for the incorporation of a company for that purpose, and it is expedient to grant the prayer of the said petition; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Certain persons incorporated.

1. Sir George Stephen, Baronet, William C. Van Horne, Richard B. Angus, Sandford Fleming and George R. Harris, together with such persons as shall, under the provisions of this Act become shareholders in the company hereby incorporated, are hereby constituted a body corporate and politic, under the name of "The St. Lawrence and Atlantic Junction Railway Company," hereinafter called the company; and the said railway and the works hereby authorized are declared to be for the general advantage of Canada.

Declaration.

Head office.

2. The head office of the company shall be in the city of Montreal, but the board of directors may establish one or more offices in other places in Canada, or elsewhere.

Railway may be constructed.

3. The company shall have full power and authority to lay out, construct and complete a railway of the gauge of four feet eight and one half inches in width, from a point at or near the village of Caughnawaga, connecting there with the Atlantic and North-West Railway Company's bridge over the river St. Lawrence to West Farnham, both in the Province of Quebec; and also to a convenient point on the international boundary line in the said Province, west of Lake Champlain

Provisional directors and their powers.

4. The persons mentioned by name, in the first section of this Act, shall be and are hereby constituted provisional directors of the company (of whom three shall be a quorum), and shall hold office as such until the first election of directors under this Act, and shall have power forthwith to open stock books and procure subscriptions of stock for the undertaking, and to receive payments on account of stock subscribed, and to cause plans and surveys to be made, and to deposit in any chartered bank of Canada moneys received by them on account of stock subscribed.

Capital stock and shares.

5. The capital stock of the company shall be five hundred thousand dollars, divided into shares of one hundred dollars each; and the money so raised shall be applied, in the first place, to the payment of all fees, expenses and disbursements for procuring the passing of this Act, and for making the surveys, plans and estimates hereby authorized; and all the remainder of such money shall be applied to the making, equipping, completing and maintaining of the said railway, and other purposes of this Act.

First meeting of shareholders.

6. So soon as two hundred thousand dollars of the said capital shall have been subscribed as aforesaid, and ten per cent. thereof paid into some chartered bank in Canada, the provisional directors shall call a meeting of the shareholders of the company at the city of Montreal, at such time and place as they think proper, giving at least two weeks' notice in the *Canada Gazette*, and in one or more of the daily newspapers published in the said city, at which meeting the shareholders shall elect seven directors from the shareholders possessing the qualifications hereinafter mentioned, of whom four shall form a quorum; which directors shall hold office until the next annual meeting of the shareholders, as hereinafter provided.

Notice.

Annual general meeting.

7. The annual meeting of the shareholders for the election of directors and other general purposes shall be held on the first Wednesday in February in each year at the city of Montreal, or elsewhere, as may be appointed by by-law; and notice of the hour and place of such meeting shall be given at least fourteen days previously in the *Canada Gazette*, and in one or more daily newspapers published in the said city until the mode of giving such notice shall be otherwise determined by the by-laws.

Notice.

Election of directors.

8. At such general meeting the subscribers for the capital stock assembled shall choose seven persons to be directors of the company, of whom five shall be a quorum.

Qualification

9. No person shall be elected a director of the company unless he is a shareholder holding at least twenty shares in the stock of the company, and has paid up all calls made thereon.

Bonds may be issued.

10. The directors of the company, under the authority of the shareholders to them given, at any general meeting called for the purpose attended by shareholders in person or represented by proxy representing at least one-half in value of the subscribed stock of the company, are hereby authorized to issue bonds under the seal of the company, signed by its president or other presiding officer, and countersigned by its secretary, which countersignature and the signature to the coupons attached to such bonds may be engraved thereon, and such bonds may be payable at such times and in such manner, and at such place or places, in Canada or elsewhere, and bearing such rate of interest as the directors think proper; and the directors shall have power to issue and sell or pledge all or any of the said bonds at the best

May be sold or pledged.

price and upon the best terms and conditions which at the time they may be able to obtain, for the purpose of raising money for prosecuting the said undertaking: Provided, that the amount of such bonds so issued, sold or pledged, shall not exceed twenty thousand dollars per mile of the said railway and branches, to be issued in proportion to the length of railway to be constructed. Amount limited.

11. The company may secure such bonds by a mortgage deed creating such mortgages, charges and incumbrances upon the whole of such property, assets, rents and revenues of the company, present or future, or both, as shall be described in the said deed, but such rents and revenues shall be subject in the first instance to the payment of the working expenses of the railway; and by the said deed the company may grant to the holders of such bonds, or the trustee or trustees named in such deed, all and every the powers, rights and remedies granted by this Act in respect of the said bonds, and all other powers, rights and remedies not inconsistent with this Act, or may restrict the bondholders in the exercise of any power, privilege or remedy granted by this Act, as the case may be; and all the powers, rights and remedies so provided for in such mortgage deed, shall be valid and binding and available to the bondholders in manner and form as therein provided; and every such mortgage deed shall be deposited in the office of the Secretary of State of Canada, of which deposit notice shall be given in the *Canada Gazette*. Bonds may be secured by mortgage deed. What such deed may contain. Deposit of deed.

12. The bonds hereby authorized to be issued shall be taken and considered to be the first preferential claim and charge upon the company and the franchise, undertaking, tolls and income and real and personal property thereof, now or at any time hereafter acquired, save and except as provided for in the next preceding section; and each holder of the said bonds shall be deemed to be a mortgagee or incumbrancer upon the said securities *pro ratâ* with all the other bondholders; and no proceedings authorized by law or by this Act shall be taken to enforce payment of the said bonds or the interest thereon, except through the trustee or trustees appointed by or under such mortgage deed. Bonds to be a first charge on the undertaking.

13. If the company make default in paying the principal or interest of any of the bonds hereby authorized at the time when the same shall, by the terms of the bond, become due and payable, then at the next annual general meeting of the company, and all subsequent meetings, all holders of bonds so being and remaining in default shall, in respect thereof, have and possess the same rights and privileges and qualifications for being elected directors and for voting at general meetings as would be attached to them as shareholders if they had held fully paid up shares of the company to a corresponding amount: Provided, nevertheless, that the right given by this section shall not be exercised by any bondholder, unless it be so provided by the mortgage deed, nor unless the bond in respect of which he shall claim to exercise such right, shall have been registered in his name Voting power of bondholder in default of payment. Registranion of bonds in such case.

in the same manner as that in which the shares of the company are registered, at least ten days before he attempts to exercise the right of voting thereon; and the company shall be bound on demand to register such bonds, and thereafter any transfers thereof in the same manner as shares or transfers of shares: Provided, also, that the exercise of the rights given by this section shall not take away, limit or restrain any other of the rights or remedies to which the holders of the said bonds shall be entitled under the provisions of such mortgage deed.

Certain rights not impaired.

Transfer of bonds.

14. All bonds, debentures and other securities hereby authorized may be made payable to bearer, and shall, in that case, be transferable by delivery unless and until registration thereof is made, and while so registered they shall be transferable by written transfers, registered in the same manner as in the case of the transfer of shares.

Company may become party to promissory notes, &c.

15. The company shall have power and authority to become party to promissory notes and bills of exchange for sums not less than one hundred dollars; and any such note or bill made, drawn, accepted or indorsed by the president or vice president of the company, and countersigned by the secretary, shall be binding on the company; and any such note or bill of exchange so made, drawn, accepted or indorsed, shall be presumed to have been made, drawn, accepted or indorsed with proper authority until the contrary be shown; and in no case shall it be necessary to have the seal of the company affixed to such promissory note or bill of exchange, nor shall the president or vice-president or secretary be individually responsible for the same, unless the said promissory note or bill has been issued without proper authority: 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.

No note to be payable to bearer.

Telegraph and telephone lines.

16. The company may also construct an electric telegraph or telephone line for the purposes of their undertaking in connection with the railway.

Agreements with other companies.

17. The company may enter into an agreement with any other railway company, with whose line of railway it connects, for conveying or leasing to such company the railway of the company hereby incorporated in whole or in part, or any rights or powers acquired under this Act, as also the surveys, plans, works, plant, material, machinery and other property to them belonging, or for an amalgamation 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 sanctioned by two-thirds of the votes at a special general meeting of the shareholders called for the purpose of considering the same, on due notice given, at which meeting shareholders representing at least one-half in value of the stock, are present in person or represented by proxy, and

To be sanctioned by the shareholders and the Governor in Council.

also have been sanctioned by the Governor in Council: Provided, that before such sanction by the Governor in Council shall be given, notice of the application therefor shall be published in the *Canada Gazette* and in one newspaper in each of the counties through which the said railway runs, for at least two months prior to the time therein named for the making of such application; and such notice shall state a time and place where and when the application shall be made, and that all parties may then and there appear and be heard on such application.

Notice of application for sanction.

No. 58.

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

An Act to incorporate the St. Lawrence and Atlantic Junction Railway Company.

Received and read first time, Friday, 19th March, 1886.
Second reading, Monday, 22nd March, 1886.

(PRIVATE BILL.)

Mr. COLBY.

OTTAWA:
PRINTED BY MACLEAN, ROGER & Co.
1886.

No. 59] **BILL.** [1886.

An Act to incorporate "The First Synod in the Dominion of Canada of the Reformed Episcopal Church," and for other purposes connected therewith.

Preamble.

WHEREAS the First Synod in the Dominion of Canada of the Reformed Episcopal Church have petitioned for the passing of an Act to incorporate the said Synod, and the granting of the prayer of the said petitioners will greatly facilitate the objects for which the said Synod was established: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Synod incorporated.

1. The said Synod are hereby incorporated by the name of "The First Synod in the Dominion of Canada of the Reformed Episcopal Church," hereinafter called the Synod.

Who shall constitute the Synod.

2. The said Synod shall consist of the bishop, clergy and lay delegates from the congregations which are, or hereafter shall be, connected with the said Synod, to be elected according to the constitution of the said Synod, as the same exists at the time of the passing of this Act, or as it may, from time to time, be altered by the said Synod after the passing of this Act.

Geographical limits.

3. The geographical boundaries of the said Synod shall be the Dominion of Canada as it exists at the time of the passing of this Act, notwithstanding anything contained in the constitution of the said Synod as it exists at the time of the passing of this Act.

Powers of Synod as to constitution, discipline, &c.

4. The said Synod may meet and adopt, frame or repeal constitutions, and make regulations for enforcing the discipline within the Dominion of Canada of the said Reformed Episcopal Church, and for the appointment, deposition, deprivation or removal of any person or persons bearing office therein, and for the convenient and orderly management of the property, affairs and interests of the said church, in matters relating to and affecting only the said church, and not in any manner interfering with the rights, privileges or interests of other religious communities, or of any person who is not a member of the said church.

Synod may acquire bonds mortgages and other property for pur-

5. The said Synod may, from time to time, acquire, receive and take conveyances of such lands, moneys, mortgages and securities or other property as may be required for the purposes of a college or colleges, school or schools, or other

poses of the church.

educational purposes connected with the said church, or for the purposes of a Synod house, or for the purpose of a printing and publishing house or houses in connection with the said Reformed Episcopal Church and the said Synod; and carrying on the business of such printing and publishing house, and for the purposes of endowing and supporting such colleges and schools and such printing and publishing house or houses, and any book depository in connection therewith; and may also take and receive the benefit of any gift or devise by will or otherwise in its said corporate name or otherwise for the uses and purposes of the said Reformed Episcopal Church and the said Synod; Provided always, that in case of any devise by will of any land or any estate, or interest in land, to the corporation, the same shall be made and executed at least six months before the death of the person devising the same, and shall be registered not later than six months after such decease; and provided also, that the corporation shall within ten years after its acquisition of any real estate sell or otherwise dispose of and alienate so much of the said real estate as is not required for the use and occupation or other like purposes of the corporation.

Proviso: as to lands devised.

Proviso.

Sale and disposal of such property.

6. The said Synod shall, in addition to the powers conferred upon it by the next preceding section of this Act, and subject to the provisions thereof, have power to sell, exchange, alienate, mortgage, lease or demise any lands, tenements and hereditaments held by the said corporation, whether simply by way of investment for the uses and purposes set forth in the next preceding section of this Act or not, and the corporation may also, from time to time, invest all or any of its funds and moneys in and upon any mortgage, security of lands, tenements and hereditaments, and in debentures of municipal or public school corporations or Dominion or provincial stock or securities in any part or parts of the Dominion of Canada, and for the purposes of such investment or investments may take, receive and accept a mortgage or mortgages, or an assignment or assignments thereof, whether such mortgage or assignments be made and executed directly to it in its own corporate name, or to some other corporation or body politic and corporate, or to some company or person or persons in trust for it, and shall have and enjoy the same, and as large, full and ample powers and rights of sale and foreclosure, action and suit, upon and for the purposes of enforcing the covenants, stipulations, conditions, agreements, and all matters and things contained in such mortgages, or any of them, or thereby provided for, and generally shall be entitled to the same remedies in respect of such mortgages, or any of them, and in as ample a manner, as if it were a private person able and capable in law; and furthermore, may sell, grant, assign and transfer such mortgages, or any of them, to any person, company or body capable of receiving any assignment thereof, and may release and discharge such mortgages, or any of them, and either wholly or partly.

Investment of money.

Power to grant and sell mortgages.

. All such conveyances and instruments shall be considered to have been duly executed when authenticated by the affixing of the corporate seal of the said Synod, and by the signatures of the president, secretary and treasurer for the time being of the said Synod. Corporate seal to authenticate conveyances.

No. 59.

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

An Act to incorporate "The First Synod in the Dominion of Canada of the Reformed Episcopal Church."

Received and read first time, Friday, 19th March, 1886.

Second reading, Monday, 22nd March, 1886.

(PRIVATE BILL.)

Mr. BEATY.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.

1886.

No. 60.] **BILL.** [1886.

An Act to incorporate the Colonial Bank of Canada.

WHEREAS Archibald Campbell, J. C. McCorkill, A. Guilbault, M. Murdock and J. L. B. Desrochers have, by their petition, prayed that they may be incorporated for the purpose of establishing a bank in the city of Montreal, in the Province of Quebec, 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 several persons hereinabove mentioned by name, and such other persons as become shareholders in the corporation to be by this Act created, and their assigns, shall be and they are hereby created a corporation by the name of the "Colonial Bank of Canada." Certain persons incorporated.

2. The capital stock of the said bank shall be five hundred thousand dollars, divided into five thousand shares of one hundred dollars each, which said shares are hereby vested in the several persons who subscribe for the same, their legal representatives and assigns. Capital stock and shares.

3. For the purpose of organizing the said bank and of raising the amount of the said capital stock, the persons hereinbefore mentioned by name shall be the provisional directors thereof; and they or a majority of, them may cause stock books to be opened, after giving four weeks' notice thereof in the *Canada Gazette* and also four weeks' notice each in a French and English newspaper published in the said city of Montreal; upon which stock books shall and may be received and inscribed the signatures and subscriptions of such persons as desire to become shareholders in the said bank; and such stock books may be opened at the said city of Montreal and elsewhere, in the discretion of the said provisional directors, and may be kept open so long as they deem necessary; and so soon as the said capital stock shall have been subscribed and one hundred thousand dollars thereof actually paid into some one of the present chartered banks of Canada, the said provisional directors or a majority of them shall call a public meeting of the subscribers of the said stock, by notices to be inserted for four weeks at least in the *Canada Gazette* and also four times once a week each in a French and an English newspaper published in the said city of Montreal, such meeting to be held in the said city of Montreal, at such time and place as such notice shall indicate; and at such meeting the sub- Provisional directors and their powers. First meeting of shareholders. Election of directors.

scribers shall proceed to elect seven directors having the requisite stock qualification, who shall thenceforward manage the affairs of the said bank, take charge of the stock books hereinbefore referred to, and continue in office until the first Tuesday of the month of February in the year next after the year in which they are so elected, and until their successors in office are duly elected; and immediately after such election shall be had, the functions of the said provisional directors shall cease.

Head office

4. The head office of the said bank shall be at the said city of Montreal.

Number of directors.

5. The number of directors of the said bank shall be seven, subject to be increased or diminished by by-law, as provided by the twenty-eighth section of the Act thirty-fourth Victoria, chapter five, intituled "*An Act relating to Banks and Banking.*"

34 V., c. 5, to apply.

6. The said "*Act relating to Banks and Banking*" and all Acts amending the same and all the provisions thereof, shall apply to the bank hereby incorporated, in the same manner as if they were expressly incorporated with this Act, excepting so far as such provisions relate only to banks already in existence or to banks *en commandite*.

Certificate of Treasury board to be obtained.

$200,000 to be paid up.

7. The said bank shall obtain from the Treasury Board within two years from and after the passing of this Act, the certificate mentioned in and required by section seven of the said "*Act relating to Banks and Banking;*" and if at least two hundred thousand dollars of the subscribed capital of such bank has not been paid up before it commences business, such further amount as shall be required to complete the said sum shall be called in and paid up within one year thereafter; and in the event of failure to comply with any of the provisions contained in this section, this Act shall be and become null and void and of no effect, and the charter hereby granted, and all and every the rights and privileges hereby conferred, shall be forfeited.

Duration of Act.

8. This Act shall remain in force until the first day of July, one thousand eight hundred and ninety-one.

No. 60.

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

An Act to incorporate the Colonial of Canada.

Received and read first time, Friday March, 1886.
Second reading, Monday, 22nd March,

(PRIVATE BILL.)

Mr. MACMILLAN (Middles

OTTAWA:
PRINTED BY MACLEAN, ROGER & 1886.

No. 61.] **BILL.** [1886.

An Act respecting the Canadian Copper Company.

Preamble.

WHEREAS the Canadian Copper Company have by their petition represented that they are a corporation incorporated under the general laws of the State of Ohio, one of the United States of America, and that they have agreed for the purchase of certain copper mines in the Province of Ontario, and propose to proceed at once to mining and treating the ores to be taken from the said mines; and whereas they desire to have their organization and corporate powers recognized and confirmed by the Parliament of Canada, and also to have power to sell and treat the said ores in such part or parts of Canada or elsewhere as they deem proper, and to hold such real and personal property as may be requisite for the purposes of the undertaking, and have prayed for the passing of an Act for the purposes aforesaid, and it is expedient to grant the prayer of the said petition; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Company invested with corporate powers.

1. The said Canadian Copper Company is hereby invested with and shall be entitled to all the powers, privileges and rights as a corporation necessary for the purpose of acquiring, by purchase or lease, or both, mines and minerals, and working the same, and, also, in like manner, to acquire and hold all other real and personal property required for the convenient and proper carrying on of their business, and when any such is not further required, to sell and dispose thereof; and the said company shall be capable of contracting and being contracted with, and of suing and being sued, pleading and being impleaded in any court of law or equity in Canada in their corporate name aforesaid, and they and their successors shall and may have a common seal and may change the same at their will and pleasure, and they, as such corporation, shall have all the powers and privileges necessary for the proper management of their property and business and incident to such a corporation.

General powers and business of the company.

2. The said company shall have full power to sell the produce of their mines in any part of Canada or elsewhere, and to establish treating or smelting works in any Province of the Dominion of Canada or elsewhere, as in the interests of the company may be found expedient.

Service of process.

3. Service of any process or legal document upon the chief officer or manager of the company at any office where it carries on business in Canada or upon the person then in charge thereof shall be good service and shall bind the company.

No. 61.

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

An Act respecting the Canadian Copper Company.

Received and read a first time, Tuesday, 23rd March, 1886.

Second reading, Wednesday, 24th March, 1886.

(PRIVATE BILL.)

Mr. WHITE,
(Hasting, E.R.)

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.

1886.

No. 62. **BILL.** [1886.

An Act respecting the Anglo-American Iron Company.

Preamble.

WHEREAS the Anglo-American Iron Company have, by their petition, represented that they are a corporation incorporated under the general laws of the State of Ohio, one of the United States of America, and that they have agreed for the purchase of certain iron mines in the county of Hastings and elsewhere in the Province of Ontario, and propose proceeding at once to mining, and treating and shipping the ores to be taken from the said mines; and whereas they desire to have their organization and corporate powers recognized and confirmed by the Parliament of Canada, and also to have power to sell and treat the said ores in such part or parts of Canada or elsewhere as they may deem proper, and to hold such real and personal property as may be requisite for the purposes of their undertaking, and have prayed for the passing of an Act for the purposes aforesaid, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Company invested with corporate powers.

1. The said the Anglo-American Iron Company is hereby invested with and shall be entitled to all the powers, privileges and rights, as a corporation, necessary for the purpose of acquiring by purchase or lease, or both, mines and minerals, and working the same, and also, in like manner, to acquire and hold all other real and personal property required for the convenient and proper carrying on of their business, and when any such is not further required, to sell and dispose thereof; and the said company shall be capable of contracting and being contracted with, and of suing and being sued, pleading and being impleaded, in any court of law or equity in Canada in their corporate name aforesaid, and they and their successors shall and may have a common seal, and may change the same at their will and pleasure, and they, as such corporation, shall have all the powers and privileges necessary for the proper management of their property and business, and incident to such a corporation.

Common seal.

General powers and business of company.

2. The said company shall have full power to sell the products of their mines in any part of Canada or elsewhere, and to establish treating or smelting works in any Province of Canada or elsewhere, as in the interest of the company may be found expedient.

Service of process on company.

3. Service of process or legal documents upon the chief officer or manager of the company in Canada at any office where it carries on business in Canada, or upon the person then in charge thereof, shall be good service, and shall bind the company.

No. 62.

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

An Act respecting the Anglo-American Iron Company.

Received and read the first time, Tuesday, 23rd March, 1886.

Second reading, Wednesday, 24th March, 1886.

(PRIVATE BILL).

Mr. WHITE,
(Hastings, E.R.)

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.

1886.

No. 63.] **BILL.** [1886.

An Act to incorporate the Rock Lake, Souris and Brandon Railway Company.

WHEREAS the construction and operation of a railway from some point in or near the city of Brandon, in the Province of Manitoba, crossing the Souris River, on or near section sixteen, township seven, range seventeen, west of the first principal meridian, in a south-easterly direction, to a point in the county of Rock Lake, at or near Rock Lake, and to the international boundary, would be for the general advantage of Canada; and whereas a petition has been presented, praying for the incorporation of a company for that purpose, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. T. Mayne Daly, of the city of Brandon, barrister, Joseph E. Woodworth, M.P.P., of the same place, gentleman, Roswell Reed Fitch, of the city of New York, gentleman, Thomas Nichol, of Souris City, Manitoba, Douglas B. Woodworth, Q.C., M.P., of Kentville, Nova Scotia, Alexander Manning, of the city of Toronto, in the county of York, esquire, John Small, of the same place, esquire, Andrew Heron of the same place, esquire, William H. Knowlton, of the same place, merchant, and Arthur Radcliffe Boswell, of the same place, esquire, together with such persons as shall, under the provisions of this Act, become shareholders in the company hereby incorporated, are hereby constituted a body corporate and politic, under the name of "The Rock Lake, Souris and Brandon Railway Company," hereinafter called the company; and the said railway and the works hereby authorized are declared to be for the general advantage of Canada. Certain persons incorporated. Corporate name.

2. The head office of the company shall be in the city of Toronto, but the board of directors may establish one or more offices in other places in Canada or elsewhere. Head office.

3. The company shall have full power and authority to lay out, construct and complete a railway of a gauge of four feet eight inches in width, from a point in or near the city of Brandon, in the county of Brandon, in the Province of Manitoba, on the Canadian Pacific Railway, thence south-easterly, crossing the Souris River, on or near section sixteen, township seven, range seventeen, west of the first principal meridian, to a point in the county of Rock Lake, at or near Rock Lake, and to the international boundary. Line of railway to be constructed.

Provisional directors, their powers and duties.

4. The persons named in the first section of this Act, with power to add to their number by a resolution passed by a majority of any meeting at which five in number are present, shall be and are hereby constituted provisional directors of the company (of whom four shall be a quorum), and shall hold office as such until the first election of directors under this Act, and shall have power forthwith to open stock-books and procure subscriptions of stock for the undertaking, and to receive payments on account of stock subscribed, and to cause plans and surveys to be made, and to deposit in any chartered bank of Canada moneys received by them on account of stock subscribed.

Capital stock.

Application of moneys.

5. The capital stock of the company shall be two hundred and fifty thousand dollars, to be divided into shares of fifty dollars each; and the money so raised shall be applied, in the first place, to the payment of all fees, expenses and disbursements for procuring the passing of this Act, and for making the surveys, plans and estimates hereby authorized; and all the remainder of such money shall be applied to the making, equipping, completing and maintaining of the said railway, and other purposes of this Act.

Grants in aid.

6. The company may receive from any Government, or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, in aid of the construction, equipment and maintenance of the said railway, bonuses in land, or loans or gifts of money, or securities for money.

First general meeting for election of directors.

7. So soon as one hundred thousand dollars of the said capital shall have been subscribed as aforesaid, and ten per cent. thereof paid into some chartered bank in Canada, the hereinbefore mentioned directors, or a majority of them, shall call a meeting of the shareholders of the company, at the city of Toronto, at such time and place as they think proper, giving at least two weeks' notice in the *Canada Gazette*, and in one or more of the daily newspapers published in the city of Toronto, at which meeting the shareholders shall elect nine directors from the shareholders possessing the qualifications hereinafter mentioned, of whom five shall form a quorum, which directors shall hold office until the next annual meeting of the shareholders, as hereinafter provided.

Annual general meeting.

8. The annual general meeting of the shareholders for the election of directors and other general purposes shall be held at the city of Toronto (or elsewhere, as may be appointed by by-law), and on such day and at such hour as may be directed by the by-laws of the company; and public notice thereof shall be given at least fourteen days previously in the *Canada Gazette*, and in one or more daily newspapers published at the city of Toronto.

Annual election of directors, number, quorum, &c.

9. At such general meeting the subscribers for the capital stock assembled shall choose nine persons to be directors of the company, of whom five shall be a quorum, and such subscribers may also pass such rules, regulations and by-

laws as may be deemed expedient, provided they are not inconsistent with this Act or "*The Consolidated Railway Act*, 1879."

10. No person shall be elected a director of the company unless he is a shareholder holding at least twenty shares in the stock of the company, and has paid up all calls made thereon. Qualification of directors.

11. The directors of the company, under the authority of the shareholders to them given at any general meeting called for the purpose, at which meeting shareholders representing at least one-half in value of the capital stock are present, are hereby authorized to issue bonds under the seal of the company, signed by its president or other presiding officer, and countersigned by its secretary; and such bonds shall be made payable at such times and in such manner, and at such place or places, in Canada or elsewhere, and bearing such rate of interest, as the directors think proper; and the directors shall have power to issue and sell or pledge all or any of the said bonds at the best price and upon the best terms and conditions which, at the time, they may be able to obtain, for the purpose of raising money for prosecuting the said undertaking: Provided, that the amount of such bonds so issued, sold or pledged, shall not exceed fifteen thousand dollars per mile of the said railway and branches, to be issued in proportion to the length of railway constructed or under contract to be constructed : Issue of bonds; terms and interest. Issue and sale. Proviso: amount limited.

2. Notwithstanding anything in this Act contained, the company may secure the bonds to be issued by them by a mortgage deed creating such mortgages, charges and incumbrances upon the whole of such property, assets, rents and revenues of the company, present or future, or both, as shall be described in the said deed, but such rents and revenues shall be subject, in the first instance, to the payment of the working expenses of the railway; and by the said deed the company may grant to the holders of such bonds, or to the trustee or trustees named in such deed, all and every the powers and remedies granted by this Act in respect of the said bonds, and all other powers and remedies not inconsistent with this Act, or may restrict the bondholders in the exercise of any power, privilege or remedy granted by this Act, as the case may be; and all such powers, rights and remedies as shall be so contained in such mortgage deed shall be valid and binding and available to the bondholders, in manner and form as therein provided; and every such mortgage deed shall be deposited in the office of the Secretary of State of Canada, of which deposit notice shall be given in the *Canada Gazette*. Deed of mortgage to secure bonds. Powers may be granted to bond-holders. Validity of deed.

12. The bonds hereby authorized to be issued shall be taken and considered to be the first preferential claim and charge upon the company, and the franchise, undertaking, tolls and income, and real and personal property thereof, now or at any time hereafter acquired, save and except as provided for in the next preceding section; and each holder of Bonds to be a first charge on undertaking.

the said bonds shall be deemed to be a mortgagee or incumbrancer upon the said securities *pro rata* with all the other bondholders; and all the proceedings upon the bonds shall be taken through the trustee or trustees regularly appointed.

Voting power of bondholders in default of payment.

13. If the company make default in paying the principal or interest of any of the bonds hereby authorized at the time when the same shall, by the terms of the bond, become due and be payable, then at the next annual general meeting of the company, and all subsequent meetings, all holders of bonds so being and remaining in default shall, in respect thereof, have and possess the same rights and privileges and qualifications for directors, and for voting at general meetings, as would be attached to them as shareholders if they had held fully paid up shares of the company to a corresponding amount: Provided, nevertheless, that the right given by this section shall not be exercised by any bondholder, unless the bonds in respect of which he shall claim to exercise such right shall have been first registered in his name, in the same manner as is provided by law for the registration of the shares of the company; and for that purpose the company shall be bound, on demand, on default made in principal or interest, to register any transfers thereof, in the same manner as a transfer of shares: Provided also, that the exercise of the rights given by this section shall not take away, limit or restrain any other of the rights or remedies to which the holders of the said bonds shall be entitled.

Proviso: as to registration of bonds.

Proviso: certain rights not impaired.

Transfer of bonds and coupons.

14. All bonds, debentures and other securities hereby authorized may be made payable to bearer, and shall, in that case, be transferable by delivery, unless and until registry thereof is made in manner provided in the next preceding section, and while so registered they shall be transferable by written transfers, registered in the same manner as in the case of shares.

Promissory notes.

15. The company shall have power and authority to become party to promissory notes and bills of exchange for sums not less than one hundred dollars; and any such note or bill made, accepted or endorsed by the president or vice-president of the company, and countersigned by the secretary, shall be binding on the company; and any such note or bill of exchange so made shall be presumed to have been made with proper authority, until the contrary be shown; and in no case shall it be necessary to have the seal of the company affixed to such promissory note or bill of exchange, nor shall the president or vice-president, or secretary, be individually responsible for the same, unless the said promissory note or bill of exchange has been issued without the sanction of the board of directors: 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.

Form thereof.

Proviso: not to be payable to bearer.

Telegraph and telephone line.

16. The company may also construct an electric telegraph or telephone line for the purposes of their undertaking, in connection with the railway.

Sale or lease of railway or part thereof, &c.

17. The company may enter into an agreement with any other railway company whose line of railway is crossed by the line of the company hereby incorporated, or with which it connects, for conveying or leasing to such company the railway of the company hereby incorporated, in whole or in part, or any branch thereof, or any rights or powers acquired under this Act, as also the surveys, plans, works, plant, material, machinery and other property to them belonging, on such terms and conditions and for such period as may be agreed upon, and subject to such restrictions as to the directors seem fit: Provided, that the said conveyances, leases, agreements and arrangements have been first sanctioned by a majority of the votes, at a special general meeting of the shareholders called for the purpose of considering the same, on due notice given, and also by the Governor in Council: Provided, that before such sanction by the Governor in Council shall be given, notice of the application therefor shall be published in the *Canada Gazette*, and in one newspaper in each of the counties through which the said railway runs, for at least two months prior to the time therein named for the making of such application; and such notice shall state a time and place where and when the application shall be made, and that all parties may then and there appear and be heard on such application.

Proviso: sanction of Governor and approval of shareholders.

Mining for coal, &c.

18. The company may use and exercise such powers of mining for coal, iron and other minerals as are granted to the company by the Government of Canada or by the Legislature of the Province of Manitoba.

Limit of time.

19. The railway shall be commenced within two years, and be completed within seven years from the passing of this Act.

No. 63.

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

An Act to incorporate the Rock Lake, Souris and Brandon Railway Company.

Received and read first time, Tuesday, 23th March, 1886.
Second reading, Wednesday, 24th March, 1886.

(PRIVATE BILL.)

Mr. SMALL.

OTTAWA:
PRINTED BY MACLEAN, ROGER & Co.
1886.

No. 64.] **BILL.** [1886.

An Act to amend the Act incorporating the Pictou Coal and Iron Company.

WHEREAS the Pictou Coal and Iron Company have, by their petition, represented that it is necessary, to enable them to construct the railway authorized by their charter, that they should have the ordinary powers of expropriation, and have prayed for the passing of an Act granting such powers, and also additional powers as to the securing of their bonds, 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 said company shall have all the powers embodied in the provisions of sections eight and nine of "*The Consolidated Railway Act*, 1879;" and such sections shall form part of the Act incorporating the said company. Certain powers conferred on the company.

2. The company may further secure the first mortgage bonds, which by their charter they are empowered to issue, by appropriating as such security any aids or subsidies they may receive in furtherance of their undertaking and otherwise, and such appropriation may be made by vesting the same in a trustee or trustees for that purpose or in such other mode as may be found convenient, and not inconsistent with the law. How bonds may be secured.

No. 64

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

An Act to amend the Act incorporating the Pictou Coal and Iron Company.

Received and read first time, Monday, 29th March, 1886.
Second reading, Wednesday, 31st March, 1886.

(PRIVATE BILL.)

Mr. STAIRS.

OTTAWA:
PRINTED BY MACLEAN, ROGER & CO.
1886.

No. 65.] **BILL.** [1886.

An Act respecting the Northern and North-Western Junction Railway Company.

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

Preamble.

WHEREAS the Northern and North-Western Junction Railway Company, hereinafter called the company, have presented their petition praying that an Act may be passed authorizing the company to construct a portion of their line of railway to any point on the Niagara River, and to extend the time for the construction of their railway and works, and otherwise to amend the charter of 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:—

S. 1 of 47 V., c 67, amended.

1. Section one of the Act passed in the forty-seventh year of Her Majesty's reign, chaptered sixty-seven is hereby amended by striking out of the same the words "at or near the International Bridge on the Niagara River in the County of Welland."

Special general meeting.

2 A special general meeting of the company may be called at any time by the directors, but notice thereof stating the object of the meeting shall be inserted once a week for three weeks previous to the said meeting in one newspaper published in the city of Toronto and in one published in the city of Hamilton, or by sending such notice by post or otherwise to each shareholder two weeks before the day upon which the said meeting is to be held.

Number of directors may be reduced.

3. The number of directors may be reduced at any general meeting of the company to such number as the shareholders think fit, and at all meetings of the directors a majority thereof shall form a quorum for the transaction of business.

Time extended

4. The time for the construction of the railway and works of the company is hereby extended for the period of years.

42 V., c 9, to apply.

5. *The Consolidated Railway Act*, 1879," and any amendments thereto where not otherwise inconsistent with the Acts relating to the company shall form part of and be incorporated therewith.

No. 65.

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

An Act respecting the Northern and North-Western Junction Railway Company.

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

(PRIVATE BILL.)

Mr. KILVERT.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.

1886.

No. 66] **BILL.** [1886.

An Act to incorporate the Forbes' Trochilic Steam Engine Central Company of Canada

Preamble.

WHEREAS Samuel Smith Macdonell, Gilbert McMicken, Adam W. Anderson, Frederick L. Foster, Charles C. Foster and Hugh McMahon have, by their petition, represented that Isaac N Forbes has invented certain new modes in the application of steam to steam engines, superior to any now in use, and for which patents of invention in Canada have been granted him, numbered 16557, 16558, 16559, 16560 and 16561; and that the petitioners, with others, associates, now have together the right to manufacture, use and sell, and the right to sell to others the right to manufacture, use and sell within Canada, the Forbes' trochilic steam engines, saving the marine engine, as the rights to the same are secured to the said Forbes by the aforesaid patents; and have prayed to be incorporated as well for the purpose of being better enabled to distribute and sell rights to manufacture, use and sell the said Forbes' trochilic engines to other corporations, companies and persons, as to manufacture, use and sell them as a central company, and for other purposes; and it is expedient to grant the prayer of their petition; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Certain persons incorporated.

Corporate name.

1. Samuel Smith Macdonell, Gilbert McMicken, Adam W. Anderson, Frederick L. Foster, Charles C. Foster and Hugh McMahon, with such other persons as may hereafter become shareholders in the company, shall be, and they are hereby constituted a body corporate and politic by the name of "The Forbes' Trochilic Steam Engine Central Company of Canada," hereinafter called the company; and the persons in this section mentioned by name shall be the provisional directors of the company.

Marine engines.

2. The company may acquire similar rights as to the marine engine as it now has in the other classes of the Forbes' trochilic steam engines.

Power to sell manufacturing rights.

3. The company shall have power throughout Canada to contract with any corporations, companies or persons for the sale or grant of the right to manufacture, use and sell any of the Forbes' Trochilic steam engines by way of royalty or otherwise, and subject to its regulations and agreements.

Where works may be located.

4. The company may establish in any or each of the provinces and in the territories of Canada, at such places as may be determined upon by the company, shops for the manufacture and sale of such kinds of trochilic steam engines as it may determine to be manufactured there, or may amalgamate with any company already established in order to carry on the manufacture and sale of trochilic steam engines.

Head office and local offices of company.

5 The company may have an office in each of the several provinces and in the territories of Canada, at such places as the company may determine upon for the local management and carrying on of the business concerns of the company in each Province or Territory; and the central or head office for the management of the general business of the company shall be at Windsor, in the county of Essex, in Ontario.

Capital stock and shares.

6. The capital stock of the company shall be three millions of dollars, divided into sixty thousand shares of fifty dollars each; of which total one million to be appropriated for the erection or acquisition of shops, with their equipments, for the carrying on by the company itself of the manufactures of such classes of trochilic steam engines as may be found expedient, the other two millions to be appropriated and to represent in issued shares, the rights derived under the aforesaid patent, to manufacture, use and sell within Canada, the Forbes' trochilic steam engines.

First general meeting for election of directors.

7. So soon as two hundred thousand dollars of the capital stock of the company have been subscribed, and ten per cent paid thereon, and deposited in some chartered bank of Canada to the credit of the company, a meeting of the shareholders shall be called by the provisional directors, in the town of Windsor, in the Province of Ontario, at such time and place as they think proper for the election of directors, who shall be elected by ballot, and the said provisional directors shall give two weeks' notice of such meeting, by inserting the same in some newspaper published in the said town.

Joint stock company Act to apply.

8. The provisions of the "*Canada Joint Stock Companies Clauses Act*, 1869," shall apply to this Act, except in so far as they are inconsistent with the provisions hereof.

Term of certain patents extended.

9. The term for which the said patents 16557, 16558, 16559, 16560 and 16561, issued to Isaac N. Forbes, shall run, is extended to March twenty-seventh, one thousand eight hundred ninety-nine.

No. 66.

4th Session, 5th Parliament, 49 Victoria

BILL.

An Act to incorporate the Forbes chilic Steam Engine Central Cor of Canada.

Received and read first time, Tuesday March, 1886.
Second reading, Wednesday, 31st March

PRIVATE BILL.

MR. PATTERSON, (Essex, N

OTTAWA:
PRINTED BY MACLEAN, ROGER & 1886.

No. 67.] **BILL.** [1886

An Act respecting the Central Ontario Railway Company.

Preamble.

WHEREAS the Central Ontario Railway Company have, by their petition, represented that coupons for interest on their first mortgage bonds to the extent of four hundred thousand dollars or thereabouts are now outstanding and unpaid, and that the parties holding the same are willing to convert the same into preferred shares in the capital stock of the company, and they have prayed for the passing of an Act authorizing the company to issue preferred shares to an amount sufficient for the purpose aforesaid ; 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 :—

Increase of capital stock.

1. The Central Ontario Railway Company may by resolution passed by a majority of the shareholders thereof, present in person or represented by proxy at any special or general meeting of the company, increase the capital stock of the company to the extent of four hundred thousand dollars, and declare the same to be preferred shares in the capital stock of the said company.

Issue of preferred shares.

2. The company may issue the said preferred shares at par, in payment and exchange for the said overdue coupons for interest on the first mortgage bonds of the company now outstanding.

Rights of holders of preferred shares.

3. Holders of the said shares so issued shall have all the powers and rights of ordinary shareholders and shall be entitled to priority in dividends to the extent of six per per cent. per annum over the ordinary shareholders ; and after all have received six per cent. per annum then the holders of the said preferred shares shall rank for dividends with the ordinary shareholders on any surplus over and above the said six per cent. per annum.

Surrendered coupons to be cancelled.

4. The coupons so exchanged for the said stock or shares shall be held and taken to be paid and as such shall be cancelled.

No. 67.

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

An Act respecting the Central Ontario Railway Company.

Received and read first time, Tuesday, 30th March, 1886.
Second reading, Wednesday, 31st March, 1886.

(PRIVATE BILL)

Mr. WHITE,
(Hasting, E.R.)

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.

1886.

No. 68.] **BILL.** [1886.

An Act to incorporate the Brockville and New York Bridge Company.

Preamble.

WHEREAS the persons hereinafter named have petitioned for power to build a railway bridge across the St. Lawrence river at some point at or in the vicinity of the town of Brockville or township of Elizabethtown, in the county of Leeds and Province of Ontario, and for the incorporation of a company for that purpose; and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Declaratory.

1. The Brockville and New York bridge is hereby declared to be a work for the general advantage of Canada.

Certain persons incorporated.

Corporate name.

Power to take and acquire lands for bridge and branch railway.

2. Robert G. Hervey, Samuel Thomas, Calvin S. Brice, Josephus Collett, Clarkson Jones, Samuel Keefer and William B. Smellie, together with such persons and corporations as shall, under the provisions of this Act, become shareholders in the company hereby incorporated, are hereby constituted and declared to be a body corporate and politic, by the name of the "Brockville and New York Bridge Company," and the said company shall have full power and authority to purchase, acquire, take and hold such lands, lands covered with water, beaches and other property as may be necessary for the purpose of constructing the said bridge or for the convenient using of the same, and also for the construction of such branch railway, not exceeding four miles in length, as may be necessary to make connections or to approach the said bridge.

Railway Act to apply

3. "*The Consolidated Railway Act*, 1879," is hereby incorporated with this Act, and shall form part thereof and be construed therewith as forming one Act.

Railway bridge over St. Lawrence River.

4. The company hereby incorporated shall have full power under this Act to construct, maintain, work and manage a railway bridge across the St. Lawrence river for railway purposes, from some point at or in the vicinity of the town of Brockville or township of Elizabethtown, in the county of Leeds and Province of Ontario, towards the village of Morristown or other point near thereto in St. Lawrence county, in the State of New York, one of the United States of America.

Power to work trains over bridge

The company are hereby authorized to work trains by steam or other power for passenger and freight traffic between the State of New York and the county of Leeds over the bridge hereby authorized to be constructed and to connect the said trains with other railways

Provisional directors.

Stock books.

Plans and surveys.

6. The persons named in the second section are constituted the board of provisional directors of the said company and shall hold office as such until the first election of directors under this Act; and shall have power and authority, immediately after the passing of this Act, to open stock books and procure subscriptions of stock for the undertaking, giving at least two weeks' previous notice by advertisement in a newspaper published in the town of Brockville, of the time and place of their meeting to receive subscriptions of stock; and the said provisional directors may cause surveys and plans to be made and executed, and may acquire any plans and surveys now existing, and it shall be their duty, as hereinafter provided, to call a general meeting of shareholders for the election of directors.

Power to prevent subscription by certain persons.

Allotment of stocks.

7. The said directors or a majority of them may, in their discretion, exclude any person from subscribing who in their judgment would hinder, delay or prevent the said company from proceeding with and completing their undertaking under the provisions of this Act; and if more than the whole stock shall have been subscribed the said directors shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation the said directors may exclude any one or more of the said subscribers, if in their judgment their so doing will best secure the building of the said railway bridge

Equal rights of shareholders.

8. All shareholders in the said company, whether British subjects or aliens or residents in Canada or elsewhere, shall have equal rights to hold stock in the said company and to vote on the same, and shall be eligible to office in the said company.

Capital stock.

9. The capital stock in the said company shall be two million dollars, divided into twenty thousand shares of one hundred dollars each.

First general meeting for election of directors.

10. So soon as two hundred thousand dollars of the said capital stock shall have been subscribed as aforesaid and five per cent. paid thereon and deposited in one or more of the chartered banks of Canada for the purposes of the company (which deposit and any other deposit paid on shares subscribed for in the stock of the said company shall not be withdrawn from such bank or banks or otherwise applied except for the purposes of such railway bridge or upon the dissolution of the company from any cause whatever), the hereinbefore mentioned directors, or a majority of them, shall call a meeting of the shareholders of the said company at such time and place as they think proper, giving at least two weeks' notice in a newspaper published in the town of

Brockville, at which meeting the shareholders shall elect not less than seven, nor more than fifteen directors, who, as well as all directors hereafter elected, shall, before acting, have the qualification following, namely: ten shares in the stock of the said company on which all calls have been paid up; and such directors shall hold office until the next annual meeting of the shareholders as hereinafter provided. Number and qualification of directors.

11. The annual general meeting of the shareholders for the election of directors and other general purposes shall be held at Brockville or elsewhere, as may be appointed by by-law, on the first Wednesday in the month of June in each year and two weeks' previous notice thereof shall be given by publication as provided in the next preceding section. Annual general meeting and election.

12. No call to be made at any one time upon the said capital stock shall exceed ten per centum on the subscribed capital, and no stockholder shall be liable for the debts or obligations of the company beyond the amount unpaid on any stock held by him. Calls on stock.

13. The directors of the said company, after the sanction of the shareholders shall have been first obtained at any special general meeting, to be called from time to time for such purpose, shall have power to issue bonds or debenture stock for the purpose of raising money for prosecuting the said undertaking; and such bonds and scrip for debenture stock shall be made and signed by the president or vice-president of the company, and countersigned by the secretary and treasurer, and under the seal of the said company; and such bonds and debenture stock shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking and the real property of the company, and upon the franchises of the company; and each holder of the said bonds or debenture stock shall be deemed to be a mortgagee and incumbrancer *pro ratâ* with all other holders thereof upon the undertaking and the property of the company as aforesaid: Issue of bonds. To be a first charge on works.

2 In the event, at any time, of the interest upon the said bonds and debenture stock remaining unpaid and owing, then at the next ensuing general annual meeting of the said company all holders of bonds and debenture stock shall have and possess the same rights and privileges and qualification for being elected directors and for voting as are attached to shareholders, provided that the bonds shall have been first registered, and the debenture stock and any transfers thereof shall have been registered in the same manner as is provided for the registration of shares; and it shall be the duty of the secretary of the company to register the same, on being required to do so by any holder thereof, notwithstanding any such bonds may have been already registered by a former holder thereof. Voting power of shareholders, in default of payment.

Transfer of bonds and coupons.

14. Any such bonds, and the coupons thereof, may be made payable to bearer, and transferable by delivery, and any holder of any such securities so made payable to bearer, may sue at law thereon in his own name; and such bonds and debenture stock are hereby declared to be personal property.

Power to mortgage bonds.

15. The said company, hereby incorporated, may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds or debenture stock which they may, under the powers hereby granted, issue for the construction of its works or otherwise.

Promissory notes.

16. The said company shall have power and authority to become party to promissory notes and bills of exchange, for sums not less than one hundred dollars, and any such note or bill made, accepted, or endorsed by the president or vice-president of the company, and countersigned by the secretary, and under the authority of a quorum of the directors, shall be binding on the said company; and every such promissory note or bill of exchange so made, accepted or endorsed, shall be presumed to have been made, accepted or endorsed, with proper authority, until the contrary be shown; and in no case shall it be necessary to have the seal of the company affixed to such promissory note or bill of exchange, nor shall the president, or vice-president, or secretary, be individually responsible for the same, unless the said promissory note or bill of exchange has been issued without the sanction and authority of the directors, as herein enacted: Provided, however, that nothing in this section shall be construed to authorize the said company to issue any note or bill payable to bearer, or intended to be circulated as money, or as the note or bill of a bank.

Proviso: not be payable to bearer.

Register of debenture stock.

17. Any debenture stock authorized by this Act, which from time to time shall be created, shall be entered by the company in a register to be kept for that purpose, at their head office, wherein they shall enter the names and addresses of the several persons and corporations from time to time entitled to any of such debenture stock, with the respective amounts of the stock to which they are respectively entitled; and the said company may also open registers for the same purpose, or for the register and transfer of any or all of their stocks and other securities in any other country.

Certificates of debenture stock.

18. The said company shall deliver to every holder a certificate stating the amount of debenture stock held by him, and all regulations and provisions for the time being applicable to certificates of ordinary shares of the capital of the company, and transfer of such shares shall apply, *mutatis mutandis*, to certificates and transfers of the debenture stock, subject to the provisions of this Act; but the company shall not be bound to accept any such transfer, nor shall any such transfer be effectual unless and until the scrip or certificate before issued for the debenture stock proposed to be transferred, be delivered up to be cancelled, or such delivery and cancellation dispensed with by the

company, and a new certificate or certificates issued in lieu thereof.

Limitation as to transfer of debentures.

19. The said debenture stock shall not be transferable, in amounts less than one thousand dollars, and no transfer shall include any fractional part of one hundred dollars.

Regulations as to transfer of shares, &c.

20. The directors may, from time to time, make such regulations as they may think fit for facilitating the transfer and registration of shares of the capital stock and debenture stock, and the forms in respect thereof, as well in Canada as elsewhere, and as to the closing of the registers and transfer books for the purpose of dividends, as they may find expedient; and all such regulations, not being inconsistent with this Act, and with "*The Consolidated Railway Act*, 1879," as altered and modified by this Act, shall be valid and binding.

Powers as to issue of debenture stock

21. The said company shall have all the powers necessary for the issue of the said debenture stock authorized by this Act, and for carrying out the objects of this Act in respect thereof.

Power to collect back charges on goods.

22. The said company shall have power to collect and receive all charges, subject to which goods or commodities may come into their possession, and on payment of such back charges and, without any formal transfer, shall have the same lien for the amount thereof upon such goods or commodities as the person to whom such charges were originally due, had upon such goods or commodities while in their possession, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

Form of conveyances.

23. Conveyances of land to the said company for the purposes of and under the powers given by this Act, made in the form set forth in the schedule to this Act, or to the like effect, shall be sufficient conveyances to the said company, their successors and assigns, of the estate or interest and sufficient bar of dower respectively of all persons executing the same, and such conveyances shall be registered in such manner and upon such proof of execution as is required under the registry laws of the Province of Ontario.

Telegraph and telephone lines.

24. For the purpose of constructing, working, and protecting the telegraph and telephone lines constructed by the company under this Act on their line of railway, the powers conferred on telegraph companies by chapter sixty-seven of the Consolidated Statutes of the late Province of Canada, intituled "*An Act respecting Electric Telegraph Companies*," are hereby conferred upon the company; and the other provisions of the said Act for the working and protection of telegraph lines shall apply to any such telegraph lines constructed by the company.

Grants in aid.

25. The said company may receive from any Government, or from any person or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards

the construction, equipment, or maintenance of the said works, by way of bonus, gift or loan, in money or debentures, or other securities for money, or by way of guarantee, upon such terms and conditions as may be agreed upon; and the said company shall have power to accept gifts of land from any Government, or any person, or any body politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the said company.

Agreements as to maintenance of roads.

26. It shall be lawful for the said company to enter into and perform any such agreements as they may, from time to time, deem expedient, with any municipality, corporation or person, for the construction or for the maintenance and repair of gravel or other public roads leading to the said bridge.

Paid up stock may be issued for services, &c.

27 The said provisional directors or the elected directors may pay or agree to pay, in paid-up stock or in the bonds of the said company, such sums as they may deem expedient to engineers or contractors, or for right of way, or material, or plant, or rolling stock, buildings or lands; and also, subject to the sanction of a vote of the shareholders, 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 the said promoters or other persons be provisional or elected directors or not; and any agreement so made shall be binding on the company.

Contracts may be entered into.

28. It shall be lawful for the directors to enter into a contract or contracts with any individual or association of individuals for the construction or equipment of the works or any portion thereof, including or excluding the purchase of

Payment in stock.

the right of way, and to pay therefor, either in the whole or in part, either in cash or bonds or in paid-up stock; but no such contract shall be of any force or validity till approved of by two-thirds of the shareholders present in person or represented by proxy, at a meeting specially convened for considering the same

Plans to be submitted to the Governor in Council.

29. The said company shall not commence the said bridge, or any work thereto appertaining, until the company shall have submitted to the Governor in Council plans of such bridge and all the intended works thereto appertaining, not until such plans and the site of such bridge shall have been approved by the Governor in Council and such conditions as he shall have thought fit, for the public good, to impose, touching the said bridge and works, have been

No deviation without permission.

complied with; nor shall any such plan be altered or any deviation therefrom allowed except by the permission of the Governor in Council and upon such conditions as he shall

Navigation not to be obstructed.

impose: Provided always, that the said bridge shall be constructed so as not materially to obstruct the navigation of the St Lawrence river; and the said bridge shall be a high level bridge and the span over the main channel shall be at least four hundred and fifty feet long and at least one

hundred feet above high water level of the said river; and the use of the said bridge shall be subject to such regulations as from time to time shall be approved of by the Governor in Council: Provided also, that before commencing the works of the said bridge or taking possession of any part of the beach or land covered with water or islands or other property of the Crown, the company shall obtain the consent of the Governor in Council who may impose such terms and conditions as he shall think proper before granting permission to commence the works or take possession of any property of the Crown as aforesaid: Provided also, that the navigation of the river shall not be unnecessarily obstructed by such works.

As to Crown property.

30. From sundown to sunrise during the season of navigation suitable lights shall be maintained upon the said bridge to guide vessels approaching the said bridge; and it shall be the duty of the said company during the construction of the said bridge to put up and maintain in the night time during the season of navigation a good and sufficient light at each end of any cofferdam or pier which may be erected by the said company.

Lights during construction and after completion.

31. It shall be lawful for the said company to enter into any agreement with any railway or railroad company or companies in the Dominion of Canada or in the United States of America, for leasing the said bridge or the use thereof, at any time or times, or for any period, to such railway or railroad company or companies; or for leasing or hiring from such company or companies any railway or railroad, or part thereof, or the use thereof, or for the leasing or hiring of any locomotives, tenders or movable property, and generally to make any agreement or agreements with any such company or such companies, touching the use by one or the other or others of the bridge or railway or railways or railroad or railroads, or movable property of either or any of them, or any part thereof, or touching any service to be rendered by the one company to the other or others, and the compensation therefor; and any such 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 empowered to exercise all the rights and privileges by this Act conferred.

Agreements with other companies.

Agreement to be valid.

32 When the said railway bridge is completed and ready for traffic, all trains of all railways or railroads terminating at or near Brockville, as aforesaid, or in the State of New York, at or near some point near Morristown aforesaid, now constructed or hereafter to be constructed (including the cars of any other railway company, which may be brought over such railway), shall have the right to pass over the said bridge at corresponding tariff rates for the

No discrimination in rates.

persons and property transported, so that no discrimination in tariff rates for such transportation shall be made in favor of or against any railway or railroad whose trains or business pass over the said bridge.

Arbitration in case of disagreement.

33. In case of any disagreement and as often as the same may arise as to the rights of any railroad or railway whose trains or business shall pass over the said work hereby authorized to be constructed, or the tariff rates to be charged in respect thereof, the same shall be determined by arbitrators —one to be appointed by the company hereby incorporated, and another by the company with whom the disagreement shall have arisen, and a third (who shall be some person experienced in railway affairs), by one of the superior courts of the Province of Ontario upon application to such court, due notice thereof having been given to the parties interested; and the award of the said arbitrators or the majority of them shall be final: Provided, that the terms of the said award shall not be binding for a longer term than five years.

Term of award.

Amalgamation with a company incorporated in U. S.

34. It shall be lawful for the said company to unite, amalgamate and consolidate its stock, property and franchises with the stock, property and franchises of any other company incorporated or which may be incorporated by the laws of the State of New York, one of the United States of America, or by the laws of the said United States, for a similar purpose with the company hereby incorporated, and to enter into all contracts and agreements therewith necessary to such union and amalgamation, and which said company shall be by the laws of the said State of New York or the said United States authorized to enter into such amalgamation or consolidation.

Proceedings for amalgation.

35. Subject to the provisions of this Act, the directors of the company hereby incorporated, and of any corporation proposing to so amalgamate or consolidate as aforesaid, may enter into a joint agreement in duplicate under the corporate seal of each of the said corporations for the amalgamation and consolidation of the said corporations,—prescribing the terms and conditions thereof, the mode of carrying the same into effect, the name of the new corporation, the number and names of the directors and other officers thereof, and who shall be the first directors and officers thereof, and their places of residence, the number of shares of the capital stock, the amount of par value of each share, and the manner of converting the capital stock of each of the said corporations into that of the new corporation, and how and when and for how long directors and other officers of such new corporation shall be elected and when elections shall be held, with such other details as they shall deem necessary to perfect such new organization and the consolidation and amalgamation of the said corporations and the after management and working thereof; and such new corporation shall have power to consolidate or unite with either or any of the railway companies, having powers of consolidation or union, whose lines connect with the said bridge, by the same means and to the same ends as the companies in this section before mentioned may be consolidated under this Act.

What the agreement may contain.

Further powers of amalgamation.

Agreement to be submitted to shareholders.

36. Such agreement shall be submitted to the stockholders of each of the said corporations at a meeting thereof to be held separately for the purpose of taking the same into consideration; notice of the time and place of such meetings and the object thereof shall be given by written or printed notices addressed to each of the persons in whose names at the time of giving such notice the capital stock of such corporations shall stand on the books of such corporations, and delivered to such persons respectively, or addressed to them by mail at their last known post office address or place of residence, and also by a general notice inserted in a newspaper published in the County of Leeds, and in one published in St. Lawrence County in the State of New York, once a week for two successive weeks:

Proceedings at meeting for that purpose.

2. At such meetings of stockholders such agreement shall be considered and a vote by ballot taken for the adoption or rejection of the same, each share entitling the holder thereof to one vote, and the said ballot shall be cast in person or by proxy; and if two-thirds of the votes of all the stockholders of each such corporation shall be for the adoption of such agreement, then that fact shall be certified upon each of the said duplicates by the secretary of each of such corporations under the corporate seal thereof; and if the said agreement shall be so adopted at the respective meetings of the stockholders of each of the said corporations, one of the duplicates of the agreement so adopted and of the said certificates thereon shall be filed in the office of the Secretary of State of Canada, and the other in the office of the Secretary of State of the State of New York; and the said agreement shall from thence be taken and deemed to be the agreement and act of consolidation and amalgamation of the company and of such other corporation; and a copy of such agreement so filed and of the certificate thereon, properly certified, shall be evidence of the existence of such new corporation.

Deposit of agreement if adopted.

Effect of deposit.

New corporation and its powers and duties.

37. Upon the making and perfecting of the said agreement and act of consolidation as provided in the next preceding section and the filing of the said agreement as in the said section provided, the several corporations, parties thereto, shall be deemed and taken to be consolidated and to form one corporation by the name in the said agreement provided, with a common seal, and shall possess all the rights, powers, privileges and franchises, and be subject to all the disabilities and duties of each of such corporations so consolidated and united except as herein provided.

Property transferred to new corporation.

38. Upon the consummation of such act of consolidation as aforesaid all and singular the property, real, personal and mixed, and all rights and interests appurtenant thereto, all stock subscriptions and other debts due on whatever account and other things in action belonging to such corporations, or either of them, shall be taken and deemed to be transferred to and vested in such new corporation without further act or deed: Provided however, that all rights of creditors and all liens upon the property of either of such corporations shall be unimpaired by such consolidation and

Certain rights not impaired.

all debts, liabilities and duties of either of the said corporations shall thenceforth attach to the new corporation and be enforced against and performed by it to the same extent as if the said debts, liabilities and duties had been incurred or contracted by it; and provided also, that no action or proceeding, legal or equitable, by or against the said corporations so consolidated, or either of them, shall abate or be affected by such consolidation; but for all the purposes of such action or proceeding such corporation may be deemed still to exist, or the new corporation may be substituted in such action or proceeding in the place thereof.

As to suits and actions.

Borrowing powers of new corporation.

39. The said new corporation shall have power from time to time to borrow such sums of money as may be necessary for constructing and completing the work hereby authorized and for the acquiring of the necessary real estate for the site thereof and approaches thereto, and to mortgage its corporate property and franchises to secure the payment thereof, under the provisions of "*The Consolidated Railway Act*, 1879," and as hereinbefore provided.

Votes on shares.

40. At all meetings of the stockholders of the company hereby incorporated each stockholder shall be entitled to cast one vote for each share of stock held by him, and to vote either in person or by proxy; and the directors of the said company may also, at any meeting of the board, vote by proxy—such proxy to be held by another director; provided that no more than two proxies be held by one director of the other directors and not less than three directors shall be present in person at any meeting of the board of directors for the transaction of business.

Proviso: as to proxies of directors.

Quorum.

Limitation of time.

41. The works shall be commenced within three years and completed within six years from the passing of this Act.

Passage floor for vehicles and foot passengers.

42. The company shall have power to construct as part of or in connection with the said railway bridge, a passage floor or way for horses, carriages and foot-passengers, and they may make the same either during the construction of the said railway bridge or at any time after the completion thereof; and in the event of their electing to construct such way or foot bridge, they may make, amend, repeal, re-enact and enforce all such by-laws, rules and regulations as shall seem to them proper and necessary as to the management, control and use thereof, and as to the tolls and fares to be received and charged for passing over the same.

Regulations.

SCHEDULE.

Know all men by these presents, that I (*or* we) [*insert the name of vendor or vendors*] in consideration of
dollars paid to me (*or* us) by the Brockville and New York Bridge Company, the receipt whereof is hereby acknow-

ledged, do grant and convey to the said company, and I (*or* we) [*insert name of any other party or parties*] in consideration of dollars paid to me (*or* us) by the company, the receipt whereof is hereby acknowledged, do grant and release to the said company all that certain parcel (*or* those certain parcels, *as the case may be*) of land [*describe the land*], the same having been selected and laid out by the said company for the purposes of their bridge and the approaches thereto and connections therewith, to hold with the appurtenances unto the said the Brockville and New York Bridge Company, their successors and assigns forever. [*Here insert any other clauses, covenants or conditions required.*]

And I (*or* we), the wife (*or* wives) of the said do hereby bar my (*or* our) dower in the aid lands.

As witness my (*or* our) hand and seal (*or* hands and seals) this day of , A.D. 188 .

A. B. [L.S.]

Signed, sealed and delivered in presence of }

C. D.
E. F.

No. 68.

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

An Act to incorporate the Brockville and New York Bridge Company.

Received and read first time, Tuesday, 30th March, 1886.
Second reading, Wednesday, 31st March, 1886.

(PRIVATE BILL.)

Mr. WOOD
(Brockville,)

OTTAWA:
PRINTED BY MACLEAN, ROGER & Co.
1886.

No 69. **BILL.** [1886.

An Act respecting the Bank of Yarmouth.

Preamble.

WHEREAS the Bank of Yarmouth has, by its petition, represented that at a meeting of the shareholders of the said bank, duly convened for that purpose under the provisions of the "*Act relating to Banks and Banking*," held on the twenty-ninth day of December, in the year one thousand eight hundred and eighty-five, it was resolved by a vote of two thousand two hundred and fourteen for and three hundred and twenty-four against, "That it should be lawful for the directors out of the capital or joint stock of the bank to repay to the shareholders such sum and sums of money as they shall consider advisable, not exceeding thirty per cent. of the subscribed capital, or thirty dollars per share," and has prayed for the passing of an Act to enable the directors to carry the said resolution into effect; 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:—

Repayment of capital stock.

1. The directors of the said bank may, in their discretion, at any time, or from time to time, repay and return to the shareholders of the said bank from and out of the capital stock thereof, such sum and sums of money as the said directors shall at any time, or from time to time, deem advisable: Provided however, that the aggregate of the amounts so repaid and returned shall not exceed in the whole thirty per cent. of the total subscribed capital stock of the said bank; and provided also, that the amounts so returned shall, in no case or at any time, reduce the amount paid up on any such share to an amount less than seventy dollars.

Amount limited.

Certificates may be called in and new issued.

2. For the purposes of such return and repayment to the shareholders of the said bank, the directors shall have power at any time, and from time to time, to call in all outstanding certificates of stock, and to issue other and new certificates in their stead, which new certificates shall express the amount remaining paid up on the shares of the capital stock respectively represented thereby; and the directors shall also have power to make such rules, by-laws and regulations as may be necessary for the carrying into operation and effect of the provisions of this Act according to the spirit and intent thereof.

Calls may be made hereafter.

3. After any such return or repayment as aforesaid, the directors shall have power at any time, and from time to

time, to make such calls of money from the several shareholders for the time being upon the shares subscribed for, as they find necessary, and in the same manner in all respects as is now or shall hereafter be prescribed by law or by the rules and by-laws of the said bank with reference to the making of calls and the payment and collection of the same, and in the same manner and to the same extent as if the said shares, or any of them, had never been fully paid up.

As to liability of shareholders.

4. Nothing in this Act shall be construed as in any way diminishing the liability of the shareholders or members of the corporation for the whole amount of the subscribed stock, and such additional liability as is now or may hereafter be prescribed by any Act passed or to be passed in that behalf.

No. 69.

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

An Act respecting the Bank of Yarmouth.

Received and read first time, Tuesday, 30th March, 1886.
Second reading, Wednesday, 31st March, 1886.

(PRIVATE BILL.)

Mr. KINNEY.

OTTAWA:
PRINTED BY MACLEAN, ROGER & Co.
1886.

No. 70.] **BILL.** [1886.

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

Preamble.

WHEREAS at a special meeting of the shareholders of the Manitoba and North-Western Railway Company of Canada, held in the city of Montreal on the nineteenth day of March, one thousand eight hundred and eighty-six, the shareholders present or represented by proxy authorized the board of directors to make application to Parliament for authority for the cancellation of the second mortgage bonds issued by the company and for power to issue in lieu thereof preferred stock, with a dividend payable thereon at a rate not exceeding five per cent, non-cumulative, out of the income after the interest on the first mortgage bonds is paid; and whereas none of the said second bonds are outstanding; and whereas the said directors have, by their petition, prayed for the passing of an Act for that purpose and for certain amendments to section five of the Act forty-fifth Victoria, chapter eighty, 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:—

Second mortgage bonds cancelled.

Preference stock may be issued.

1. All the second mortgage bonds issued under the Act forty-eighth and forty-ninth Victoria, chapter eighty-six, section two, which said section is hereby repealed, are hereby cancelled and extinguished; and the directors may issue, in lieu of the bonds issued or authorized to be issued under the said Act, preference stock not exceeding five thousand four hundred dollars per mile of railway, entitling the holders thereof in priority to all other shareholders to a non-cumulative dividend, payable thereon at a rate not exceeding five per cent. per annum as to the directors may seem meet, out of the net earnings of the company, after the interest on the first mortgage bonds is paid, and the holders of such preference stock shall be entitled to the same rights, privileges and qualifications for being elected directors and for voting at general meetings as would be attached to them as ordinary shareholders: Provided, that the total amount of first mortgage bonds and preference shares issued by the company shall in no case exceed twenty thousand dollars per mile, to be issued in proportion to the length of the railway constructed or under contract to be constructed.

Proviso: as to amount.

S. 5 of 45 V., c. 80 repealed; new section.

2. Section five of the Act forty-fifth Victoria, chapter eighty is hereby repealed and the following section is substituted in lieu thereof:

Plans of bridge to be subject to approval of Governor in Council.

"5. The company shall not commence any such bridge or any work thereunto appertaining until the company have submitted to the Governor in Council plans of such bridge and of all the intended works thereunto appertaining, nor until the plans and 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 such bridge and works have been complied with; nor shall any such plan be altered, nor any deviation therefrom allowed except upon the permission of the Governor in Council and upon such conditions as he imposes: Provided always, that if any such bridge be placed over any such river or stream at a place where the same is navigable, and if the Governor in Council determines that such bridge shall be a draw-bridge, the same shall be constructed so as to have one draw in the main channel of such river or stream, which draw shall be of such width as the Governor in Council determines and shall otherwise give free and unobstructed passage to vessels of every description navigating the said river or stream; and the said draw shall at all times be kept closed except when actually required to be opened for the passage of vessels and shall be tended and moved at the expense of the company so as not to hinder unnecessarily the passage of any vessel; from sundown until sunrise, during the season of navigation, suitable lights shall be maintained on such bridge to guide vessels approaching the said draw."

Proviso; as to draw-bridges.

When to be opened.

Lights.

Branch railway may be constructed

3. The company shall have full power and authority to lay out, construct and complete a branch railway of a gauge of four feet eight and one-half inches in width from a point on their main line at or near Birtle, in the Province of Manitoba, to the northern or western boundary of the said Province, and shall have power to extend the said branch to Carrot River, in the North-West Territories.

No. 70.

4th Session, 5th Parliament, 49 Victoria,

BILL.

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

Received and read a first time, Tuesday March, 1886.

Second reading, Wednesday, 31st M 1886.

(PRIVATE BILL.)

Mr. Ross

OTTAWA:

PRINTED BY MACLEAN, ROGER & C

No. 70.] **BILL.** [1886.

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

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

Preamble.

WHEREAS at a special meeting of the shareholders of the Manitoba and North-Western Railway Company of Canada, held in the city of Montreal on the nineteenth day of March, one thousand eight hundred and eighty-six, the shareholders present or represented by proxy authorized the board of directors to make application to Parliament for authority for the cancellation of the second mortgage bonds issued by the company and for power to issue in lieu thereof preferred stock, with a dividend payable thereon at a rate not exceeding five per cent., non-cumulative, out of the income after the interest on the first mortgage bonds is paid; and whereas none of the said second bonds are outstanding; and whereas the said directors have, by their petition, prayed for the passing of an Act for that purpose and for certain amendments to section five of the Act forty-fifth Victoria, chapter eighty, 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:—

Second mortgage bonds cancelled.

Preference stock may be issued.

Proviso: as to amount.

First mortgage bonds or debenture stock.

1. All the second mortgage bonds issued under the Act forty-eighth and forty-ninth Victoria, chapter eighty-six, section two, which said section is hereby repealed, are hereby cancelled and extinguished; and the directors may issue, in lieu of the bonds issued or authorized to be issued under the said Act, preference stock not exceeding five thousand four hundred dollars per mile of railway, entitling the holders thereof, in priority to all other shareholders, to a non-cumulative dividend, payable thereon at a rate not exceeding five per cent. per annum as to the directors may seem meet, out of the net earnings of the company, after the interest on the first mortgage bonds is paid, but the holders of such preference stock shall not be entitled to the rights, privileges and qualifications for being elected directors and for voting at general meetings attached to ordinary shareholders: Provided, that the total amount of first mortgage bonds, debenture stock and preference shares issued by the company shall in no case exceed twenty thousand dollars per mile, to be issued in proportion to the length of the railway constructed or under contract to be constructed; and provided also, that first mortgage bonds or debenture stock in lieu thereof for such an amount as shall together with such pre-

ference stock make up or amount to twenty thousand dollars per mile as aforesaid, may from to time be made and issued by the company in priority to such preference stock, and shall be a prior lien and charge on the property of the company under the provisions of the statutes affecting the company; and the company is hereby authorized when and as any existing mortgage or any of the bonds secured thereby may be paid off or redeemed, to issue debenture stock in lieu thereof, to such an amount as may have been so paid off or redeemed from time to time, which debenture stock shall rank in priority before such preference stock, and next after the bonds secured by such mortgage and remaining outstanding and unpaid.

Issue of debenture stock.

2. The directors of the company may, with the consent of a majority of two-thirds in value of the shareholders represented at the annual general meeting or at a meeting specially called for the purpose, and voting in person or by proxy, make and issue debenture stock instead of bonds as authorized by their Act of incorporation: Provided always, that the amount of such debenture stock to be issued from time to time, together with the amount of bonds then outstanding, and unpaid and the preference stock, if any, which may then have been issued and be outstanding, shall not exceed twenty thousand dollars per mile of railway constructed or under contract to be constructed.

Proviso: amount limited.

May be perpetual or terminable, &c.

Denomination of issue and ranking.

3. The said debenture stock may be made either perpetual or terminable, and may be executed in such form and under such provisions as to issue, transfer and registration, and with such rights and privileges, as may be determined by the by-laws of the company; and such debenture stock may be issued in sterling money of Great Britain, and without being under the seal of the company, and shall constitute the first lien and charge upon the railway of the company, and upon any extension thereof, and upon the property, franchises, plant and rolling stock thereof, acquired or to be hereafter acquired by the company, and upon the tolls and revenues thereof, after deduction of the working expenses thereof, subsequent to and subject to the rights of any first mortgage bonds upon the whole or any division of the said railway which may then be outstanding and unpaid, and which may have been created a first charge on the railway by any mortgage executed under the provisions of the statutes affecting the company; and the company, may with the authority of the shareholders expressed as herein provided, execute a deed or instrument securing such debenture stock and declaring and defining the rights, privileges, ranking and remedies of the holders of such debenture stock, and may thereby fix the rate of interest on such debenture stock and the place and plan of payment of such interest; and among other things shall incorporate therein all by-laws which they shall have made and passed declaring and regulating the rights and privileges which shall be enjoyed by the holders of such debenture stock; and such deed shall be deposited in the office of the Secretary of State of Canada, and copies thereof certified by the said Secretary shall be received as

May be secured by deed.

Deed to be deposited.

evidence of the execution and contents thereof, with the same effect as the original thereof if produced and proved; and any by-laws so made and passed whether incorporated in any such deed or not, which are in force and applicable to such debenture stock at the time of the issue thereof, or any part thereof, shall remain in force and shall not be altered or amended so long as any of such debenture stock remains unredeemed, and shall be binding on the company.

By-laws not to be altered.

4. And whereas the company has in pursuance of its powers in that behalf heretofore made and issued certain first mortgage bonds secured by a mortgage bearing date the first day of December, one thousand eight hundred and eighty-three, on the whole of its line of railway, which mortgage was duly deposited in the office of the Secretary of State; and whereas all the bonds so issued have been surrendered to be cancelled and the holders thereof have agreed to accept in the place thereof bonds secured by a mortgage on the first division of the railway, being one hundred and eighty miles thereof, commencing at Portage la Prairie, which mortgage, bearing date the sixteenth day of April, one thousand eight hundred and eighty-six, has been duly executed and is deposited in the office of the Secretary of State, such last mentioned mortgage and the security thereby created for the bonds issued in accordance therewith are hereby ratified and confirmed, and such bonds to the amount of three thousand pounds sterling, per mile of railway, are hereby declared to be the first lien and charge on such first division of the railway comprising one hundred and eighty miles as aforesaid, as provided by the said mortgage deed.

Recital.

Mortgage and security therefor confirmed.

5. Section five of the Act forty-fifth Victoria, chapter eighty is hereby repealed and the following section is substituted in lieu thereof:

S. 5 of 45 V., c. 80 repealed; new section.

"5. The company shall not commence any such bridge or any work thereunto appertaining until the company have submitted to the Governor in Council plans of such bridge and of all the intended works thereunto appertaining, nor until the plans and 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 such bridge and works have been complied with; nor shall any such plan be altered, nor any deviation therefrom allowed except upon the permission of the Governor in Council and upon such conditions as he imposes: Provided always, that if any such bridge be placed over any such river or stream at a place where the same is navigable, and if the Governor in Council determines that such bridge shall be a draw-bridge, the same shall be constructed so as to have one draw in the main channel of such river or stream, which draw shall be of such width as the Governor in Council determines and shall otherwise give free and unobstructed passage to vessels of every description navigating the said river or stream; and the said draw shall at all times be kept closed except when actually required to be opened for the passage of vessels and shall be tended and moved at the expense of the company

Plans of bridge to be subject to approval of Governor in Council.

Proviso: as to draw-bridges.

When to be opened.

Lights.

so as not to hinder unnecessarily the passage of any vessel; from sundown until sunrise, during the season of navigation, suitable lights shall be maintained on such bridge to guide vessels approaching the said draw."

Branch railway may be constructed.

Powers in relation thereto

6. The company shall have full power and authority to lay out, construct and complete a branch railway of a gauge of four feet eight and one-half inches in width from a point on their main line at or near Birtle, in the Province of Manitoba, to the northern or western boundary of the said Province, and shall have power to extend the said branch to Carrot River, in the North-West Territories, and all the powers of the company to issue bonds and to secure the same by mortgage, and for all other purposes, shall apply to such branch or any other branch authorized to be built by the company as if it were a part of the main line.

No. 70.

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

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

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

(PRIVATE BILL.)

Mr. Ross.

OTTAWA:
PRINTED BY MACLEAN, ROGER & CO.
1886.

No. 71.] **BILL.** [1886.

An Act for the discharge of Insolvent Debtors, whose Estates have been distributed ratably among their Creditors.

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

1. This Act shall apply to all persons, whether traders or non-traders. Application of Act.

2. The word "insolvent" shall mean a debtor whose estate has been ratably distributed amongst his creditors, under the provisions of any Provincial Statute providing for such ratable distribution, or who has made a general assignment of all his estate for the benefit of his creditors. Interpretation of terms used in this Act.

(*a.*) The words "Official Gazette" shall mean the Gazette published under the authority of the Government of the Province where the proceedings under this Act are carried on, or used in the Province as the official means of communication between the Lieutenant-Governor and the people; and if no such Gazette is published, or if such Gazette is not, in the opinion of the court or judge, published with sufficient frequency to convey sufficient notice, then it shall mean any newspaper published in the county, district, or Province, which shall be designated by the court or judge for publishing the notices required by this Act; Official Gazette.

(*b.*) The word "court" shall mean the Superior Court in the Province of Quebec, the Court of Queen's Bench in the Province of Manitoba, and the county courts in the Provinces of Ontario, New Brunswick, British Columbia, Prince Edward Island and Nova Scotia. Court.

(*c.*) The word "judge" shall mean a judge of the said courts respectively, having jurisdiction in the county or district where proceedings are taken under this Act and shall also include a junior and deputy judge when such are appointed; Judge.

(*d.*) The word "clerk" shall mean the prothonotary or clerk, as the case may be, of the court having jurisdiction where proceedings under this Act are being carried on; Clerk.

(*e.*) The words "before a notary," shall mean executed in notarial form, according to the laws of the Province of Quebec; Notary.

Creditor.

(*f.*) The word "creditor;" shall mean every person, co-partnership or company to whom the insolvent is liable, whether primarily or secondarily, and whether as principal or surety; but when used with reference to the proportion in number of creditors who have executed a consent to the discharge of an insolvent, the word "creditor" shall mean a person, co-partnership or company, having claim to an unsecured amount of one hundred dollars or upwards, and with regard to the consent to the discharge of an insolvent, no creditor whose claim is not affected by such consent, or by the discharge thereby effected, shall be reckoned as one of the required number of creditors, nor shall his claim be reckoned as forming part of the proportion in amount of claims required to give effect to such discharge.

When used as consent as to discharge, &c.

Proceedings when consent to discharge is to be obtained.

3. An insolvent may obtain his discharge, within the meaning of this Act, by obtaining from his creditors a consent in writing to his discharge, signed by his creditors in duplicate, or before a notary public, in the proportions and upon the conditions following, that is to say:

If estate pays 66⅔ per cent.

(*a.*) If the estate of such creditor has paid, or if it is established to the satisfaction of the court that it is sufficient to pay dividends amounting to sixty-six and two-thirds per cent., or more; by the majority in number of his creditors who have claims against his estate for sums amounting to one hundred dollars and upwards, representing at least the majority in value of all the claims on his estate, whether proved or unproved;

If it pays 33⅓ per cent.

(*b.*) If the estate has paid, or is sufficient to pay dividends amounting only to thirty-three and one-third per cent. or more, and less than sixty-six and two-thirds per cent., such sufficiency to be established as hereinbefore provided; by two-thirds in number of his creditors who have claims against his estate for one hundred dollars and upwards, and three-quarters in value of all the claims on his estate whether proved or unproved;

If it pays less than 33⅓ per cent.

(*c.*) If the estate has paid, or is only sufficient to pay dividends less than thirty-three and one-third per cent., such sufficiency to be established as hereinbefore provided; by three-fourths in number of those of his creditors who have claims for one hundred dollars and upwards, and four-fifths in value of all the claims upon his estate, whether proved or not proved;

Duplicate for trustee.

And upon obtaining such consent the insolvent shall file a duplicate, or a notarial copy thereof with the clerk of the court in the county or district wherein such insolvent has his chief place of busines or is domiciled: Provided always, however, that no claim by the wife, husband or children, or by any relative or connection of the insolvent within the degree of cousin-german, or by any one holding from or under them, or any of them, as endorsee, assignee, or transferee, shall be computed either in the number or amount of the creditors of the insolvent, for the purpose of ascertaining the

Proviso, as to computation of claims by relatives or connections.

proportion of creditors who have executed such consent; such proportion to be computed exclusive of them, in every respect, as if they were not creditors of his estate. And if any creditor shall not sign such consent, upon being requested so to do, but shall afterwards sell his claim upon the estate, the subsequent signature of such creditor, or any purchaser of his claim, shall be null and void, and the signer thereof shall not be counted in ascertaining the proportion in number of his creditors who have signed such consent.

If any creditor refuses to sign and sells his claim.

4. The insolvent shall, within seven days from the date of filing such consent with the clerk, file with the clerk a correct statement under oath (Form A), of all his liabilities, direct or indirect, contingent or otherwise, indicating the nature and amount thereof, together with the names, additions and residences of his creditors and the securities held by them, in so far as may be known to him. The insolvent shall also file with the clerk within the same delay a statement under oath of all his property and assets, and such statement shall in all cases include a full, clear and specific account of the causes to which he attributes his insolvency, and the deficiency of his assets to meet his liabilities. The insolvent may at any time correct or supplement the statements so made by him of his liabilities and of his property and assets. The insolvent shall deposit with the clerk at the time of filing such consent the sum of dollars to meet court fees and cost of advertising, printing and postage.

Insolvent to furnish guardian with a statement of his liabilities, assets, &c.

Statement of property, &c.

Deposit.

5. Upon the filing of such consent and statements, the clerk shall obtain from the judge an appointment for the public examination of the insolvent, for a day not later than two months thereafter, and shall give notice thereof (Form B) by publishing the same for three weeks in the *Official Gazette* of the Province where the examination is to take place, and in some newspaper published in the place where it is to take place, and the clerk shall forward by mail, prepaid and registered, at least seven days before the day fixed for the examination of the insolvent, a notice of such examination and a list of the insolvent's creditors and the amount of their respective claims, to every creditor mentioned in the statement of liabilities furnished by the insolvent, or who may be known to him to be a creditor. If the insolvent is a member of a partnership or company which has become insolvent, the members of such partnership shall make out and file with the clerk in the form and within the time aforesaid, statements under oaths of their partnership liabilities, property and assets, and each of the partners a similar statement of his separate affairs.

Appointment by judge for public examination of insolvent.

Notice to each creditor by mail.

As to partnerships.

6. The insolvent shall attend at the time and place appointed, and shall produce all his books of account, and shall be examined under oath administered by the judge or clerk, by or on behalf of any creditor touching his affairs; and more especially as to the causes of his insolvency and the deficiency of his assets to meet his liabilities; and such examination shall be then and there reduced to writing;

Insolvent to attend and be examined, and as to cause of failure especially.

Attestation, &c., of examination.

and the insolvent shall sign such examination or declare the reasons why he refuses to sign, and the examination shall be attested by the judge.

Insolvent subject to further examination.

7. The insolvent shall, at all times, until he shall have obtained a confirmation of his discharge, be subject to the order of the court or judge, and to such other examination as the judge may order, and he shall execute all proper writings and instruments, and perform all acts required by the court or judge touching his estate; and in case the insolvent refuses to be sworn, or to answer such questions as may be put to him, or to sign his answers upon such or any other examination required by this Act, or to execute such writings or instruments, or refuse to perform any of the acts lawfully required by him, such insolvent may be committed and punished by the court or judge as for a contempt of court.

Refusal to answer, &c., to be contempt of Court.

Examination of wife or husband of insolvent, or other person.

8. The court or judge may also, on the application of any creditor, order any other person, including the husband or wife of the insolvent, and any creditor who has a claim upon the estate, to appear before the court or judge, to answer upon oath any question which may be put to him or her, touching the affairs of the insolvent and his conduct in the management of his estate; or touching the claim of such creditor, and in case of refusal to appear or to be sworn, or to answer the questions submitted, such person may be committed and punished by the court or judge as for a contempt of court. No person examined under this Act shall be excused from answering any such question on the ground of any privilege, or that the answer would tend to criminate him, but no such answer shall be used against him as evidence in any criminal proceeding against him, except only for perjury committed by such answer.

Answers not to be used in criminal proceedings.

Application for confirmation of the discharge of the insolvent.

9. An insolvent who has procured and filed a consent to his discharge, and has been examined under the provisions of this Act, may file in the office of the court his own affidavit (Form C), establishing that no one of the creditors who has signed such consent has been induced to do so by any preferential payment, benefit, or advantage, or any promise of payment, benefit or advantage whatsoever, made, secured, or promised to him by or on behalf of the insolvent, and may then give notice (Form D) of the same being so filed, and of his intention to apply by petition to the court or judge, on a day and at an hour named in such notice, for a confirmation of the discharge effected thereby; and such notice shall be given by one advertisement in the Official *Gazette*, and also by registered letter or card post-paid, addressed to the last known address of each of the creditors, by mail, at least one month before presenting the petition to the court or judge; and upon such application, any creditor may appear and oppose such confirmation.

Notice.

Opposition allowed.

Confirmation of discharge.

10. If it appears that all the notices, formalities and conditions required by this Act and by law have been given and

observed, and if no objections are made to the confirmation of such discharge, the court or judge may, without further notice, and on the petition of the insolvent, confirm such discharge; but before doing so, and whether the petition of the insolvent be contested or not, the court or judge may call the insolvent, or any creditor of the estate; and in the presence of the insolvent, or after due notice to him, may enquire in a summary and informal manner into the condition of the estate, the conduct of the insolvent in his business, both before and after insolvency; and into any other matter or thing connected with the estate of the insolvent that may be deemed expedient; and thereupon the court or judge may confirm or refuse to confirm the discharge, or suspend its operation for such period not exceeding three years, as may be deemed just.

Judge may suspend operation of discharge after enquiry, &c.

11. Any creditor, may appear at the time fixed for the presentation of the petition for confirmation of such discharge, or at any time thereafter that may be permitted by the judge, and may contest the same; and the insolvent shall not be entitled to a confirmation of his discharge, if it appears to the court or judge that he has not satisfactorily accounted for the cause of his insolvency; or that he has not obtained the assent of the proportion of his creditors in number and value required by this Act to grant such discharge; or that he has obtained the assent of any creditor by any payment or promise of payment, or by giving or conceding, or promising to give or concede, any benefit or advantage, as an inducement to grant such assent; or that he has been guilty of any fraud or fraudulent preference; or of fraudulent retention and concealment of any portion of his estate or effects; or of evasion, prevarication or false swearing upon examination as to his estate and effects; or that, if a trader, he has not kept an account book showing his receipts and disbursements of cash, and such other books of account as are suitable for his trade; or that he is wilfully in default to obey any provisions of this Act or any order of the court or judge.

Contestation of petition for confirmation of discharge.

When insolvent shall not be entitled to discharge.

12. The court or judge, upon hearing the application for confirmation of such discharge, the objections thereto, and any evidence adduced, shall have power to make an order either confirming or annulling the same. But if such evidence should be insufficient to sustain any of the grounds hereinbefore detailed as forming valid grounds for refusing such confirmation, but should nevertheless establish that the insolvent has been guilty of misconduct in the management of his business; by extravagance in his expenses; recklessness in endorsing or becoming surety for others; continuing his trade unduly after he had reason to believe himself to be insolvent; incurring debts without a reasonable expectation of paying them (of which reasonable expectation the proof shall lie on him, if such debt was contracted within thirty days of the demand of assignment or of the issue of a writ of attachment); or negligence in keeping his books and accounts; the court or judge may thereupon order the suspension of the

Powers of court or judge.

operation of the discharge of the insolvent for a period not exceeding five years.

Discharge may be annulled.

13 If the insolvent does not apply to the court or judge for a confirmation of his discharge within two months from the time at which a consent to the same has been executed under this Act, any creditor for a sum exceeding two hundred dollars may cause to be served upon the insolvent a notice in writing requiring him to file in the court such consent; and may thereupon give notice (Form E), as hereinbefore provided with regard to applications for confirmation of discharge, of his intention to apply to the court or judge, on a day named in such notice, for the annulling of the discharge; and on the day so named may present to the court or judge a petition in accordance with such notice, setting forth the reasons in support of such application, which may be any of the reasons upon which a confirmation of a discharge may be opposed; and upon such application, if the insolvent does not, on or before the day fixed for the presentation thereof, file in the office of the court the consent under which the discharge purports to have been effected, and the affidavit required in such cases by this Act, and agree to submit himself for examination as hereinbefore provided, the discharge shall be annulled with costs without further enquiry, except as to the service upon him of the notice to file the same; but if such consent and affidavit be so filed, and if leave be granted to him to be examined, and he is examined at a subsequent time, the court or judge, as the case may be, shall proceed thereon as upon an application for the confirmation of such discharge.

Proceedings to be taken.

Effect of discharge, what claims affected.

14. The discharge of a debtor in the manner herein provided shall absolutely free and discharge him from all liabilities whatsoever (except such as are hereinafter specially excepted) existing against him, whether the same be secured in part or in whole by any mortgage, hypothec, lien or collateral security of any kind or not; which are mentioned or set forth in the statement of his affairs filed in the court, or which are shown by any supplementary list of creditors furnished by the insolvent, previous to such discharge and in time to admit of the creditors therein mentioned obtaining the same dividends as other creditors upon his estate, whether such debts be exigible or not at the time of his insolvency, or be contested in whole or in part, or be dependent on certain conditions or future contingency, and whether the liability for them be direct or indirect; and if the holder of any negotiable paper is unknown to the insolvent, the insertion of the particulars of such paper in such statement of affairs or supplementary list, with the declaration that the holder thereof is unknown to him, shall bring the debt represented by such paper, and the holder thereof, within the operation of this section. But until the consent has been confirmed in accordance with the provisions of this Act, the burden of proof shall rest upon the insolvent that he has obtained the assent of the proportion of his creditors required to render his discharge binding upon the minority, and that he has in all respects conformed himself to the provisions of this Act.

Holders of negotiable paper unknown to insolvent.

Burden of proof rests upon insolvent.

15. A discharge under this Act, whether consented to by any creditor or not, shall not operate any change in the liability of any person secondarily liable to such creditor for the debts of the insolvent, either as drawer or endorser of negotiable paper, or as guarantor, surety or otherwise, nor of any partner or other person liable jointly or severally with the insolvent to such creditor for any debt; nor shall it affect any mortgage, hypothec, lien or collateral security held by any creditor as security for any debt thereby discharged, without the express consent of such creditor.

Discharge not to affect persons secondarily liable, etc.

16. A discharge under this Act shall not apply, without the express consent of the creditor, to any debt in respect of which credit was obtained from the creditor upon any wilfully false statement or representation made by the insolvent respecting the condition of his affairs in any particular; nor to any debt for enforcing the payment of which the imprisonment of the debtor is permitted by this Act; nor to any debt due as damages for assault or wilful injury to the person, seduction, libel, slander or malicious arrest; nor for the maintenance of a parent, wife or child; nor to a penalty for any offence of which the insolvent has been convicted; nor shall any such discharge apply without such consent to any debt due as a balance of account due by the insolvent as assignee, tutor, curator, trustee, executor or administrator under a will, or under any order of court, or as a public officer; nor to any debt due by the insolvent to a farmer for the produce of his farm. And debts to which a discharge under this Act does not apply, privileged debts, and debts secured, to the extent of such security, shall not, nor shall the creditors thereof, be computed in ascertaining whether a sufficient proportion of the creditors of the insolvent have done, or consented to any act, matter, or thing under this Act. But the creditor of any such debt may claim and accept a dividend thereon from the estate without being by reason thereof in any respect affected by any discharge obtained by the insolvent.

Discharge under this Act not to apply to certain debts or liabilities without express consent of creditors.

Certain debts not computed in cases specified.

But creditor may claim and accept a dividend.

17. Every consent to a discharge or confirmation of discharge which shall be obtained by fraud, or in consideration of any fraudulent preference, and every such consent procured by the payment or promise of payment to any creditor of any valuable consideration, for such consent, or by the gift or concession, or the promise of the gift or concession of any benefit or advantage to such creditor, as an inducement to grant such consent, or by any fraudulent contrivance or practice whatever, shall be null and void.

Discharge, &c., obtained by fraud to be void.

18. Any affidavit required in proceedings in insolvency may be made by the party interested, his agent or other party having a personal knowledge of the matters therein stated, and may be sworn in Canada before any judge, commissioner for taking affidavits, or justice of the peace, and out of Canada before any judge of a court of record, any commissioner for taking affidavits appointed by any Canadian court, any notary public, the chief municipal officer for any town or city, or any British consul or vice-consul, or

Affidavits in insolvency, before whom sworn.

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 the Dominion.

Commissions for examination of witnesses.

19. 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 of *subpœna duces tecum* to issue, commanding the attendance as a witness, or for examination under the provisions of this Act, of any person within the limits of Canada. And all rules, writs of subpœna, orders and warrants, issued by any court or judge in any matter or proceeding under this Act, may be validly served in any part of Canada upon the party affected or to be affected thereby; and the service of them, or any of them, may be validly made in such manner as is now prescribed for similar services in the Province within which the service is made; 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.

Subpœnas to witness.

Service of process, &c.

Disobedience to writs and orders, how punishable.

20. In case any person so served with a writ of subpœna or with an order to appear for examination does not appear according to the exigency of such writ or process, 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 or process issued, constrain such person to appear and testify, and punish him for non-appearance or for not testifying, in the same manner and under the same conditions and limitations as if such person had been summoned as a witness before such court or judge in an ordinary suit; and if the person so served and making default has his domicile beyond the limits of the Province within which such writ or process issued, such court or judge may transmit a certificate of such default and of the facts and circumstances under which such default occurred to any of Her Majesty's superior courts of law or equity in the 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; and such certificate, attested by the court, judge or trustee before whom default was made, and copies of such writ or process and of the return of service thereof, certified by the clerk of the court in which the order for transmission is made, shall be *primâ facie* proof of such writ or process, service, return, default, and of the facts and circumstances under which such default occurred.

If the offender is out of the Province.

Proof of default, &c.

21. The forms appended to this Act, or other forms in equivalent terms, shall be used in the proceedings for which such forms are provided; and in every application for confirming or annulling a discharge, the facts upon which the contesting party relies shall be set forth in detail, with particulars of time, place and circumstance; and no evidence shall be received upon any fact not set forth; but in every petition, application, motion, contestation or other pleading under this Act, the parties may state the facts upon which they rely, in plain and concise language, to the interpretation of which the rules of construction applicable to such language in the ordinary transactions of life shall apply.

Forms under this Act.

Ordinary language may be used in petition, &c.

APPEAL.

22. In the Province of Quebec all decisions by a judge in matters under this Act shall be considered as judgments of the Superior Court, and any final order or judgment rendered by such judge or court, 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 inscribe for revision or appeal from a final judgment of the Superior Court in ordinary cases, under the law in force when such decision shall be rendered: In the other Provinces, if any of the parties to any contestation, matter or thing upon which such judge has made any final order or judgment, are dissatisfied with such order or judgment, they may, in the Province of Ontario, appeal therefrom to the Court of Appeal for Ontario or any two Justices thereof; in the Province of New Brunswick to the Supreme Court of New Brunswick; in the Province of Nova Scotia to the Supreme Court of Nova Scotia; in the Province of British Columbia to the Supreme Court of that Province; in the Province of Prince Edward Island to the Supreme Judicature; in the Province of Manitoba to the Court of Queen's Bench; and the judgment upon such appeal shall be final.

Appealable judgments in Province of Quebec.

Appeal in other provinces.

23. No such appeal shall be entertained unless the appellant shall have, within eight days from the rendering of such final order or judgment, commenced proceedings on the said appeal, and shall within the said delay have given security in appeal as required by law and by the practice of the court appealed to in ordinary appeals; and thereafter such appeal shall be dealt with and disposed of according to such law and practice.

Appeal to be prosecuted within eight days, and sureties given for prosecution.

24. This Act shall not repeal nor be held to supersede the Act passed in the forty-fourth year of Her Majesty's reign, chapter twenty-seven, as to the cases to which the said Act applies; and in regard to cases under the said Act, whether adjudicated upon or not, the application for discharge may be renewed or continued, and no want of compliance with any matter of procedure or neglect to do or omit any act shall operate to prevent the obtaining of a discharge, unless such act was done or omitted, in the opinion of the judge before whom the said application is brought, for a fraudulent purpose or with a fraudulent intent.

Pending cases under 44 V., c. 27, saved.

Want of form not to prevent discharge, if no fraud is proved.

Short title.

25. This Act shall be known and may be cited as "*The Insolvent Debtors Relief Act*, 1886."

FORM A.

THE INSOLVENT DEBTORS' RELIEF ACT, 1886.

In the matter of A. B., an insolvent.

Schedule of Creditors.

1. Direct Liabilities.				Total.
Name.	Residence.	Nature of Debt.	Amount.	
2. Indirect Liabilities, maturing before the day fixed for the first meeting of creditors.				
Name.	Residence.	Nature of Debt.	Amount.	
3. Indirect Liabilities, maturing after the day fixed for the first meeting of creditors.				
Name.	Residence.	Nature of Debt.	Amount.	

4. Negotiable paper, the holders of which are unknown.				
Date.	Name of Maker.	Names liable to Insolvent.	When due.	Amount.

FORM B.

THE INSOLVENT DEBTORS' RELIEF ACT, 1886.

CANADA,
Province of
District (*or* County) of } In the (*name of court*)
In the matter of (A. B *or* A. B. & Co.) an insolvent.

The above named insolvent has filed in the office of this court, a consent by his creditors to his discharge and statements of his assets and liabilities, and the judge has appointed the day of at the hour of in his chambers at for the public examination of the insolvent.

(*Place,* *date*).

(*Signature of clerk.*)

FORM C.

THE INSOLVENT DEBTORS' RELIEF ACT, 1886.

In the matter of A. B.,
an insolvent.

I, A. B., of an insolvent, now making application to the for a confirmation of my discharge being duly sworn, depose and say:

That no one of my creditors who has signed the said discharge has been induced so to do by any payment, promise of payment, or advantage whatsoever, made, secured, or promised to him by me, or with my knowledge, by any person on my behalf.

Sworn before me at
this day of }

FORM D.

THE INSOLVENT DEBTORS' RELIEF ACT, 1886.

CANADA,
Province of
District (*or* County) of } In the (*name of court*)
In the matter of (A. B. *or* A. B. & Co.,) an insolvent.

The undersigned has filed in the office of this court, a consent by his creditors to his discharge statement of his assets and liabilities, and has submitted to a public examination, and on the day of next, he will apply to the said court (*or* to the judge of the said court, *as the case may be*) for a confirmation of the discharge thereby effected.

(*Place,*) (*date*).

(*Signature of insolvent, or of his attorney ad litem.*)

FORM E.

THE INSOLVENT DEBTORS' RELIEF ACT, 1886.

In the (*name of court.*)

In the matter of A. B.,
an insolvent.

Notice is hereby given that the undersigned creditor of the insolvent has required him to file in the office of this court the consent of his creditors, under which he claims to be discharged; and that on the day of , at ten of the clock in the forenoon, or as soon thereafter as counsel can be heard, the undersigned will apply to the said court (*or* to a judge of the said court) for the annulling of such discharge.

(*Place.*) (*Date.*)

(*Signature of creditor, or of his attorney ad litem.*)

No. 71.

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

An Act for the discharge of Insolvent Debtors whose estates have been distributed ratably among their Creditors.

Received and read first time, Tuesday, 30th March, 1886.
Second reading, Wednesday, 31st March, 1886.

Mr. EDGAR.

OTTAWA:
PRINTED BY MACLEAN, ROGER & CO.
1886.

No. 72.] **BILL.** [1886.

An Act respecting the Union Suspension Bridge.

Preamble.

WHEREAS the Union Suspension Bridge, erected over the River Ottawa, between the cities of Ottawa and Hull, is a public work of Canada vested in Her Majesty and under the control and management of the Minister of Public Works; and whereas public convenience would be greatly promoted by the abolition of the collection of tolls for the use of the said bridge and by allowing free passage over the same; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

No tolls to be hereafter taken for passing the Union Suspension Bridge

1. Notwithstanding anything in the "*Act respecting the Public Works of Canada*," or in any other Act contained, no tolls shall be hereafter levied or collected for passage over the bridge mentioned in the preamble to this Act.

No. 72.

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

An Act respecting the Union Suspension Bridge.

Received and read the first time, Tuesday, 30th March, 1886.
Second reading, Wednesday, 31st March, 1886.

Sir HECTOR L. LANGEVIN.

OTTAWA:
PRINTED BY MACLEAN, ROGER & Co.
1886.

No. 73.] **BILL.** [1886.

An Act to incorporate the North Canadian Pacific Railway Company.

Preamble.

WHEREAS a petition has been presented praying for the incorporation of a company for the construction and operation of a railway from a point at or near the city of Winnipeg, in the Province of Manitoba, thence *via* Shoal Lake to the Narrows of Lake Manitoba, thence on a course about north-westerly to a point near Fort à La Corne and the forks of the Saskatchewan River, thence on a course generally north-westerly to a point at or near Dunvegan in the North-West Territories, thence along or near the valley of the Peace River to a point at or near the falls of the Finlay River, thence westerly by the most available route to the Pacific ocean at a point in the vicinity of Port Simpson, in British Columbia; 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:—

Certain persons incorporated.

1. Angus P. Macdonald, Henry Stark Howland, Alexander Manning, John Bain, Randolph MacDonald, Samuel Willard Foster and Alexander F. Manning, together with such persons and corporations as shall, under the provisions of this Act, become shareholders in the company to be hereby incorporated, are hereby constituted and declared to be a body corporate under the name of the "North Canadian Pacific Railway Company," hereinafter designated as the company.

Corporate name.

Railway may be built.

2. The company, their servants and agents shall have full power and authority to lay out, construct and operate a railway with iron or steel rails, from a point at or near the city of Winnipeg, in the Province of Manitoba, thence *via* Shoal Lake to the Narrows of Lake Manitoba, thence on a course about north-west to a point near Fort à La Corne and the forks of the Saskatchewan River, thence on a course generally north-westerly to a point at or near Dunvegan, in the North-West Territories, thence along the valley of the Peace River to a point at or near the falls of the Finlay River, thence westerly by the most available route to the Pacific ocean at a point in the vicinity of Fort Simpson, in British Columbia; with power to the said company to vary its line a distance of twenty-five miles to the north or south of the course hereby authorized, and with power to the said company to utilize the navigable waters along or near the proposed route of the said railway for the purposes of transport, and to construct, purchase, lease, charter or own steam or

Powers as to navigation.

other vessels for the purposes of transport of their traffic on the said navigable waters.

Bridges and telegraph lines.

3. The company shall have full power and authority to construct, maintain, use and operate all necessary bridges, over any navigable or other streams or waters that may be necessary upon their line of road, or for the purposes of the said railway or works, and shall also have the power to construct and operate electric telegraph and telephone lines along the railway and between and along any points connecting therewith, and the water communications and navigable streams aforesaid.

Plans of bridges to be submitted to Governor in Council.

4. The company shall not commence any such bridge or any work thereunto appertaining, until the company have submitted to the Governor in Council, plans of such bridge and of all the works thereunto appertaining, nor until the plans and 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 works, have been complied with; nor shall any such plan be altered nor any deviation therefrom allowed, except upon the permission of the Governor in Council, and upon such conditions as he imposes: Provided always, that if any such bridge be placed over any such river or stream at a place where the same is navigable, and if the Governor in Council determines that such bridge shall be a draw bridge, the same shall be constructed so as to have one draw in the main channel of such river or stream, which draw shall be of such width as the Governor in Council determines, and shall otherwise give free and unobstructed passage to vessels of every description navigating the said river or stream; and the said draw shall at all times, during the season of navigation, be kept open, except when required to be closed for the passage of railway trains, and shall be otherwise tended and moved at the expense of the company, so as not to hinder unnecessarily the passage of any vessel; from sundown to sunrise, during the season of navigation, suitable lights shall be maintained upon such bridge to guide vessels approaching the said draw.

Proviso: as to draw bridges.

Lights.

Provisional directors and their powers.

5. The persons named in the first section of this Act shall be and are hereby constituted provisional directors of the company (of whom five shall be a quorum), and shall hold office as such until the first election of directors under this Act; and shall have power forthwith to open stock books, procure subscriptions of stock for the undertaking, make calls on stock subscribed, receive payments thereon, make or cause to be made plans and surveys of the work herein contemplated, and to deposit in any chartered bank of Canada all moneys received by them on account of stock subscribed or otherwise received on account of the company, and to withdraw the same for the purpose of paying preliminary expenses and generally for the purposes of the undertaking

6. The capital stock of the company shall be five million dollars (with power to increase the same in manner provided by "*The Consolidated Railway Act*, 1879,") divided into shares of one hundred dollars each. Capital stock and shares.

7. No subscription of stock in the capital of the company shall be legal or valid unless ten per centum shall have been actually and *bonâ fide* paid thereon, within thirty days after subscription, into one or more of the chartered banks of Canada, to be designated by the directors, provisional or ordinary, as the case may be; and such ten per centum shall not be withdrawn from such bank or otherwise applied except for the payment of preliminary expenses and for the purposes of such railway or other works hereby authorized; and the said directors or a majority of them, may, in their discretion, apportion the stock so subscribed among the subscribers as they deem most advantageous for the undertaking: Provided always, that the said directors, provisional or elected, may, by by-law or resolution passed by them, close the stock books after shares to the amount of five hundred thousand dollars have been subscribed, and may, from time to time, re-open the said stock books and receive subscriptions for additional shares of stock up to the limit authorized by this Act, when and as the same are required for the purposes of the company; and it shall be lawful for the elected directors, when authorized by the shareholders at any general or special meeting called for that purpose, to accept payment in full for stock from any subscriber thereof at the time of subscription thereof, or at any time before the making of a final call thereon, and to allow such percentage or discount as they deem expedient and reasonable, and thereupon to issue to such subscriber scrip to the full amount of such stock subscribed. Ten per cent payable on subscription. Books may be closed and re-opened. Payment of stock in full.

8. The company may receive, either from the Government of Canada or the Government of any Province of Canada, now existing or hereafter to be created, or from any bodies corporate, municipal or politic, now existing or hereafter to be created or from any person, and it shall be lawful for the said governments or bodies corporate to grant in aid of the construction, equipment and maintenance of the said railway and other works, grants of land or money, bonuses, loans or gifts of money or securities for money, and the company may legally dispose of the same; and the company may purchase from time to time from the Government of Canada, and the said government may deed to the company any ungranted lands in Manitoba or any part of the North-West Territories, and the company may sell, convey and mortgage the same for the purpose of raising money for the prosecution of the said undertaking or the maintenance thereof or otherwise. Grants in aid may be received. Government land may be purchased.

9. When and so soon as shares to the amount of five hundred thousand dollars in the capital stock of the company have been subscribed and ten per centum paid thereon *bonâ fide*, the provisional directors shall call a general meeting of the subscribers to the said capital stock at the city of Toronto First meeting of shareholders.

or city of Winnipeg, whichever a majority of the said directors think best, for the purpose of electing directors of the company, giving at least four weeks' previous notice by advertisement in some newspaper published in the city of Winnipeg, and in some newspaper published in the city of Toronto, and also by circular addressed by mail to each subscriber, of the time, place and purpose of the said meeting.

Notice.

Qualification of director.

10. No person shall be elected a director of the company unless he is the holder and owner of at least twenty shares in the stock of the company, and has paid up all calls thereon then overdue.

Election of directors.

11. At such general meeting the subscribers for the capital stock assembled who have so paid up ten per centum thereof, and are present in person or represented by proxy, shall elect by ballot seven shareholders to be directors of the company.

Head office.

12. The head office of the company shall be at the city of Winnipeg, or at such other place in Canada as is fixed by a by-law of the company, passed at any annual or special general meeting of the shareholders called for that purpose; and all annual meetings of the shareholders after the first meeting hereinbefore mentioned shall be held at the head office on the first Wednesday in July in each and every year, or at such other time and place as are fixed by by-law of the company at its first meeting above mentioned, or at any annual or special general meeting called for that purpose; and four weeks' previous notice of every such meeting shall be given by advertisement in the *Canada Gazette* and by circular pre-paid, posted to each shareholder, unless such requirement as to notice is changed by by-law.

Annual general meeting.

Notice.

Calls on stock.

13. No call upon the capital stock shall exceed ten per centum on the subscribed stock, and at least thirty days' notice shall be given of each such call; such notice shall be given in the manner provided by "*The Consolidated Railway Act*, 1879," and not less than thirty days shall intervene between the times for payment of any two calls.

Bonds may be issued.

14. The directors of the company, after the sanction of the shareholders has been obtained at an annual or a special general meeting called for that purpose, are hereby authorized to issue bonds under the seal of the company, signed by its president or other presiding officer, and countersigned by its secretary; and such bonds shall be made payable at such times and in such manner and at such place or places in Canada or elsewhere, and bearing such rate of interest as the directors think proper; and the directors shall have power to issue and sell or pledge all or any of the said bonds at the best price and upon the best terms and conditions which at the time they may be able to obtain, for the purpose of raising money for prosecuting the said undertaking; and the said bonds hereby authorized to be issued shall, without registration or formal conveyance, be the first preferential claim and charge upon the company, and the undertaking,

To be a first charge on the undertaking

tolls and income and real and personal property thereof, now or at any time hereafter acquired, save and except as is hereinafter provided for; and each holder of the said bonds shall be deemed to be a mortgagee or incumbrancer upon the said securities *pro rata* with the other bondholders, and shall have priority as such: Provided, that the amount of such bonds so issued, sold or pledged shall not exceed thirty-five thousand dollars per mile of the said railway, to be issued in proportion to the length of railway constructed or under contract to be constructed; Provided also, that no such bonds shall be issued until at least five hundred thousand dollars of the capital stock have been subscribed and ten per centum of the same *bonâ fide* paid thereon; and the company may secure the bonds to be issued by them, by a mortgage deed or deeds creating such charge and incumbrances upon the whole or any part of such property, assets, rents and revenues of the company, present or future or both, as shall be described in the said deeds respectively; but such rents and revenues shall be subject in the first instance to the payment of the working expenses of the railway; and by the said deed the company may grant to the holders of such bonds or to the trustee or trustees named in such deed all and every the powers and remedies granted by this Act in respect of the said bonds, and all other powers and remedies not inconsistent with this Act, or may restrict the bondholders in the exercise of any power, privilege or remedy granted by this Act, as the case may be.

Amount limited.

When bonds may be issued

May be secured by mortgage deed.

15. The directors of the company may, with the sanction of the shareholders to be obtained as aforesaid, issue preference stock or shares of the company, to be redeemed or made liable to be called in at such time and in such manner as the directors, by the by-law for issuing the same, fix and determine, upon which preference stock a dividend may be made payable at such rate not exceeding eight per centum per annum as to the directors seems fit; and such dividend may be made payable in scrip which shall have the same security and shall be redeemable in like manner as the said preference stock; and such preference stock may be exchanged by the holder thereof for ordinary stock on such terms and conditions as the directors from time to time, by by-law, fix and appoint: Provided always, that the total amount of bonds and preference stock to be issued by the company shall not exceed forty thousand dollars per mile for every mile of the said railway constructed, or under construction, or under contract for its construction.

Preference stock may be issued.

May be exchanged for ordinary stock.

Amount limited.

16. If the company make default in paying the principal of or interest on any of the bonds, preference stock or scrip for dividends hereby authorized at the time when the same, by the terms of the bonds or by the conditions upon which the preference stock or scrip for dividends was issued, become due and payable, then at the next ensuing annual general meeting of the company and at all subsequent meetings, all holders of bonds, preference stock or scrip for dividends so being and remaining in default shall, in respect thereof, have and possess the same rights, privileges and

Provision in case of default of payment.

qualifications for being elected directors and for voting at general meetings as would be attached to them as shareholders if they held fully paid up shares to a corresponding amount: Provided nevertheless, that the rights given by this section shall not be exercised by any bondholder, preference stockholder or holder of scrip for dividends, unless the bonds, preference stock or scrip for dividends in respect of which he claims to exercise such right have been first registered in his name in the same manner as is provided by law for the registration of the shares of the company; and for that purpose the company shall be bound on demand to register any of the said bonds, preference stock or scrip for dividends in the name of the holder thereof, and to register any transfers thereof in the same manner as a transfer of shares: Provided also, that the exercise of the rights given by this section shall not take away, limit or restrain any other of the rights or remedies to which the holders of the said bonds, preference stock or scrip for dividends are entitled

Proviso: as to registration.

Certain rights not affected.

Transfer of bonds and other securities.

17. All bonds, preference stock, debentures and other securities hereby authorized and the coupons and interest warrants thereon respectively may be made payable to bearer, and shall, in that case, be transferable by delivery until registration thereof in manner provided in the next preceding section; and while so registered they shall be transferable by written transfer registered in the same manner as in the case of shares; but they shall again become transferable by delivery upon the registration of a transfer to bearer, which the company shall be bound to register on the demand of the registered holder for the time being.

Company may become party to promissory notes

18. The company shall have power and authority to become party to promissory notes and bills of exchange for sums not less than one hundred dollars; and every such note or bill made, drawn, accepted or endorsed by the president or vice-president of the company as president or vice-president thereof and countersigned by the secretary, shall be binding on the company; and every such promissory note and bill of exchange made, drawn, accepted or endorsed by the president or vice-president and contersigned by the secretary, shall be presumed to have been made, drawn, accepted or endorsed with proper authority; and in no case shall it be necessary to have the seal of the company affixed to such promissory note or bill of exchange, nor shall the president or vice-president or secretary be individually responsible for the same, unless the said promissory note or bill of exchange has been issued without proper authority: Provided however, that nothing in this section shall be construed to authorize the company to issue any note or bill payable to bearer, or intended to be circulated as money, or as the note or bill of a bank.

Proviso: as to notes payable to bearer.

Powers as to vessels.

19. The company may also build, purchase, acquire, lease, charter or possess, work and operate sea-going vessels and steamers and also steam and other vessels on the Peace and Skeena rivers and their tributaries, and other navigable

waters connected with the line of the said works hereby authorized, and may sell and deal with the same as they deem necessary.

Certain services may be paid for in stock.

20. The directors elected by the shareholders may make or issue stock of the company as paid up stock, and may pay or agree to pay, in such paid up stock or in the bonds or preference shares of the company, such sums as they deem expedient for preliminary or other expenses or to engineers or contractors, or for right of way or material, plant or rolling stock; and also, when sanctioned by a vote of the shareholders at any special meeting called for that purpose, or at any annual general meeting, for the services of such persons as are employed by the directors in the furtherance of the undertaking or purchase of the right of way, material, plant or rolling stock.

Form of conveyance.

21. Deeds and conveyances of lands to the company (not being letters patent from the Crown) may, in so far as circumstances will admit, be in the form set forth in the schedule to this Act or in any other form to the like effect.

Time for construction.

22. The works hereby authorized to be constructed, shall be commenced within five years, and the said company may prosecute the said work from time to time, as they may deem necessary, or the circumstances of the company may require, so long as not less than twenty-five miles of the said railway are constructed in each year after the said works have been commenced.

SCHEDULE.

Know all men by these presents that I, A. B., in consideration of , paid to me by the North Canadian Pacific Railway Company, the receipt whereof is hereby acknowledged, grant, bargain, sell and convey unto the said North Canadian Pacific Railway Company, their successors and assigns, all that tract or parcel of land (*describe the land*), to have and to hold the said land and premises unto the said company, their successors and assigns forever.

Witness my hand and seal this day of A.D. 188 .

Signed, sealed and delivered in presence of C. D. E. F. } A. B. (L.S.)

No. 73.

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

An Act to incorporate the North Canadian Pacific Railway Company.

Received and read a first time, Wednesday, 31st March, 1886.

Second reading, Friday, 2nd April , 1886.

(PRIVATE BILL.)

Mr. HAGGART.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.

1886.

No. 74.] **BILL.** [1886.

An Act to incorporate the Ste. Ursule, Mattawin and Lake Temiscamingue Railway Company,

Preamble.

WHEREAS the construction of a railway from some point on the Canadian Pacific Railway, at or near Louiseville or Maskinongé, in the Province of Quebec, to or near the River Mattawin, thence to or near or beyond Lake Temiscamingue, and to a point on the Canadian Pacific Railway at or near Mattawa, Callendar or Sudbury Junction, would be for the general advantage of Canada; and whereas a petition has been presented for the incorporation of a company for the constructing, owning and operating of the said railway, and for constructing, owning and operating lines of telegraph or telephone along the line of the said 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:—

Certain persons incorporated.

Corporate name.

1. The Reverend E. Beliveau, James J. White, E. H. Talbott, John H. Verrall and Laurent Grenier, together with all such persons and corporations as shall become shareholders in the company to be hereby incorporated, shall be and are hereby constituted a body corporate and politic, by and under the name of "Ste. Ursule, Mattawin and Lake Temiscamingue Railway Company," hereinafter called the company.

Line of railway may be constructed.

Bridges and branch lines.

2. The company shall have power and authority to lay out and construct, own and operate a railway from Louiseville or Maskinongé, or some point between Louiseville and Maskinongé, in the Province of Quebec, to or near the River Mattawin, thence to or near or beyond Lake Temiscamingue and to a point on the Canadian Pacific Railway at or near Mattawa or Callendar or Sudbury Junction; and to construct all necessary bridges over rivers crossing the said line between the said points; and also to build and operate branch lines of railway from the first above described line, all such lines and branch lines to be subject to the approval of the Governor in Council.

Bridges over navigable waters.

3. The company shall have power and authority to lay out and construct, complete, maintain, work, manage and use a railway bridge over any navigable stream or streams on the line of the said railway; and the sections of "*The Consolidated Railway Act*, 1879," under the head of "Powers," "Plans and Surveys," and "Lands and their valuation," shall, so far as necessary, apply to the power hereby given.

Plans of bridges to be submitted to Governor in Council.

4. The company shall not commence any such bridge or any work thereunto appertaining, until the company shall have submitted to the Governor in Council, plans of such bridge and of all the works thereunto appertaining, nor until the plans and site of such bridge shall have been approved by the Governor in Council, and such conditions as he shall have thought fit for the public good to impose touching the said works shall have been complied with; nor shall any such plan be altered nor any deviation therefrom allowed, except upon the permission of the Governor in Council, and upon such conditions as he shall impose:

Proviso: as to draw-bridge.

Provided always, that if any such bridge be placed over any such river or stream at a place where the same is navigable, and if the Governor in Council shall determine that such bridge shall be a draw bridge, the same shall be constructed so as to have one draw in the main channel of such river or stream, which draw shall be of such width as the Governor in Council may determine, and shall otherwise give free and unobstructed passage to vessels of every description navigating the said river or stream; and the said draw shall at all times during the season of navigation be kept open, except when actually required to be closed for the passage of railway trains, and shall be otherwise tended and moved at the expense of the company, so as not to hinder, unnecessarily,

Lights.

the passage of any vessel; from sundown to sunrise during the season of navigation, suitable lights shall be maintained upon such bridge to guide vessels approaching the said draw.

Land for snow fences.

5. The company shall have the right to acquire and take in the manner provided by "*The Consolidated Railway Act*, 1879," such additional width of land along the line of the railway and its branches as may be needed for snow fences and barriers; and the company may erect such fences and barriers, whenever the same may be requisite in the opinion of the company, on any lands near the line of the said rail-

Compensation.

way on such terms and subject to the payment of such compensation to the owner of the said lands as may be agreed on or as may be determined by arbitration in the manner provided by the sections of the said "*The Consolidated Railway Act*, 1879," relating to lands and their valuation.

Telegraph and telephone lines.

6. The company shall have the right to construct, own and operate a line or lines of telegraph or telephone along the side or sides of the said railway or contiguous thereto.

Provisional directors and their powers.

7. The Reverend E. Beliveau, James J. White, E. H. Talbott and John H. Verrall shall be and are hereby constituted the provisional board of directors of the company (of whom three shall be a quorum) and shall hold office as such until a board of directors shall be appointed under the provisions of this Act, and shall have power and authority to fill vacancies occurring among their number; and the said provisional board of directors shall have power to open stock books and procure subscriptions for the undertaking, to cause surveys and plans to be made and executed, and to call a general meeting of the shareholders for the election of directors as hereinafter provided; and until such general

meeting and the election of directors by the shareholders, they shall have all the powers of the board of directors necessary to the holding of the first meeting of shareholders, and for the proceedings to be had thereat.

Capital stock and shares.

8. The capital stock of the company shall be five hundred thousand dollars (with power to increase the same in manner provided by "*The Consolidated Railway Act*, 1879") to be divided into shares of one hundred dollars each; and the money so raised shall be applied in the first place to the payment of all expenses and disbursements connected with the organization of the company and other preliminary expenses, and making the surveys, plans and estimates connected with the works hereby authorized; and all the remainder of such money shall be applied to the making, completing equipping and maintaining of the said railway and the other purposes of this Act, and to no other purpose whatsoever.

Ten per cent. payable on subscription.

9. No subscription of stock in the capital of the company shall be legal or valid unless five per centum shall have been actually and *bonâ fide* paid thereon, within thirty days after subscription, into one or more of the chartered banks of Canada, to be designated by the directors, and such five per centum shall not be withdrawn, except for the purposes of the company; and the said directors or a majority of them may in their discretion apportion the stock so subscribed among the subscribers as they shall deem most advantageous and conductive to the furtherance of the undertaking.

Allotment of stock.

Payment for stock may be accepted in full.

10. It shall be lawful for the provisional or elected Directors, when authorized by the shareholders at any general meeting or special meeting called for that purpose, to accept payment in full for stock from any subscriber therefor at the time of subscription thereof, or at any time before the making of a final call thereon, and to allow such percentage or discount as they deem expedient and reasonable; and thereupon to issue to such subscriber scrip to the full amount of such stock subscribed.

Paid up stock may be issued for certain services.

11. The directors elected by the shareholders may issue stock as paid up stock, and may pay or agree to pay in such paid up stock or in the bonds of the company, such sums as they deem expedient, to engineers or contractors, or for commission, salary or bonus, or for the right of way or material, plant or rolling stock, and for the services of such persons as may be employed by the directors in the furtherance of the undertaking, or purchase of right of way, material, plant or rolling stock.

Aid may be received.

12. The company may, for the purpose of the railway, receive from any government, person or body corporate, in aid of the construction, equipment and maintenance of the said railway, grants of land, bonuses, loans or gifts of money or securities for money.

First meeting of shareholders for election of directors.

13. When and so soon as shares to the amount of one hundred thousand dollars in the capital stock of the company have been subscribed, and five per centum paid thereon, *bonâ fide*, the provisional directors shall call a general meeting of the subscribers to the said capital stock, at the city of Ottawa, for the purpose of electing directors of the company, giving at least four weeks' previous notice by public advertisement in the *Canada Gazette*, and in some daily paper published in , and also by a circular addressed by mail to each subscriber (when his or her address is known) of the time, place and purpose of the said meeting: Provided always, that the directors so elected may, by by-law or resolution passed by them, close the stock books, after shares to the said amount of one hundred thousand dollars shall have been subscribed, and may, from time to time, re-open the said stock books, and receive subscriptions for additional shares of stock up to the limit authorized by this Act, when and as the same shall be required for the purposes of the company.

Notice.

Proviso: as to closing stock books.

Qualification of director.

14. No person shall be elected a director of the company unless he shall be the holder and owner of at least ten shares in the stock of the company, and shall have paid up all calls thereon.

Election of directors.

15. At such general meeting, the subscribers for the capital stock assembled, who shall have paid up five per centum thereof, and also shall be present in person or represented by proxy, shall choose five persons to be directors of the company, of whom three shall be a quorum, and may also pass such rules, regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act or "*The Consolidated Railway Act*, 1879."

Annual general meeting.

16. Thereafter, the annual general meeting of the shareholders of the company, for the election of directors and other general purposes, shall be held at such place as may be appointed by by-law of the company, on , in each year, and two weeks' previous notice thereof shall be given by publication in the *Canada Gazette*, and in one newspaper published in .

Calls on stock.

17. No call to be made at any time upon the capital stock shall exceed ten per centum on the subscribed capital, and not less than thirty days shall intervene between any one call and a succeeding call.

Bonds may be issued.

18. The directors of the company, under the authority of the shareholders, to them given by a resolution of a special general meeting called for that purpose, are hereby authorized to issue bonds under the seal of the company, signed by its president or other presiding officer, and countersigned by its secretary and treasurer; and such bonds shall be made payable at such times and in such manner and at such

place or places in Canada or elsewhere and bearing such rate of interest as the directors shall think proper; and the directors shall have power to issue and sell or pledge all or any of the said bonds at the best price and upon the best terms and conditions which at the time they may be able to obtain, for the purpose of raising money for prosecuting the said undertaking: Provided, that the amount of bonds so issued, sold or pledged, shall not exceed twenty thousand dollars per mile to be isssued in proportion to the length of the railway constructed or under contract to be constructed: Provided also, that no such bonds shall be issued until at least one hundred thousand dollars shall have been subscribed to the capital stock and ten per centum of the same *bonâ fide* paid thereon; but notwithstanding anything in this Act contained, the company may secure the bonds to be issued by them by a mortgage deed, creating such mortgages, charges and incumbrances upon the whole of such property, assets, rents and revenues of the company, present or future, or both, as shall be described in the said deed; but such rents and revenues shall be subject in the first instance to the payment of the working expenses of the railway; and by the said deed the company may grant to the holders of such bonds or to the trustee or trustees named in such deed, all and every the powers and remedies granted by this Act in respect of the said bonds, and all other powers and remedies not inconsistent with this Act, or may restrict the bondholders in the exercise of any power, privilege or remedy granted by this Act, as the case may be; and all such powers, rights and remedies as shall be so contained in such mortgage deed shall be valid, binding and available to the bondholders in manner and form as therein provided.

Proviso: amount limited.

Proviso: when bonds may be issued

May be secured by mortgage deed.

What such deed may contain.

19. The directors of the company, under the authority and with the powers and on the terms hereinbefore set forth, may issue preference stock or shares of the company to be redeemed or made liable to be called in at such time and in such manner as the directors may, by the by-law for issuing the same, fix and determine,—upon which preference stock a dividend may be made payable at such rate not exceeding eight per centum per annum, as to the directors may seem fit; and such dividend may be made payable in scrip, which shall have the same security and shall be redeemable in like manner as the said preference stock; and such preference stock may be exchanged by the holder thereof for ordinary stock on such terms and conditions as the directors may, from time to time, by by-law fix and appoint: Provided always, that the total amount of bonds and preference stock to be issued by the company shall not exceed twenty thousand dollars per mile for every mile of the said railway constructed or under construction or under contract for its construction.

Preference stock may be issued.

Or exchanged for ordinary stock.

Proviso: amount limited.

20. The bonds, preference stock and scrip for dividends hereby authorized to be issued, shall, without registration or formal conveyance, be the first preferential claim and charge upon the company, and the undertaking, tolls and

Bonds, &c. to be a first charge on the undertaking.

income, and real and personal property thereof, now or at any time hereafter acquired, save and except as is provided for in the next preceding section, and each holder of the said bonds, preference stockholder and holder of scrip for dividends, shall be deemed to be a mortgagee or incumbrancer upon the said securities *pro ratâ* with the other bondholders or holders of preference stock or scrip for dividends, and shall have priority as such.

Powers of bondholders, &c. in case of non-payment.

21. If the company shall make default in paying the principal of or interest on any of the bonds, preference stock or scrip for dividends hereby authorized at the time when the same shall, by the terms of the bond, or by the conditions upon which the preference stock or scrip for dividends was issued, become due and payable, then at the next ensuing annual general meeting of the company, and all subsequent meetings, all holders of bonds, preference stock or scrip for dividends, so being and remaining in default, shall, in respect thereof, have and possess the same rights and privileges, and qualifications for being elected directors, and for voting at general meetings, as would be attached to them as shareholders if they had held fully paid up shares of the company to a corresponding amount: Provided nevertheless, that the right given by this section shall not be exercised by any bondholder, preference stockholder, or holder of scrip for dividends unless the bonds, preference stock or scrip for dividends, in respect of which he shall claim to exercise such rights shall have been first registered in his name, in the same manner as is provided by law for the registration of the shares of the company; and for that purpose the company shall be bound on demand to register any of the said bonds, preference stock or scrip for dividends in the name of the holder thereof, and to register any transfers thereof in the same manner as a transfer of shares: Provided also, that the exercise of the rights given by this section shall not take away, limit or restrain any other of the rights or remedies to which the holders of the said bonds, preference stock or scrip for dividends shall be entitled.

Proviso: as to registration.

Proviso: certain rights not affected.

Transfer of bonds, &c.

22. All bonds, preference stock, debentures and other securities hereby authorized, and the coupons and interest warrants thereon respectively, may be made payable to bearer, and shall in that case be transferable by delivery, unless and until registry thereof in manner provided in the next preceding section; and while so registered they shall be transferable by written transfer registered in the same manner as in the case of shares; but they shall again become transferable by delivery upon the registration of a transfer to bearer which the company shall be bound to register on the demand of the registered holder for the time being.

Company may become party to promissory notes.

23. The company shall have power and authority to become party to promissory notes and bills of exchange for sums of not less than one hundred dollars, and any such note or bill made, accepted or endorsed by the president or

vice-president of the company as president or vice-president thereof, and countersigned by the secretary and under the authority of a majority or quorum of the directors shall be binding on the company, and any such promissory note or bill of exchange so made as aforesaid, shall be presumed to have been made with proper authority until the contrary be shown; and in no case shall it be necessary to have the seal of the company affixed to such promissory note or bill of exchange, nor shall the president or vice-president, or secretary be individually responsible or liable for the same, unless the said promissory note or bill of exchange has been issued otherwise than as aforesaid: 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 bill or note of a bank.

Proviso; as to bank notes.

24. It shall be lawful for the company to enter into any agreement with any other company for the use or partial use of the railway of the company, or for leasing or hiring from such other company any other railway or part thereof, or the use thereof, and for any period or term, or for the leasing or hiring any locomotives, cars, or movable property.

Agreement with another company.

25. The works upon the main line of the said railway shall be commenced not later than two years from the date of the passing of this Act and shall be completed within ten years.

Time for works limited.

26. The company acting by its directors, authorized in that behalf by a resolution of the shareholders passed at a meeting thereof, called for the purpose—which resolution must be concurred in by shareholders holding an actual majority of the stock of the company—may amalgamate with

and for that purpose may execute with a deed of amalgamation providing for the amalgamation of the company hereby incorporated with and upon the execution of such deed of amalgamation, and after the publication of a notice of the execution thereof in the *Canada Gazette*, the franchises, assets, rights and property of the company shall become the franchises, assets, rights and property of the amalgamated company, by the name of either of the companies, as may be agreed in the deed of amalgamation, and its obligations and liabilities shall become the obligations and liabilities of the amalgamated company—the whole upon such terms and conditions as shall be contained in the said deed of amalgamation and are not contrary to law or to the provisions of this Act, and all the powers conferred by this Act shall vest in the amalgamated company.

Amalgamation with another company.

Effect of amalgamation.

27. The company shall also have power and authority to purchase, acquire, hold, work and operate mines and timber limits.

Mines and timber limits.

Form of conveyance of land.

28. Deeds and conveyances of lands to the company (not being letters patent from the Crown) may, in so far as circumstances will admit, be in the form set forth in the schedule to this Act or in any other form to the like effect;

Effect of such conveyance.

and every deed made in accordance herewith shall be held and construed to impose upon the vendor executing the same, the obligation of guaranteeing the company and its assigns against all dower and claim for dower, and against all hypothecs and mortgages, and against all liens and charges whatsoever not excepted in the grant, and also that he has a good, valid and transferable title thereto.

SCHEDULE.

Know all men by these presents, that I, A. B., in consideration of , paid to me by the Ste. Ursule, Mattawin and Lake Temiscamingue Railway Company, the receipt whereof is acknowledged, grant, bargain, sell and convey unto the said the Ste. Ursule, Mattawin and Lake Temiscamingue Railway Company, their successors and assigns, all that tract or parcel of land, (*describe the land*) to have and to hold the said land and premises unto the said company, their successors and assigns forever.

Witness my hand and seal, this day of , one thousand eight hundred and

Signed, sealed and delivered in the presence of C. D. E. F. } A. B. (L.S.)

No. 74.

4th Session, 5th Parliament, 49 Victoria, 188

BILL.

An Act to incorporate the "Ste. Ursu Mattawin and Lake Temiscaming Railway Company."

Received and read first time, Wednesday, 31 March, 1886.
Second reading, Friday, 2nd April, 1886.

(PRIVATE BILL).

Mr. HURTEAU.

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.

1886.

No. 75.] **BILL.** [1886.

An Act to incorporate the School Savings Bank.

WHEREAS a petition has been presented praying that the persons hereinafter mentioned and others may be incorporated for the purpose of establishing a School Savings Bank, and whereas it is expedient to grant the prayer of the said petition, and to encourage the teaching of economy in the various educational institutions of this country; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. Joseph Tassé, M P., Gustave A. Drolet, Chevalier of the Legion of Honor, Joseph M. Loranger, Q.C, Benjamin Globensky, Q.C., Joseph Royal, M.P., P. B. Benoit, M P., L. H Massue, M.P., and Louis Wilfred Sicotte, clerk of the Crown, and such other persons as become shareholders in the corporation hereby constituted, and their respective executors, administrators and assigns, are hereby constituted a body corporate and politic, in fact and in name, by the name and style of the "School Savings Bank," hereinafter called the bank. Certain persons incorporated. Corporate name.

2 The persons hereinbefore mentioned by name, together with such others as they associate with themselves, shall be provisional directors for the organization of the bank. Provisional directors.

3. The head office of the bank shall be in the city of Montreal, and branches may be established in such cities, towns and villages as the directors deem expedient. Head office and branches.

4. The affairs of each branch shall be under the management of a board composed of not less than three and not more than five directors, and those of the head office shall be under the management of a board composed of seven directors. Boards of directors.

5. Directors of branches shall be appointed by the board of directors of the head office, and the directors composing the latter shall be elected by the shareholders at their annual meeting, which shall be held on the fifteenth day of January in each year, or on the next following juridical day when that day falls on a non-juridical day, and they shall hold office for three years; the shareholders shall also elect two auditors, not being directors, whose duty it shall be to make a complete and detailed examination of the books, accounts, securities and vouchers of the bank and to report thereon to Appointment and election of directors. Auditors.

the annual meeting; and such auditors may, if necessary, employ an accountant, and shall receive from the directors and officers of the bank all possible assistance to enable them to make such audit.

President and vice-president. Quorum. Casting vote.

6. The directors shall, after the annual meeting, elect from among their number, by a majority of votes, a president and a vice-president, who shall remain in office until their successors are elected; five directors shall constitute a quorum, and in the absence of the president and the vice-president, one of the directors shall be appointed president *pro tempore*. The president, the vice-president, or the director acting as president, shall not be entitled to vote as a director, but shall have a casting vote in case of an equality of votes.

Vacancies.

7. Every director who becomes insolvent, or who is absent during twelve consecutive months from the meetings of the directors, shall thenceforth cease, *ipso facto*, to be a director of the bank, and the vacancy shall be filled by the other directors.

Powers as to real property.

8. The bank may acquire and hold real property for its own use, but not exceeding in annual value four thousand dollars in cities and two thousand dollars in towns and villages, and may sell the same and acquire other property in lieu thereof. The sum fixed by this section may be increased by the Governor in Council.

By-laws may be made. Proviso.

9. The directors of the bank may make, enact and establish such by-laws, rules and regulations as they deem expedient and necessary for the proper management of the affairs of the bank, the protection and benefit of the depositors, the guidance of the directors and officers and the general management of the bank, the collection and receipt of moneys in schools, academies, colleges, convents, workshops, factories, and places of business of employers, and may from time to time add to or amend the same; and all such by-laws, rules and regulations shall be binding on the bank and the officers thereof, and also on depositors; but no by-law, rule or regulation, made under the authority of this Act, shall be contrary to any express provision of the laws in force, nor shall have any force or effect until it has been approved by a majority of the directors; such by-laws, rules and regulations shall be entered in a book kept at the office of the bank and shall be open to the inspection of depositors during office hours.

Officers of the bank. Security to be given.

10. The directors may appoint, dismiss and replace such officers, clerks, messengers and servants as they deem necessary for the management of the affairs of the bank, and shall award them such remuneration as they deem fit; but each such officer, clerk, messenger or servant who is entrusted with the charge of moneys or securities belonging to the bank, shall furnish a policy of guarantee to the bank for the faithful performance of his duties, and that he

will regularly account for the moneys and securities above mentioned in the manner required by the directors.

Compensation of directors and auditors.

11. The directors may, by a by-law made as hereinbefore provided, fix the remuneration to be paid to the president, the vice-president, the directors and the auditors of the bank for attending at the meetings of directors and for exercising supervision over the affairs of the bank; but such remuneration shall be paid only out of the net revenue of the year; after payment of all expenses, interest due to depositors and the premiums awarded to teachers or others who are engaged in promoting the interests of the bank

Proviso.

Special meetings.

12. The president is hereby empowered to call a special meeting of the shareholders and the directors, whenever he is called upon so to do by a requisition signed by at least fifteen shareholders of the bank, at least ten days' previous notice having been given in two newspapers published in the city of Montreal, one in the English and the other in the French language.

Deposits may be received.

13 The bank may receive deposits of money for the benefit of persons making the same, may invest such deposits as hereinafter provided and may accumulate the revenues and profits resulting from the investment of so much of the said deposits as is not required to meet the ordinary demands of depositors; and the bank may, out of the sums so accumulated, grant and pay to depositors such interest on deposits as shall be fixed by the directors.

Interest.

Names to be stated.

14. Every depositor, who is a pupil or an apprentice shall state his name, surname, age and residence, and the name, surname, calling and residence of his father or guardian—the pupil at his school, and the apprentice at the office of the bank; and if a pupil is desirous of withdrawing the whole or part of his deposit, he shall only be entitled so to do in conjunction with his legal representative, or his father, mother or guardian who shall sign the pass-book with the agent or representative of the bank.

Withdrawal of deposits.

Investments.

15. The bank may invest its moneys in debentures issued under the authority of any Act of the Parliament of Canada, or of the Legislature of any Province of Canada, or in debentures issued by the corporation of any city, but not otherwise.

Loans on individual security.

16. The bank may lend its moneys on the private security of individuals, provided that collateral securities of the description hereinbefore mentioned are given in addition to such private security, with authority to sell or retain the same if the loan is not repaid; but the bank shall not make any loan on the security of real or immovable property.

Sale of collateral securities.

17. Whenever any loan is not repaid when it becomes due, the bank may, after a delay of sixty days, cause the collateral securities to be sold or to be conveyed to it by the

debtor, on such conditions as the directors consider most advantageous.

Reserve fund. **18.** The directors may create a reserve fund as security to the depositors against losses in respect of moneys invested on their behalf, which reserve fund shall be formed from the profits of the bank resulting from such investments, after payment to the depositors of interest at the rate fixed by the directors, and of the cost of management, debts and deposits; and after ample provision has been made for the payment of such debts, deposits and interest, any other sum may be withdrawn from the net revenue of the year in which such sum is earned, and may be applied and paid as premiums to the teachers or employers who have succeeded in obtaining the greatest number of depositing pupils or apprentices: Provided always, that the sum so applied is voted by at least five directors of the bank, present at a meeting called for the purpose of deciding whether such sum shall be voted; and provided also, that such sum shall be voted only in accordance with the by-laws of the bank.

Premiums.

To be voted by directors.

By-laws to be observed.

Who shall be deemed officers of the bank. **19.** Every teacher or employer who consents to receive deposits for the bank shall become an officer of the bank and be subject to its by-laws.

Deposits by clerks, &c. **20.** The bank may also receive deposits from clerks, servants, students, minors or others, from one cent to one dollar; but minors shall be subject to the same conditions and obligations as pupils and apprentices.

Reports to Government. **21.** The directors shall make reports to the Government, in respect of the business of the bank, in accordance with the provisions of the Act thirty-sixth Victoria, chapter seventy-two, and the Act forty-fourth Victoria, chapter eight

Capital stock and shares. **22.** The capital stock shall be not less than fifty thousand dollars, and not more than two hundred thousand dollars, divided into shares of twenty-five dollars each; and the same shall be subscribed in proportion to the increase of the business of the bank, and as prescribed by the Governor in Council.

Qualification of director. **23.** Every shareholder who is the owner of stock to the amount of five hundred dollars shall be eligible as a director.

Notice of suits. **24.** No suit or action shall be brought against the bank until one month's notice thereof has been given to the bank.

No. 75.

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

An Act to incorporate the School ings Bank.

Received and read first time, Wednesday, March, 1886.
Second reading, Friday, 2nd April, 1886

(PRIVATE BILL.)

Mr. MASSUE.

OTTAWA:
PRINTED BY MACLEAN, ROGER & C

1886.

No. 75.] **BILL.** [1886.

An Act to incorporate the School Savings Bank.

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

Preamble.

WHEREAS a petition has been presented praying that the persons hereinafter mentioned and others may be incorporated for the purpose of establishing a School Savings Bank, and whereas it is expedient to grant the prayer of the said petition, and to encourage the teaching of economy in the various educational institutions of this country; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Certain persons incorporated.

Corporate name.

1. Joseph Tassé, M.P., Gustave A. Drolet, Chevalier of the Legion of Honor, Joseph M. Loranger, Q.C., Benjamin Globensky, Q.C., Joseph Royal, M.P., P. B. Benoit, M.P., L. H. Massue, M.P., and Louis Wilfred Sicotte, clerk of the Crown, and such other persons as become shareholders in the corporation hereby constituted, and their respective executors, administrators and assigns, are hereby constituted a body corporate and politic, in fact and in name, by the name and style of the "School Savings Bank," hereinafter called the bank.

Provisional directors.

2. The persons hereinbefore mentioned by name, together with such others as they associate with themselves, shall be provisional directors for the organization of the bank, and shall open stock books for the subscription of shares therein giving such notice thereof as they deem expedient.

Head office and branches.

3. The head office of the bank shall be in the city of Montreal, and branches may be established in such cities, towns and villages as the directors deem expedient.

Boards of directors.

4. The affairs of each branch shall be under the management of a board composed of not less than three and not more than five directors, and those of the head office shall be under the management of a board composed of seven directors.

Capital stock and shares.

5. The capital stock shall be two hundred thousand dollars, in shares of twenty-five dollars each, of which fifty thousand dollars shall be subscribed and paid up in cash and deposited in some chartered bank in the Province of Quebec, before the bank shall be organized by the election of directors thereof; but so soon as the said amount shall be sub-

scribed and paid in, the provisional directors shall call a meeting of the subscribers for the election of directors according to the provisions hereof, and at such meeting seven duly qualified shareholders shall be elected to manage the affairs of the bank; the remainder of the stock shall be issued in proportion to the increase of the business of the bank, as shall be prescribed by the Minister of Finance.

Appointment and election of directors.

6. Directors of branches shall be appointed by the board of directors of the head office, and the directors composing the latter shall be elected by the shareholders at one of their annual meetings which shall be held on the fifteenth day of January in each year, or on the next following juridical day when that day falls on a non-juridical day, and they shall hold office for three years; the shareholders shall also elect two auditors, not being directors, whose duty it shall be to make a complete and detailed examination of the books, accounts, securities and vouchers of the bank and to report thereon to the annual meeting; and such auditors may, if necessary, employ an accountant, and shall receive from the directors and officers of the bank all possible assistance to enable them to make such audit.

Auditors.

President and vice-president.

7. The directors shall, after the annual meeting, elect from among their number, by a majority of votes, a president and a vice-president, who shall remain in office until their successors are elected; five directors shall constitute a quorum, and in the absence of the president and the vice-president, one of the directors shall be appointed president *pro tempore*. The president, the vice-president, or the director acting as president, shall not be entitled to vote as a director, but shall have a casting vote in case of an equality of votes.

Quorum.

Casting vote.

Vacancies.

8. Every director who becomes insolvent, or who is absent during twelve consecutive months from the meetings of the directors, shall thenceforth cease, *ipso facto*, to be a director of the bank, and the vacancy shall be filled by the other directors.

Powers as to real property.

9. The bank may acquire and hold real property for its own use, but not exceeding in annual value four thousand dollars, and may sell the same and acquire other property in lieu thereof, for the same purposes and not exceeding the aforesaid annual value.

By-laws may be made.

10. The directors of the bank may make, enact and establish such by-laws, rules and regulations as they deem expedient and necessary for the proper management of the affairs of the bank, the protection and benefit of the depositors, the guidance of the directors and officers and the general management of the bank, the collection and receipt of moneys in schools, academies, colleges, convents, workshops, factories, and places of business of employers, and may from time to time add to or amend the same; and all such by-laws, rules and regulations shall be binding on the bank and the officers thereof, and also on depositors; but no by-law, rule or

Proviso.

regulation, made under the authority of this Act, shall be contrary to any express provision of the laws in force, or shall have any force or effect after the meeting of the shareholders of the bank, which shall be held next after the passage of such by-laws, unless such by-laws are approved at such meeting; such by-laws, rules and regulations shall be entered in a book kept at the office of the bank and shall be open to the inspection of depositors during office hours.

Officers of the bank.

11. The directors may appoint, dismiss and replace such officers, clerks, messengers and servants as they deem necessary for the management of the affairs of the bank, and shall award them such remuneration as they deem fit; but each such officer, clerk, messenger or servant who is entrusted with the charge of moneys or securities belonging to the bank, shall furnish a policy of guarantee, or a security bond satisfactory to the Board, to the bank for the faithful performance of his duties, and that he will regularly account for the moneys and securities above mentioned in the manner required by the directors.

Security to be given.

Compensation of directors and auditors.

12. The directors may, by a by-law made as hereinbefore provided, fix the remuneration to be paid to the president, the vice-president, the directors and the auditors of the bank for attending at the meetings of directors and for exercising supervision over the affairs of the bank; but such remuneration shall be paid only out of the net revenue of the year, after payment of all expenses, interest due to depositors, and after the approval of such by-law by the shareholders.

Proviso.

Special meetings.

13. The president shall call a special meeting of the shareholders, whenever he is called upon so to do by a requisition signed by at least fifteen shareholders of the bank, of which meeting at least ten days' previous notice shall be given in two newspapers published in the city of Montreal, one in the English and the other in the French language.

Deposits may be received.

14. The bank may receive deposits of money from clerks, servants, students in schools or colleges, apprentices, mechanics, workmen, labors, and other employees, and from no other person whomsoever, to amounts not exceeding ten dollars at any one time, nor exceeding in all two hundred and fifty dollars, for the benefit of the persons making the same, may invest such deposits as hereinafter provided and may accumulate the revenues and profits resulting from the investment of so much of the said deposits as is not required to meet the ordinary demands of depositors; and the bank may, out of the sums so accumulated, grant and pay to depositors such interest on deposits not exceeding the rate of four per centum per annum, as shall be fixed by the directors: Provided always, that the aggregate amount of deposits shall not exceed four times the amount of the paid up capital stock of the bank.

Interest.

Names to be stated.

15. Every depositor, who is a pupil or an apprentice shall state his name, surname, age and residence, and the name, surname, calling and residence of his father or

guardian—the pupil at his school, and the apprentice at the office of the bank; and if a pupil is desirous of withdrawing the whole or part of his deposit, he shall only be entitled so to do in conjunction with his legal representative, or his father, mother or guardian who shall join in the discharge to be given by the depositor by signing the same.

Withdrawal of deposits.

Investments.

16. The bank shall invest its moneys, including the paid up capital thereof, in the securities of the Dominion of Canada, or any of the provinces thereof; or in debentures issued by the corporation of any city or county but not otherwise.

Loans on individual security.

17. The bank may lend its moneys on the private security of individuals, provided that securities of the description hereinbefore mentioned to the amount, at their market value, of such loan, are given in addition to such private security, with authority to sell or retain the same if the loan is not repaid; but the bank shall not make any loan on the security of real or immovable property, or of movable property except as hereinbefore provided.

Sale of collateral securities.

18. Whenever any loan is not repaid when it becomes due, the bank may cause the securities to be sold after not less than thirty days' notice in such manner as shall be agreed upon at the time the loan is effected, or to be conveyed to it by the debtor, on such conditions as the directors consider most advantageous.

Reserve fund.

19. The directors may create a reserve fund as security to the depositors against losses in respect of moneys invested on their behalf, which reserve fund shall be formed from the amount of the capital subscribed and paid up, and in addition thereto, from the profits of the bank resulting from such investments, after payment to the depositors of interest at the rate fixed by the directors, and after payment of the cost of management, debts and deposits.

Reports to Government.

36 V., c. 72; 44 V., c. 8.

20. The directors shall make reports to the Government, in respect of the business of the bank, in accordance with the provisions of the Act thirty-sixth Victoria, chapter seventy-two, and the Act forty-fourth Victoria, chapter eight, which Acts shall apply to the Savings Bank hereby incorporated, except in so far as they are inconsistent with the provisions hereof.

Qualification of director.

21. Every shareholder who is the owner of paid up stock to the amount of five hundred dollars shall be eligible as a director.

Notice of withdrawal of deposits.

22. It may be provided by the by-laws of the bank that a notice not exceeding fifteen days, shall be given to the bank of any demand for the payment of any money alleged to be deposited therein and such provision shall be notified to the depositor by being printed in his pass-book or otherwise.

No. 75.

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

An Act to incorporate the School Savings Bank.

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

(PRIVATE BILL)

Mr. MASSUE.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.

1886.

No. 76.] **BILL.** [1886.

An Act respecting the Burlington Bay Canal.

Preamble.

WHEREAS it is expedient in the interests of navigation, and for the convenience of the public, that tolls for the use of the public work hereinafter mentioned should no longer be collected: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Tolls on canal abolished.

1. Notwithstanding anything contained in the Act thirty-first Victoria, chapter twelve, intituled "*An Act respecting the Public Works of Canada*," no tolls shall hereafter be payable or collected in respect of the use of the public work near the city of Hamilton, in the Province of Ontario, commonly called the Burlington Bay Canal.

No. 76.

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

An Act respecting the Burlington Canal.

Received and read first time, Thursday, 31st March, 1886.
Second reading, Friday, 2nd April, 1886.

Sir HECTOR LANGEVIN.

OTTAWA:
PRINTED BY MACLEAN, ROGER & Co.
1886

No. 78.] **BILL.** [1886.

An Act to amend the Act to incorporate the Guelph Junction Railway Company.

Preamble. 47 V., c. 79.

WHEREAS the Guelph Junction Railway Company have, by their petition, prayed that the Act to incorporate the said company may be amended as hereinafter set forth; and it is expedient to grant the prayer of the said petition; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Section 4, amended.

1. Section four of the said Act is hereby amended by making the capital stock of the company thirty thousand dollars, divided into three hundred shares, of one hundred dollars each.

Section 7, amended.

2. Section seven of the said Act is hereby amended by adding thereto the following words: "or unless he is a member of a municipal council holding stock or bonds in the said company."

Section 13, amended.

Municipalities may subscribe for stock, &c.

3. Section thirteen of the said Act is hereby amended, by adding thereto, the following words: "and municipal corporations in the Province of Ontario may subscribe for any number of shares in the capital stock of the said company, or may lend to the said company, upon its bonds, hereinafter mentioned, any sum of money, subject to the limitations and restrictions by the laws of the Province of Ontario prescribed; and any corporation so subscribing for shares, or lending money, shall be entitled to all the privileges, powers and rights of shareholders or bondholders, under this Act."

Limitation of time.

4. Section twenty-one of the said Act is hereby repealed, and in lieu thereof it is hereby enacted that the railway shall be commenced within three years, and finally completed within five years after the passing of this Act.

No. 78

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

An Act to amend the Act to incorporate the Guelph Junction Railway Company.

Received and read the first time, Friday, 2nd April, 1886.
Second reading, Monday, 5th April, 1886.

(PRIVATE BILL.)

MR. INNES.

OTTAWA:
PRINTED BY MACLEAN, ROGER & CO.
1886.

No. 79] **BILL.** [1886.

An Act respecting the Napanee, Tamworth and Quebec Railway Company.

Preamble.

WHEREAS the Napanee, Tamworth and Quebec Railway Company have petitioned for certain amendments to their Act of incorporation passed in the forty-second year of Her Majesty's reign, chapter sixty-seven, and the Act amending the said Act of incorporation passed in the forty-seventh year of Her Majesty's reign, chapter sixty-two, 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:

42 V., c. 67.

47 V., c. 62.

Branch line of railway may be built.

1. The Napanee, Tamworth and Quebec Railway Company may and it is hereby authorized to lay out, extend, construct, finish, equip, work and use a branch line of railway from a point at or near its present terminus at Tamworth to some point on the Ontario and Quebec Railway at or near Bogart, or at or near the village of Tweed, in the township of Hungerford, as may be determined on, and from thence south-westerly or westerly to a point or points on the Midland Railway and north-westerly from the village of Tweed to the Central Ontario Railway; and the company shall also have power and authority to construct branch lines from any point at or between the terminal points of the said railway to any point in Canada for the purpose of connecting the said railway with any existing line of railway or navigable water, and with any iron or other mines, and to build a branch from some point on the main line of the said railway at or near Yarker or Camden East to the Bay of Quinté or Lake Ontario and to a point at or within the city of Kingston; and all the powers and privileges conferred by this and former Acts in respect of the main line are hereby conferred upon the company in respect of such branch lines, 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.

Other branches.

Certain provisions to apply.

Extension of time as to subsidy.

2. The time for the commencement of the work, in order that the company may be entitled to the subsidy heretofore granted, shall be extended to three years from the first day of August next, and the said railway subsidy heretofore granted for the branch line from Tamworth towards Bogart may be applied to and payable on the branch line from Tamworth to Tweed, and the same shall be completed within six years from the said first day of August next.

And as to completion of railway.

3. The time for the completion of the said railway shall be extended for a period of twenty years from the passing of this Act.

No. 79.

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

An Act respecting the Napanee, Tamworth and Quebec Railway Company.

Received and read first time, Friday, 2nd April, 1886.
Second reading, Monday, 5th April, 1886.

(PRIVATE BILL.)

Mr. White,
(Hastings, E. R.)

OTTAWA:
Printed by MacLean, Roger & Co.
1886.

No. 81.] BILL. [1886.

An Act to incorporate the Lennox Passage Bridge Company.

WHEREAS the construction of a bridge for railway and other purposes across the Lennox Passage, Cape Breton, at Ferry or near the Burnt Islands, open to all persons and companies upon equal terms, tolls and conditions, would be of advantage to the public; and whereas the said Lennox Passage is a navigable stream; and whereas a petition has been presented praying for the passing of an Act to incorporate a company for the purposes aforesaid; and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. Wm. Urquhart, Philip Gruchy, Wm. R Cutter, John LeBrun, Louis P. Malzard the Honorable Isidore LeBlanc, Peter Campbell, Simon P. LeBlanc, Edward Gagnon, Wm. Brymer, John Morrison, Maurice J. Kavanagh, Joseph Matheson, Wm. Calder, Robert J. Hartshorne, Wm. R Morrison, Wm. Malcolm, Albert J. Hooper, Edward P. Flynn, Joseph R. Thompson, and all such other persons as shall, under the provisions of this Act, become holders of shares in the capital stock of the company hereby incorporated, shall be and they are hereby incorporated into a company for the constructing, maintaining, managing and working a bridge for railway and other purposes across the Lennox Passage, Cape Breton, at Ferry or near the Burnt Islands, and shall, for that purpose, be a body corporate and politic, by the name of the "Lennox Passage Bridge Company," hereinafter called the company. Certain persons incorporated. Corporate name.

2. The company shall be, and it is hereby authorized and empowered, to build and complete a bridge for railway and other purposes across the said Lennox Passage, with one or more tracks for the passage of locomotive engines and railway trains, with the necessary approaches, tracks, machinery and appliances; and the company may also, as part of the said bridge, in their discretion, at any time, construct or arrange the said bridge as well for the use of foot passengers and carriages, or either, as they think best; and for their said purposes they are authorized to purchase, acquire and hold such real estate as may be requisite for all the said purposes. Powers of the company for the construction of the bridge, &c

3. The company shall not commence the said bridge, or any work thereunto appertaining, until the plans of the said Plans to be submitted to Governor in Council.

bridge, and the works intended and connected therewith, and the location and site thereof have been submitted to and approved by the Governor in Council, and such conditions, as he thinks fit for the public good and railroad facilities to impose, touching the said bridge and works, have been complied with; nor shall any such plans be altered, nor any deviation therefrom allowed, except upon the permission of the Governor in Council, and upon such conditions as he imposes.

Capital stock and shares.

4. The capital of the company shall be one hundred thousand dollars, divided into one thousand shares of one hundred dollars each.

First directors.

Quorum.

5. The Honorable Isidore LeBlanc, Simon P. LeBlanc, John LeBrun, Peter Campbell and William Brymer shall be the first directors of the company, and shall hold office until their successors are elected as hereinafter provided, and a majority of directors shall form a quorum.

Stock books may be opened, and where.

6 The said directors shall have power to open stock books at such place or places, and at and for such periods, as to them shall seem proper, of which notice shall be given in at least one newspaper published in Cape Breton, and in one published in Halifax, Nova Scotia, stating the time and place when and where the said books shall be opened, and the period for which the same shall remain open for subscriptions for the stock of the company.

Payment on subscription.

Payment of preliminary expenses.

7. No subscription for stock shall be valid until the person subscribing shall have paid to the credit of the company, into some bank, to be named in the said notice so to be given by the said directors, ten per cent. on the amount of such subscription; and from the said ten per cent. so paid in upon the stock so allotted, or from other the funds of the company, the directors may pay and discharge the costs of this Act, and the expenses of obtaining the same and all costs incidental to the incorporation of the company.

First meeting of shareholders.

Notice.

Election of directors.

8. As soon as five hundred shares in the said stock are subscribed as aforesaid, the said directors shall call a meeting of the said subscribers for the election of directors of the company; notice of such meeting shall be given by publication in the *Canada Gazette* and one or more newspapers published in the Island of Cape Breton, for two consecutive weeks, such notice to state the time and place of holding the said meeting; and at the said meeting the shareholders present in person or represented by proxy, shall elect from the shareholders five directors, who shall hold office until the next annual election of directors of the company, or until their successors are appointed.

Directors.

9. At the said first election, and at all subsequent elections the five duly qualified shareholders having the largest number of votes cast for them at such election, shall be the directors for the ensuing year.

Qualification of directors.

10. Every shareholder who has paid up all calls on stock held by him at the time of the election shall be qualified for the office of director, and each such shareholder shall have one vote for every share of the capital stock held by him, upon which all calls then due have been paid up; and all questions at any special or general meeting of the company upon which a vote is taken shall be decided by the majority of the votes cast by the said shareholders present in person or represented by proxy at the said meeting.

Votes on shares.

Powers of directors.

11. The directors of the company, from time to time, shall have the control and management of the stock, property and affairs of the company, and shall have power to locate, construct and equip the said bridge and its approaches, and to fix and from time to time regulate, increase or reduce the tolls and rates to be charged to all persons and companies using the said bridge: Provided, however, that such tolls, charges and rates shall be equal to all persons and companies using the said bridge, its machinery, approaches and appurtenances; the tolls, from time to time, charged by the company shall first be approved by the Governor in Council, but so long as all companies and persons are charged equal rates and are given equal terms and facilities, the directors may, as they may think proper, charge less than the said rates so fixed.

Proviso: as to tolls.

Time for general meetings.

Head office.

12. The directors may, from time to time, by by-law, fix the time and place of the annual general meeting of the company, and also for the holding of special general meetings, and the place where the head office of the company shall, for the time being, be located, but no change of the head office shall be made until one month's notice of the said change has been given in the *Canada Gazette*.

Borrowing powers of the company.

13. The company shall have power to borrow, from time to time, either in Canada or elsewhere, such sums of money as may be expedient for building, completing, maintaining and working the said bridge, its machinery and approaches, with the buildings and fixtures in connection therewith, at a rate of interest authorized by the laws of Canada, but not exceeding per cent. per annum, and to make the bonds, debentures and other securities granted for the sums so borrowed payable either in currency or in sterling, and at such place or places within Canada or without as is deemed advisable, and to sell the same at such price or prices or discount as are deemed expedient or necessary, and to hypothecate, mortgage or pledge the lands, tolls, revenue and other property, real and personal of the company, for the due payment of the said sums and the interest thereon; but no such debenture or bond shall be for a less sum than one-hundred dollars.

Interest limited.

Mortgage of lands, &c. for security.

Company may become party to promissory notes.

14. The company may become party to promissory notes or bills of exchange, for sums not less than one hundred dollars; and every such promissory note made or indorsed, and every such bill of exchange drawn, accepted or indorsed

by the president or vice-president and countersigned by the secretary and treasurer, and under the authority of a majority of a quorum of the directors, shall be binding on the company; and every such promissory note or bill of exchange made, drawn, accepted or indorsed by the president or vice-president and countersigned by the secretary and treasurer as such, shall be presumed to have been properly made, drawn, accepted or indorsed, as the case may be, by the company, unless the contrary be shown; and in no case shall it be necessary to have the seal of the company affixed to any such bill of exchange or promissory note, nor shall the president or vice-president or the secretary and treasurer so making, drawing, accepting or indorsing any such promissory note or bill of exchange be thereby subject individually to any liability whatever: Provided always, that nothing in this section shall be construed to authorize the company to issue any promissory note payable to bearer or any promissory note intended to be circulated as money or as the note of a bank

Proviso: no note to be payable to bearer.

Grants in aid.

15. The company shall have power to receive subsidies, bonuses, loans and free grants of land from Governments, municipalities, private corporations or individuals, for the purpose of aiding in the construction, equipment and maintenance of the said bridge, and may purchase or otherwise acquire land for such purposes, and may hold, sell or otherwise dispose of or mortgage all such lands, or pledge or otherwise dispose of such subsidies or bonuses, for the purposes of the company

Land may be purchased, &c.

42 V, c. 9, to apply.

16. All the provisions of "*The Consolidated Railway Act*, 1879," shall apply to the company in the same manner as if in the said "*Consolidated Railway Act*, 1879," the word "bridge" was substitued for the word "railway," and in so far as the said Act can be made or is applicable to the said bridge and its approaches, and the working thereof, and the management of the company's affairs, the transfer of shares, election of directors, making of by-laws, the acquiring of lands and material, and all other matters whatsoever appertaining to the company or the said bridge and its property.

Collection of tolls.

17. The tolls for the use of the bridge fixed from time to time, as in this Act provided, shall be paid to such person or persons, and at such places at or near the bridge, in such manner and under such regulations as the directors of the company shall direct; and in case of denial or neglect of payment on demand of any such tolls, or any part thereof, to such person or persons, the same may be sued for and recovered in any court of competent jurisdiction; or the agents or servants of the company may seize the goods, cars or engines, for or in respect whereof such tolls ought to be paid, and detain the same until payment thereof; and in the meantime the property shall be at the risk in all respects of the owner, for damages or loss thereto by any cause whatsoever.

Seizure in default of payment.

18. The directors shall, from time to time, print and post up, or cause to be printed and to be posted up, in the office, and in all and every place where the tolls are to be collected, in some conspicuous place therein, a printed board or paper exhibiting all the tolls payable, and particularizing the price or sums of money to be charged or taken for the passage of any matter or thing over the said bridge

Rates to be posted up.

19. The said bridge shall be commenced within three years from the passing of this Act and shall be completed within five years; otherwise all powers and authority conferred by this Act shall be void.

Limitation of time.

No. 81.

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

An Act to incorporate the Lennox Passage Bridge Company.

Received and read first time, Monday, 5th April, 1886.
Second reading, Wednesday, 7th April, 1886.

(PRIVATE BILL.)

Mr. PAINT.

OTTAWA:
PRINTED BY MACLEAN, ROGER & Co.
1886.

No. 82.] **BILL.** [1886

An Act respecting the application of certain Fines and Forfeitures.

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

1. Where no other provision is made by any law of Canada for the application of any fine, penalty or forfeiture imposed for the violation of any such law, the same shall belong to the Crown for the public uses of Canada. To go to the Crown when not otherwise directed.

2. The Governor in Council may from time to time, direct that any fines, penalties or forfeitures or any portion thereof, which would otherwise belong to the Crown for the public uses of Canada, be paid to any provincial, municipal or local authority, which wholly or in part bears the expenses of administering the law under which such fine, penalty or forfeiture is imposed, or that the same be applied in any other manner deemed best adapted to attain the objects of such law and to secure its due administration. Governor in Council may apply them to certain purposes.

No. 82.

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

An Act respecting the application of certain Fines and Forfeitures.

Received and read first time, Monday, 5th April, 1886.
Second reading, Tuesday, 6th April, 1886.

Mr. THOMPSON,
(Antigonish.)

OTTAWA:
PRINTED BY MACLEAN, ROGER & CO.
1886.

No. 83] BILL. [1886.

An Act to amend the Act incorporating the Board of Trade of the City of Ottawa.

Preamble.

WHEREAS the Board of Trade of the city of Ottawa have presented their petition praying that certain amendments may be made to the Act passed by the Parliament of the late Province of Canada in the twentieth year of Her Majesty's reign, chaptered eighty-six and intituled "*An Act to incorporate the Board of Trade of the City of Ottawa,*" and it is expedient to grant the prayer of such petition; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

20 V., (Can.) c. 86.

Section 1, amended.

1. Section one of the Act cited in the preamble is hereby amended by striking out the words "being inhabitants of and using trade and commerce within the said city of Ottawa" where the same occur in the eighth, ninth and tenth lines of the said section.

Section 4, amended.

2. Section four of the said Act is hereby amended by substituting "twelve" for "nine" where the same occurs in the fifth line of the said section.

Section 9, repealed; new section.

3. The ninth section of the said Act is hereby repealed and the following section substituted therefor:

Who may be members.

"**9.** Any person directly or indirectly engaged in or interested in trade or commerce, whether a resident of the city of Ottawa or not, shall be eligible for admission as a member of the said corporation; and at any general meeting of the corporation it shall be lawful for any member thereof to propose any such person as aforesaid as a candidate for becoming a member of the corporation; and the election of such candidate shall be held at the first general meeting thereafter in the manner prescribed by the by laws and regulations of the said corporation."

Election.

Section 16, amended.

4. Section sixteen of the said Act is hereby amended by striking out all the words after "charge" in the eleventh line of the said section.

Sections added.

5. The said Act is hereby further amended by adding the following as sections twenty-four and twenty-five of the said Act respectively:

Board of examiners under 37 V., c. 45.

"**24.** The Council of the corporation may appoint five persons to constitute a board of examiners to examine appli-

cants for the office of inspector of flour and meal or of any other article subject to inspection; and may do all such other acts, matters and things connected with the inspection of flour and meal or any other article, and shall have as full power, and be subject to the same conditions, as those conferred upon and required of the Councils of the Boards of Trade by "*The General Inspection Act*, 1874"; and the said examiners and inspector shall be subject to all the provisions touching their office set forth in the said Act."

Affiliation with Dominion Board of Trade.

"**25**. The said corporation may become affiliated with the Dominion Board of Trade on duly complying with all the terms and requirements of that organization, and may be represented at all its ordinary or special general meetings held from time to time: Provided always, that the delegates or representatives to the Dominion Board of Trade shall be elected at a general meeting duly convened of the said corporation."

No. 83

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

An Act to amend the Act incorporating the Board of Trade of the City of Ottawa.

Received and read first time, Tuesday, 6th April, 1886.
Second reading, Wednesday, 7th April, 1886.

(PRIVATE BILL.)

MR. MACKINTOSH.

OTTAWA:
PRINTED BY MACLEAN, ROGER & CO.
1886.

No. 86.] **BILL.** [1886.

An Act to incorporate "The North American Telegraph Company."

WHEREAS Matthew Henry Folger, R. C. Carter, Benjamin W. Folger, Eli M. Upton, George Taylor and Charles E. Hickey, have, by their petition, prayed to be incorporated under the name of "The North American Telegraph Company," with all necessary powers for carrying on a general telegraph and telephone business, and other powers incidental to the establishment, manufacturing and operating of telephones and telegraph instruments, with special powers for entering into and making any arrangement with other companies or individuals in Canada or elsewhere, for traffic or the acquisition or sale of patents, rights, concessions, materials or other property, 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. Matthew Henry Folger, R. C. Carter, Benjamin W. Folger, Eli M Upton, George Taylor and Charles E Hickey, and such other persons and corporations as shall become shareholders in the company hereby incorporated, shall be and they are hereby constituted a body corporate and politic, by and under the name of "The North American Telegraph Company," hereinafter called the company. Certain persons incorporated. Corporate name.

2. The company shall have power to establish, construct, purchase, lease or work any line or lines of telegraph or telephone from and to any place or places in Canada, either by land or water, over which exclusive telegraph line rights do not now exist by any law of Canada or of any Province of Canada, and from and to any place or places without the Dominion of Canada, and to make connection with the line or lines of any telegraph or telephone company in the United States of America or elsewhere, and to aid or advance money to build or work any such line in the said United States; and also to borrow such sum of money, not exceeding the amount of the paid-up capital of the company, as the directors shall deem necessary, and to issue bonds therefor, which shall be a first charge upon the whole lines, works and plant of the company, in such sums and at such rate of interest, and payable at such times as the directors shall determine, for the purpose of carrying out any of the objects or purposes of this Act. General powers of the company. Borrowing powers.

Manu acture of apparatus.

3. The company shall also have power to manufacture telegraph instruments, telephones and other apparatus connected therewith, and their appurtenances and other electrical or magnetic instruments used in connection with the business of a telegraph or telephone company, and to purchase, sell or lease the same and rights relating thereto, and to build, establish, construct, purchase, acquire or lease and maintain and operate, or sell or let any line or lines for the transmission of messages by telegraph or telephone, in Canada or elsewhere; and also:

Communications.

(1) To establish, by any electrical means whatsoever, a system of telegraphic and telephonic communication, by land or cable, between any places in Canada or elsewhere;

Connection with other systems.

(2) To connect such system with any similar system established in any Province of Canada or elsewhere;

And with cables.

(3) To connect their said lines or any of them with any system or line of cables;

Purchase of telephone lines.

(4) To purchase or lease for any term of years any telegraph or telephone line established or to be established either in Canada or elsewhere, connecting or hereafter to be connected with the lines which the company is authorized to construct, or to purchase or lease, for any term of years, the right of any company to construct any such telegraph or telephone line;

Power to lease or amalgamate.

And the company shall also have power and authority to amalgamate with or to lease their line or any portion or portions thereof, from time to time, to any company or person possessing as proprietor any line of telegraphic or telephonic communication connecting or to be connected with the company's line in Canada; and the company shall also have power to enter into any arrangements with any person or company possessing as proprietor any line of telegraphic or telephonic communication, or any power or right to use communication by means of the telegraph or telephone, upon such terms and in such manner as the board of directors may, from time to time, deem expedient or advisable, or to become a shareholder in any such corporation.

Arrangement with other companies.

Capital stock and shares.

4. The capital of the company shall be two hundred and fifty thousand dollars, and shall be divided into shares of one hundred dollars each; and the said capital may be increased, from time to time, by resolution of the board of directors by and with the consent of a majority in value of the shareholders; but such capital shall at no time be made to exceed one million dollars.

Head office.

5. The head office and chief place of business of the company shall be in the city of Kingston, in the county of Frontenac and Province of Ontario, but the board of directors may establish one or more offices in other places in Canada and elsewhere, and may legally call and hold board

or shareholders' meetings at other places in Canada, as may be determined by by-law made from time to time.

Provisional directors.

6. Matthew Henry Folger, R. C. Carter, Benjamin W. Folger, Eli M. Upton, George Taylor and Charles E. Hickey are hereby constituted the provisional directors of the company, and shall have power and authority to open stock books to procure subscriptions for the undertaking.

First general meeting.

7. The provisional directors shall hold office until after the first general meeting of shareholders of the company after the passing of this Act, which said first general meeting shall be held so soon as ten per cent. upon the capital stock subscribed shall have been paid in, such subscription of stock not being less than twenty-five thousand dollars; notice of such first general meeting shall be given to each shareholder, by mail, at least one month previous to holding the same, and by four insertions in some newspaper printed in the city of Kingston, for four weeks previous thereto.

Notice.

Rights of shareholders.

8. Every subscriber to or holder of the stock of the company shall thereby become a member of the company, and shall have the same rights and privileges with other members thereof.

Directors.

9. The business of the company shall be managed by a board of directors, to consist of nine members, and each such director shall be proprietor of at least ten shares in the stock of the company, and they shall be elected and hold office as hereinafter provided.

Equal rights of shareholders.

10. Aliens shall have equal rights with British subjects to take stock, to vote and to be eligible to office in the company, and no shareholder shall be liable beyond the amount unpaid on the stock subscribed by him, for any debt contracted by the company, unless he shall have made himself personally liable therefor.

President and officers.

Quorum.

Casting vote.

Honorary directors.

11. The directors shall appoint one of their number to act as president, and another as vice-president, and may appoint such other officers and agents asthey shall deem necessary; and the directors may remove all officers appointed by them and appoint others in their places, and may fill all vacancies in their offices; a majority of the directors shall form a quorum and all questions shall be decided by a majority of votes of the directors present, and upon every equal division of votes, the president, or the chairman for the time being, shall give his casting vote in addition to the vote previously given by him as one of the directors; and the directors may appoint honorary directors, if they think proper so to do at any time.

Notices of calls.

12. All notices of calls upon the sharholders shall be given by advertisement, at least once a week for four successive weeks in some newspaper published in the place where the head office of the company is situated, and by mailing a notice of such call post-paid, addressed to each shareholder

liable to pay the same, at his post office address, as recorded in the books of the company, at least four weeks before the time appointed for payment thereof.

Forfeiture of shares for non-payment.

13. If after such demand or notice as hereinbefore provided any call made upon any share or shares, be not paid, within such time as may be limited in that behalf, the directors, in their discretion, by vote to that effect duly recorded in their minutes, may summarily declare forfeited any shares whereon such payment is not made, and the same shall thereupon become the property of the company and may be disposed of as the by-laws of the company may ordain; but notwithstanding such forfeiture the holder of such shares at the time of forfeiture shall continue liable to the then creditors of the company, for the full amount unpaid on such shares at the time of forfeiture less any sums which may have been subsequently realized by the company in respect thereof.

Recovery by suit.

14. The company may, if they see fit, instead of declaring forfeited any share or shares, enforce payment of all calls and interest thereon by action in any competent court; and a certificate under their seal and purporting to be signed by any officer of the company to the effect that the defendant is a shareholder, that such call or calls has or have been made, and that so much is due by him and unpaid thereon, shall be received as against the defendant in all courts as *primâ facie* evidence to that effect.

Deduction from dividends.

15. The directors may deduct from the dividends payable to any shareholder all such sums of money as may be due from him to the company on account of calls or otherwise.

Votes on shares.

16. At all meetings of the shareholders each share shall entitle the holder to one vote, which may be given in person or by proxy, but no one who is not a shareholder shall act or vote as such proxy and no shareholder shall be entitled, either in person or by proxy, to vote at any meeting upon any share or shares in respect to which any call is in arrear.

What transfers may not be registered.

17. The directors may decline to register any transfer of shares belonging to any shareholder who is indebted to the company.

Annual general meeting.

18. The first general meeting shall be held, as hereinbefore provided for, and in each year thereafter, upon the same day, or on such other day as the directors, by any by-law, from time to time appoint, there shall be held a general meeting for the election of directors, and such other proceedings and business as it is competent for the shareholders to deal with and determine; and four weeks' notice of every such meeting shall be given in one or more of the newspapers published in the city of Kingston; the directors, or any of them, shall be qualified for re-election.

Notice.

Vacancies.

19. Whenever one or more of any such directors die or resign, the remaining directors shall appoint a director or

directors in lieu of the person or persons so dying or resigning.

20. The directors may, from time to time, make, alter, amend or repeal such regulations and by-laws as are necessary and not contrary to law or this Act, respecting the management of the affairs of the company generally, the allotment, the issue and transfer of shares, the payment thereof, the issue and registration of certificates of stock, the forfeiture of stock for non-payment, the disposal of forfeited stock and of the proceeds thereof, the transfer of stock, the issue, delivery, transfer and registration of bonds, the declaration and payment of dividends, the appointment, functions, duties and removal of all agents, officers and servants of the company, the security to be given by them to the company, their remuneration, and that, if any, of the directors, the time at which, and place where, the annual and special meetings of the company shall be held, the calling of meetings, regular and special, of the board of directors and of the company, the requirements as to proxies and the procedure in all things at such meetings, the imposition and recovery of all penalties and forfeitures, and the conduct in all other particulars of the affairs of the company. By-laws may be made.

21. All shares in the capital stock of the company and all profits and advantages thereof shall be held to be personal estate and shall be transferable and transmissible as such; but no assignment or transfer shall be valid unless all calls then due on such shares are paid up, and the said transfer is duly made and entered in a book to be kept for that purpose. Transfer of shares.

22. The bonds authorized by this Act to be issued by the company may be pledged, negotiated or sold upon such conditions and at such prices as the board of directors determine. Bonds, how disposed of.

23. The directors of the company may make and issue, as paid up stock, shares of the company whether subscribed for or not, and may allot such shares of paid up stock and also mortgage bonds of the company in payment of plant or materials of any kind and also for work done by contractors, engineers and other persons who have been or are, before or after such issue, engaged in promoting the undertaking and interests of the company; and such allotment of stock or bonds shall be binding on the company, and the paid-up stock shall be unassessable thereafter for calls. Stock or bonds may be issued in payment of services.

24. The company may become party to promissory notes and bills of exchange for sums not less than one hundred dollars, and every such promissory note or bill of exchange made, drawn, accepted or endorsed by the president or vice-president of the company and countersigned by the secretary and treasurer, under the authority, general or special, of a quorum of the directors, shall be binding on the company and every such promissory note or bill of exchange made, drawn, accepted or endorsed by the president or Company may become party to promissory notes, &c.

vice-president and countersigned by the secretary and treasurer, shall be presumed to have been duly made with the proper authority until the contrary is shown; and in no case shall it be necessary to have the seal of the company affixed to any such promissory note or bill of exchange, nor shall the president or vice-president or secretary and treasurer of the company be individually responsible for the same, unless the said promissory note or bill of exchange has been issued without the sanction and authority of the board of directors as herein provided: Provided however, that nothing in this section shall be construed to authorize the company to issue notes or bills of exchange payable to bearer, or intended to be circulated as money or as notes or bills of a bank.

Proviso: as to notes payable to bearer.

Powers of the company as to lands.

25. The company their deputies, servants, agents and workmen are hereby authorized and empowered to enter into and upon the lands, grounds and premises of any person or persons, bodies politic, corporate and collegiate, or communities whatsoever, and survey and take levels of the same or any part thereof, and to set out and ascertain such parts thereof as they shall think necessary and proper for making the said intended telegraph, telephone and all such other works, matters and conveniences as they shall think proper and necessary for making, effecting, preserving, improving, completing, maintaining and using the said intended telegraph, telephone and other works; and also to bore, dig, cut, trench, get, remove, take, carry away and lay earth, clay, stone, soil, rubbish, trees, roots of trees, beds of gravel or sand, or any other matters or things which may be dug or got in making the said intended telegraph, telephone or other works, on or out of the lands adjoining or lying convenient thereto and which may be proper, requisite or necessary for making or repairing the said intended telegraph, telephone or works incident or relative thereto, or which may hinder, prevent or obstruct the making, using or completing, extending or maintaining the same respectively, according to the intent and purpose of this Act, and to build, erect, set up in or upon such lands such and so many station houses and observatories, watch houses and other works, ways, roads and conveniences as and where the company shall think requisite and convenient for the purposes of the said telegraph and telephone; and also from time to time to alter, repair, divert, enlarge and extend the same, and to construct, erect and keep in repair any bridges, arches and other works upon or across any non-navigable rivers or brooks for the making, using, maintaining and repairing of the said intended telegraph and telephone; and to construct, erect, make and do all other matters and things which they shall think convenient and necessary for the making, effecting, extending, preserving, improving, completing and easy using of the said intended telegraph and telephone and other works, in pursuance of and according to the true intent and meaning of this Act:

Observatories

Bridges, &c

Trees may be cut down.

2. Whenever and wheresoever the said telegraph and telephone shall pass through any wood, the trees and under-

wood may be cut down for the space of fifty feet on each side of the said telegraph and telephone, upon which such trees and underwood may be, they, the company, doing as little damage as may be in the execution of the several powers to them hereby granted ; and making satisfaction wherever required so to do to the owners or proprietors of, or the persons interested in the lands, tenements or hereditaments, water, water-courses, brooks or rivers respectively, which shall be taken, used, removed or prejudiced, or woods in which trees or underwood shall be cut down, or for all damages to be by them sustained in or by the execution of all or any of the powers of its Act :

Compensation

3. The company shall not cut down or mutilate any tree planted or left standing for shade or ornament, or any fruit tree, unless it be necessary so to do for the erection, use or safety of any of its lines.

As to shade or ornamental trees.

26. The company shall have full power and authority to set up posts for supporting the wires of the said telegraph and telephone, in and upon any public road, street or highway, and to make the necessary excavations in the same for placing such posts or poles, or for carrying the said wires under the surface thereof or of any navigable or other water ; and such posts and wires and other apparatus therewith connected, shall be the property of the company, as shall also all such posts or poles or apparatus as shall be set up or carried under the surface of land or water by the company, for the purposes aforesaid, although the lands or waters on which the same are set up or carried under the surface, be not the property of the company.

Posts may be erected, &c.

27. It shall be the duty of the company to transmit all despatches in the order in which they are received, under a penalty of not less than twenty dollars nor more than one hundred dollars, to be recovered with costs of suit by the person or persons whose despatch is postponed out of its order ; and the company shall have full power to charge for the transmission of such despatches and to receive, recover and collect such rates of payment as shall be from time to time fixed by the Directors : Provided always, that any message in relation to the administration of justice, the arrest of criminals, the discovery or prevention of crime and Government messages or despatches shall always be transmitted in preference to any other message or despatch, if required by any person connected with the administration of justice or any person thereunto authorized by the Secretary of State of Canada.

Transmission of despatches.

Exception.

28. Any operator of the said telegraph or telephone line or person employed by the telegraph or telephone company divulging the contents of a private despatch shall be deemed guilty of an offence against this Act, and on conviction, in a summary manner, shall be liable to a fine not exceeding one hundred dollars or to imprisonment for a term not exceeding three months, or both, in the discretion of the court before which the conviction shall be had.

Penalty for divulging contents of message.

Powers as to real estate.

29. The company shall have power to purchase, lease or otherwise acquire and hold all such real estate as may, from time to time, be requisite for the purposes of the company; and also to sell, lease or otherwise dispose of, and to mortgage, pledge or incumber such real estate or any part or parts thereof, from time to time, in such manner and on such terms as they may deem fit.

Limitation of time.

30. The company shall *bonâ fide* commence and proceed with the construction of the works hereby authorized within three years from the passing of this Act.

Short title.

31. This Act shall be known and may be cited as "*The North American Telegraph Company Act.*"

No. 86.

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

An Act to incorporate the North American Telegraph Company.

Received and read first time, Wednesday, 7th April, 1886.
Second Reading, Friday, 9th April, 1886.

(PRIVATE BILL.)

Mr. TAYLOR.

OTTAWA:
PRINTED BY MACLEAN, ROGER & CO.
1886.

No. 87.] **BILL.** [1886.

An Act to incorporate the Columbia Valley Railway Company.

Preamble.

WHEREAS the construction of a railway from a point on the Canadian Pacific Railway at or near the Columbia river, in the Province of British Columbia, thence following the valley of the Columbia river to Gold river, and along the valley of Gold river to its source, with power to extend to the Boat Encampment, on the Columbia river, and thence through the Athabasca and Canoe Passes, would be for the general advantage of Canada; and whereas a petition has been presented praying for the incorporation of a company for the purpose of constructing and working the same, and of constructing, owning and operating lines of telegraph and telephone along the said 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:—

Certain persons incorporated.

1. Duncan MacArthur, James Isbester, Clarence W. Moberly, James Worthington, James Reid, M.P., and all such persons and corporations as shall become shareholders in the company to be hereby incorporated, shall be and are hereby constituted a body corporate and politic, by and under the name of the "Columbia Valley Railway Company," hereinafter called the company.

Line of railway may be built.

2. The company may lay out, construct and operate a railway from a point on the Canadian Pacific Railway, at or near the Columbia river, in the Province of British Columbia, thence following the valley of the Columbia river to Gold river, and along the valley of Gold river to its source, with power to extend to the Boat Encampment, on the Columbia river, and thence through the Athabasca and Canoe Passes: Provided always, that the location of the line of railway shall be subject to the approval of the Governor in Council.

Provisional directors.

3. The persons mentioned by name in the first section of this Act, with power to add to their number, shall be and are hereby constituted the provisional board of directors of the company, and shall hold office until directors are appointed, under the provisions of this Act, by the shareholders; and they shall have power and authority to fill vacancies occurring therein, to open stock books and procure subscribers for the undertaking, to cause surveys and plans to be made and executed, and to call a general meeting of shareholders for the election of directors, as hereinafter provided.

Their powers.

Capital stock and shares.

4. The capital stock of the company shall be five hundred thousand dollars, with power to increase the same in manner provided by "*The Consolidated Railway Act*, 1879," to be divided into shares of one hundred dollars each; and the money so raised shall be applied, in the first place, to the payment of all expenses and disbursements connected with the organization of the company and other preliminary expenses, and making the surveys, plans and estimates connected with the works hereby authorized; and the remainder of such money shall be applied to the making, completing, equipping and maintaining of the said railway, and other purposes of this Act.

Ten per cent payable on subscription.

5. No subscription of stock in the capital of the company shall be legal or valid unless ten per centum shall have been paid thereon, within thirty days after subscription, into some chartered bank of Canada, to be designated by the directors; and such ten per centum shall not be withdrawn from such bank or otherwise applied except for the purposes of the company; and the said directors, or a majority of them, may, in their discretion, apportion the stock so subscribed among the subscribers as they deem most advantageous and conducive to the furtherance of the undertaking; and the provisional or elected directors, when authorized by the shareholders at any annual general meeting, or special general 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 and reasonable; and thereupon may issue to such subscriber scrip to the full amount of such stock subscribed.

Allotment of stock.

Payment of stock in full.

Issue of paid up stock or bonds, for consideration

6. The directors elected by the shareholders may make or issue stock as paid up stock, and may pay or agree to pay in such paid up stock, such sums as they deem expedient, to engineers or contractors, or for right of way or material, plant or rolling stock, or for the services of such persons as may be employed by the directors in furtherance of the undertaking, or purchase of right of way, material, plant or rolling stock.

Land grants.

Lands otherwise acquired.

7. The company, in aid of the construction, equipment and maintenance of the said railway, may receive, acquire and hold grants of land; and the company may also purchase or lease any lands, rights or privileges for the purposes of the company.

Telegraph and telephone lines, &c.

8. The company may also construct and operate electric telegraph and telephone lines along and in connection with the railway and its branches, and may also construct such wharves, docks, elevators, warehouses and other buildings as may be found requisite for carrying on the traffic of the company.

First meeting of shareholders.

9. When and so soon as shares to the amount of one hundred thousand dollars, in the capital stock of the com-

pany, have been subscribed, and ten per centum paid thereon, the provisional directors shall call a general meeting of the subscribers to the said capital stock, at the city of Ottawa, for the purpose of electing directors of the company, giving at least four weeks' previous notice by public advertisement in the *Canada Gazette* and in some daily newspaper published in British Columbia, and also by circular addressed, by mail, to each subscriber, of the time, place and purpose of such meeting: Provided always, that the directors so elected may, by by-law or resolution passed by them, close the stock books, after shares to the said amount of one hundred thousand dollars have been subscribed, and may, from time to time, re-open the said stock books and receive subscriptions for additional shares of stock up to the limit authorized by this Act, when and as the same are required for the purposes of the company.

Stock books may be closed and re-opened

10. No person shall be elected a director of the company unless he is holder and owner of at least ten shares in the stock of the company, and has paid up all calls thereon.

Qualification of directors.

11. At such general meetings the subscribers for the capital stock assembled, who have so paid up ten per centum thereof, and also are present in person or represented by proxy, shall choose nine persons to be directors of the company, of whom five shall be a quorum.

Election of directors.

12. The said board of directors may employ one of their number as paid director.

Paid director.

13. Thereafter, the annual general meeting of the shareholders of the company for the election of directors and other general purposes shall be held on the first Wednesday in the month of February in each year, at such place in Canada as is appointed by by-law of the company; and four weeks' previous notice thereof shall be given by publication in the *Canada Gazette*, and in one newspaper published in the Province of British Columbia.

Annual general meeting.

14. The directors of the company, under the authority of the shareholders, to them given by a resolution of a special general meeting called for that purpose, are hereby authorized to issue bonds, under the seal of the company, signed by its president or other presiding officer, and countersigned by its secretary and treasurer; and such bonds shall be made payable at such times and in such manner and at such place or places, in Canada or elsewhere, and bearing such rate of interest as the directors think proper; and the directors shall have power to issue and sell or pledge all or any of the said bonds at the best price and upon the best terms and conditions which, at the time, they may be able to obtain, for the purpose of raising money for prosecuting the said undertaking: Provided, that the amount of bonds so issued, sold or pledged, shall not exceed twenty thousand dollars per mile; provided also, that no such bonds shall be issued until at least five hundred thousand dollars have

Bonds may be issued.

Amount limited.

When bonds may be issued

been subscribed to the capital stock, and ten per centum of the same paid thereon :

Bonds may be secured by mortgage deed.

2. Notwithstanding anything in this Act contained, the company may secure the bonds to be issued by them by a mortgage deed, creating such mortgages, charges and incumbrances upon the whole or any part of such property, assets, rents and revenues of the company, present or future, or both, as shall be described in the said deed, but such rents and revenues shall be subject, in the first instance, to the payment of working expenses of the railway :

What such deed may contain.

3. By the said deed the company may grant to the holders of such bonds, or to the trustee or trustees named in such deed, all and every the powers and remedies granted by this Act in respect of the said bonds, and all other powers and remedies not inconsistent with this Act, or may restrict the bondholders in the exercise of any power, privilege or remedy granted by this Act, as the case may be ; and all such powers, rights and remedies as shall be so contained in such mortagage deed shall be valid, binding and available to the bondholders in manner and form therein provided.

Bonds to be a first charge on the railway.

15. The bonds, hereby authorized to be issued shall, without registration or formal conveyance, be the first preferential claim and charge upon the company, and the undertaking, tolls and income, and real and personal property thereof, now or at any time hereafter acquired, save and except as is provided for in the next preceding section ; and each holder of the said bonds shall be deemed to be a mortgagee or incumbrancer upon the said securities, *pro rata*, with the other bondholders and shall have priority as such.

Voting powers of shareholders in default of payment.

16. If the company makes default in payment of the principal of or interest on any of the bonds, hereby authorized, at the time when the same shall, by the terms of the bonds, become due and payable, then, at the next ensuing annual general meeting of the company, and all subsequent meetings, all holders of bonds so being and remaining in default, shall, in respect thereof, have and possess the same rights, privileges and qualifications for being elected directors, and for voting at general meetings, as would be attached to them as shareholders if they had held fully paid-up shares of the company to a corresponding amount :

Registration of bonds in such case.

2. The right given by this section shall not be exercised by any bondholder, unless the bonds, in respect of which he claims to exercise such right have been first registered in his name, in the same manner as is provided by law for the registration of the shares of the company ; and for that purpose the company shall be bound, on demand, to register any of the said bonds, in the name of the holder thereof, in the same manner as a transfer of shares :

Certain rights not affected.

3. Provided always, that the exercise of the rights given by this section shall not take away, limit or restrain any

other of the rights or remedies to which the holders of the said bonds are entitled.

Transfer of bonds, debentures, &c.

17. All bonds hereby authorized, and the coupons thereon, may be made payable to bearer, and shall in that case be transferable by delivery, until registry thereof in manner provided in the next preceding section, and while so registered, in the same manner as in the case of shares; but they shall again become transferable by delivery upon the registration of a transfer to bearer, which the company shall be bound to register on the demand of the registered holder for the time being.

Company may become party to promissory notes

18. The company may become party to promissory notes and bills of exchange, for sums not less than one hundred dollars; and any such note or bill made, accepted or endorsed by the president or vice-president of the company, as president or vice-president thereof, and countersigned by the secretary and under the authority of a majority of a quorum of the directors, shall be binding on the company; and any such promissory note or bill of exchange made, accepted or endorsed by the president or vice-president, and countersigned by the secretary, shall be presumed to have been made with the proper authority, until the contrary is shown, and in no case shall it be necessary to have the seal of the company affixed to such promissory note or bill of exchange, nor shall the president, vice-president or secretary be individually responsible or liable for the same, unless the said promissory note or bill of exchange has been issued otherwise than as aforesaid: 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 bill or a note of a bank.

Proviso: as to bank notes.

Powers as to vessels.

19. The company may also build, purchase, acquire, lease, possess, work and operate steam or other vessels running in connection with the said railway.

Limitation of time.

20. The works upon the main line of the said railway shall be commenced within three years from the passing of this Act, and shall be completed within six years from the time of commencement, to the satisfaction of the Governor in Council, failing which the powers hereby granted to the company, to extend their line of railway for any further distance than the length of the line then completed, shall be forfeited.

No. 87.

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

An Act to incorporate the Columbia Valley Railway Company.

Received and read first time, Thursday, 8th April, 1886.
Second reading, Friday, 9th April, 1886.

(PRIVATE BILL.)

Mr. TUPPER.

OTTAWA:
PRINTED BY MACLEAN, ROGER & Co.
1886.

No. 88.] **BILL.** [1886.

An Act to provide Banking and Loan facilities to those engaged in Agricultural Pursuits.

Preamble.

WHEREAS the banking and loan facilities, under the General Banking Acts in force, are inadequate to the requirements of those engaged in agricultural pursuits, in consequence of which the development of the agricultural resources of the Dominion are seriously retarded; and it is expedient that provision be made to supply this defect; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Charters to farmers banks.

1. Under this Act, the Governor in Council may at any time grant a charter or letters patent of incorporation to any individuals applying therefor, under this Act, to establish a "Farmers' Bank," subject to the provisions and regulations hereinafter provided.

What must be stated therein.

2. The name of the bank, the capital stock thereof, the amount of each share and the place where the chief office shall be situated, shall be declared in the letters of incorporation.

General regulations.

3. The general regulations shall be similar to those of the latest Consolidated Banking Act of Canada, with the alterations, exemptions and additions hereinafter set forth.

Agencies and offices.

4. Any bank so incorporated may open agencies and offices whenever deemed advisable, and may transact business at any place in the Dominion.

Amount and when to be capital paid up.

5. No bank so incorporated shall commence the business of banking and loaning on land mortgages until thousand dollars have been *bona fide* subscribed, and thousand dollars or per cent. of such subscribed capital, *bona fide* paid up in manner hereinafter provided;

Certificate of Treasury Board.

nor until it shall have obtained a certificate from the Treasury Board to that effect, which certificate shall be granted by the Treasury Board, when it is proved to their satisfaction that such amounts of capital stock have been *bona fide* subscribed and paid up respectively; and if at least

Further payment thereon.

dollars of the subscribed capital of such bank has not been paid up before it shall have commenced business, such further amount as shall be required to complete the said sum, shall be called in and paid up within two years thereafter; and it shall not be necessary that more than

Net more than —— per cent. need be paid within any limited time.

dollars, or per cent, of the capital stock of any farmers' bank to be incorporated under this Act, be paid within any limited period from the date of its incorporation.

Of what the paid up stock may consist.

6. The paid up stock in such banks, in addition to gold and Dominion of Canada notes and bonds, may consist of first mortgages or liens upon improved farm lands to one-half the value thereof, verified by the certificate of the proper municipal officers of the municipality in which the said lands are situated, and also accompanied by an abstract or other certificate of title satisfactory to any law officer the Governor in Council may appoint for the purposes of this Act.

Issue of Dominion notes to the bank.

7. The Treasury Board, upon having satisfactory evidence that the required capital of any such bank is subscribed for and paid up in manner aforesaid, shall issue and pay over to such bank Dominion of Canada legal tender notes, to the amount of such mortgage liens, gold or Dominion bonds, which the bank may deposit in the hands of the Receiver General; such legal tenders to be marked so as to designate the particular Farmers' Bank to which they have been issued.

How such Dominion notes shall be redeemable.

8. Such legal tender notes shall be redeemable in bonds or debentures issued by the Government of Canada, and hereinafter called "Dominion of Canada Land Bonds," bearing interest at the rate of not more than four per cent. per annum, for sums of from ten dollars up to five hundred dollars each; and such issue of land bonds shall only be made when and as the Treasury Department is called upon to redeem notes issued to Farmers' Banks, and each Farmers' Bank shall be liable for the interest on an amount of such bonds equal to the amount of the notes circulated by the bank which are presented to the Treasury Department for payment.

Liability of banks for interest on land bonds.

New mortgages may be substituted for those held by Government.

9. In order to facilitate the payment of loans made on mortgage security, banks incorporated under this Act may substitute or exchange new and duly approved mortgages for those held by the Receiver General, as security for the payment of land bonds issued by the Government of Canada.

Advances by banks to settlers on Government lands.

10. In order to facilitate the settlement of Government lands, any such Farmers' Bank may, as a branch of its business, provide settlers on such lands with loans of money as required, up to six hundred dollars each, such money to be spent on the improvement of such lands or in providing the support of the settlers while they are making improvements to the satisfaction of the Government Inspector of Homesteads; and any such loan shall be a first charge or claim upon such land, and take precedence of any Government claim therein: Provided always, that in case of any such settler abandoning such lands, it shall be incumbent upon the Farmers' Bank so aiding such settler, to have such lands again occupied or otherwise to secure that the improvements made thereon are not allowed to become valueless by non-

Privilege of such loans.

Proviso: in case of abandonment of such lands.

usage ; and in order to provide the cost of such extra responsibility assumed by such banks, it shall be lawful to charge, for any such loans, interest at the rate of eight per cent. per annum. Eight per cent allowed on such loans.

11. The banks incorporated under this Act shall not be empowered to issue or circulate their own notes, but only Dominion legal tender notes, coin and notes of chartered banks. Banks not to issue notes.

12 Farmers' banks may loan money on improved farm lands only, on first mortgage security thereof, up to one-half of their value, and charging therefor at a rate of interest not exceeding five per cent. per annum, payable half yearly ; and may also discount or grant loans upon endorsed farmers' notes at short dates, up to six months, charging interest thereon at the rate of not more than seven per cent. per annum ; and in no case exceeding the sum of hundred dollars to the same party or parties. On what security loans may be made, or discounts granted. Interest and amount limited.

13. A sinking fund consisting of one per cent. of the accrued interest on mortgage loans shall be set aside every year for the purpose of redeeming bonds chargeable against any banks incorporated under this Act, and a certain number of the said bonds, to be determined by lot, shall be redeemed at the end of each five years, by the accumulations of such sinking fund, and the benefit thereof divided amongst the borrowers by lot or otherwise. Sinking fund for redemption of bonds chargeable against banks, and how used.

14. Any mortgagor, under section twelve may redeem or pay off his mortgage at any time on repayment of the amount of his loan and all accrued interest thereon to date, together with interest in advance added thereto, and shall thereupon be entitled to a full discharge of the same. Redemption of mortgages under s. 12.

15. Any mortgagor under section six, shall be entitled to a discharge of any lien or mortgage he may have given in payment of such amount of stock as he may have subscribed for in any bank incorporated under this Act, on payment of the amount of such subscription of stock, together with a reasonable fee for the execution of such discharge ; and on receipt by the Receiver-General of the amount represented by the mortgage aforesaid, the mortgage shall be returned to the bank for discharge thereof. And by mortgages given in payment of stock.

16. In order to obviate any difficulty arising from the chartered banks calling on the Government to redeem in gold, or its equivalent, any notes issued by the Government to Farmers' Banks, the Government may call for an estimate of the value to the said chartered banks of the privilege of issuing their own circulation to the termination of their charters, and may arrange with such banks for the surrender of the aforesaid privilege ; and such valuation, shall be paid them in Dominion Government legal tender notes. Proviso : for the surrender by chartered banks of the privilege of issuing notes.

Managers of Farmers' Banks may be made agents as to Government savings banks.

17. The Governor in Council may appoint the managers of the said banks, or any of them, to be Assistant Receivers General and agents of the Government in connection with the Government savings banks, and the Government may deposit with such banks the funds of the said savings banks.

Certain provisions of general Banking Acts to apply.

18. All such regulations as to returns to the Government, the election of officers, the general internal management of the bank and other provisions and regulations contained in the General Banking Acts as are consistent with the provisions of this Act, shall apply to incorporated Farmers' Banks.

No. 88.

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

An Act to provide Banking and Loan facilities to those engaged in Agricultural Pursuits.

Received and read a first time, Thursday, 8th April, 1886.
Second reading, Monday, 12th April, 1886.

Mr. Orton.

OTTAWA:

Printed by MacLean, Roger & Co.

1886

No. 89.] BILL. [1886.

An Act to incorporate the Kootenay Railway Company of British Columbia.

Preamble.

WHEREAS the construction of a railway from a point on the Canadian Pacific Railway, at or near the west crossing of the Columbia river, to a point at or near the junction of the Kootenay river with the Columbia river, in the district of Kootenay, Province of British Columbia, would be for the general advantage of Canada; and whereas a petition has been presented praying for the incorporation of a company for the purpose of constructing and working the same, and of constructing, owning and operating lines of telegraph and telephone along the said 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:—

Certain persons incorporated.

1. McLeod Stewart, James Worthington, Alexander MacLean, Clarence W. Moberley, James Isbester and Noah Shakespeare, M.P., together with such other persons as shall become shareholders in the company to be hereby incorporated, shall be and are hereby constituted a body corporate and politic, by and under the name of the "Kootenay Railway Company of British Columbia," hereinafter called the company.

Corporate name.

Line of railway may be built.

2. The company may lay out and construct a railway from a point on the Canadian Pacific Railway, at or near the west crossing of the Columbia river, to a point at or near the junction of the Kootenay river with the Columbia river, in the district of Kootenay and Province of British Columbia: Provided that the location of the said railway shall be subject to the approval of the Governor in Council.

Approval of Governor in Council.

Provisional directors and their powers.

3. The persons mentioned by name in the first section of this Act, with power to add to their number, shall be and are hereby constituted the provisional board of directors of the company, and shall hold office as such until the directors are appointed, under the provisions of this Act, by the shareholders; and they may fill vacancies occurring in the board and may open stock books and procure subscriptions for the undertaking, may cause surveys and plans to be made and executed and may call a general meeting of shareholders for the election of directors, as hereinafter provided.

Capital stock and shares.

4. The capital stock of the company shall be dollars (with power to increase the same in manner provided by "*The Consolidated Railway Act*, 1879,") divided into shares of one hundred dollars each; and the money so raised shall be applied in the first place to the payment of all expenses and disbursements connected with the organization of the company and other preliminary expenses, and incurred in making the surveys, plans and estimates connected with the works hereby authorized; and all the remainder of such money shall be applied to the making, completing, equipping and maintaining of the said railway and other purposes of this Act, and for no other purpose whatever.

Ten per cent. payable on subscription.

5. No subscription of stock in the capital of the company shall be legal or valid unless ten per centum shall have been paid thereon, within thirty days after subscription, into one or more of the chartered banks of Canada, to be designated by the directors; and such ten per centum shall not be withdrawn from such bank or otherwise applied except for the purposes of the company; and the said directors, or a majority of them, may, in their discretion, apportion the stock so subscribed among the subscribers as they deem most advantageous and conducive to the furtherance of the undertaking:

Payment of stock in full may be accepted.

2. The provisional or elected directors, when authorized by the shareholders at any annual general meeting, or special general meeting called for that 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 and reasonable; and thereupon may issue to such subscriber scrip to the full amount of such stock subscribed:

Certain services may be paid for in stock.

3. The directors elected by the shareholders may make or issue stock as paid-up stock, and may pay or agree to pay, in such paid-up stock or in the 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 for the services of such persons as are employed by the directors in furtherance of the undertaking or purchase of right of way, material, plant or rolling stock.

Grants in aid may be accepted.

6. 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 or otherwise, grants of land, bonuses, loans or gifts of money or securities for money, and may also purchase or lease from

Acquisition of lands, &c.

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 lands, leases and privileges; and all

moneys arising from the sale or other disposition of such lands, leases and privileges, shall be held and applied in trust for the purposes following, that is to say: first, in payment of the expenses connected with the acquisition, survey, management and sale of the said lands; secondly, in payment of the dividends and interest on the bonds and preference stock, from time to time, payable in cash by the company; thirdly, in payment and redemption of the said bonds and preference stock, when, and as they become due respectively, or in such order and priority and at such times as may be determined by ballot, in the manner to be fixed by the directors by by-law or resolution of the board of directors, from time to time; and, fourthly, for the general purposes of the company. Application of proceeds.

7. 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 or by preference stock or scrip for dividends, 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 any such mortgage or lien created by the company thereon, shall be applied in accordance with the trusts in the next preceding section declared. Lands sold to be free from charges. Application of purchase money.

8. The company shall have the right to acquire and take, in the manner provided by "*The Consolidated Railway Act*, 1879," such additional width of land along the line of railway and its branches as may be needed for snow fences and barriers; and the company may erect such fences and barriers, wherever the same may be requisite in the opinion of the company, on any lands near the line of the said railway, on such terms and subject to the payment of such compensation to the owners of the said lands as is agreed on, or as is determined by arbitration in the manner provided by the sections of the said "*The Consolidated Railway Act*, 1879," relating to lands and their valuation. Land for snow fences.

9 The company may also construct and operate electric telegraph and telephone lines along and in connection with the railway and its branches, and may also erect and construct over any river, stream or lake, on or near the route of the railway, a bridge or bridges where the same are necessary for the purposes of the railway or works hereby authorized; and may construct such wharves, docks, elevators, warehouses and other buildings as are found requisite for carrying on the traffic of the company. Telegraph and telephone lines.

10. When, and so soon as shares to the amount of two hundred thousand dollars of the capital stock of the company have been subscribed, and ten per centum paid thereon, the provisional directors shall call a general meeting of the subscribers to the capital stock at , for First meeting of shareholders.

Notice.

the purpose of electing directors of the company, giving at least four weeks' previous notice by public advertisement in the *Canada Gazette*, and in some daily paper published in , and also by circular addressed, by mail, to each subscriber, of the time, place and purpose of such meeting: Provided always, that the directors so elected may, by by-law or resolution passed by them, close the stock books after shares to the said amount of two hundred thousand dollars have been subscribed, any may, from time to time, re-open the said stock books and receive subscriptions for additional shares of stock, up to the limit authorized by this Act, when and as the same are required for the purposes of the company.

Stock books may be closed and re-opened.

Qualification of director.

11. No person shall be elected a director of the company unless he is holder and owner of at least shares in the stock of the company, and has paid up all calls thereon.

Election of directors.

12. At such general meeting the subscribers for the capital stock assembled, who have so paid up ten per centum thereof, and are also present in person or represented by proxy, shall choose nine persons to be directors of the company (of whom five shall be a quorum), and may also, from time to time, pass such rules, regulations and by-laws as are deemed expedient, provided they are not inconsistent with this Act or "*The Consolidated Railway Act*, 1879."

By-laws.

Annual general meeting.

13. Thereafter the annual general meeting of the stockholders of the company, for the election of directors and other general purposes, shall be held on the first in the month of in each year, at such place as is appointed by by-law of the company; and two weeks' previous notice thereof shall be given by publication in the *Canada Gazette* and in one newspaper published in the city of .

Calls on stock.

14. No call to be made on the capital stock, at any one time, shall exceed four per centum on the subscribed capital, and not less than thirty days shall intervene between any one call and a succeeding call.

Bonds may be issued.

15. The directors of the company, under the authority of the shareholders to them given by a resolution of a special general meeting called for that purpose, are hereby authorized to issue bonds, under the seal of the company, signed by its president or other presiding officer, and countersigned by its secretary and treasurer; and such bonds shall be made payable at such times and in such manner and at such place or places in Canada or elsewhere, and bearing such rate of interest, as the directors think proper; and the directors may issue and sell or pledge all or any of the said bonds at the best price and upon the best terms and conditions which, at the time, they may be able to obtain, for the purpose of raising money for prosecuting the said undertaking: Provided, that the amount of bonds so issued, sold or pledged, shall not exceed twenty thousand dollars per mile of railway: Provided also, that no such bonds shall be issued until at least

Amount limited.

When bonds may be issued.

five hundred thousand dollars have been subscribed to the capital stock and ten per centum paid thereon.

Bonds may be secured by mortgage deed.

2. Notwithstanding anything in this Act contained, the company may secure the bonds to be issued by them by a mortgage deed, creating such mortgages, charges and incumbrances upon the whole or any part of such property, assets, rents and revenues of the company, present or future, or both, as are described in the said deed; but such rents and revenues shall be subject, in the first instance, to the payment of the working expenses of the railway; and by the said deed the company may grant to the holders of such bonds, or to the trustee or trustees named in such deed, all and every the powers and remedies granted by this Act in respect of the said bonds, and all other powers and remedies not inconsistent with this Act, or may restrict the bondholders in the exercise of any such power, privilege or remedy as the case may be; and all such powers, rights and remedies as are so contained in such mortgage deed shall be valid, binding and available to the bondholders, in manner and form therein provided.

Certain powers may be granted thereby.

To be a first charge on the undertaking.

16. The bonds, hereby authorized to be issued, shall, without registration or formal conveyance, be the first preferential claim and charge upon the company, and the undertaking, tolls and income, and real and personal property thereof, now or at any time hereafter acquired, save and except as is provided for in the next preceding section, and except lands held by trustees for the company; and each holder of the said bonds, shall be deemed to be a mortgagee or incumbrancer upon the said securities *pro rata* with the other bondholders, and shall have priority as such.

Provision in case of default of payment.

17. If the company make default in payment of the principal of or interest on any of the bonds hereby authorized, at the time when the same, by the terms of the bonds, become due and payable, then at the next ensuing annual general meeting of the company, and all subsequent meetings, all holders of bonds so being and remaining in default shall, in respect thereof, have and possess the same rights, privileges and qualifications for being elected directors, and for voting at general meetings, as would be attached to them as shareholders if they had held fully paid-up shares of the company to a corresponding amount: Provided nevertheless, that the right given by this section shall not be exercised by any bondholder, unless the bonds, in respect of which he claims to exercise such right have been first registered in his name, in the same manner as is provided by law for the registration of the shares of the company; and for that purpose the company shall be bound, on demand, to register any of the said bonds, in the name of the holder thereof, in the same manner as a transfer of shares: Provided also, that the exercise of the rights given by this section shall not take away, limit or restrain any other of the rights or remedies to which the holders of the said bonds are entitled.

Registration of bonds.

Certain rights saved.

Transfer of bonds.

18. All bonds, and other securities hereby authorized, and the coupons and interest warrants thereon respectively, may

be made payable to bearer, and shall, in that case, be transferable by delivery, until registry thereof in manner provided in the next preceding section, and while so registered, in the same manner as in the case of shares; but they shall again become transferable by delivery upon the registration of a transfer to bearer, which the company shall be bound to register on the demand of the registered holder for the time being.

Company may become party to promissory notes.

19. The company may become party to promissory notes and bills of exchange, for sums not less than one hundred dollars; and any such note or bill made, accepted or endorsed by the president or vice-president of the company, as president or vice-president thereof, and countersigned by the secretary, and under the authority of a majority of a quorum of the directors, shall be binding on the company; and any such promissory note or bill of exchange made, accepted or endorsed by the president or vice-president, and countersigned by the secretary, shall be presumed to have been made with the proper authority until the contrary be shown; and in no case shall it be necessary to have the seal of the company affixed to such promissory note or bill of exchange, nor shall the president or vice-president or secretary be individually responsible or liable for the same, unless the said promissory note or bill of exchange has been issued otherwise than as aforesaid: 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 bill or note of a bank.

Proviso: as to notes payable to bearer.

Agreements with other companies.

20. The company may enter into any agreement with any other company, for the use or partial use of the railway of the company, or for leasing or hiring from such other company any other railway or part thereof, or the use thereof, and for any period or term, or for the leasing or hiring any locomotives, cars or movable property.

Mining powers.

21. The company may use and exercise such powers of mining for coal, iron and other minerals as are granted to the company by the Government of Canada or the Legislature of the Province of British Columbia.

Time for commencement and completion.

22. The works upon the main line of the said railway shall be commenced within three years from the passing of this Act, and shall be completed within five years from the time of commencement, to the satisfaction of the Governor in Council, failing which, the powers hereby granted to the company to extend their line of railway for any further distance than the length of the line then completed, shall be forfeited.

Form of deed of conveyance and effect thereof.

23. Deeds and conveyances to the company (not being letters patent from the Crown) may, in so far as circumstances will admit, be in the form set forth in the schedule to this Act, or in any other form to the like effect; and every deed made in accordance herewith shall be held and construed to impose upon the vendor executing the same the obligation of guaranteeing the company and its assigns

against all dower and claim for dower, and against all hypothecs and mortgages, and against all liens and charges whatsoever not excepted in the grant, and also that he has a good, valid and transferable title thereto; and such conveyance may be registered by duplicate in such manner and upon such proof of execution as is required under the registry laws affecting the same. Registration.

SCHEDULE.

Know all men by these presents, that I in consideration of , paid to me by the "Kootenay Railway Company of British Columbia," the receipt whereof is hereby acknowledged, grant, bargain, sell and convey unto the said company, their successors and assigns, all that tract and parcel of land (*description of land*) to have and to hold the said land and premises, unto the said company, their successors and assigns, forever.

Witness my hand this day of one thousand eight hundred and

A. B

Signed, sealed and delivered in presence of

C. D.

No. 89.

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

An Act to incorporate the Kootenay Railway Company of British Columbia.

Received and read the first time, Friday, 9th March, 1886.

Second Reading, Monday, 12th March, 1886.

(PRIVATE BILL.)

Mr. Small.

OTTAWA:

Printed by MacLean, Roger & Co.

1886

No. 90] **BILL.** [1886

An Act respecting the Montreal Board of Trade.

WHEREAS the Montreal Board of Trade has, by its petition, represented that it is desirous of having certain provisions the Acts relating to the said Board of Trade amended and consolidated, as well regarding the admission of the members of the Montreal Corn Exchange Association, and the amount of real estate which may be held by the board, as also in other respects, and it is expedient to grant the prayer of such petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. 4-5 V. (Can.) c. 90.

1. Section one of the Act of the Parliament of the late Province of Canada, passed in the Session held in the fourth and fifth years of Her Majesty's reign, chaptered ninety and intituled: "*An Act to incorporate the Montreal Board of Trade*," is hereby amended by striking out in the forty-first and forty-second lines of the said section, the words following: "being inhabitants of, and using trade and commerce within, the said city of Montreal," and by substituting therefor the words: "identified with trade, commerce and manufactures," and by striking out all the words in the said section, after "thereof" in the fifty-third line to the end of the section, and substituting therefor the following: "Provided always, that the clear value of the real and personal estate together, held by the said corporation at any one time, shall not exceed five hundred thousand dollars. S. 1 of 4-5 V. (Can.) amended. Powers as to real property.

2. Sections two to sixteen, both inclusive, of the said "*Act to incorporate the Montreal Board of Trade*," as amended by the Act of the Parliament of Canada, passed in the thirty-eighth year of Her Majesty's reign, chapter fifty-seven, are hereby repealed and replaced by the following sections from three to fifteen, both inclusive, of this Act; but this Act shall not be construed as a new law, but as a consolidation and continuation of the said sections hereby repealed, subject to the amendments and new provisions hereby made and incorporated with them; and for the avoidance of doubt, it is hereby declared that no action having been taken under the Act of the Parliament of Canada, passed in the forty-fourth year of Her Majesty's reign, chapter thirty-four, intituled: "*An Act to incorporate the Montreal Board of Trade and Exchange*," the said Act has lapsed by reason of non-user. Ss. 2 to 15, repealed and new provisions made. 38 V., c. 57. Declaratory as to 44 V., c. 34.

3. The said corporation, the Montreal Board of Trade, may by resolution, fixing the amount of annual fees to be paid, Admission of members of corn exchange.

and on such other terms and conditions as they may by resolution prescribe, admit to membership the members of the body politic and corporate, known as the Montreal Corn Exchange Association, who shall upon accepting such resolution and conforming to the terms thereof, be and become members of the said Montreal Board of Trade, entitled to all the rights and privileges, and subject to all the duties and obligations thereof as such; but nothing herein contained shall be deemed to impair in any manner whatsoever the corporate powers of the said Montreal Corn Exchange Association, or to interfere with any privilege, right or duty, conferred or imposed upon the said Association by law.

Certain property may be transferred.

4. Upon the admission as aforesaid of the members of the said Montreal Corn Exchange Association, the Montreal Board of Trade may receive from the said Association such of the funds, property and other assets as the said Association may resolve to hand over to the said Board of Trade, who shall in such case become vested therewith and be entitled and authorized to apply the same as shall be directed by such resolution of the Corn Exchange Association, and for the general purposes contemplated by this Act.

Application of funds.

5. The funds and property of the said corporation (the Montreal Board of Trade) shall be used and applied to and for such purposes only as may be calculated to promote and extend the just and lawful trade, commerce and manufactures of Canada, and of the said city of Montreal more especially, or as may be necessary for attaining the objects contemplated by this Act.

Council of the corporation.

6. The affairs, business and concerns of the corporation shall be managed by a president, two vice-presidents, a treasurer, and twelve or such other number of persons as may be provided by the by-laws all of whom shall be members of the corporation, and shall together constitute and be called the council of the said corporation, and be elected annually at such time and place as may be provided by the by-laws; all vacancies which may occur in the said council by death or otherwise shall be filled by the said council, and not less than six of the number of the said council shall constitute a quorum for the transaction of business.

Vacancies.

Present council continued.

7. The present council shall remain in office until the first annual meeting held next after the coming into force of this Act.

Annual meeting.

8. An annual meeting shall be held for the election of the council and for such other business as may be brought before such meeting, at such time and place and under such regulations and notices as the by-laws of the corporation shall determine, and may be adjourned as decided at such meeting; but in case of any accidental failure or neglect to hold such general election, the corporation shall not thereby lapse or terminate, but shall continue and exist, and the officers shall remain in office until the next general

Failure to elect not to dissolve corporation.

election, or until such other period as may be provided for in the by-laws.

Admission and expulsion of members.

9. The corporation may admit, as members, such persons as they see fit, and may expel any member for such reasons and in such manner as may be appointed by by-law.

Recovery of sums due.

10. All subscriptions of members due to the corporation, under any by-law, all penalties incurred under any by-law by any person bound thereby, and all other sums of money due to the corporation, shall be paid to the treasurer thereof, and in default of payment, may be recovered in any action brought in the name of the corporation in any court of competent civil jurisdiction.

Oath of office to be taken.

11. Each member of the council of the said corporation shall, before entering upon the discharge of his duties as such, take and subscribe an oath that he will faithfully and truly perform his duty as such member, and will, in all matters connected with the discharge of such duty, do all such things, and such things only, as he shall truly and conscientiously believe to be adapted to promote the objects of the said corporation, according to the true intent and meaning of this Act; and such oath shall be administered to the president and vice-presidents by the mayor of the city of Montreal, and shall remain among the records of the corporation of the said city, and such oath shall be administered by the said president and vice-presidents, or any one of them, to the other members of the council, and shall remain among the papers of the corporation of the Board of Trade.

By whom administered.

Guarantee and pension fund.

12. It shall be lawful for the corporation to establish a guarantee and pension fund for the purpose of aiding members and employees and their families in cases of sickness, age, misfortune or death; such fund to be made up from subscriptions, voluntary contributions or otherwise, as may be determined by by-law.

By-laws may be made.

13. The corporation is hereby empowered by vote of the majority at any annual, quarterly or special meeting of the corporation, to make all proper and needful by-laws for its government, for the raising of capital, not exceeding in amount the aforesaid sum of five hundred thousand dollars, by the issue of transferable shares, bonds or otherwise, to regulate the rate and payment of interest thereon, for the appointing of the conditions under which shares or bonds may be transferred or forfeited, for the employment of a secretary, assistant-secretary and such clerks and other officers and servants as may be necessary, for regulating the mode of voting at any ordinary or general meeting; and to determine whether the presiding officer shall or shall not vote, or shall or shall not have a double or casting vote in case of a tie; for the formation and maintenance of the guarantee or pension fund, and for the management and distribution thereof generally; for regulating and defining the rights of participants therein, and the imposition and enforce-

ment of any penalties and forfeitures in connection with such fund, and generally to make by-laws for all or any of the purposes within the powers conferred by this Act, and for the administration of its affairs generally, provided such by-laws are not contrary to law; and further to amend and repeal such by-laws from time to time in the manner provided by such by-laws, and generally the Corporation shall have all needful corporate powers for the purposes of this Act.

By-laws may be amended or repealed.

14. No member, officeholder, or shareholder shall in any manner be liable to, or charged with the payment of any debt or demand due by the corporation beyond the amount unpaid upon any of his subscribed shares in the capital stock of the corporation.

Liability of members limited.

15. It shall be the duty of the harbor commissioners, harbor master and port warden of Montreal, the collectors of customs at Montreal, St. John's, Coaticook and such other points as may be desired, the officers at Montreal in charge of the Lachine Canal, the inspectors of flour and meal, wheat and other grain, beef and pork, pot and pearl ashes, pickled fish and fish oils, butter, leather and raw hides, and all other inspectors that are or may be hereafter appointed at Montreal, and of railway companies having *termini* in the city of Montreal, and their officers and servants, to furnish to the corporation and at its expense such statistical and other information relating to trade and commerce, and such samples as may, from time to time, be required by resolution of the Council.

Certain officials and companies to furnish returns, &c.

16. Sections seven, eight, nine, ten, eighteen, thirty-nine and forty of the "*Canada Joint Stock Companies' Clauses Act*, 1869," shall not be incorporated with this Act; and for the purposes hereof, the expression "directors," wherever the same occurs in the "*Canada Joint Stock Companies' Clauses Act*, 1869," shall be held to mean the members of the council of the said Board of Trade.

Certain provisions of 32-33 V., c. 12, not to apply.

No. 90.

4th Session, 5th Parliament, 49 Victor

BILL.

An Act to amend and consolid
Acts relating to the Montreal F
Trade.

Received and read first time, Fri
April, 1886.
Second reading, Monday, 12th April,

(PRIVATE BILL.)

Mr. CUR

OTTAWA:
PRINTED BY MACLEAN, ROGER &
1886.

No 91.] **BILL.** [1886.

An Act to incorporate the Yarmouth Steamship Company, Limited.

Preamble.

WHEREAS the persons hereinafter mentioned have petitioned the Parliament of Canada, praying that they may be incorporated, with such other persons as shall become associated with them, as a company under the name and style of "The Yarmouth Steamship Company, Limited," with power to own real estate on which to erect piers, warehouses and sheds, and steamships and vessels for general transportation purposes, and particularly to operate lines of steamers between ports in the Provinces of Nova Scotia and New Brunswick, and between ports in Canada and the United States of America and elsewhere; and whereas it is expedient to grant the prayer of their petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Certain persons incorporated.

1. The Honorable Loran E. Baker, William A. Chase, John W. Moody, Edgar K. Spinney, Thomas R. Jolly, Lyman Cann, Augustus F Stoneman, Lyman E. Cann, all of Yarmouth, and William H. Owen of Lunenburg, in the Province of Nova Scotia, together with such other persons as shall be and become stockholders in the company to be hereby incorporated, and their respective heirs, executors, administrators, curators and assigns shall be, and are hereby created a body politic and corporate, by the name of "The Yarmouth Steamship Company, Limited," hereinafter called the company.

Corporate name.

Capital stock and shares.

2. The capital stock of the company shall be seventy-five thousand dollars, divided into seven hundred and fifty shares of one hundred dollars each, with power at any general meeting of the company to increase the same from time to time to any amount in one hundred dollar shares up to five hundred thousand dollars, but the company shall not go into operation until fifty per cent. of the capital stock is actually paid in.

Business of the Company.

3. The company shall have power to own, build, buy, sell and charter steamships, ships and vessels of all kinds, and to employ them in any lawful business whatsoever and wheresoever.

What real estate the company may hold.

4. It shall be lawful for the company to purchase, rent, take, hold and enjoy for them and their successors, as well in Canada as elsewhere, when it shall be deemed expedient

for the purposes of the company to do so, either in the name of the company or in the name of trustees for the company, such lands or real estate, wharves, docks, warehouses, cattle-sheds and grazing lands, offices and other buildings as they may find necessary and convenient for the purposes of the company, and to sell, lease, mortgage or dispose of the same, and others to purchase or acquire in lieu thereof, not to exceed the sum of fifty thousand dollars in value at any one point.

Value limited.

Certain charges for services authorized.

5. The company may charge on all property placed with them or in their custody a fair remuneration, as may be fixed upon by the directors for storage, warehousing, wharfage, dockage, cooperage, grazing or any other care and labor in and about such property on the part of the company over and above the regular freight and primage of the said property which may have been carried or may be carried by them.

Recovery of charges and how secured.

6. The company shall have power to recover all charges, subject to which goods or commodities may come into their possession, and on payment of such back charges and without any formal transfer shall have the same lien for the amount thereof upon such goods or commodities as the persons to whom such charges were originally due had upon such goods or commodities while in their possession; and the company shall be subrogated by such payment in the rights and remedies of such persons for such charges.

Lien for charges and power to sell goods in default of payment.

7. The company, in the event of non-payment of freight, advances and other charges when due, upon goods or effects in their possession or under their control, may sell at public auction or private sale the goods whereon such advances and other charges have been made, and retain the proceeds, or so much thereof as shall be equal to the amount due to the company, with charges and costs, returning the surplus, if any, to the owner thereof; but no sale of any goods or effects shall take place under this Act until or unless, prior to the sale thereof, thirty days' notice of the time and place of such sale has been given by registered letter transmitted through the post office to the owner of such goods or effects, unless otherwise provided in the contract between the parties.

Proviso.

Calls on capital stock.

8. The directors of the company may call in the capital stock from time to time, as is necessary or expedient,—one month's notice of each call being first given; notice of each call shall bear date after the date at which the previous call falls due, and shall be in writing; and such notice may be given by a registered letter, prepaid and mailed to the last known address of each shareholder; and more than one call may be made at the said meeting of the board.

Notice.

Directors: number and quorum.

9. The business and affairs of the company shall be conducted and managed and its powers exercised by three directors elected by the shareholders, and two of such directors shall form a quorum.

Provisional directors : their powers and duties.

10. The provisional directors shall be the Honorable Loran E. Baker, William A. Chase and John W. Moody, all of Yarmouth, esquires; and the said provisional directors, after the passing of this Act, shall have power to organize, to open subscription books for the subscription of stock therein, to receive the first payment thereon and to call a general meeting of the subscribers of stock, as hereinafter provided.

Subscription books.

Certificates of shares may be issued by directors.

11. The directors of the company shall, from time to time, issue to each of the shareholders respectively, certificates, under the seal of the company, of the number of the shares to which he is entitled; and he shall then be legal owner of such shares and invested with all the rights and subject to all the liabilities of a shareholder in respect of such shares; and each person to whom any share or shares shall be assigned, shall sign an acknowledgment of his having taken such share or shares, which acknowledgment shall be kept by the directors, and shall be conclusive evidence of such acceptance, and that the person signing it has taken upon himself the liability aforesaid.

Effect of acknowledgement thereof.

Recovery of calls by suit.

12. If the said directors deem it more expedient, in any case, to enforce the payment of any unpaid call, than to declare forfeited or sell the share in respect whereof the said call is due, the company may sue for and recover the same from such shareholder, with interest thereon, in an action in any court having civil jurisdiction to the amount claimed: Provided, that nothing herein contained shall in any way affect the right of the company to declare forfeited the shares of any shareholder for non-payment of calls or subscription, whether after or before such judgment for recovery thereof.

Proviso: as to forfeiture of shares.

Application of funds of the company.

13 The capital stock, and increase thereof, of the company, is hereby directed and appointed to be laid out and applied, in the first place, to the preliminary expenses attending the establishment of the company; and all the rest, residue and remainder of such money for and towards carrying out the objects of the undertaking and the other purposes of the company, and to no other use, intent or purpose whatsoever.

Transmission of shares otherwise than by transfer.

14. Any person who becomes entitled to a share in consequence of the death, bankruptcy or insolvency of any shareholder, or in consequence of the marriage of any female shareholder, may be registered as a shareholder upon such evidence being produced as shall, from time to time, be required by the directors, and on production of a declaration and request in writing in that behalf,—which declaration shall distinctly state the manner in which, and the person to whom, such shares shall have been transmitted, and shall be, by such person, made and signed; and the signature thereto shall be attested by at least one witness, whom the company may require to be sworn before a judge of a court of record, or the mayor, provost or chief magistrate of a city, town or borough or municipality, or a public notary, or, if from a foreign country, by the British consul or vice-consul, or other accredited representative of the British

Proof of transfer.

Government in the country where the declaration shall be made, which shall be conclusive evidence of such person having agreed to become a shareholder.

Annual general meeting.

15. The annual general meeting of the company shall be held at Yarmouth, in the office of the company, at such time as may be fixed by the directors, for the purpose of electing directors and for transacting the general business of the company; at such meeting the president of the company, or in his absence the vice-president, and in the absence of both, the managing director or any other of the directors, shall take the chair, and shareholders may appear in person or be represented by proxy, as hereinafter provided.

Who shall preside.

Election of officers.

16. The directors elected at the annual meeting, or at a meeting convened for the purpose, shall assemble within two days after the annual election of the said directors, and shall then elect from amongst themselves, by a majority of votes of those then present, a president and a vice-president and a managing director (who may be either the president or the vice-president,) who shall hold office for one year, or until their successors are elected and enter upon the duties of their offices; any of these officers may call meetings of the directors as often as occasion may require.

Term of office

Calling meetings.

One vote on each share.

17. At all meetings of the shareholders held in pursuance of this Act, whether the same be annual or special, every shareholder shall be entitled to as many votes as he has shares in the said stock, and such vote or votes may be given in person or by proxy; and all questions proposed or submitted for the consideration of the said meetings shall be finally determined by the majority of the votes of the shareholders present or voting by proxy, except in any case or cases otherwise provided for by this Act: Provided always, that no person shall be entitled to vote as proxy at any meeting unless he shall be a shareholder in the company, and produce written authority as such proxy, duly authenticated.

Proxies.

Majority to decide.

Proviso: as to proxies.

Notice of general meeting.

18. Notice of the time and place for holding general meetings of the company shall be given at least thirty days previously thereto, in some newspaper published in the town of Yarmouth, and by special notices mailed to the addresses of the shareholders who have made known their addresses,—such notices to state whether the meeting is an annual or a special meeting, and if a special meeting the purposes of such meeting.

Local boards and agents

19. The directors of the company may appoint local boards of management or agents in Canada or elsewhere, and for such time and on such terms as to them shall seem expedient.

Yearly statement of affairs

20. The directors shall cause an exact statement of the affairs, debts and assets of the company to be made up on a certain day in each and every year,—such day to be fixed

by the directors—which statement shall be submitted to the shareholders.

Liability of shareholders limited.

21. No shareholder shall, as such, be held liable for any claim, engagement, loss or payment, or for any injury, transaction, matter or thing relating to or connected with the company, or the liabilities, acts or defaults of the company, beyond the sum, if any, remaining due and unpaid on the shares subscribed for or held by him in the stock of the company.

Borrowing powers of the company,

22. The directors may, when thereto authorized by a resolution of the shareholders at any meeting specially called for such purpose, borrow money on behalf of the company at such rates of interest and upon such terms as they may, under such resolution, determine; and to effect such loan the directors may authorize the managing director of the company, the president or any two of the directors, to make and execute mortgages, issue, grant and consent to bottomry or other bonds or other instruments which may be necessary, and to that end charge such property of the company as they may, by such resolution, be authorized to so charge, by way of pledge, mortgage or hypothec, and may assign, transfer or deposit any of the documents, title deeds, muniments, securities or property of the company, and either with or without power of sale or other special provisions as the shareholders at such meeting may deem expedient: Provided, that the aggregate of the sum or sums borrowed or bonds issued shall not, at any time, exceed half the amount of the paid up capital stock of the company; and no lender or purchaser of bonds so issued by the company shall be bound to enquire into the occasion for any such loan, or into the validity of any resolution authorizing the same, or the purpose for which such loan is wanted.

Power to pledge property.

Proviso: amount limited.

Rights of alien shareholders.

23. Aliens shall have the same right as British subjects to take and hold stock or shares in the company, and to vote either as principals or proxies, and shall be eligible to office in the company.

Paid-up stock may be issued in payment of claims.

24. The directors shall have power to issue paid up stock in the company in payment of the price of steamers and vessels or real estate; and such paid up stock shall be free from all calls whatsoever, and from all claims and demands on the part of the company or the creditors thereof, to the same extent as if the amount of the same had been regularly called in by the company, and paid by the holder thereof in full.

Directors indemnified, except for wilful neglect or default.

25. Every director of the company, and his heirs, executors and administrators shall, from time to time, be indemnified and saved harmless out of the funds of the company from and against all costs, charges and expenses whatsoever, which he shall or may sustain or incur in or about any action, suit or proceeding which shall be brought, commenced or prosecuted against him for or in respect of any act, deed, matter or thing whatsoever, made, done or per-

mitted by him in or about the execution of the duties of his office; and also from and against all other costs, charges and expenses which he shall sustain or incur in or about, or in relation to the affairs thereof, except such costs, charges or expenses as shall be occasioned by his own wilful neglect or default

Offices of the company.

26. The head office of the company shall be in Yarmouth, but the directors may have offices and transact business wherever they see fit.

S. 18 of 32-33 V., 12 not to apply.

27. Section eighteen of the "*Canada Joint Stock Companies Clauses Act*, 1869," shall not be incorporated with this Act.

No. 91.

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

An Act to incorporate the Yarmouth Steamship Company, Limited.

Received and read first time, Friday, 9th April, 1886.

Second reading, Monday, 12th April, 1886.

(PRIVATE BILL.)

Mr. KINNEY.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.

1886.

No. 92.] **BILL.** [1886.

An Act further to amend "The Canada Temperance Act, 1878."

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

1. In any city, county or district where there is more than one registrar of deeds' office, it shall be sufficient to deposit the notice referred to in section six of "*The Canada Temperance Act*, 1878," in any one of such offices, and whenever, in any city, county or district, a poll has been held under the said Act, which has resulted in the adoption of the petition, and the Governor General in Council has, by Order in Council, declared the second part of the said Act to be in force and to take effect in such county or district, the said Act shall be held and is hereby declared to be in full force and effect therein, from and after the passing of this Act, notwithstanding that such notice has not been deposited in each registrar's office. Notice under section 6 of 41 V. c. 16, may be deposited in any registrar's office where there is more than one.

2. Wherever in the said Act, and the Acts amending the same, the word "county" is used, such word shall, when applied to the Province of British Columbia, be regarded as meaning an electoral district therein, in accordance with the divisions of the said Province for elections of members of the House of Commons of Canada; and for the purposes of the said "*Canada Temperance Act*, 1878," and amending Acts, each electoral district within the said Province of British Columbia shall include every town, township, parish and other division or municipality, within the territorial limits of such electoral district, and also within a union of electoral districts, where united for municipal purposes: Provided always, that whenever the said Province shall have been divided into counties, and a regular municipal organization established in each of such counties, the said Act, as amended, shall apply to the said counties. How the word "county" in the said Act shall be interpreted as respects British Columbia. What an electoral district shall include in the said Province. Proviso: when counties are established in British Columbia.

3. The notice provided for in section six of the said Act shall, so far as it relates to British Columbia, be deposited in the respective electoral districts as follows:— Deposit of notice in British Columbia.

1. Cariboo electoral district, in the office of the registrar of voters, village of Barkerville.

2. Yale electoral district, in the office of the registrar of voters, village of Kamloops.

3. New Westminister electoral district, in the office of the registrar of voters, city of New Westminister.

4. Victoria electoral district, in the office of registrar of voters, city of Victoria.

5. Vancouver electoral district, in the office of the registrar of voters, city of Nanaimo.

Interpretation of "county" as to provisional or temporary judicial districts: deposit of notice.

4. Whenever in the said Act, the word "county" is used, it shall, when applied to the Province of Ontario or to any other Province in which provisional or temporary judicial districts exist, be held to include such provisional or temporary judicial districts; and the notice provided for in section six of the said Act, shall so far as relates to such provisional or temporary judicial districts, be deposited in the registry office, or one of the registry offices if more than one, for the respective provisional or temporary judicial district.

Sub-section 4 of section 99, amended—sales to medical men.

5. Sub-section four of section ninety-nine of the said Act, is hereby amended by striking out of the eighth line thereof, the word "sale" and substituting therefor the words "intoxicating liquor," and by striking out of the ninth line thereof the words "to be in quantities of not less than one pint"; also by inserting in the tenth line thereof, after the word "and," the words "such sale," and by adding at the end of the said sub-section the following words: "and any medical man who gives such a certificate for any other than strictly medicinal purposes, shall, for the first offence, be liable, on summary conviction, to a penalty of *twenty dollars*, and for a second or any subsequent offence, shall be liable, on summary conviction, to a penalty of *forty dollars*.

Penalty for contravention added.

Section 100 amended. Penalties.

6. Section one hundred of the said Act is hereby amended by striking out the words "not less than" in the ninth line, and the same words in the tenth line of the said section, and also all the words after the word "punishment" in the eighteenth line thereof, to the end of the section.

Section 107 amended.

Penalties.

7. Section one hundred and seven of the said Act, is hereby amended by inserting after the word "prosecuted" in the second line thereof, the following words: "and the penalties and punishments therefor enforced."

Sections 108 and 109 amended.

Search warrants.

Destruction of liquors.

8. Section one hundred and eight of the said Act is hereby amended by inserting after the word "provisions" in the sixth line thereof, the following words: "of '*The Temperance Act of* 1864' or," and in the fourteenth line thereof, after the word "search,' the words "at any time"; and section one hundred and nine of the said Act is also hereby amended, by inserting after the word "provisions" in the second line thereof, the following words: "of '*The Temperance Act of* 1864,' or."

Section 119 amended.

9. Section one hundred and nineteen of the said Act is hereby amended, by striking out the word "of" which

follows the word "or" in the third line thereof, and inserting in its place the following words: "in any county, city or electoral district in which" Keeping liquors for sale.

10. The forms given in the schedules to this Act, or any forms to the like effect, shall be sufficient in the cases thereby respectively provided for, and where no forms are prescribed by the said schedules, new ones may be framed in accordance with "*The Canada Temperance Act*, 1878," and its amendments, or with the forms appended to the Act, intituled: "*An Act respecting the duties of Justices of the Peace out of Sessions, in relation to Summary Convictions and Orders.*" Forms in schedules or to the like effect valid.

11. Schedule N of the said Act is hereby amended by striking out the words "in the day time" after the word "enter" in the form of search warrant, and by substituting therefor the words "at any time" Schedule N amended. Search warrant.

12. Every pecuniary penalty recovered under the said Act, shall be paid to the convicting magistrate or magistrates, and one moiety thereof shall be paid by him or them to the prosecutor or complainant, and the other moiety to the treasurer of the local municipality wherein the offence was committed. Payment and applications of penalties.

SCHEDULES.

O.

1. See sections 99, 100 and 115 of "*The Canada Temperance Act*, 1878:"

GENERAL FORM OF INFORMATION.

CANADA, } The information of A.B., of the
of , } of in the
To wit: } of , collector of Inland Revenue (*or, as the case may be*), laid before me, C.D., police magistrate (*or, as the case may be*) in and for the city of (*or* one of Her Majesty's justices of the peace in and for the of), this day of , in the year of Our Lord one thousand eight hundred and

The said informant says he is informed and believes that X.Y., on or about the day of , in the year of Our Lord one thousand eight hundred and , at the of , in the of , unlawfully did sell intoxicating liquor, contrary to the provisions of the second part of "*The Canada Temperance Act*, 1878," then in force in the said county (*or* city, *or as the case may be*). N.B.—*For an information for a second or third offence add the appropriate clauses from forms R and S.*

A.B.

Laid and signed before me, the day and year, and at the place first above mentioned.

C. D.
P. M. or J. P.

FORMS FOR DESCRIBING OFFENCES.

2. *Unlawfully keeping intoxicating liquor for sale :*

"That X.Y., on at unlawfully did keep intoxicating liquor for sale, contrary to, &c. (*as above.*)

3. *Unlawful sale by a distiller or brewer in small quantities:*

"That X.Y., being a licensed distiller (*or* brewer) having his distillery (*or* brewery) within the county (*or* city, *or as the case may be*). of , on , at , unlawfully did sell whiskey (*or* other liquor manufactured in his distillery) in a quantity of less than ten gallons (*or* ale or beer in a quantity of less than eight gallons) at one time (*or* unlawfully did sell whiskey to be removed and taken away in quantities of less than ten gallons, *or* unlawfully did sell beer to be removed and taken away in quantities of less than eight gallons) contrary to, &c. (*as above.*)

4. *Unlawful sale by a vine-growing company in small quantities :*

"That the company, being an incorporated company authorised by law to carry on the business of cultivating and growing vines, and of making and selling wine and other liquors produced from grapes, having their manufactory within the county (*or* city) of on at unlawfully did sell intoxicating liquor in a quantity of less than ten gallons at one time (*or* unlawfully did sell intoxicating liquor to be removed and taken away in quantities of less than ten gallons at one time) contrary to, &c. (*as above.*)

5. *Unlawful sale by a manufacturer of native wines :*

"That X. Y., being a manufacturer of pure native wines made from grapes grown and produced by him in the Dominion of Canada, and being duly licensed to sell the same, on at unlawfully did sell such wines in a quantity of less than ten gallons (*or* unlawfully did sell such wines for sacramental or medicinal purposes in a quantity of less than one gallon) contrary to, &c. (*as above.*)

6. *Unlawful sale by wholesale merchant in small quantities :*

"That X. Y., having a license to sell intoxicating liquor by wholesale, on at unlawfully did sell intoxicating liquor in a quantity of less than ten gallons (*or* unlawfully did sell intoxicating liquor to be removed and taken away in quantities of less than ten gallons at one time) contrary to, &c. (*as above.*)

7. *Medical man unlawfully giving certificate:*

"That X. Y, being a medical man, on at unlawfully did give a certificate to obtain intoxicating liquor for other than strictly medicinal purposes, contrary to, &c. (*as above*).

8. *Tampering with a witness. See sections* 110 *and* 114 *of the said Act :*

"That X. Y., on a certain prosecution under '*The Canada Temperance Act*, 1878,' on at unlawfully did tamper with O. P., a witness in such prosecution before (*or* after) he was summoned (*or* appeared) as a witness in such case (*or* by an offer of money, *or* by threat or otherwise, unlawfully did induce (*or* attempt to induce) such witness to absent himself (*or* herself) (*or* to swear falsely) contrary to, &c. (*as above.*)

9. *Compromising or compounding a prosecution. See section* 112 :

"That X. Y., having violated a provision of '*The Canada Temperance Act*, 1878,' on at unlawfully did compromise (*or* compound, *or* settle, *or* offer, *or* attempt to compromise, compound *or* settle) the offence with E.F., with the view of preventing any complaint being made in respect thereof (*or* with the view of getting rid of, *or* of stopping, *or* of having the complaint made in respect thereof dismissed (*as the case may be*), contrary to the provisions of '*The Canada Temperance Act*, 1878.'

10. *Being a party to compromise a prosecution. See section* 113 :

"That X. Y., on at unlawfully was concerned in (*or* party to) a compromise (*or* a composition or a settlement) of an offence committed by O P. against a provision of '*The Cannda Temperance Act*, 1878.'

P.

Summons to Witness.

CANADA, of , To Wit : } To J. K., of the of , in the of

Whereas information has been laid before me, C. D., one of Her Majesty's justices of the peace in and for the of , (*or* police magistrate for the city of ,) that X. Y., being a druggist, on the of , A.D. 188 , at the of , in the of , unlawfully did sell intoxicating liquor contrary to the provisions of the second part of "*The Canada Temperance Act*, 1878," (*or as the case may be*) and it has been made to appear to me that you are likely to give material evidence on behalf of the prosecution in this matter :

These are to require you, under pain of imprisonment in the common gaol, personally to be and appear on , the day of , A.D. 188 , at ten o'clock in the

forenoon, at the , in the of , before me or such justice or justices of the peace as may then be there, to testify what you shall know in the premises, and also to bring with you, and there and then to produce all and every invoices, day-books, cash-books, or ledgers and receipts, promissory notes or other security relating to the purchase or sale of liquor by the said X. Y., and all other books and papers, accounts, deeds, and other documents in your possession, custody or control, relating to any matter connected with the said prosecution.

Given under my hand and seal, this day of , A.D. 188 , at the of , in the of

C. D.,
J. P. (L.S.)

Q.

Form of Conviction for first offence.

CANADA, } BE IT Remembered that on the
of , } day of , in the year of Our Lord
To Wit: } one thousand eight hundred and
at the of , in the of , X. Y. is convicted before me, C. D., police magistrate in and for the city of (*or* before us, E. F., and G. H., two of Her Majesty's justices of the peace, in and for the), for that he the said X. Y., on the day of , in the year of Our Lord one thousand eight hundred and , at the of , in the , in his premises, of having unlawfully sold intoxicating liquor (*or* of having unlawfully kept intoxicating liquor for sale, *or as the case may be*) contrary to the provisions of the second part of "*The Canada Temperance Act*, 1878," then in force in the said A. B., being the informant; and I (*or* we) adjudge the said X. Y., for his said offence, to forfeit and pay the sum of fifty dollars, to be paid and applied according to law, and also to pay to the said A. B. the sum of dollars for his costs in this behalf, and if the said several sums be not paid forthwith, then* I (*or* we) order the said sums to be levied by distress and sale of the goods and chattels of the said X. Y., and in default of sufficient distress in that behalf* [*or where the issuing of a distress warrant would be ruinous to the defendant and his family, or it appears that he has no goods whereon to levy a distress, then instead of the words between the asterisks* ** *say* "inasmuch as it has now been made to appear to me (*or* us) that the issuing of a warrant of distress in this behalf would be ruinous to the said X. Y. and his family," *or* "that the said X. Y. has no goods or chattels whereon to levy the said several sums by distress," I (*or* we) adjudge the said X. Y. to be imprisoned in the common gaol for the of , at , in the said , and there to be kept for the space

of *days*, unless the said sums and the costs and charges of conveying the said X. Y. to the said common gaol, shall be sooner paid.

Given under my hand and seal (*or* our hands and seals) the day and year first above mentioned, at the of in the aforesaid.

C. D., (L.S.)
Police Magistrate,
or E. F., (L.S.)
J. P.,
G. H., (L.S.)
J. P.

Form of conviction for a second offence.

CANADA, } Be it remembered that on the
of , } day of , in the year of Our Lord
To Wit : } one thousand eight hundred and
at the of , in the of , X. Y. is convicted before me, C. D, police magistrate in and for the city of (*or* before us, E. F. and G. H., two of Her Majesty's justices of the peace, in and for the), for that he, the said X. Y., on the day of , in the year of Our Lord one thousand eight hundred and , at the of , in the , in his premises, of having unlawfully sold intoxicating liquor (*or* of having unlawfully kept intoxicating liquor for sale, *or as the case may be*) contrary to the provisions of the second part of "*The Canada Temperance Act*, 1878," then in force in the said , A. B., being the informant, and it appearing to me (*or* us) that the said X. Y. was previously, to wit, on the day of , A.D. 18 , at the of , before, *etc.*, duly convicted of having unlawfully sold intoxicating liquor, contrary to the provisions of the second part of "*The Canada Temperance Act*, 1878," then in force in the said , on the day of A.D. 18 , at the of ; I (*or* we) adjudge the offence of the said X Y., hereinbefore first mentioned, to be his second offence against "*The Canada Temperance Act*, 1878," then in force in the said , and I (*or* we) adjudge the said X. Y., for his second offence, to forfeit and pay the sum of one hundred dollars, to be paid and applied according to law, and also to pay to the said A. B. the sum of dollars for his costs in this behalf; and if the said several sums be not paid forthwith, then* I (*or* we) order the said sums to be levied by distress and sale of the goods and chattels of the said X. Y., and in default of sufficient distress in that behalf* (*or, where the issuing a distress warrant would be ruinous to the defendant and his family, or it appears that he has no goods whereon to levy a distress, then instead of the words between the asterisks* ** *say* "inasmuch as it has now been made to appear to me (*or* us) that the issuing of a war-

rant of distress in this behalf would be ruinous to the said X. Y. and his family," *or* "that the said X. Y has no goods or chattels whereon to levy the said several sums by distress," I (*or* we) adjudge the said X. Y. to be imprisoned in the common gaol for the of , at , in the said , and there to be kept for the space of *days*, unless the said sums and the costs and charges of conveying the said X. Y. to the said common gaol, shall be sooner paid.

Given under my hand and seal (*or* our hands and seals the day and year first above mentioned, at the of in the aforesaid.

C. D., (L.S.)
Police Magistrate,
or E. F., (L.S.)
J. P.,
G. H., (L.S.)
J. P.

S.

Form of conviction for a third offence.

CANADA, } Be it remembered that on the
of , } day of , in the year of
To wit; } Our Lord one thousand eight hundred and , in the of in the X.Y. is convicted before the undersigned, C.D., police magistrate in and for the city of , in the said (*or* C. D. and E. F., two of Her Majesty's justices of the peace in and for the said), for that he, the said X.Y., on the day of , in the year of Our Lord one thousand eight hundred and , at the city of (*or* of) in the said (*as the case may be*) of having unlawfully sold intoxicating liquor (*or* of having unlawfully kept intoxicating liquor for sale, *or as the case may be*) contrary to the provisions of the second part of "*The Canada Temperance Act*, 1878," then in force in said . And it also appearing to me (*or* us) that the said X. Y. was previously, to wit: on the day of A.D., 18 , at the of , before, &c, duly convicted of having unlawfully sold intoxicant liquor contrary to the provisions of the second part of "*The Canada Temperance Act*, 1878," then in force in the said , on the day of , A.D., 18 , at the of . And it also appearing to me (*or* us) that the said X.Y. was previously, to wit: on the day of A.D., 18 , at the of , before, &c. (*see above*) again duly convicted of having unlawfully sold intoxicating liquor contrary to the provisions of the second part of "*The Canada Temperance Act*, 1878," then in force in the said

, on the day of , A.D. 18 ,
at the (*or as the case may be*).

I (*or* we) adjudge the offence of the said X.Y. hereinbefore firstly mentioned, to be his third offence against "*The Canada Temperance Act*, 1878," then in force in the said (A.B. being the informant), and I (*or* we) adjudge the said X.Y. for his said third offence to be imprisoned in the common gaol of the said of at , in the said of , there to be kept at hard labor for the space of calendar months (*or as the case may be*).

Given under my hand and seal (*or* our hands and seals) the day and year first above mentioned, at , in the of .

C. D. (L. S.)
or C. D. (L. S.)
E. F. (L. S.)

T.

Warrant of Committment for first offence where a penalty is imposed.

CANADA, } To ALL or any of the constables and other
of , { peace officers in the
To Wit : } and to the keeper of the common gaol
of the said at , in the of ,

Whereas X. Y., late of the of , in the said , was this day convicted before the undersigned, C. D., police magistrate in and for the city of (*or* C. D. and E. F., two of Her Majesty's justices of the peace in and for the of , *or* of , *or as the case may be*), for that he, the said X. Y., on at unlawfully did sell intoxicating liquor (*state offence as in the conviction*), contrary to the provisions of the second part of "*The Canada Temperance Act*, 1878," then in force in the said (A. B. being the informant), and it was thereby adjudged that the said X. Y., for his said offence, should forfeit and pay the sum of (*as in the conviction*), and should pay to the said A. B. the sum of for his costs in that behalf:

And it was thereby further adjudged that if the said several sums should not be paid forthwith, the said X. Y. should be imprisoned in the common gaol of the said at , in the said of , there to be kept at hard labor for the space of , unless the said several sums and the costs and charges of conveying the said X. Y. to the said common gaol should be sooner paid :

And whereas the said X. Y. has not paid the said several sums, or any part thereof, although the time for payment thereof has elapsed :

[*If a distress warrant issued and was returned no goods, or not sufficient goods, say* " And whereas, afterwards on the day of A.D. 18 , I, the said police magistrate (*or we*, the said justices) issued a warrant to the said constables or peace officers, or any of them, to levy the said several sums of and by distress and sale of the goods and chattels of the said X.Y. :

" And whereas it appears to me (*or us*), as well by the return of the said warrant of distress by the constable who had the execution of the same as otherwise, that the said constable has made diligent search for the goods and chattels of the said X. Y., but that no sufficient distress whereon to levy the said sums could be found :"]

[*Or where the issuing of a distress warrant would be ruinous to the defendant and his family, or if it appears that he has no goods whereon to levy a distress, then instead of the foregoing recitals of the issue and return of the distress warrant, &c , say :*

" And whereas it has been made to appear to me (*or* us), that the issuing of a warrant of distress in this behalf would be ruinous to the said X. Y. and his family," *or* " that the said X. Y. has no goods or chattels whereon to levy the said sums by distress " *as the case may be :*]

These are therefore to command you, the said constables or peace officers, or any one of you, to take the said X. Y., and him safely convey to the common gaol aforesaid at , in the of , and there deliver him to the said keeper thereof, together with this precept.

And I (*or* we) do hereby command you the said keeper of the said common gaol to receive the said X. Y. into your custody in the said common gaol, there to imprison him and keep him for the space of , unless the said several sums and all the costs and charges of the said distress, amounting to the sum of , and of the commitment and conveying of the said X. Y. to the said common gaol, amounting to the further sum of , shall be sooner paid unto you, the said keeper, and for so doing this shall be your sufficient warrant.

Given under my hand and seal (*or* our hands and seals), this day of A.D. 18 , at in the said of

C. D. (L.S.)
or C. D. (L.S.)
E. F. (L.S.)

———

U.

Warrant of Commitment for third offence, where punishment is by imprisonment only.

CANADA, } To ALL or any of the constables and other
of , { peace officers in the of , and
To Wit : } to the keeper of the common gaol of the
said at in the of

Whereas X. Y., late of the of , in the said was on this day convicted before the undersigned C. D., (*or* C. D. and E. F., &c., *as in preceding form*), for that he, the said X. Y., on , at (*state offence, with previous convictions, as set forth in the conviction for the third offence, or as the case may be, and then proceed thus*) : " and it was thereby adjudged that the offence of the said X. Y., hereinbefore firstly mentioned, was his third offence against the second part of " *The Canada Temperance Act*, 1878," then in force in the said , (A. B. being the informant) ; And it was thereby further adjudged that the said X. Y., for his said third offence, should be imprisoned in the common gaol of the said of , at in the said of , and there be kept at hard labor for the space of *two* calendar months.

These are therefore to command you, the said constables, or any one of you, to take the said X. Y., and him safely convey to the said common gaol at aforesaid, and there deliver him to the keeper thereof, with this precept And I (*or* we) do hereby command you, the said keeper of the said common gaol, to receive the said X. Y. into your custody in the said common gaol, there to imprison him and to keep him at hard labor for the space of *two* calendar months.

Given under my hand and seal (*or* our hands and seals). this day of , A.D. 18 , at , in the said of .

C. D. (L.S.)
or C. D. (L.S.)
E. F. (L.S.)

V.

Form of Declaration of forfeiture and of order to destroy liquor seized.

If in conviction, after adjudging penalty or imprisonment, proceed thus :

And I (*or we*) declare the said intoxicating liquor and vessels in which the same is kept, to wit: two barrels containing beer, three jars containing whiskey, two bottles

containing gin, four kegs containing lager beer, and five bottles containing native wine (*or as the case may be*), to be forfeited to Her Majesty, and I (*or we*) do hereby order and direct that the said liquor and vessels be destroyed by , the constable or peace officer who executed the search warrant under which the same was found or in whose custody the same was placed.

Given under my hand and seal the day and year first above mentioned, at, &c.

If by separate subsequent order :

CANADA, } We, E. F. and G. H., two of Her Majesty's
of , } justices of the peace for the
To Wit : } of (*or* C.D., Police Magistrate of the city of ,) having on the day of , one thousand eight hundred and , at the of , in the said duly convicted X. Y. of having unlawfully kept intoxicating liquor for sale, contrary to the provisions of the second part of "*Canada Temperance Act*, 1878," then in force in the said (*as the case may be*), do hereby declare the said liquor and vessels in which the same is kept, to wit :—(*describe the same as above*), to be forfeited to Her Majesty, and we (*or* I) do hereby order and direct that J. P. W., license inspector of the of the said , do forthwith destroy the said liquor and vessels.

Given under our (*or* my) hands and seal this day of , at the of in the said

E.F. (L.S.)
G.H. (L.S.)
or
C.D. (L.S.)

No. 92.

4th Session, 5th Parliament, 49 Victoria, 1

BILL.

An Act further to amend "The Ca Temperance Act, 1878."

Received and read first time, Friday April, 1886.
Second reading, Monday, 12th April, 18

Mr. JAMIESO

OTTAWA:

PRINTED BY MACLEAN, ROGER & 1886.

No. 93.] **BILL.** [1886.

An Act to provide for the distribution of the assets of Insolvent Debtors.

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

1. This Act shall apply to traders, trading co-partnerships and unincorporated trading companies. Application of Act.

The following persons and partnerships, and unincorporated companies exercising like trades, callings or employments, shall be held to be traders within the meaning of this Act:— Who are traders under this Act.

Apothecaries, auctioneers, bankers, brokers, brickmakers, builders, carpenters, carriers, cattle or sheep salesmen, coach proprietors, dyers, fullers, keepers of inns, taverns, hotels, saloons or coffee houses, lime burners, livery stable keepers, market gardeners, millers, miners, packers, printers, quarrymen, sharebrokers, shipowners, shipwrights, stockbrokers, stock jobbers, victuallers, warehousemen, wharfingers, persons insuring ships or their freights or other matters against perils of the sea, persons using the trade of merchandise by way of bargaining, exchange, bartering, commission, consignment, or otherwise, in gross or by retail, and persons who, either for themselves or as agents or factors for others, seek their living by buying or selling, or buying or letting for hire goods or commodities, or by the workmanship or the conversion of goods or commodities, or trees; but a farmer, grazier, common laborer or workman for hire, shall not be deemed a trader within the meaning of this Act. Proviso.

All such persons, co-partnerships, or companies, having been traders as aforesaid, and having incurred debts as such which have not been barred by the statutes of limitation, or prescribed, shall be held to be traders within the meaning of this Act; but no proceedings for distribution in insolvency shall be taken against such trader, based upon any debt or debts contracted after he has ceased to trade. As to persons having been traders. Proviso.

2. The word "county" shall mean a county or union of counties; and shall include any judicial district in Ontario not organized into a county; and for all the purposes of this Interpretation: County.

Act, the temporary judicial district of Nipissing in the Province of Ontario, shall be taken and considered as part of the county of Renfrew, and so much of the territory comprising the territorial district of Parry Sound and the territorial district of Muskoka as is not already included in the judicial county of Simcoe, shall be taken and considered as part of the said judicial county of Simcoe; and all persons and courts having authority or jurisdiction in the said counties of Renfrew and Simcoe, respectively, under this Act, shall have like authority and jurisdiction in the said district of Nipissing and the said districts of Parry Sound and Muskoka, respectively; and the word "district" shall mean a district as defined for judicial purposes by the Legislature of the Province wherein the same is situate.

District.

Date of insolvency.

(*a.*) The words "date of insolvency" shall mean the date of service of the demand of assignment when followed by distribution of assets, or of the writ of attachment, as the case may be.

Official Gazette.

(*b.*) The words "Official Gazette" shall mean the Gazette published under the authority of the Government of the Province where the proceedings in insolvency are carried on, or used in the Province as the official means of communication between the Lieutenant Governor and the people; and if no such Gazette is published, or if such Gazette is not, in the opinion of the court or judge, published with sufficient frequency to convey sufficient notice, then it shall mean any newspaper published in the county, district or Province, which shall be designated by the court or judge for publishing the notices required by this Act.

Court.

(*c*) The word "court" shall mean the Superior Court in the Province of Quebec, the Court of Queen's Bench in the Province of Manitoba, and the county courts in the Provinces of Ontario, New Brunswick, British Columbia, Prince Edward Island and Nova Scotia.

Judge.

(*d.*) The word "judge" shall mean a judge of the said courts respectively, having jurisdiction in the county or district where proceedings are taken under this Act, and shall also include a junior and deputy judge when such are appointed.

Debtor.

(*e*) The word "debtor" shall mean any person or persons, co-partnership or company having liabilities, and being subject to the provisions of this Act.

Claim.

(*f.*) The word "claim" shall mean a debt over and above any set off or counter claim of the debtor against the claimant, validly held by the debtor against him at the date of insolvency, whether due or not, for which debt the creditor does not hold security subject to valuation under the provisions of this Act, or such portion of a secured claim as may be in excess of such valuation; and the words "secured claim" shall mean a claim for which the creditor holds security under the said provisions, to the

Secured claim.

extent of such valuation of such security; but if any person, becoming insolvent under this Act, has been in insolvency under any of the Acts respecting insolvency heretofore in force in this Dominion, and has made a composition with his creditors thereunder, the amount remaining unpaid of such composition shall be the only amount provable as a claim under this Act.

Clerk.

(*g.*) The word "clerk" shall mean the prothonotary or clerk, as the case may be, of the court having jurisdiction where proceedings under this Act are being carried on.

Insolvent.

(*h.*) The word "insolvent" shall mean a debtor who has become subject to the provisions of this Act.

Notary.

(*i.*) The words "before a notary," shall mean executed in notarial form, according to the laws of the Province of Quebec.

Creditor.

When used as to voting, consent as to discharge, &c.

(*j.*) The word "creditor" shall mean every person, co-partnership or company to whom the insovent is liable, whether primarily or secondarily, and whether as principal or surety; but when used with reference to proceedings at meetings in insolvency, to the right of voting, to the proportion in number of creditors who have executed a consent to the discharge of an insolvent, or who have become parties to any other consent or action with regard to the management and disposal of the estate of an insolvent, or to any proceedings by a creditor before any court or judge; the word "creditor" shall mean a person, co-partnership or company, whose claim to an unsecured amount of one hundred dollars or upwards, has been proved in the manner provided by this Act; and with regard to the consent to the discharge of an insolvent, no creditor whose claim is not affected by such consent, or by the discharge thereby effected, shall be reckoned as one of the required number of creditors, nor shall his claim be reckoned as forming part of the proportion in amount of claims required to give effect to such discharge.

Collocated.

(*k.*) The word "collocated" shall mean ranked or placed in the dividend sheet for some dividend or sum of money.

Guardian.

Trustee.

(*l.*) The word "guardian" shall mean the person in the county or district wherein proceedings under this Act are commenced, appointed to take charge of an estate in insolvency, between the date of insolvency and the appointment of a trustee. The word "trustee" shall mean the person appointed for the winding up of the estate.

Acts of insolvency.

3. A debtor shall be deemed insolvent,—

Acknowledging insolvency.

(*a.*) If he has called a meeting of his creditors for the purpose of compounding with them; or if he has exhibited a statement showing his inability to meet his liabilities.

Absconding.

(*b.*) If he has absconded or is immediately about to abscond from any Province of Canada, with intent to defraud

any creditor, 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 such Province, he so remains with a like intent or if he conceals himself within the limits of Canada with a like intent;

Concealment.

Secriting effects.

(*c.*) Or if he has secreted, removed or disposed of, or is immediately about to secrete, remove, or dispose of, any part of his estate and effects, with intent to defraud his creditors, or to defeat or delay their remedies agains thim or any of them;

Conniving at seizure under process or exceptions.

(*d.*) Or if, with such intent, he has procured his money, goods, chattels, lands, or property to be seized, levied on or taken under or by any process or execution, founded upon a demand provable under this Act, and for a sum exceeding two hundred dollars; and if such process is in force and not discharged by payment or in some manner provided for by law;

Making assignment, sale or conveyance otherwise than under the Act, &c.

(*e.*) Or if he has made any general conveyance or assignment of his property for the benefit of his creditors, otherwise than in the manner prescribed by this Act; or if, being unable to meet his liabilities in full, he has made any sale or conveyance of the whole or the main part of his stock in trade or of his assets, without the consent of his creditors, or without satisfying their claims;

Allowing execution to be unsatisfied.

(*f.*) Or if he permits any execution issued against him under which any of his chattels, lands or property are seized, or taken in execution, to remain unsatisfied and in force till within four days of the time fixed by the officer for the sale thereof, or for fifteen days after such seizure; or if, upon the issue of such writ of execution, the officer charged therewith is unable to find any chattels, land or property which can be seized thereunder, and such writ remains unsatisfied for fifteen days;

Institution of action *en séparation de biens*, in the Province of Quebec.

(*g.*) Or if, in the Province of Quebec, he has been sued by his wife *en séparation de biens*, on the ground that he is unable to pay his debts in full, or that he is dissipating his estate and effects, and if such suit has been actually returned into court and proceeded upon, on default or *ex parte*, or if judgment be rendered in such suit in favor of the wife.

When creditors may demand an assignment.

4. If a debtor ceases to meet his liabilities generally as they become due, any one or more of his creditors for unsecured claims amounting in the aggregate to five hundred dollars, may make a demand upon him, either personally or at his chief place of business, or at his domicile, upon some grown up person of his family or in his employ (Form A.), requiring him to make an assignment of his estate and effects for the benefit of his creditors. But such demand shall not be made until the creditor or creditors making the same shall have filed with the clerk his or their affidavit verifying his or their debt or debts, and declaring that he or they is not, or are not, acting in collusion with the debtor, or at his instance, request or desire, direct or indirect. The creditor

Form.

Affidavit required.

or creditors making such demand of assignment shall, in such demand, elect a domicile within the district or county in which such affidavit is filed, at which domicile service of any answer, notice or proceeding may be made on him or them, and the clerk shall keep the original affidavit and a certified copy thereof shall be annexed to the demand.

Creditors demanding assignment must elect a domicile.

Copies of affidavit.

5. If the debtor contends that the demand was not made in conformity with this Act, or that his estate is not subject to distribution under this Act, or that the claims of such creditor or creditors do not amount to five hundred dollars in the aggregate, or that they were procured in whole or in part for the purpose of enabling such creditor or creditors to take proceedings under this Act, or that the stoppage of payment by such debtor was only temporary, and that it was not caused by any fraud or fraudulent intent, or by the insufficiency of the assets of such debtor to meet his liabilities, he may, after notice to such creditor or creditors, but only within five days from such demand, present a petition to the judge, praying that no further proceedings under this Act may be taken upon such demand; and after hearing the parties and such evidence as may be adduced before him, the judge may grant or reject the prayer of his petition, with or without costs against either party; but if it appears to the judge that such demand has been made without reasonable grounds, and merely as a means of enforcing payment under color of proceeding under this Act, he may condemn the creditor or creditors making it to pay treble costs.

Judge may on petition annul demand if claims do not amount to $500, &c.

Or if stoppage be only temporary and not fraudulent.

As to costs.

6. If at the time of such demand the debtor was absent from the Province wherein the service thereof was made, application may be made to the judge on his behalf, within the said period of five days, after due notice to the creditor or creditors, for an enlargement of the time for either contesting such demand or for making an assignment; and thereupon, the judge may make an order enlarging such period and fixing the delay within which such contestation or assignment shall be made; but such enlargement of time may be refused by the judge, if it be made to appear to his satisfaction that the same would be prejudicial to the interest of the creditors.

Judge may enlarge time for contestation of demand or assignment.

Proviso.

7. If such petition be rejected, or if, while such petition is pending, the debtor, without the leave of the judge, or otherwise than on the terms prescribed by him, continues his trade, or proceeds with the realization of his assets, or if no such petition be presented within the aforesaid time, and the debtor during the same time neglects to make an assignment of his estate and effects for the benefit of his creditors, as hereinafter provided, he shall be deemed insolvent, and his estate shall become subject to distribution under this Act.

When debtors' estate to become subject to liquidation.

8. No proceedings shall be taken under this Act to distribute the assets of an insolvent unless the same are taken within three months next after the act or omission relied upon as subjecting such estate to such distribution;

Time for commencing proceedings in liquidation limited.

nor after a writ of attachment has been issued, and while it remains in force; nor after an assignment has been made under this Act.

WRITS OF ATTACHMENT, &C.

Affidavits by parties demanding writ.

9. Any creditor, upon establishing by affidavit to the satisfaction of the judge in the county or district in which a debtor has his chief or one of his principal places of business, that such trader is indebted to him in a sum provable in insolvency, of not less than two hundred dollars, over and above the value of any security which he holds for the same; that such debtor is insolvent, and that his estate has become subject to distribution under this Act, and that he does not act in the premises in collusion with such debtor, nor to procure him any undue advantage against his creditors (Form B), shall be entitled to a writ of attachment (Form C) against the estate and effects of such debtor addressed to the guardian, requiring such guardian to seize and attach the estate and effects of such trader, and to summon him to appear before the court or judge to answer the premises.

Writ of attachment.

Concurrent writs.

Concurrent writs of attachment may be issued when required, addressed to a guardian of other counties or districts in any part of the Dominion other than the county or district in which the same shall be issued, and the guardian charged therewith shall execute the same and make his return thereon, but shall not take any further proceedings thereon until the appointment of the trustee, when he shall deliver to such trustee all effects seized under such concurrent writ. All writs of attachment shall be subject as nearly as can be, to the rules of procedure of the court in ordinary suits, as to their issue and return, and as to all proceedings subsequent thereto before any court or judge.

Procednre.

Return of writ.

10. Writs of attachment shall be made returnable forthwith after the execution thereof, unless it be provided by any rule of practice that such writ shall be made returnable on a day certain, and such writ shall be served by the guardian, either in person or by a deputy, and such service shall be made in the manner provided for the service of an ordinary writ of summons in the Province where the same is to be made; and if the debtor remains without such Province, or conceals himself within such Province, or has no domicile in any Province of the Dominion, or absconds from his domicile, in every such case service shall be made by such notice or advertisement as the judge, or in the Province of Quebec, the judge or prothonotary, may order. Concurrent writs of attachment issued against a debtor may be executed without being previously served upon him, except in cases where such debtor has his domicile or a place of business in the county or district in which the same is to be executed, in which case the writ shall be served at such domicile or place of business.

Service of writs how made.

And of concurrent writs.

Duty of guardian executing writ.

11. The guardian shall, under such writ of attachment, forthwith seize and attach all the estate, property and effects of the insolvent within the limits of the county or district

for which he is appointed, including his books of account, moneys, securities for moneys, and all his office or business papers, documents and vouchers of every kind and description; and shall return with the writ a report under oath, stating in general terms his proceedings on such writ. And immediately upon the service of a writ of attachment issued under this Act, the guardian shall give notice of the issue thereof by advertisement (Form D) to be inserted once in the Official Gazette, and once in one local or the nearest published newspaper; but in the Province of Quebec such notice shall be published in both languages in local newspapers in the manner ordinarily practised for judicial notices in that Province. And while such estate, property and effects remain vested in the guardian it shall be his duty to cause the same to be kept duly insured against loss by fire.

Report on oath.

Notice of issue writ.

In Quebec.

Insurance.

12. If the guardian is unable to obtain access to the interior of the house, shop, store, warehouse or other premises of the insolvent, by reason of the same being locked, barred or fastened, such guardian is hereby authorized forcibly to open the same in the presence of at least one witness, making special mention thereof in his return.

Guardian may break open house, &c.

13. Except in cases where a petition has been presented, as provided for by the fifth section of this Act, the debtor may present a petition to the judge on the return day of the writ of attachment, if such return day be not less than five days after the service of the writ, and otherwise at any time within five days from the service of the writ; and may thereby pray for the setting aside of the attachment made under such writ, for want of, or for a substantial insufficiency in, the affidavit required by section nine; or on the ground that the party at whose suit the writ was issued has no claim against him, or that his claim does not amount to two hundred dollars beyond the value of any security which he holds, or that it is not provable in insolvency, or that his estate has not become subject to distribution; or if the writ of attachment has issued against a debtor by reason of his neglect to satisfy a writ of execution against him, as hereinbefore provided, then on any of the above grounds, or on the ground that such neglect was caused by temporary embarrassment, and that it was not caused by any fraud or fraudulent intent, or by the insufficiency of the assets of such debtor to meet his liabilities; and such petition shall be heard and determined by the judge in a summary manner, and conformably to the evidence adduced before him thereon; and the judgment, subject to appeal, as hereinafter provided, shall be final and conclusive.

Petition by Insolvent to set aside attachment.

Various grounds of.

Hearing in such case.

ASSIGNMENTS AND PROCEEDINGS THEREON.

14. A debtor on whom a demand of assignment is made as provided by this Act, may make an assignment of his estate to a guardian; and in case there is no guardian in the county or district within which the demand was made, then to a guardian for the nearest adjoining county or district; but such assignment may be set aside or annulled by the court or

Assignment, when and to whom it may be made, &c.

May be set aside for insufficiency in affidavit, &c.

judge for want of, or for a substantial insufficiency in, the affidavit required by section four, on the summary petition of a creditor to the amount of not less than one hundred dollars, of which petition notice shall be given to the debtor and to the creditor who made the demand of assignment, within eight days from the publication of the notice thereof in the Official Gazette.

Form of assignment.

15 The assignment mentioned in the next preceding section may be in the form E; and in the Province of Quebec the deed of assignment may be executed before a notary.

Property and powers of insolvent vested in guardian to whom assignment is made.

16 Whenever an insolvent has made an assignment, or a writ of attachment has issued against him, such assignment, or such writ shall until the appointment of the trustee, vest in the guardian to whom the same is made, or who is charged with the execution thereof, as the case may be, all right, title and interest which the insolvent has in and to any real or personal property, including his books of account, all vouchers, letters, accounts, titles to property, and other papers and documents relating to his business and estate, all moneys and negotiable papers, stocks, bonds and other securities, and generally all assets of any kind or description whatsoever which he may be possessed of or entitled to; and the guardian shall hold the same in trust for the benefit of the insolvent and his creditors, and subject to the order of the court or judge; and he may upon such order and before any meeting of the creditors, institute any conservatory process or any proceeding that may be necessary for the protection of the estate; he may also, upon such order, sell and dispose of any part of the estate and effects of the insolvent which may be of a perishable nature. But such assignment or writ of attachment shall not vest in the guardian such real and personal property as are exempt from seizure and sale under execution, by virtue of the several statutes in that case made and provided in the several Provinces of the Dominion, respectively, nor the property which the insolvent holds as trustee for others.

Conservatory proceedings.

Certain personal property excepted.

Insolvent to furnish guardian with a statement of his liabilities, assets, &c.

17. The insolvent shall, within seven days from the date of the assignment, or from the date of the service of the writ of attachment, or if the same be contested, then within seven days from the date of the judgment rejecting the petition to have it quashed, furnish the guardian with a correct statement (Form F) of all his liabilities, direct or indirect, contingent or otherwise, indicating the nature and amount thereof, together with the names, additions and residences of his creditors and the securities held by them, in so far as may be known to him. The insolvent shall also furnish within the same delay a statement of all his property and assets, and such statement shall in all cases include a full, clear and specific account of the causes to which he attributes his insolvency, and the deficiency of his assets to meet his liabilities. The insolvent may at any time correct or supplement the statements so made by him of his liabilities and of his property and assets. And the guardian

Statement of property, &c.

shall forward by mail, prepaid and registered, at least seven days before the day fixed for the first meeting of creditors, a notice of such meeting and a list of the insolvent's creditors and the amount of their respective claims, to every creditor mentioned in the statement of liabilities furnished by the insolvent, or who may be known to him to be a creditor. If the insolvent is a member of a partnership or company which has become insolvent within the meaning of this Act, the members of such partnership shall produce in the form and within the time aforesaid statements of their partnership liabilities, property and assets, and each of the partners a similar statement of his separate affairs.

Notice to each creditor by mail.

As to partnerships.

18. Immediately after the assignment shall have been made, or in the case of the issue of a writ of attachment, immediately after the delay within which the attachment can be contested, or immediately after the contestation has been rejected, or with the consent in writing of the insolvent, immediately after the writ has been returned, the guardian shall call a meeting of the creditors of the insolvent to be held within fifteen days, notice of which meeting in the Form G, shall be published in accordance with the requirements of this Act; Provided always, that if the guardian omits to call such meeting to be held within the time above limited, the judge shall, on application of the guardian or of any creditor, order the meeting to be called for the earliest possible day thereafter; and should the said omission have arisen from the negligence of the guardian the judge shall order him to pay the costs of the application; Provided also, that on application of any creditor, the judge, on being satisfied that there are creditors of the insolvent whose claims amount to at least one-third of his direct liabilities, resident in any place whence their attested claims cannot with due diligence be received before the day of the meeting, may order that the meeting be adjourned to some day not more than two weeks thereafter. And thereupon a copy of the order shall forthwith be served on the guardian who shall forthwith, by prepaid and registered letter or circular, notify each creditor of the adjournment. And if such order be made, no business shall be transacted at the meeting, which shall stand adjourned according to the terms of the order.

First meeting of creditors, time for calling and how called.

Judge may call meeting.

Guardian liable for costs if negligent.

Judge may order adjournment.

Creditors notified.

EXAMINATION OF THE INSOLVENT.

19. The insolvent shall attend at the first meeting of his creditors, and after making such corrections as he may deem proper to his statements of liabilities and assets, shall then and there attest the same under oath. He may also be examined at such meeting under oath administered by the guardian or trustee, or by the judge or clerk, by or on behalf of any creditor, touching his affairs, and more especially as to the causes of his insolvency and the deficiency of his assets to meet his liabilities; and such examination shall be then and there reduced to writing; and the insolvent shall sign such examination or declare the

Insolvent to attend and be examined, and as to cause of failure especially.

Attestation, &c., of examination.

reason why he refuses to sign, and the examination shall be attested by the guardian or trustee.

Insolvent subject to further examination.

20. The insolvent shall, at all times, until he shall have obtained a confirmation of his discharge, be subject to the order of the court or judge, and to such other examination as the judge may order, or as the trustee, the inspectors hereinafter mentioned, or the creditors may require; and he shall, at the expense of the estate, execute all proper writings and instruments, and perform all acts required by the court or judge touching his estate; and in case the insolvent refuses to be sworn, or to anwer such questions as may be put to him, or to sign his answers upon such or any other examination required by this Act, or to execute such writings or instruments, or refuses to perform any of the acts lawfully required by him, such insolvent may be committed and punished by the court or judge as for a contempt of court

Refusal to answer, &c., to be contempt of Court.

Examination of wife or husband of insolvent, or other person.

21. The court or judge may also, on the application of the trustee, of the inspectors, or of any creditors, order any other person, including the husband or wife of the insolvent, and any creditor who has proved a claim upon the estate, to appear before the court or judge or before the trustee, to answer upon oath any question which may be put to him or her, touching the affairs of the insolvent and his conduct in the management of his estate; or touching the claim of such creditor, and in case of refusal to appear or to be sworn or to answer the questions submitted, such person may be committed and punished by the court or judge as for a contempt of court. No person examined under this Act shall be excused from answering any such question on the ground of any privilege, or that the answer would tend to criminate him, but no such answer shall be used against him as evidence in any criminal proceeding against him, except only for perjury committed by such answer.

Answers not to be used in criminal proceedings.

Stenographer may be employed.

22. If the creditors at any meeting thereof, shall desire to have the examination of the insolvent or any person liable to be examined under this Act taken in short-hand at the expense of the estate, they shall have the right so to order by resolution passed by the majority in amount; and thereupon such examination shall be taken in short-hand, by a stenographer duly sworn before any official competent to administer an oath to the insolvent. And on such examination it shall not be necessary for the person so examined, to sign such examination.

GUARDIANS AND TRUSTEES.

Who shall be guardians.

23. Except in towns or cities with a population, according to the last official census, of more than twenty thousand people, the sheriff of each county or district shall be guardian under this Act, and in such towns or cities one person may be appointed by the board of trade thereof to be guardian in such town or city in the place and stead of such

sheriff. But pending such appointment, and from time to time pending any vacancy which may occur in such office of guardian, the sheriff of the county or district in which such town or city is situate shall act as guardian under this Act. And any sheriff or other guardian may act by a deputy or deputies, for whose acts and omissions in the performance of his duties he shall be responsible.

Deputies may act.

24. Every guardian, before acting as such, shall give security for the due fulfilment and discharge of his duties, in the sum of four thousand dollars, such security to be given to Her Majesty by bond or guarantee policy, to the satisfaction of the judge, for the benefit of the creditors of any estate which may come into his possession under this Act; and in case any such guardian fails to pay over to the trustee the moneys received by him, or to account for and deliver over to the trustee the estate, or any part thereof, the amount for which such guardian may be in default, or the value of anything belonging to the estate not so accounted for and delivered over, as the case may be, may be recovered from his sureties, by the trustee or creditors entitled to the same, by adopting, in the several Provinces, such proceedings as are required to recover from the sureties of a sheriff or other public officer: Provided always, that any person who has become surety for a guardian, when no longer disposed to continue his suretyship, may give notice thereof in writing to his principal, and also to the clerk, who shall attach the same to the bond or instrument of suretyship deposited with him; and all accruing responsibility on the part of such person as such surety shall cease at the expiration of three months from the receipt of the last of such notices, or upon the approval by the judge of the security of another surety, whichever shall first happen; and the principal shall, within one month from the receipt of the last of such notices, give the security of another surety. But if it appears to the judge that the period so limited for giving the security of a new surety is, for any reason, insufficient, the judge may allow such further period for giving the security of such new surety as appears to him proper, such further period in no case to exceed two months. But until such new security shall be put in to the satisfaction of the judge, the guardian shall not act as such under the provisions of this Act.

Security to be given by guardian.

Recovery from sureties.

Withdrawal of sureties of guardians.

Time for giving new security may be extended.

25. If any sheriff who is hereby empowered to act as guardian, shall not give security to the amount and in the manner provided by the last preceding section, within three months from the passing of this Act, for the due performance of the duties hereby imposed upon him, the court may appoint a person to act as guardian in the place and stead of such sheriff, which person shall thereupon give security in the manner and to the amount and for the purposes hereinbefore provided, and shall perform all the functions of guardian under this Act. And pending the giving of security the sheriff may perform the duties of guardian.

If Sheriff does not give security, guardian may be appointed.

26. The creditors, at their first meeting, may appoint a trustee, who shall give security to Her Majesty in manner,

Appointment of, and secu-

rity given by trustees.

form and effect as provided in respect of guardians, for the due performance of his duties, to such amount as may be fixed by the creditors at such or any subsequent meeting. The creditors may also at any meeting called for that purpose, remove the trustee and appoint another in his stead, or instead of a trustee who vacates office by death, resignation or otherwise. And a certified copy of any resolution of the creditors appointing or removing a trustee shall be forthwith transmitted in every case to the clerk, to remain of record in his office. And if the creditors do not elect a trustee at such first meeting, or at some adjournment thereof, the guardian shall report the same to the judge within forty-eight hours after such meeting or adjournment thereof shall have been dissolved without such election, and shall give notice to the creditors taking the proceedings under this Act of his intentions so to do; and thereupon the judge, after hearing any creditor if he appears, shall appoint a trustee to the estate. And the trustee shall immediately become and be vested with the estate of the insolvent, as the same was previously vested in the guardian. But no guardian, nor any partner, associate, agent, employee or clerk, of any guardian, nor any barrister, advocate, solicitor or attorney, shall be elected or appointed trustee to any estate in insolvency under this Act; nor shall any guardian, his partner, associate, agent, or clerk, be employed by the trustee in any other manner, directly or indirectly, in the winding up of the estate. And any guardian directly or indirectly soliciting or inducing any creditor to take proceedings to place any estate in the hands of such guardian, under this Act, shall not be entitled to any fees or remuneration from such estate, and shall also be incapable of acting thereafter in the office of guardian.

Judge shall appoint on failure of creditors to do so

Estate vested in trustee.

Who may not be appointed a trustee.

Solicitation by guardians.

Trustee not to act as agent of a creditor.

27. No person, and no partner or employee of any person, shall act or vote as the attorney or agent of any creditor upon any question as to the appointment of such person as trustee, or in reference to any claim or demand of such creditor on an insolvent estate of which such person is the trustee; nor shall any trustee employ any person, being his partner, clerk, employee or relative, as counsel, advocate, attorney, or solicitor in respect of the insolvent estate, or share in or receive back or by way of commission or otherwise any portion of any fee, remuneration, price or profit derived or received by any person whomsoever from the estate, for any cause whatever, under a penalty of ten times the amount so received, to be recovered on summary petition by any creditor for his own benefit.

Nor employ his partner, clerk, relative, &c., as his agent.

No commission from estate to be taken.

Deposit of securities.

28. All securities given under this Act shall be deposited with the clerk, and kept as part of the records of the court, subject to the right of any person entitled to sue upon any such security, to such production and delivery thereof as may be necessary in order to the exercise of such right. And any creditor of the estate may have inspection of such security, and may, if in his opinion the security or sureties in such security are insufficient, apply, on notice to the judge, for an order that new or additional sureties be furnished, and the judge may, upon such application, make such order as shall

Additional security.

seem reasonable, both as to the furnishing of sureties and as to the costs of the application.

Delivery of property to trustee.

29. As soon as the trustee is appointed, it shall be the duty of the guardian, without any delay from any cause, or upon any pretence whatever, to account to him for all the estate and property of the insolvent which has come into his possession, and to pay over and to deliver to him all such estate and property, including all sums of money, books, bills, notes and documents whatsoever, belonging to the estate, and to execute in his favor a deed of release in the Form H And every trustee, on his becoming such, shall immediately give notice of his appointment as such by an advertisement to be inserted once in the Official Gazette in the Form I, and by a copy thereof sent to each creditor by post and post-paid.

Notices of appointment.

Certain instruments to be registered and when.

30. The trustee, immediately upon his appointment, shall register in the registry office of the county or registration district wherein the estate of the insolvent is being distributed, (which registry office in Nova Scotia shall be the registry of deeds office,) and also in any other county or registration district wherein there is real property belonging to the estate, a copy of the deed of assignment, or a copy of the writ of attachment, as the case may be, certified by the trustee or the clerk, or in Quebec by the proper notary or by the clerk, as the case may require, together with an extract from the proceedings of the meeting of creditors by which he was appointed, certified under oath by himself, or a certified copy of the order of the judge appointing him as the case may be; and the deed of release, or an authentic copy thereof; and in the Province of Quebec the said instruments shall be accompanied by a description of the real estate belonging to the insolvent, with a notice that the same has by such assignment or writ of attachment, appointment, and deed of release been transferred to the trustee.

Inspectors, their appointment, &c., by creditors.

31. The creditors at any meeting may appoint one or more inspectors, who shall superintend and direct the proceedings of the trustee in the management and winding up of the estate; and they may also at any subsequent meeting held for that purpose, revoke the appointment of any or all the said inspectors, and upon such revocation, or in case of death, resignation or absence from the Province of such inspectors, may appoint others in their stead; and the creditors may by resolution authorize the payment to the inspectors of a reasonable remuneration for their services, and upon approval by the judge such remuneration shall be paid out of the estate; and whenever anything is allowed or directed to be done by the inspectors, it may or shall be done by the majority of the inspectors or by the sole inspector, if only one has been appointed. But no trustee or inspector of any insolvent estate shall purchase directly or indirectly any part of the stock-in-trade, debts or assets of any description, of such insolvent estate, nor shall any trustee employ any inspector, or the partner of any inspector, as counsel, advocate, attorney, solicitor or agent in respect of the insol-

Inspectors or trustees not to purchase insolvent's property.

Sale in violation void.

vent estate. And any sale made in contravention of this section shall be absolutely null and void, and any inspector acting in violation hereof shall *ipso facto* cease to hold office as such, and any person employed contrary to the provisions hereof, shall not be entitled to receive or retain any remuneration therefor out of the assets of the estate

Objections to proposed mode of disposal of estate, &c.

32. Any one or more creditors whose claims in the aggregate exceed five hundred dollars, who may be dissatisfied with any resolution adopted or order made by the creditors or the inspectors, or with any action of the trustee 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 winding up of the estate, may, within forty-eight hours thereafter, give to the trustee notice that he or they will apply to the court or judge, on the day and at the hour fixed in such notice, and not being later than four days after such notice shall have been given, or as soon thereafter as the parties may be heard before such court or judge, to rescind or modify such resolutions or orders, or regulate such action or matter. And the court or judge may thereupon approve, rescind, or modify such resolutions or orders, or make such order in the premises as he shall deem for the interest of the estate. And the costs and expenses of the application shall be at the discretion of the judge.

Hearing and action by court or judge.

Powers of insolvent to vest in rustee.

33. The trustee shall exercise all the rights and powers of the insolvent in reference to his property and estate. He shall wind up the estate of the insolvent, by the sale in the ordinary mode in which such sales are made, of all bank and other stocks, and of all movable property belonging to him, and by the collection of the debts due. The trustee shall be subject to the directions, orders and instructions he may, from time to time, receive from any meeting of creditors, or from the inspectors, with regard to the mode, terms and conditions on which he may deal with or dispose of the whole or any part of the estate: Provided however, that no sale *en bloc* of the entire estate of the insolvent, or of his stock-in-trade only, or of any material part thereof, shall be made, except by tender or by public auction, with the previous approval of the creditors at a special meeting called for the purpose, and after such notice as shall be prescribed by such meeting. And if such sale be made by tender, the tenders shall only be opened in presence of the inspectors, or of a committee of creditors appointed for the purpose at such meeting.

Creditors or inspectors may direct trustee as to disposal of estate.

As to sales *en bloc*.

Trustee to sue for debts due insolvent, &c.

34. The trustee, 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; for rescinding agreements, deeds and instruments made in fraud of creditors, and for the recovery back of moneys, securities and effects alleged to have been paid or delivered over in fraud of creditors, and to take, both in the prosecution and defence of all suits, all the proceedings that the insolvent might have taken for the benefit of the estate, or

that any creditor might have taken for the benefit of the creditors generally; and may intervene, represent and be substituted for the insolvent in all suits or proceedings by or against him which are pending at the time of his appointment, and on his application may have his name inserted therein in the place of that of the insolvent. And if a partner in an unincorporated trading company or co-partnership becomes insolvent within the meaning of this Act, and a trustee is appointed to the estate of such insolvent, such partnership shall thereby be held to be dissolved; and the trustee shall have all the rights of action and remedies against the other partners in such company or co-partnership which the said 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 lapse of time.

Partnership dissolved by insolvency by a partner.

Trustee to have right of insolvent partner.

35. Every trustee shall keep a register showing the name of each insolvent who has made an assignment, or against whom a writ of attachment has issued, his residence, place of business, and the nature of his trade or business, the date of the assignment, or of the issue of the writ of attachment, the amount of liabilities acknowledged by the insolvent in his schedule of liabilities, the claims proved, the amount of dividends paid, and of any discharge granted; the amount of dividends remaining unpaid after three months from the declaration of the last dividend, the proceedings for the sale of real estate; with such other information as the trustees may deem of general interest with reference to each estate—which register shall be open to the inspection of the public, within office hours, at the office of such trustee; and the trustee, as soon as he takes charge of any estate, shall open a separate book for each such estate, containing the foregoing particulars, and showing a debtor and creditor account of all his receipts and disbursements on account thereof. And every trustee shall, upon his removal, if removed, and if not, within one month after he shall have wound up the estate of any insolvent, and obtained his own discharge, deposit the register kept by him as aforesaid, with reference to such estate, in the office of the court; where it shall remain for the like purposes, and under the same provisions as the register kept by the trustee. And every register of, or coming into possession of, a trustee, and every other record required to be kept by him in connection with the performance of his duties, shall be held to be the property of Her Majesty, and upon the death of a trustee, or his ceasing to hold office, the judge shall be entitled to, and shall assume possession and control of such register or other record, which shall thereafter be kept among the records of the court, open to inspection as aforesaid.

Register to be kept by trustee.

Trustee to open separate account with each estate.

Deposit in court of register by trustee.

Register and records to be the property of Her Majesty.

36. Every trustee shall, before the end of October in each year, fill up and transmit to the Minister of Agriculture, or in case the subject of statistics and the registration thereof be by the Governor in Council transferred to any

Trustee to transmit yearly, to Minister of Agriculture, schedule of

particulars contained in register.

other Minister, then to such other Minister, a schedule showing the particulars contained in the register to be kept by him under the provisions of this Act, and such other schedules for the year ending the thirtieth day of September next preceding, relative to the insolvency matters transacted by him, as shall be from time to time prescribed by the Governor in Council, and it shall be the duty of every trustee to make, from day to day, and to keep entries and records of the particulars to be comprised in such schedule. And any trustee neglecting or refusing to fill up and transmit any such schedule shall forfeit and pay the sum of ten dollars for each and every day during which such neglect or refusal shall continue; and if he shall wilfully make and transmit a false, partial or incorrect schedule, he shall forfeit and pay a like sum of ten dollars per day for each day during which he shall fail to correct the same, in each case, together with the full costs of suit.

Penalty for neglect or making false schedule.

TRUSTEES' ACCOUNTS, COMMISSION, &C.

Trustees must, under penalty, pay over balances to Receiver-General with sworn account.

37. Every trustee shall, within thirty days after the expiration of the period after which he may apply for his discharge, pay over to the Receiver-General all moneys belonging to the estate then in his hands, not required for any purpose authorized by this Act, and shall therewith make and deliver a statement and account of such moneys, under oath, establishing by such oath that the balance of moneys shown by such statement and account comprise all he has in his hands appertaining to the estate, under a penalty not exceeding ten dollars for each day on which he shall neglect or delay such payment or the making and delivery of such statement and account. And he shall be a debtor to Her Majesty for such moneys and may be compelled as such to account for and pay over the same.

Trustee to be paid by commission on amount realized.

38. The trustee shall be entitled to a commission on the net proceeds of the estate, with the exceptions, and subject to the limitations herein contained, of four per cent. on the amount realized, if not exceeding one thousand dollars, the sum of two per cent. on an additional amount of four thousand dollars or less realized in excess of one thousand dollars, and a sum of one per cent. on any additional amount realized in excess of five thousand dollars—which said commission shall be in lieu of all fees and charges for all his services and disbursements in relation to the estate, exclusive of actual expenses in going to sell, and of disbursements necessarily made, with the approval or order of the inspectors, or of the judge, previously obtained, after notice of the application therefor to the inspectors, or, in default of inspectors, to at least three of the largest creditors residing, or having a resident agent, in the place where the proceedings are being carried on. But the creditors may by special resolution, authorize the payment to the trustee of such further disbursements out of the estate as they shall think reasonable, and in the event of unusual success, or an extraordinary degree of labor or trouble in winding up the estate, the creditors, at any meeting called for the purpose,

And actual necessary and authorized disbursements.

Further remuneration of trustee.

may vote the trustee an increase of commission. The guardian shall receive remuneration for his services at the rates fixed by schedule A of this Act ; but such rates may be changed by any tariff made by the judges of any court empowered by this Act to make such tariff. He shall not make any disbursement whatever out of the estate, except by express order of the judge, after notice to at least three creditors selected as aforesaid ; but the charges for advertising the insolvency of the debtor, and for giving notice of the first meeting of creditors, together with his remuneration, shall be taxed by the proper officer, and shall be the first charge on the estate. And if any guardian or trustee shall knowingly charge any sum of money for any remuneration or disbursement not authorized by this Act, in any account filed in court or delivered to any creditor, or the amount of which is deducted from the sum to be divided in any dividend sheet, he shall forfeit three times the amount so charged : to be recovered from him by any creditor for his own benefit.

Remuneration of guardian.

His disbursements.

Penalty for unauthorized charges, &c.

39. No trustee shall employ, in or about the business of the estate, any counsel or attorney-at-law, or any accountant, clerk, guardian or agent, without the consent of the inspectors, or of the creditors ; but expenses incurred by such employment with such consent, shall be paid out of the estate, if not recovered from any party liable therefor.

As to employing counsel, &c.

40. The trustee shall call meetings of creditors whenever required in writing so to do, by the inspectors or by five creditors, if there are five or more, or by the majority of the creditors, if there are less than five, or by the judge ; and he shall state succinctly in the notice calling any meeting the purposes thereof.

Trustee to call meetings on requisition.

41. The trustee shall deposit at interest in some chartered bank, to be indicated by the inspectors or by the judge, all sums of money which he may have in his hands belonging to the estate, whenever such sums amount to one hundred dollars or more, in default whereof he shall pay into the estate interest on the amount in his hands at the rate of twenty-five per cent. per annum from a date to commence within three days from the date of his reception thereof. Such deposit shall not be made in the name of the trustee individually, on pain of dismissal, and of being disqualified from holding the office of trustee to any estate for five years thereafter; but a separate deposit account shall be kept for each estate of the moneys belonging to such estate, in the name of the trustee as such, and of the inspectors (if any), and such moneys shall be withdrawn only on the joint cheque of the trustee and one of the inspectors, if there be any. The interest accruing on such deposits shall appertain to the estate, and shall be distributed in the same manner and subject to the same rights and privileges as the capital from which such interest accrued. If in any account or dividend sheet made subsequent to any deposit in a bank, the trustee omits to account for or divide the interest then accrued thereon, he shall forfeit and pay to the estate to which such interest apper-

Deposit and withdrawal of moneys of estate in bank.

Interest on deposits.

Penalty for not accounting for or non-distribution of such interest.

tains a sum equal to three times the amouut of such interest.

Statement of affairs to be filed monthly.

And within the first five days of each calendar month the trustee shall file in the office of the clerk, a statement of the receipts and disbursements of the estate during the preceding month, showing also the balance of cash then in bank, and in default of so doing shall be liable to a penalty of ten dollars for every day during which such default shall continue.

Trustee to produce bank book at meetings, and when ordered by judge.

And at every meeting of creditors, the trustee shall produce a bank pass-book showing the amount of deposits made for the estate, the dates at which such deposits were made, the amounts withdrawn and dates of such withdrawal, of which production mention shall be made in the minutes of such meeting, and the absence of such mention shall be *primâ facie* evidence that it was not produced thereat. The trustee shall also produce such pass-book whenever so ordered by the judge at the request of the inspectors, or of a creditor.

Punishment for false entry in such pass-book.

And if he shall make or cause to be made any false entry in such pass-book, with a view to deceive the inspectors, creditors, or judge. he shall be guilty of a misdemeanor, and shall be liable, at the discretion of the court before which he shall be convicted, to punishment by imprisonment for a term not exceeding three years, or to any greater punishment attached to the offence by any statute.

Estate in whom vested on death or removal of trustee or guardian.

42. Upon the death or resignation of a trustee or upon his removal from office, the estate shall remain under the control of the judge until the appointment of another trustee, whereupon the estate shall become vested in such other trustee—and upon the death of a guardian, the judge, on petition of any creditor, shall appoint another guardian to take charge of the estate, who shall be vested therewith in like manner as is hereinbefore provided with respect to guardians until a trustee is appointed.

Final account and discharge of trustee.

43. After the declaration of a final dividend, or if after using due diligence the trustee has been unable to realize any assets to be divided, the trustee shall prepare his final account, and present a petition to the judge for his discharge, after giving notice of such petition to the insolvent, and also to the inspectors, if any have been appointed, and to the creditors by circular; and he shall produce and file with

Duties and obligations of trustee.

such petition a bank certificate of the deposit of any dividends remaining unclaimed, and of any balance in his hands and a statement, under oath, showing the nominal or estimated value of the assets of the insolvent, and the amount actually realized therefrom, the amount of claims proved. dividing them into ordinary, privileged or secured and hypothecary claims, the amount of dividends paid to the creditors of the estate, and the entire expense of winding up the same.

Power of judge.

And the judge, after causing the account to be audited by the inspectors, or by some creditor or creditors named by him for the purpose, and after hearing the parties, may grant conditionally, or unconditionally, the prayer of such petition, or may refuse it.

Penalty if trustee neglects to present petition for discharge.

And a trustee who neglects to present such a petition within one month after the declaration of a final dividend, or within one month after he shall have been required so to do by the inspectors or by

any creditor of the estate, after it shall have been ascertained that there are not assets wherewith to declare a dividend, shall incur a penalty not exceeding one hundred dollars.

OF DISCHARGE.

44. An insolvent may obtain his discharge, within the meaning of this Act, by obtaining from his creditors a consent in writing to his discharge, signed by his creditors in duplicate, or before a notary public, in the proportions and upon the conditions following, that is to say: Proceedings when consent to discharge is obtained.

(*a.*) If the estate of such creditor has paid, or if it is established by a report of the assignee, approved by the inspectors that it is sufficient to pay dividends, amounting to sixty-six and two-thirds per cent. or more; by the majority in number of those of his creditors who have respectively proved claims against his estate for sums amounting to one hundred dollars and upwards, representing at least the majority in value of all the claims on his estate, whether proved or unproved, in so far as the same can be ascertained by the trustees; If estate pays 66⅔ per cent.

(*b.*) If the estate has paid, or is sufficient to pay dividends amounting only to thirty-three and one-third per cent. or more, and less than thirty-six and two-thirds per cent., such sufficiency to be established as hereinbefore provided; by two-thirds in number of his creditors who have respectively proved claims against his estate for one hundred dollars and upwards, and three-quarters in value of all the claims on his estate, whether proved or unproved; If it pays 33⅓ per cent.

(*c.*) If the estate has paid, or is only sufficient to pay dividends less than thirty-three and one-third per cent., such sufficiency to be established as hereinbefore provided; by three-fourths in number of those of his creditors who have respectively proved claims for one hundred dollars and upwards, and four-fifths in value of all the claims upon his estate, whether proved or not proved. If it pays less than 33⅓ per cent.

And upon obtaining such consent the insolvent shall deliver a duplicate, or a notarial copy thereof, to the trustee of his estate; Provided always, however, that no claim by the wife, husband or children, or by any relative or connection of the insolvent within the degree of cousin-german, or by any one holding from or under them, or any of them, as endorsee, assignee or tranferee, shall be computed either in the number or amount of the creditors of the insolvent, for the purpose of ascertaining the proportion of creditors who have executed such a consent; such proportion to be computed exclusive of them, in every respect, as if they were not creditors of his estate And if any creditor shall not sign such consent upon being requested so to do, but shall afterwards sell his claim upon the estate, the subsequent signature of such creditor, or any purchaser of his claim, shall be null and void, and the signer thereof shall not be counted Duplicate for trustee. Proviso, as to computation of claims by relatives or connections. If any creditor refuses to sign and sells his claim.

in ascertaining the proportion in number of his creditors who have signed such consent.

Certificate from trustee and what it shall contain.

45. Upon the reception of a duplicate or authentic copy of such consent, and on the request of the insolvent, it shall be the duty of the trustee to deliver to him a certificate in writing, signed by himself, in which he shall state:—

Liabilities.

1. The total amount of the liabilities of the insolvent, so far as can be ascertained by the trustee, which are provable in insolvency; the amount of dividends paid, and the amount which the estate will probably pay;

Claims.

2. The total number and amount of claims for one hundred dollars and upwards which have been proved;

Creditors.

3. The total number of proved creditors who have signed the consent;

Claims of relatives.

4. What portion in number and amount of the claims, proved or unproved, against the insolvent is held by the wife, husband or children of the insolvent, or by any relative or connection within the degree of cousin-german, giving the name of such claimants and the amount of each such claim;

Other matters.

5. Whether or no the insolvent has delivered to the trustee a sworn statement of his liabilities, as required by this Act; and has submitted himself for examination whenever required so to do; and has made a full disclosure and delivery of his estate and effects, books, papers and vouchers; whether or no he has been adjudged guilty of any fraud or of giving to any creditor any fraudulent or unjust preference inconsistent with the provisions of this Act; whether any and what charge of that nature has been made against him; and whether he has in all respects conformed himself to such provisions; and the particulars of any default in respect of any of the matters referred to in the certificate.

Application for confirmation of the discharge of the insolvent.

46. An insolvent who has procured a consent to his discharge, and the certificate of the trustee, within the meaning of this Act, may file the same in the office of the court with his own affidavit (Form K), establishing that no one of the creditors who has signed such consent has been induced to do so by any preferential payment, benefit, or advantage, or any promise of payment, benefit or advantage whatsoever, made, secured, or promised to him by or on behalf of the insolvent, and may then give notice (Form J) of the same being so filed, and of his intention to apply by petition to the court or judge, on a day and at an hour named in such notice, for a confirmation of the discharge effected thereby;

Notice.

Opposition allowed.

and such notice shall be given by one advertisement in the Official Gazette, and also by registered letter or card post-paid, addressed to the last known address of each of the creditors, by mail, at least one month before presenting the petition to the court or judge; and upon such application

any creditor, or the trustee under the authority of the creditor or inspectors, may appear and oppose such confirmation.

Confirmation of discharge.

47. If it appears that all the notices, formalities and conditions required by this Act and by law have been given and observed, and if no objections are made to the confirmation of such discharge, the court or judge may, without further notice, and on the petition of the insolvent, confirm such discharge; but before doing so, and whether the petition of the insolvent be contested or not, the court or judge may call the trustee or the insolvent or both of them, or any creditor of the estate, and in the presence of the insolvent, or after due notice to him, may enquire in a summary and informal manner into the condition of the estate, the conduct of the insolvent in his business, both before and after insolvency; and into any other matter or thing connected with th estate of the insolvent that may be deemed expedient; and thereupon the court or judge may confirm or refuse to confirm the discharge, or suspend its operation for such period not exceeding three years, as may be deemed just.

Judge may suspend operation of discharge after inquiry, &c.

Contestation of petition for confirmation of discharge.

48. Any creditor, or the trustee under the authority of the creditors, or of the inspectors, or of the judge, may appear at the time fixed for the presentation of the petition for confirmation of such discharge, or at any time thereafter that may be permitted by the judge, and may contest the same; and the insolvent shall not be entitled to a confirmation of his discharge, if it appears to the court or judge that he has not satisfactorily accounted for the cause of his insolvency; or that he has not obtained the assent of the proportion of his creditors in number and value required by this Act to grant such discharge; or that he has obtained the assent of any creditor by any payment or promise of payment, or by giving or conceding, or promising to give or concede, any benefit or advantage, as an inducement to grant such assent; or that he has been guilty of any fraud or fraudulent preference within the meaning of this Act; or of fraudulent retention and concealment of any portion of his estate or effects; or of evasion, prevarication or false swearing upon examination as to his estate and effects; or that he has not kept an account book showing his receipts and disbursements of cash, and such other books of account as are suitable for his trade, or that if, having at any time kept such book or books, he has refused to produce or deliver them to the trustee; or that he is wilfully in default to obey any provisions of this Act or any order of the court or judge; or that he has been guilty of fraud within the meaning of the *one hundred and twentieth* section of this Act.

When insolvent shall not be entitled to discharge.

Powers of court or judge

49. The court or judge, upon hearing the application for confirmation of such discharge, the objections thereto, and any evidence adduced, shall have power to make an order either confirming or annulling the same: But if such evidence should be insufficient to sustain any of the grounds hereinbefore detailed as forming valid grounds for refusing such confirmation, but should nevertheless establish that the insolvent has been guilty of misconduct in the management

of his business by extravagance in his expenses ; recklessness in endorsing or becoming surety for others ; continuing his trade unduly after he had reason to believe himself to be insolvent ; incurring debts without a reasonable expectation of paying them (of which reasonable expectation the proof shall lie on him, if such debt was contracted within thirty days of the demand of assignment or of the issue of a writ of attachment) ; or negligence in keeping his books and accounts ; the court or judge may thereupon order the suspension of the operation of the discharge of the insolvent for a period not exceeding five years.

Application to the judge if the creditors refuse their consent.

50. If the proportion of creditors required for the discharge of an insolvent shall refuse to consent thereto, the insolvent may apply for his discharge to the court or judge by petition at any time after the expiry of two years from the date of insolvency, first giving notice of such application in the manner and for the period required in respect of applications for confirmation of discharge ; and shall produce and file with his application a certificate of the trustee such as is required by section *forty-five* of this Act, save and except the third sub-section thereof, which certificate it shall be the duty of the trustee to deliver to the insolvent on his request. And except as to the signatures of a consent by creditors, all the provisions of this Act having reference to applications for the confirmation of a discharge ; to the contestation of such applications and the grounds thereof ; to the granting, refusal or suspension of such confirmation ; to the rights of the creditors and inspectors in respect thereof ; and to the powers and duties of the court or judge in dealing therewith, whether contested or not, and disposing thereof, shall apply to the application for a discharge, to the contestation thereof, to the granting, refusal or suspension of a discharge, to the rights of the creditors and inspectors in respect thereof, and to the powers and duties of the court or judge in dealing therewith and disposing thereof.

What provisions shall apply in such case.

Discharge may be annulled.

51. If the insolvent does not apply to the court or judge for a confirmation of his discharge within two months from the time at which a consent to the same has been executed under this Act, any creditor for a sum exceeding two hundred dollars may cause to be served upon the insolvent a notice in writing requiring him to file in the court such consent ; and may thereupon give notice (Form P.), as hereinbefore provided with regard to applications for confirmation of discharge, of his intention to apply to the court or judge, on a day named in such notice, for the annulling of the discharge ; and on the day so named may present to the court or judge a petition in accordance with such notice, setting forth the reasons in support of such application, which may be any of the reasons upon which a confirmation of a discharge may be opposed ; and upon such application, if the insolvent does not, on or before the day fixed for the presentation thereof, file in the office of the court the consent under which the discharge purports to have been effected, together with the certificate of the trustee and the affidavit

Proceedings to be taken.

required in such cases by this Act, the discharge shall be annulled with costs without further enquiry, except as to the service upon him of the notice to file the same ; but if such consent, certificate and affidavit be so filed, or if upon special application leave be granted to him to file the same, at a subsequent time, and he do then file the same, the court or judge, as the case may be, shall proceed thereon as upon an application for the confirmation of such discharge.

Effect of discharge, what claims affected.

52 The discharge of a debtor in the manner herein provided, shall absolutely free and discharge him from all liabilities whatsoever (except such as are hereinafter specially excepted) existing against him and provable against his estate, whether the same be secured in part or in whole by any mortgage, hypothec, lien or collateral security of any kind or not ; which are mentioned or set forth in the statement of his affairs, exhibited at the first meeting of his creditors, or which are shown by any supplementary list of creditors, furnished by the insolvent, previous to such discharge and in time to admit of the creditors therein mentioned obtaining the same dividends as other creditors upon his estate, or which appear by any claim furnished to the trustee, in time to enable the claimant to obtain such dividends, whether such debts be exigible or not at the time of his insolvency, or be contested in whole or in part, or be dependent on certain conditions or future contingency, and whether the liability for them be direct or indirect ; and if the holder of any negotiable paper is unknown to the insolvent, the insertion of the particulars of such paper, in such statement of affairs or supplementary list, with the declaration that the holder thereof is unknown to him, shall bring the debt represented by such paper, and the holder thereof, within the operation of this section. But until the consent has been confirmed, in accordance with the provisions of this Act, the burden of proof shall rest upon the insolvent that he has obtained the assent of the proportion of his creditors required to render his discharge binding upon the minority, and that he has in all respects conformed himself to the provisions of this Act.

Holders of negotiable paper unknown to insolvent.

Burden of proof rests upon insolvent.

Discharge not to affect persons secondarily liable.

53. A discharge under this Act, whether consented to by any creditor or not, shall not operate any change in the liability of any person secondarily liable to such creditor for the debts of the insolvent, either as drawer or endorser of negotiable paper, or as guarantor, surety or otherwise, nor of any partner or other person liable jointly or severally with the insolvent to such creditor for any debt ; nor shall it affect any mortgage, hypothec, lien or collateral security held by any creditor as security for any debt thereby discharged, without the express consent of such creditor.

Discharge under this Act not to apply to certain debts or liabilities without express consent of creditor.

54. A discharge under this Act shall not apply, without the express consent of the creditor, to any debt in respect of which credit was obtained from the creditor upon any wilfully false statement or representation made by the insolvent respecting the condition of his affairs in any particular ; nor to any debt for enforcing the payment of which the

imprisonment of the debtor is permitted by this Act ; nor to any debt due as damages for assault or wilful injury to the person, seduction, libel, slander or malicious arrest ; nor for the maintenance of a parent, wife or child ; nor to a penalty for any offence of which the insolvent has been convicted ; nor shall any such discharge apply, without such consent, to any debt due as a balance of account due by the insolvent as assignee, tutor, curator, trustee, executor or administrator, under a will, or under any order of court, or as a public officer ; nor to any debt due by the insolvent to a farmer for the produce of his farm. And debts to which a discharge under this Act does not apply, privileged debts, and debts secured, to the extent of such security, shall not, nor shall the creditors thereof be computed in ascertaining whether a sufficient proportion of the creditors of the insolvent have voted upon, done, or consented to any act, matter or thing, under this Act. But the creditor of any such debt may claim and accept a dividend thereon from the estate, without being by reason thereof, in any respect, affected by any discharge obtained by the insolvent.

Certain debts not computed in cases specified.

But creditor may claim and accept a dividend.

55. Every consent to a discharge or confirmation of discharge which shall be obtained by fraud, or in consideration of any fraudulent preference, and every such consent procured by the payment or promise of payment to any creditor of any valuable consideration, for such consent, or by the gift or concession, or the promise of the gift or concession of any benefit or advantage to such creditor, as an inducement to grant such consent, or by any fraudulent contrivance or practice whatever, tending to defeat the true intent and meaning of the provisions of this Act in that behalf, shall be null and void.

Discharge, &c, obtained by fraud to be void.

[SALE OF DEBTS.]

56. After having acted with due diligence in the collection of debts, if the trustee finds there remain debts due, the attempt to collect which would be more onerous than beneficial to the estate, he shall report the same to the creditors at any meeting, or to the inspectors, if any, or to the judge, and with their sanction or that of the judge, after notice to the inspectors, if any, he may sell the same by public auction, after such advertisement thereof as they or the judge may order ; and pending such advertisement, the trustee 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 ; but all debts amounting to more than one hundred dollars, shall be sold separately, except as herein otherwise provided.

Sale of debts, the collection of which would be too onerous.

Proviso.

57. The person who purchases a debt from the trustee in the manner and after the preliminary proceedings provided for by this Act, shall be vested therewith as the creditor thereof, and may sue for it in his own name as effectually as the insolvent might have done, and as the trustee is hereby authorized to do ; and a bill of sale (Form L), signed and delivered to him by the trustee, shall be *primâ facie* evidence

Rights of purchasers of debts due insolvent.

that the sale and purchase of such debt was duly made in conformity with this Act. And no warranty, except as to the good faith of the trustee, shall be created by such sale and conveyance, not even that the debt is due. No warranty.

LEASES.

58. If the insolvent holds property under a lease extending beyond the year current under its terms at the time of his insolvency, the creditors or inspectors shall decide at any meeting which may be held more than three months before the termination of the then current yearly term of the lease, whether the property so leased should be retained for the use of the estate, only up to the end of the then current yearly term, or, if the conditions of the lease permit of further extension, also up to the end of the next following yearly term thereof, and their decision shall be final. And from and after the time fixed for the retention of the leased property for the use of the estate, the lease shall be cancelled and shall thenceforth be inoperative and null. Property held under lease extending beyond current year.

59. In the distribution of the debtor's assets, the lessor of real estate shall have a preferential lien for rent in the Provinces of Ontario, New Brunswick, Nova Scotia, British Columbia, Prince Edward Island and Manitoba, for the arrears of rent due during the period of six months last previous to the date of insolvency, and thereafter so long as the trustee shall retain the premises leased; and no right of distress shall be exercised after such date. In the Province of Quebec the preferential lien or privilege of the lessor shall be governed by the provisions of the civil code. Preferential claim of landlord for rent in the several Provinces.

SALE OF REAL ESTATE.

60. The trustee may sell the real estate of the insolvent, in any Province other than Quebec, and no sale shall be completed unless the proposed sale has been sanctioned by the creditors at their first meeting, or at any subsequent meeting called for the purpose, or by the inspectors or unless the trustee has advertised an auction sale or sale by tender, in accordance with directions in that behalf given by the creditors at their first meeting, or at any subsequent meeting called for the purpose, or by the inspectors, nor unless in case of tender the creditors or the inspectors sanction in writing the acceptance of the price tendered. Sale of real estate of insolvent in Provinces other than Quebec.

61. All sales of real estate so made by the trustee shall vest in the purchasers all the legal and equitable estate of the insolvent therein, and the conveyance may be in the Form M. Effect of sales of real estate.

62. In the Province of Quebec the assignee, under the direction of the creditors, or of the inspectors, may present a petition to the court or judge, praying for the issue of a writ of execution against the lands and tenements of the insolvent, describing in such petition all the immovable property of the insolvent which has not been conveyed to a Sale of real estate in the Province of Quebec.

Proceedings in that behalf.

secured creditor of the insolvent under the provisions of this Act in that behalf; and thereupon the court or judge may order a writ of execution to issue for the seizure and sale of such lands and tenements, such writ to be made and issued in like manner and form as an ordinary writ of execution *de terris*, under the code of procedure of Lower Canada; and such writ shall be addressed to the sheriff of the district wherein the said lands and tenements are situate, and shall be proceeded upon in all respects, and the proceeds of the sale thereof shall be dealt with, in manner and form as prescribed by the said code of procedure. And if any surplus remains of the proceeds thereof, after payment of the privileged and hypothecary claims thereon, such surplus shall be paid over to the trustee.

Disposal of surplus.

DIVIDENDS.

Accounts, statements and dividends to be prepared and kept by trustee.

63. The trustee shall prepare and keep constantly accessible to the creditors, accounts and statements of his doings as such trustee, and of the position of the estate; and he shall prepare dividends of the estate of the insolvent whenever the amount of money in his hands will justify a division thereof, and also whenever he is required by the inspectors or ordered by the judge to do so.

What claims shall rank on the estate.

64. All debts due and payable by the insolvent at the time of the execution of a deed of assignment, or at the time of the issue of a writ of attachment under this Act, and all debts due but not then actually payable, subject to rebate of interest, shall have the right to rank upon the estate of the insolvent; and no interest accrued upon any claim, or secured claim, after the date of insolvency, shall rank upon the general estate; secured creditors retaining the right to interest after such date only, so far as the proceeds or revenue of the property or effects upon which such security attaches, shall suffice to meet the same. And any person then being, as surety or otherwise, liable for any debt of the insolvent, and who subsequently pays such debt, shall thereafter stand in the place of the original creditor, if such creditor has proved his claim on such debt; or if he has not proved, such person shall be entitled to prove against and rank upon the estate for such debt to the same extent and with the same effect as the creditor might have done. But no claim for damages for personal wrongs shall be proved or shall rank upon the estate of the insolvent, unless such claim has accrued previous to the date of insolvency, and has been liquidated by the judgment of a competent court.

Interest.

Insolvent's surety.

Damages for personal wrongs.

Case of contingent claims provided for.

65. If any creditor of the insolvent claims upon a contract dependent upon a condition or contingency which does not happen previous to the declaration of the first dividend, a dividend shall be reserved upon the amount of such conditional or contingent claim until the condition or contingency is determined; but if it be made to appear to the judge that the estate may thereby be kept open for an undue length of time, then, unless an estimate of the value

How value of claim shall be established.

of such claim be agreed to between the claimant and the trustee, with the authority of the creditors or of the inspectors, he may order that the value of such contingent or conditional claim be established by such person or persons as the claimant and the trustee may appoint, and in case they do not agree, then by such person or persons as the judge shall name, and the persons so named shall make their award—which award the judge, after hearing the claimant and trustee, may reject or confirm. In case the award be rejected, other persons shall be appointed, as herein provided, to establish the value of such claim, subject to the control of the judge; and if the award be confirmed the amount therein mentioned shall be that for which the claimant shall rank upon the estate as for a debt payable absolutely.

Trustee may disclaim property not saleable, &c.

66. When any property of the insolvent consists of unmarketable or partially or wholly unpaid shares in companies, of unprofitable executory 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 an onerous act, or to the payment of a sum of money, the trustee, with the authority of the creditors, or of the inspectors, or of the judge, notwithstanding that he has endeavored to sell, or has taken possession of such property, or has exercised any act of ownership in relation thereto, may by writing under his hand disclaim such property, and thereupon, if a contract, it shall be held to have been determined from the date of the insolvency: and if shares, they shall be deemed to be forfeited from that date: and if any other species of property, then the same shall revert to the person entitled thereto, on the termination of the interest of the trustee or of the insolvent therein: but in no case shall any estate or interest therein remain in the insolvent or in the trustee And any person having a right thereto may obtain an order from the court or judge, ordering the trustee to convey or deliver the same to him upon such conditions as shall be deemed just. And any person injured by such disclaimer or forfeiture shall be deemed a creditor to the extent of such injury, and may prove his claim and rank therefor in like manner as other creditors.

Effect of disclaimer.

Injured or interested parties.

Rank and privilege of creditors.

67. In the preparation of the dividend sheet due regard shall be had to the rank and privilege of every creditor — which rank and privilege, upon whatever they may legally be founded, shall not be disturbed by the provisions of this Act, unless otherwise herein expressly provided. But no dividend shall be allotted or paid to any creditor holding security from the estate of the insolvent for his claim, until the amount for which he shall rank as a creditor upon the estate as to dividends therefrom, shall be established as hereinafter provided; and such amount shall be the amount which he shall be held to represent in voting at meetings of creditors, and in computing the proportion of creditors, whenever under this Act such proportion is required to be ascertained, except as herein otherwise provided.

Proviso: as to creditors holding security.

Seizure in execution after appointment of trustee; its effect.

68. No lien or privilege upon either the personal or real estate of the insolvent shall be created for the amount of any judgment debt, or of the interest thereon, by the issue or delivery to the sheriff of any writ of execution, or by levying upon or seizing under such writ the effects or estate of the insolvent, if before the payment over to the plaintiff of the moneys actually levied under such writ, the estate of the debtor has been assigned to a trustee, or if proceedings to place the same in liquidation under this Act have been adopted and are still pending; nor shall any judgment create any mortgage, hypothec or lien on any real or immovable property of the insolvent, unless registered according to the law of the Province wherein the same is situate, at least thirty days before the date of insolvency.

As to creditors holding security for their claims.

69. If a creditor holds security from the insolvent, or from his estate, or any security which, if enforced, will diminish the assets, or increase the ranking on the estate of the insolvent, he shall specify the nature and amount of such security in his claim, and shall therein on his oath put a specified value thereon; and the trustee, under the authority of the creditors or of the inspectors, may either consent to the retention of the property or effects constituting such security, or on which it attaches, by the creditor, at such specified value; or, with the like authority, he may require from such creditor an assignment and delivery of such security, property, or effects, at an advance of ten per centum upon such specified value, not exceeding, in any case, the amount of his claim, to be paid by him out of the estate before any dividend is paid to the ordinary creditors; and in either of such cases the difference between the value at which the security is retained or assumed, as the case may be, and the amount of the claim of such creditor shall be the amount for which he shall rank and vote as aforesaid; and save as hereinafter provided with regard to partners, if a creditor holds a claim based upon negotiable instruments upon which the insolvent is only indirectly or secondarily liable, and which is not mature or exigible, such creditor shall be considered to hold security within the meaning of this section, and shall put a value on the liability of the party primarily liable on each of such negotiable instruments separately, as a separate debt, as being his security for the payment thereof; but if such claim is mature or exigible at the date of the assignment, or the issue of the writ of attachment, or becomes so, and remains unpaid thereafter, whether before or after such proof, such creditor shall be entitled for ranking, to treat the claim as unsecured, but for voting or consenting to a discharge, or for any other purpose save ranking, he shall be still considered to hold security within the meaning of this section, and shall for all such purposes put a value on the liability of the party primarily liable thereon as being his security for the payment thereof.

Security not matured and insolvent only secondarily liable.

Claims matured or exigible at date of assignment.

Security of one partner for a firm debt.

70. If there be more than one insolvent liable for a debt as partners, and the creditor holds the liability of one of them as security for a debt of the firm, such liability shall be held to be security within the meaning of the foregoing section, and shall be valued and otherwise dealt with, and the claim

of the creditor reduced, as therein provided, without regard to the special provisions of the said section with respect to negotiable instruments ; and if such security consists in such partner having made himself responsible upon a negotiable instrument, his liability shall be valued and dealt with as aforesaid, and the claim of the creditor shall be reduced accordingly, whether such negotiable paper be or become dishonored or not.

If the security is on realty or shipping.

71. But if the security consists of a mortgage upon real estate, or upon ships or shipping, the property mortgaged shall only be assigned and delivered to the creditor, subject to all previous mortgages, hypothecs and liens thereon, holding rank and priority before his claim, and upon his assuming, and binding himself to pay, all such previous mortgages, hypothecs and liens, which, in such case, shall not be affected as to their privileges or ranking by the insolvency of the debtor or by such assignment and delivery, and upon his securing such previous charges upon the property mortgaged, in the same manner and to the same extent as the same were previously secured thereon ; and an instrument (Form Q) shall be executed by the trustee and the secured creditor, conveying to the latter the property upon which the security attaches, and binding the secured creditor to perform the conditions herein provided for. And thereafter the holders of such previous mortgages, hypothecs and liens shall have no further recourse or claim upon the estate of the insolvent ; and if there be mortgages, hypothecs or liens thereon, subsequent to those of such creditor, he shall only obtain the property by consent of the subsequently secured creditors ; or upon their filing their claims specifying their security thereon as of no value, or upon his paying them the value by them placed thereon ; or upon his giving security to the trustee that the estate shall not be troubled by reason hereof.

Form of conveyance to creditor.

Proceedings on the filing of a secured claim.

72. Upon a secured claim being filed, with a valuation of the security, it shall be the duty of the trustee to procure the authority of the inspectors or of the creditors at their first meeting thereafter, to consent to the retention of the security by the creditor, or to require from him an assignment and delivery thereof ; and if any meeting of inspectors or of creditors takes place without deciding upon the course to be adopted in respect of such security, the trustee shall act in the premises according to his discretion and without delay. And if the security of the creditor consists of a mortgage or hypothec upon immovable property in the Province of Quebec, and the trustee shall proceed to cause the same to be sold under execution, without having procured a decision on the course to be adopted, or without himself deciding thereon, the creditor shall have a right to be paid out of the estate generally the amount of his valuation thereof, with ten per centum added thereto, as if it had been decided formally that an assignment of his security should be demanded from him, and as if he had made such an assignment. And he shall have a right to the portion of the net proceeds of such sale for which he is entitled to be collocated, not exceeding

If security is immovable property in Quebec.

such valuation, on account of the amount to be paid; and upon payment of the amount of his valuation, with the said addition, all further benefit derivable from such security shall be vested in the trustee for the benefit of the general creditors.

Rank of several items of a creditor's claim.

73. The amount due to a creditor upon each separate item of his claim at the time of the execution of a deed of assignment, or of the issue of a writ of attachment, as the case may be, and which shall remain due at the time of proving such claim, shall form part of the amount for which he shall rank upon the estate of the insolvent, until such item of claim be paid in full, except in cases of deduction of the proceeds or of the value of his security, as hereinbefore provided; but no claim or part of a claim shall be permitted to be ranked upon more than once, whether the claim so to rank be made by the same person or by different persons; and the trustee may at any time require from any creditor a supplementary oath, declaring what amount, if any, such creditor has received in payment of any item of the debt upon which his claim is founded, subsequently to the making of such claim, together with the particulars of such payment, in order that such item, if paid in full, may be struck out of the claim; and if any creditor refuses to produce or make such oath before the trustee within a reasonable time after he has been required so to do, he shall not be collocated in the dividend sheet.

Oath required of creditor as to payment of his claim.

Insolvent owing debt as partner.

74. If the insolvent owes debts both individually and as a member of a co-partnership, or as a member of two different co-partnerships, the claims against him shall rank first upon the estate by which the debts they represent were contracted, and shall only rank upon the other after all the creditors of that other have been paid in full.

Allowance to insolvent, how made.

75. The creditors, or the same proportion of them that may grant a discharge to the debtor under this Act, may allot to the insolvent, by way of allowance, any reasonable sum of money, or any property they may think proper as a remuneration for services rendered; and the allowance so made shall be inserted in the dividend sheet, and shall be subject to contestation like any other item of collocation therein, but only on the ground of the absence of consent by a sufficient proportion of the creditors, or on the ground of fraud or deceit in procuring such consent.

As to costs in suits against insolvent, after notice under this Act.

76. No costs incurred in suits against the insolvent after notice has been given according to the provisions of this Act, of an assignment, or of the issue of a writ of attachment in liquidation, shall rank upon the estate of the insolvent; but all the taxable costs incurred in proceedings against him up to that time shall be added to the demand for the recovery of which such proceedings were instituted, and shall rank upon the estate as if they formed part of the original debt, except as herein otherwise provided.

Privilege of clerks, &c., for wages.

77. Clerks, workmen, sailors, laborers, and other persons in the employ of the insolvent, shall be collocated in the

dividend sheet by special privilege for any arrears of salary or wages due and unpaid to them at the time of the execution of a deed of assignment, or of the issue of a writ of attachment under this Act, not exceeding two months of such arrears, and also for such salary or wages for a period not exceeding one month of the unexpired portion of the then current year of service,—during which period they shall be bound to perform, under the direction of the trustee, any work or duty connected with the affairs of the insolvent, which the insolvent himself might have directed them to perform under their respective engagements; and for any other claim they shall rank as ordinary creditors; and no trustee shall be entitled to charge for any disbursement for procuring to be performed any service which he might properly have caused to be performed by any such clerk or other person, and for which he might otherwise charge under this Act, and no trustee whose remuneration is not fixed by this Act shall be entitled to remuneration for any service or for any disbursement in respect of any service which he might properly have caused to be performed by such clerk or other person.

They may be employed by trustee.

Trustee not to charge for service which might have been performed by such clerk.

78. So soon as a dividend sheet is prepared, notice thereof (Form N) shall be given by advertisement, and by letter posted to each creditor, inclosing a copy of the dividend sheet noting the claims objected to, and after the expiry of eight days from the day of the last publication of such advertisement all dividends which have not been objected to within that period, or which are not upon a claim objected to, shall be paid.

Notice of dividend sheet and payment.

79. It shall be the duty of the inspector to examine, with the trustee, the claims made against the estate, and also each dividend sheet, before the expiration of the delay within which the same may be objected to, and to instruct the trustee as to which claims or collocations should be contested by and on behalf of the estate, whereupon contestation shall be entered and made in the name of the trustee or of the inspectors, or of some individual creditor consenting thereto, and shall be tried and determined by the court or judge; and the costs of such contestation, unless recovered from the adverse party, shall be paid out of the funds belonging to the estate

Contestation of claims by trustee, under inspector's instructions.

80. If it appears to the trustee, on his examination of the books of the insolvent, or otherwise, that the insolvent has creditors who have not taken the proceedings requisite to entitle them to be collocated, it shall be his duty to reserve dividends for such creditors, according to the nature of their claims, and to notify them of such reserve, which notification may be by letter through the post, addressed to such creditors' residences, as nearly as the same can be ascertained by the trustee; and if such creditors do not file their claims and apply for such dividends previously to the declaration of the last dividend of the estate, the dividends reserved for them shall form part of such last dividend.

Claims not filed, how dealt with.

Dividend reserved.

Claims or dividends objected how determined.

81. If any claim be contested at any time, or if any dividend be objected to within the said period of eight days, or if any dispute arises between the creditors of the insolvent, or between him and any creditor, as to the amount of the claim of any creditor, or as to the ranking or privilege of the claim of any creditor upon such dividend sheet, the contestation or objection shall be filed in writing by or before the trustee, who shall make a record thereof; and the grounds of objection shall be distinctly stated in such writing, and the party objecting shall also 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, however, be enlarged by the judge, with a like delay to the contestant to reply; and upon the completion of an issue upon such objection, the trustee shall transmit to the clerk of the court the dividend sheet or a copy thereof, with all the papers and documents relating to such objection or contestation; and any party to it may fix a day, of which two days' notice shall be given to the adverse party, for proceeding to take evidence thereon before the judge, and shall thereafter proceed thereon from day to day until the evidence shall have been closed, the case heard and the judgment rendered—which judgment shall be final, unless appealed from in the manner hereinafter provided; the proceeding on the said objection or contestation shall form part of the records of the court, and the judgment shall be made executory as to any condemnation for costs, in the same manner as an ordinary judgment of the court.

Hearing and decision thereon.

Judgment executory.

Creditors or inspectors may order costs of contestation of claims, &c., to be paid out of estate.

82. The creditors or the inspectors may, by resolution, authorize and direct the costs of the contestation of any claim or of any dividend to be paid out of the estate, and may make such order either before, pending or after any such contestation; they may also, with the sanction of the judge, authorize the payment out of the estate of any costs incurred for the general interest of the estate, whether such costs were incurred by the trustee, the inspector or any individual creditor.

If there be property of insolvent under seizure at time of assignment or attachment.

83. If, at the time of the issue of a writ of attachment, or the execution of a deed of assignment, any immovable property or real estate of the insolvent be under seizure, or in process of sale, under any writ of execution or other order of any competent court, such sale shall be proceeded with by the officer charged with the same, and the moneys levied therefrom shall be returned into the court on whose order the sale has been made, to be distributed and paid over to the creditors who shall have any privilege, mortgage or hypothecary claims thereon, according to the rank and priority of such claims; but the balance of such moneys, after the payment of such claims, shall be paid to the trustee, to be distributed with the other assets of the estate.

Unclaimed dividends, how dealt with.

84. All dividends remaining unclaimed at the time of the discharge of the trustee shall be left in the bank where they are deposited, for three years; and if still unclaimed, shall then be paid over by such bank, with interest accrued there-

on, to the Government of Canada, and if afterwards duly claimed, shall be paid over to the persons entitled thereto, with interest at the rate of four per centum per annum from the time of the reception thereof by the Government.

Balance of estate may be paid over to insolvent.

85 If any balance remains of the estate of the insolvent or of the proceeds thereof, after the payment in full of all debts due by the insolvent, the court or judge may order that such balance be paid over to the insolvent, upon his petition to that effect, after such notice to the creditors as is required in respect of the declaration of a dividend

PROCEDURE GENERALLY.

Notice pending delay.

86. Whenever a meeting of creditors cannot be held or an application made until after the expiration of a delay allowed by this Act, notice of such meeting or application may be given pending such delay.

Notices of meeting, &c., how given.

87. Notices of meetings of creditors shall be given by publication thereof, at least one week in the Official Gazette of the Province in which they are to take place, and once in one local or the nearest published newspaper, which shall be a daily paper, if one be published at or near the place where proceedings are carried on; both of which notices shall be published not less than ten days before the day fixed for such meeting; and the guardian or trustee shall address notices thereof to the creditors and to all the representatives within the Dominion of foreign creditors, and shall mail the same at least ten days before the day on which the meeting is to take place, the postage being prepaid by such guardian or trustee. In other cases not provided for, the trustee shall advertise as directed by the inspectors or the judge. But no accidental irregularity in the giving of any notice shall render the notice insufficient, unless the court or judge shall be of opinion that such irregularity has caused some substantial injustice which could only be remedied by renewing such notice, in which case the expense thereof, and all costs and damages incurred by reason of or growing out of such irregularity, shall be paid by the guardian or trustee, as the case may be.

Cases unprovided for.

Irregularity not to invalidate notice.

Meetings of creditors, where held.

88. The first meeting of creditors shall be held at the office of the guardian or in the court house of the county or district, as may be found most convenient, and subsequent meetings at the office of the trustee, or at such other place as the creditors or the judge in insolvency may order; and no creditor shall vote at any meeting unless present personally, or represented by some person having a written authority to represent him, to be filed with the trustee. Persons purchasing claims against an estate after the date of insolvency shall not be entitled to vote in respect of such claims, but shall, in all other respects, have the same rights as other creditors. No claim, after being proved, shall be divided and transferred in part to another person to increase the number of votes at any meeting; and each claim shall continue to have one vote only in number.

Votes at meetings.

How questions shall be decided at meetings.

89. All questions discussed at meetings of creditors shall be decided by the majority, in number and in value, of the creditors present or represented at such meetings, unless herein otherwise specially provided; but if the majority in number do not agree with the majority in value, the views of each section of the creditors shall be embodied in resolutions, and the trustee shall forthwith submit such resolutions, with a statement of the vote taken thereon, to the judge, who shall decide between them: Provided, however, that no costs of or incidental to any such reference shall be paid out of the estate

Reference to Judge.

Proviso.

What matters may be voted upon, &c., at first or second meeting of creditors.

90. At the first meeting of creditors, and also at the second meeting of creditors, if it be called for the ordering of the affairs of the estate generally, and it be so stated in the notices calling such meeting, all matters and things respecting which the creditors may vote, resolve or order, or which they may regulate under this Act (except when otherwise specially provided) may be voted, resolved or ordered upon, and may be regulated at such meeting without having been specially mentioned in the notices calling such meeting.

Form and proof of claims.

91. The claims of creditors furnished to the trustee in the Form O, attested under oath and accompanied by the vouchers on which they are based, which shall then and there be endorsed and initialed by the trustees as having been produced as vouchers for such claims; or when vouchers cannot be produced, accompanied by such affidavit or other evidence, as in the opinion of the trustee, shall justify the absence of such vouchers; and if the creditor desires to withdraw such vouchers, they shall be accompanied by a descriptive list signed by the creditor or his attorney, which shall be retained by the trustee; and if such claims are secured in whole or in part, containing a valuation of said security, as required by this Act, shall be placed upon the list of claims proved, and the creditors filing the same shall have the right to vote and rank as proved creditors, unless such claims are set aside or reduced by a judgment of a competent court. But such vouchers, if consisting of negotiable paper, shall always be produced by the creditor at the time of his application for any dividend, or upon due notice to that effect from the trustee. And at any meeting of creditors held before a judge, the judge, in his discretion, shall have the right to make an order, rejecting, for the purposes of that meeting, the vote of any creditor who appears to have an interest in the result of such vote, different from, or adverse to, the interest of the creditors generally: or whose claim is irregular or appears to be unfounded. And the judge may interrogate such creditor informally at such meeting, for the purpose of informing himself as to the interest or claim of such creditor. And such order shall not be subject to any appeal or revision, either direct or indirect.

At meetings before a Judge he may reject vote of any creditor; no appeal.

Affidavits in insolvency, before whom sworn.

92. Any affidavit required in proceedings in insolvency may be made by the party interested, his agent or other party having a personal knowledge of the matters therein stated, and may be sworn in Canada before the trustee or

before any guardian, judge, commissioner for taking affidavits, or justice of the peace, and out of Canada, before any judge of a court of record, and commissioner for taking affidavits appointed by any Canadian court, any notary public, the chief municipal officer for 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 the Dominion.

Compensation and set-off, how applied.

93. The law of compensation and set-off, as administered by the courts, whether of law or equity, shall apply to all claims in insolvency, and also to all suits instituted by a trustee 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 shall be affected by the provisions of this Act respecting frauds or fraudulent preferences.

Commissions for examination of witnesses.

94. 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 of *subpœna duces tecum* to issue, commanding the attendance as a witness, or for examination under the provisions of this Act, of any person within the limits of Canada. And all rules, writs of subpœna, orders and warrants, issued by any court or judge in any matter or proceeding under this Act, may be validly served in any part of Canada upon the party affected or to be affected thereby; and the service of them, or any of them, may be validly made in such manner as is now prescribed for similar services in the Province within which the service is made; 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.

Subpœnas to witness.

Service of process, &c.

Disobedience to writs and orders, how punishable.

95. In case any person so served with a writ of subpœna or with an order to appear for examination, does not appear according to the exigency of such writ or process, 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 or process issued, constrain such person to appear and testify, and punish him for non-appearance or for not testifying, in the same manner and under the same conditions and limitations as if such person had been summoned as a witness before such court or judge in an ordinary suit; and if the person so served and making default has his domicile beyond the limits of the Province within which such writ or process issued, such court or judge may transmit a certificate of such default and of the facts and circumstances under which such default occurred to any of Her Majesty's superior courts of law or

If the offender is out of the province.

equity in the 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; and such certificate, attested by the court, judge or trustee before whom default was made, and copies of such writ or process and of the return of service thereof, certified by the clerk of the court in which the order for transmission is made, shall be *primâ facie* proof of such writ or process, service, return, default, and of the facts and circumstances under which such default occurred.

Proof of default, &c.

Creditor may be authorized to take special proceeding at his own risk.

96. If at any time any creditor of the insolvent desires to cause any proceedings to be taken which, in his opinion, would be for the benefit of the estate, and the trustee, 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 have the right to obtain an order of the judge authorizing him to take such proceeding in the name of the trustee, but at his own expense and risk, upon such terms and conditions as to indemnity to the trustee as the judge may prescribe, and thereupon any benefit derived from such proceedings shall belong exclusively to the creditor instituting the same, for his benefit and that of any other creditor who may have joined him in causing the institution of such proceeding.

Forms under this Act.

Ordinary language may be used in petition, &c.

97. The forms appended to this Act, or other forms in equivalent terms, shall be used in the proceedings for which such forms are provided; and in every contestation of a claim, collocation or dividend, or of an application for confirming or annulling a discharge, the facts upon which the contesting party relies shall be set forth in detail, with particulars of time, place and circumstance; and no evidence shall be received upon a fact not set forth; but in every petition, application, motion, contestation, or other pleading under this Act, the parties may state the facts upon which they rely, in plain and concise language, to the interpretation of which the rules of construction applicable to such language in the ordinary transactions of life shall apply.

As to amendments in proceedings under this Act.

Insolvent suing must give security for costs.

98. The rules of procedure as to amendments 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 any court or judge, or trustee, before whom any such proceedings are being carried on, shall have full power and authority to apply the appropriate rules as to amendments, to the proceedings so pending before him; and no pleading or proceeding shall be void by reason of any irregularity or default which can or may be amended under the rules and practice of the court. And if, after the date of insolvency, and before obtaining the confirmation of his discharge, the insolvent sues out any writ, or institutes or continues any proceeding whatever, he shall give to the opposite party such security for costs as shall be ordered by

the court before which such suit or proceeding is pending, before such party shall be bound to appear or plead to the same, or take any further proceeding therein.

Provision in case of death of insolvent.

99. The death of the insolvent, pending proceedings in liquidation, shall not affect such proceedings or impede the winding-up of his estate; and his heirs or other legal representatives may continue the proceedings on his behalf for the confirmation of a discharge; and for the purpose of such proceedings the provisions of this Act shall apply to the heirs, administrators or other legal representatives of any deceased person who, if living, would be subject to its provisions, but only in their capacity as such heirs, administrators or representatives, 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 for debts or subject to provisions of this Act.

Costs; on what property and in what order chargeable.

100. The disbursements necessary in selling any real or immovable property, or any personal or movable property charged with any privilege or lien, and the commission payable to the trustee in respect of the proceeds of such sale, if any there be, shall be paid as a first charge upon the proceeds of such sale; the general disbursements necessary for winding up of the estate shall be paid by privilege out of the unincumbered assets of the estate; and the commission payable to the trustee, in respect of the unincumbered assets, shall be paid therefrom as the last preferential charge thereon. But no portion of the assets or property chargeable with any mortgage, hypothec or lien, except such part of the proceeds as may remain after payment of such mortgage or lien, shall be liable for any commission to the trustee chargeable for general services, nor for any charge or disbursement, except as herein provided.

As to assets chargeable with mortgages, &c.

Provisions as to letters addressed to insolvent by post.

101. The judge shall have the power, upon special cause being shown before him under oath for so doing, to order any postmaster to deliver to the guardian or trustee letters addressed to the insolvent, and to authorize the guardian or trustee to open such letters in the presence of the clerk, and in the presence of the insolvent, or after notice given to him by letter through the post, if he be within the Province; and if such letters be upon the business of the estate the guardian or trustee shall retain them, giving communication of them, however, to the insolvent on request; and if they be not on the business of the estate they shall be resealed, endorsed as having been opened as aforesaid, and given to the insolvent or returned to the post office; and a memorandum in writing of the doings of the guardian or trustee in respect of such letters shall be made and signed by him and by the clerk, and deposited in the court.

Disqualification of Judge.

102. All causes of disqualification applying to a judge in civil matters in any Province shall be causes of disqualification and recusation under this Act, as regards the final hearing and determination of any matter subject to appeal or revision under this Act; but shall not apply to mere ministerial acts or incidental proceedings; and such causes of

disqualification shall be tried as provided for by the laws in force in the Province where the proceedings are pending.

What Judge to act in such case.

If a judge be disqualified or incompetent to act in any matter in insolvency under this section, the judge competent to act in matters of insolvency in a county or district adjoining that in which the proceedings are pending, and who is not disqualified, shall be the judge who shall have jurisdiction in such matter, in the place of the judge so disqualified.

Prothonotary to preside (in Quebec) in absence of Judge.

103. In the absence of the judge from the chief place of any district in the Province of Quebec, the prothonotary of the court shall preside at the meetings of creditors called to take place before the judge, and shall take minutes of the proceedings at the same, and shall in such cases, as well as in all others, make any order which the judge is empowered to make; but the same shall not be delivered nor put into execution if any objection to it is fyled with the prothonotary, the same day or the next after, and the whole matter and all the papers and proceedings produced and had at such meeting shall then be referred to the judge, who shall adjudicate upon the same, confirming the order made by the prothonotary, or making such other order as he may think best in the case.

Order of Prothonotary to be referred to Judge, if objected to.

Rules of practice, tariff of fees and bills of costs in the Province of Quebec; how to be made.

104. In the Province of Quebec, rules of practice for regulating the due conduct of proceedings under this Act, before the court or judge, and tariffs of fees for the officers of the court, and for the 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 promulgated under or by the same authority and in the same manner as the rules of practice and tariff of fees of the Superior Court, 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 like manner as bills of costs may now be taxed and proceeded upon in the said Superior Court.

And in the other provinces.

105. In the Province of Ontario, the judges of the High Court of Justice for Ontario, or any five of them, of whom the Chief Justice of the Queen's Bench or Common Pleas division thereof, or the Chancellor of Ontario, shall be one—in the Province of New Brunswick, the judges of the Supreme Court of New Brunswick, or the majority of them—in the Province of Nova Scotia, the judges of the Supreme Court of Nova Scotia, or the majority of them—in the Province of British Columbia, the judges of the Supreme Court, or the majority of them—in the Province of Prince Edward Island, the judges of the Supreme Court, or the majority of them—and in the Province of Manitoba, the judges of the Court of Queen's Bench, or a majority of them—shall forth-

with make and frame and settle the forms, rules and regulations, to be followed and observed in the said Provinces respectively, in proceedings in insolvency 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 courts, whether for the officer or for the Crown as a fee for the fee fund or otherwise, and by or to sheriffs, guardians or other persons for any service performed or work done for which costs are allowed by this Act, but the amount whereof is not hereby fixed. And until such rules of practice and tariff of fees have been made, as required by this and the next preceding section, the rules of practice and tariff of fees in insolvency, now in force in the said Provinces respectively, shall continue and remain in full force and effect.

Present rules, &c., to remain until altered.

106. Every guardian and trustee shall be subject to the summary jurisdiction of the court, and to the summary jurisdiction of a judge thereof, sitting and acting in insolvency proceedings, in the same manner and to the same extent as the ordinary officers of the court are subject to the jurisdiction of the court; and shall be accountable for the moneys, books, documents, property and estates coming into his possession as such guardian or trustee, in the same manner as the sheriffs and other officers of the court are. And the performance of his duties may be compelled; and all remedies sought or demanded for enforcing any claim for a debt, privilege, mortgage, hypothec, lien, or right of property upon, in or to, any effects or property in the hands, possession or custody of a guardian or trustee, may be obtained, by an order of the court or judge on summary petition, either in vacation or in term, and not by any suit, attachment, opposition, seizure or other proceeding of any kind whatever; and obedience by the guardian or trustee to any order of the court or judge may be enforced by the court or judge under the penalty of imprisonment as for contempt of court or disobedience thereto, and the offending guardian or trustee may be removed from office, in the discretion of the court or judge. And all proceedings in the exercise of such summary jurisdiction shall be had and taken in the most simple and expeditious manner consistent with justice, and without the necessity for any pleadings in writing, unless expressly ordered by the court or judge; the clerk in that case noting them upon the records of the court.

Guardian and trustee to be subject to summary jurisdiction of Court.

Accountable for moneys, &c.

Performance of duties may be compelled.

Obedience, how enforced.

Mode of conducting proceedings.

107. In the Province of Quebec, if the marriage contract of a person who is a trader within the meaning of this Act be not registered within three months from the execution thereof; or if the marriage contract of a person hereafter becoming a trader within the meaning of this Act be not registered within one month after he shall become such trader; and if such person shall become an insolvent within the meaning of this Act; the wife shall not be permitted to avail herself of its provisions in any claim upon the estate of such insolvent for any advantage conferred upon or promised to her by its terms; nor shall she be deprived by reason of its provisions of any advantage or right upon the estate of her

Registration of marriage contracts of traders in Quebec.

Consequences of default of registration.

husband, to which, in the absence any such contract, she would have been entitled by law; but this section shall be held to be only a continuance of the second sub-section of section twelve of the "*Insolvent Act of* 1864," and of section one hundred and forty of the "*Insolvent Act of* 1869," and of section one hundred and twenty-six of the "*Insolvent Act of* 1875" And if default has occurred in the registration of a marriage contract, as required by the said Acts or any of them, the consequences of such default shall be the same as if such default had occurred under the provisions of this Act.

APPEAL.

Non-appealable or final judgments—what are.

108. All matters and things decided, and all rules and orders made, by any court or judge in deciding between the majority in number and the majority in value of the creditors; or in respect of the performance by a guardian or trustee of his duties under this Act, or of his appointment or election; or of his obedience to the order of a court or judge; or in respect of his charges, commission, fees or disbursements; or in respect of any matter appertaining to the discipline of the court while sitting in insolvency; or in respect of any matter of routine or of order in the proceedings for winding up an estate in insolvency; shall be final and conclusive, and shall not be susceptible of appeal or of revision, save and except that any court or judge may, on motion or petition, remodel or revise its or his own ruling in respect of any such matters or things, rules or orders. In the Province of Quebec all other decisions by a judge in matters of insolvency shall be considered as judgments of the Superior Court, and any final order or judgment rendered by such judge or court, save as hereinbefore otherwise provided, 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 inscribe for revision or appeal from a final judgment of the Superior Court in ordinary cases, under the law in force when such decision shall be rendered. In the other Provinces, if any of the parties to any contestation, matter or thing upon which such judge has made any final order or judgment, except such rules or orders, matters and things as are hereinbefore declared to be final, are dissatisfied with such order or judgment, they may, in the Province of Ontario, appeal therefrom to the Court of Appeal for Ontario or any two justices thereof; in the Province of New Brunswick to the Supreme Court of New Brunswick; in the Province of Nova Scotia to the Supreme Court of Nova Scotia; in the Province of British Columbia to the Supreme Court of that Province; in the Province of Prince Edward Island to the Supreme Judicature; in the Province of Manitoba to the Court of Queen's Bench; and the judgment upon such appeal shall be final.

Appealable judgments in Province of Quebec.

Appeal in other provinces.

Appeal to be prosecuted within eight days, or sureties given for prosecution.

109. No such appeal shall be entertained unless the appellant shall have, within eight days from the rendering of such final order or judgment, commenced proceedings on the said appeal, and shall, within the said delay, have given

security in appeal as required by law and by the practice of the court appealed to in ordinary appeals; and thereafter such appeal shall be dealt with and disposed of according to such law and practice. And pending the contestation of any claim, and of any appeal in respect thereof, the trustee shall reserve a dividend equal to the amount of the dividend upon such claim, or the dividend already collocated to the claimant, as the case may be, until such contestation shall be finally decided.

Reservation of amount of dividend.

FRAUDS AND FRAUDULENT PREFERENCES.

110. All gratuitous contracts or conveyances, or contracts without consideration, or with a merely nominal consideration, respecting either real or personal estate, made by a debtor afterwards becoming an insolvent, with or to any person whomsoever, whether such person be his creditor or not, within three months next preceding the date of insolvency or at any time afterwards, and all contracts or conveyances, whether procured by the pressure or demand of any creditor or person or not, by which other creditors are injured, obstructed or delayed, made by a debtor unable to meet his engagements, and afterwards becoming an insolvent, 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 be his creditor or not, are presumed to be with intent to defraud his creditors.

Gratuitous contracts, within three months of insolvency presumed fraudulent.

Contracts injurious to creditors to be also deemed fraudulent.

111. A contract or conveyance for consideration, respecting either real or personal estate, by which creditors are injured or obstructed, made by a debtor unable to meet his engagements with a person ignorant of such inability, and before such inability has become public and notorious, whether such person be his creditor or not, and whether such contract or conveyance was procured by the pressure or demand of the creditor or not, 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, as the court may order.

Contracts for consideration within thirty days of insolvency voidable.

112. All contracts, mortgages, hypothecs, or conveyances made, and acts done, by a debtor, whether upon the pressure or demand of any creditor or otherwise, respecting either real or personal estate, with intent to impede, obstruct or delay his creditors in their remedies against him, or with intent to defraud his creditors, or any of them, or to prefer any then existing creditor over the other creditors; and so made, done and intended with the knowledge of the person contracting or acting with the debtor, whether such person be his creditor or not, and which have the effect of impeding, obstructing, or delaying the creditors in their remedies, or of injuring them, or any of them, are prohibited, and are null and void, notwithstanding that such contracts, mortgages, hypothecs, conveyances, or acts be in consideration or in contemplation of marriage.

Contracts made with intent to defraud creditors to be void.

Fraudulent preferential sales, &c., to be void.

113. If, in contemplation of insolvency, any property, real or personal, movable or immovable, goods, effects, or valuable security, be given by way of payment by any debtor afterwards becoming insolvent to any creditor, whether upon the pressure or demand therefor by the creditor or not; having the effect of preferring any then existing creditor over the other creditors; such sale, mortgage, hypothec, deposit, pledge, transfer or payment shall be null and void, and the subject thereof may be recovered back for the benefit of the estate by the trustee, in any court of competent jurisdiction; and if the same be made within thirty days next before the date of insolvency, or at any time afterwards, it shall be presumed *primâ facie* to have been so made in contemplation of insolvency.

Presumption of fraud.

Certain payments by debtor void.

114. Every payment made within thirty days next before the date of insolvency, by a debtor unable to meet his engagements in full, to a person knowing such inability, or having probable cause for believing the same to exist, whether such payment shall have been procured by the pressure or demand of any creditor or otherwise or not, shall be void, and the amount paid may be recovered back by suit in any competent court, for the benefit of the estate: Provided always, that if any valuable security be given up in consideration of such payment, such security, or the value thereof, shall be restored to the creditor before the return of such payment can be demanded.

Proviso: security given to be restored to creditor.

Transfer of certain debts of insolvent void.

115. Any transfer of a debt due by the insolvent, made to a debtor knowing or having probable cause for believing the insolvent to be unable to meet his engagements, or in contemplation of his insolvency, for the purpose of enabling the debtor to set up, by way of compensation or set-off, the debt so transferred, is null and void, as regards the estate of the insolvent; and the debt due to the estate of the insolvent shall not be compensated or affected in any manner by a claim so acquired; but the purchaser thereof may rank on the estate in the place and stead of the original creditor. And if such transfer be made within the thirty days next previous to the date of insolvency, it shall be presumed *prima facie* to be made under the circumstances and for the purpose hereinbefore described.

OFFENCES AND PENALTIES.

Purchasing goods on credit, &c., by persons knowing themselves unable to pay, to be fraud.

116. Any person who, for himself or for any firm or company of which he forms part, or as the manager, trustee, agent or employee of any person, firm, or company, purchases goods on credit, or procures any advance in money, or procures the indorsement or acceptance of any negotiable paper without consideration, or induces any person to become security for him, knowing or having probable cause for believing himself or such person, firm, or company for which he is acting, to be unable to meet his or its engagements, and concealing the fact from the person thereby becoming his creditor, or the creditor of such firm or company, with the intent to defraud such person, which

intent shall be presumed from such knowledge, and from such concealment hereof, subject to rebuttal by the person accused; or who, by any false pretence, 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, with intent to defraud the person thereby becoming his creditor, or the creditor of such person, firm, or company, and who shall not afterwards have paid or caused to be paid the debt or debts so incurred, or for which a term of credit has been obtained as aforesaid, shall be adjudged to be guilty of a fraud, and shall be liable to imprisonment for such time as the court may order, not exceeding two years, unless the debt and costs be sooner paid. And such adjudication may be made, and imprisonment ordered, in any judgment rendered in any civil suit instituted in the ordinary manner for the recovery of such debt, in the court having jurisdiction in ordinary actions of debt, in the place where such debt was contracted: Provided always, that in the suit taken for the recovery of such debt the defendant be charged with such fraud, and have had an opportunity of pleading thereto.

Punishment.

Proviso.

117. Whether the defendant in any such case appears and pleads, or makes default, the plaintiff shall be bound to prove the fraud charged, and upon his proving it, if the trial be before a jury, the judge who tries the suit or proceeding shall immediately after the verdict rendered against the defendant for such fraud (if such verdict is given), or if not before a jury, then immediately upon his rendering his judgment in the premises, adjudge the term of imprisonment which the defendant shall undergo; and he shall forthwith order and direct the defendant to be immediately taken into custody and imprisoned accordingly; but such judgment shall be subject to the ordinary remedies for the revision thereof or appeal therefrom.

Fraud must be proved.

Award of imprisonment.

Revision of judgment.

118. Every guardian and trustee is an agent within the meaning of the seventy-sixth and following sections of the "*Act respecting Larceny and other similar offences*," and every provision of this Act, or resolution of the creditors or inspectors, and every order of the court or judge relating to the duties of a guardian or trustee, shall be held to be a direction in writing, within the meaning of the said seventy-sixth section; and in an indictment against a guardian or trustee under any of the said sections, the right of property in any moneys, security, matter or thing, may be laid in "the creditors of the insolvent (naming him), under the *Assets Distribution Act*, 1886."

Guardians and Trustees to be deemed agents for certain purposes.

Direction in writing presumed.

Right of property.

119. Any trustee who, in any certificate issued under the provisions of this Act, shall wilfully misstate or falsely represent any material fact, with intent to deceive the judge, the creditors or the inspectors, or any of them, shall be guilty of a misdemeanor, and shall be liable, at the discretion of the court before which he shall be convicted, to imprisonment for a term not exceeding three years.

Punishment of trustee making wilful misstatements.

Certain acts by insolvent to be misdemeanors.

120. From and after the passing of this Act any insolvent who, with regard to his estate—or the estate of any co-partnership of which he has been a member, shall do any of the acts or things following with intent to defraud, or to defeat the rights of his or its creditors, shall be guilty of a misdemeanor; and shall be 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 existing statute:

Not stating causes of insolvency and not fully discovering or not delivering property, books, papers, &c.

(*a.*) If the insolvent does not, upon examination, fully, clearly and truly state, to the best of his knowledge and belief, the causes to which his insolvency is owing; or does not fully and truly discover, to the best of his knowledge and belief, all his property, real and personal, inclusive of his rights and credits, and how and to whom, and for what consideration, and when he disposed of, assigned or transferred the same or any part thereof, except such part has been really and *bona fide* before sold or disposed of in the way of his trade or business, or laid out in ordinary family or household expenses; or does not deliver up to the trustee all such part thereof as is in his possession, custody or power (except such part thereof as is exempt from seizure as hereinbefore provided), and also all books, papers and writings in his possession, custody or power relating to his property or affairs;

Removing property.

(*b.*) If, within thirty days prior to the date of insolvency he removes, conceals or embezzles any part of his property, to the value of fifty dollars or upwards, with intent to defraud his creditors, or any of them;

Not denouncing false claims.

(*c*) If, in case of any person having to his knowledge or belief proved a false debt against his estate, he fail to disclose the same to the trustee within one month after coming to the knowledge or belief thereof;

False schedule.

(*d.*) If, with intent to defraud, he wilfully and fraudulently omits from his schedule any effects or property whatsoever;

Withholding books, &c.

(*e.*) If, with intent to conceal the state of his affairs, or to defeat the object of this Act, or of any part thereof, he conceals, or prevents, or withholds, the production of any book, deed, paper or writing relating to his property, dealings or affairs;

Concealing or falsifying books, or making false extracts from.

(*f.*) If, with intent to conceal the state of his affairs or to defeat the object of the present Act, or of any part thereof, he parts with, conceals, destroys, alters, mutilates, or falsifies, or causes to be concealed, destroyed, altered, mutilated or falsified, any book, paper, writing or security, or document relating to his property, trade, dealings or affairs, 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;

Stating fictitious losses or expenses.

(*g.*) If, at his examination at any time, or at any meeting of his creditors held under this Act, he attempts to account for

the non-production or absence of any of his property by the representation of fictitious losses or expenses ;

Disposing of goods not paid for.

(*h.*) If, within the three months next preceding the date of insolvency he pawns, pledges, or disposes of, otherwise than in the ordinary way of his trade, any property, goods or effects, the price of which remains unpaid by him during such three months.

Offences against this Act, how tried.

121. Every offence punishable under this Act shall be tried as other offences of the same degree are triable in the Province where such offence is committed.

Creditors taking consideration for granting discharge, &c.

Or filing a claim for money not due.

Penalty.

122. If any creditor of an insolvent, directly or indirectly, takes or receives from such insolvent any payment, gift, gratuity or preference, or any promise of payment, gift, gratuity or preference, as a consideration or inducement to consent to the discharge of such insolvent ; or if any person knowingly files a claim on the estate of an insolvent for a sum of money not due to him by the insolvent or by his estate, or votes, or offers his vote at any meeting of creditors upon any such claim, or ranks or attempts or claims to rank on any such claim, such creditor shall forfeit and pay a sum equal to treble the value of the payment, gift, gratuity or preference so taken, received or promised, or treble the amount improperly ranked for as the case may be, and the same shall be recoverable by the trustee for the benefit of the estate, by suit in any competent court, and when recovered, shall be distributed as part of the ordinary assets of the estate. And in default of assets to satisfy any execution which shall be issued to levy the amount so forfeited, or any part thereof, such person shall be subject to be imprisoned with hard labor for a period not exceeding six months, unless the amount so remaining unsatisfied, and all legal costs and expenses, be sooner duly paid.

Imprisonment if no assets.

Insolvent receiving money, &c., and not delivering the same.

Proceedings.

Imprisonment for disobeying order for delivery.

123. If, after the date of insolvency, the insolvent retains or receives any portion of his estate or effects, or of his moneys, securities for money, business papers, documents, books of account, or evidences of debt, or any sum or sums of money belonging or due to him, and retains and withholds from the guardian, or afterwards from the trustee, without lawful right, such portion of his estate or effects, or of his moneys, securities for money, business papers, documents, books of account, evidences of debt, sum or sums of money, the guardian or trustee may make application to the judge, by summary petition, and after due notice to the insolvent, for an order for the delivery over to him of the effects, documents, or moneys so retained ; and in default of such delivery in conformity with any order to be made by the judge upon such application, such insolvent may be imprisoned in the common gaol for such time, not exceeding one year, as such judge may order.

Certain documents to be *primâ facie* evidence.

124. Deeds of assignment, release and transfer, made under the provisions of this Act, or in the Province of Quebec authentic copies thereof ; or a duly authenticated copy of the

record of the appointment of the trustee, certified by the clerk, under the seal of the court, as the case may be, shall be *primâ facie* evidence in all courts, whether civil or criminal, of such appointment, and of the regularity of all proceedings at the time thereof, and antecedent thereto.

Recovery of penalties.

125. All penalties imposed by this Act may be recovered by suit in any court of competent jurisdiction, for the benefit of the person suing for the same, unless herein otherwise expressly provided.

THE JUDGE.

Allowance may be granted to the Judge.

126. If it shall be made to appear to the Governor in Council that, at any place where proceedings under this Act are taken, the judicial functions hereby imposed upon the court or judge, impose upon such court or any of the judges thereof, or upon such judge, having regard to the ordinary duties of such court or judge, an unreasonable quantity of time, labor and attention, it shall be lawful for the Governor in Council to order that an allowance from the Consolidated Fund of the Dominion be made to the judge performing such functions, either in or out of the said court, such allowance not to exceed the rate of dollars per annum ; and to order that every trustee within the county or district in respect of which such court or judge shall act, shall pay to the Receiver-General of the Dominion a sum not exceeding one per centum upon the proceeds received by such trustee, of the assets of each and every insolvent estate administered by him. And the Governor in Council shall also have power to make such orders, rules and regulations as shall insure the due collection and payment of such proportion of the said assets.

Trustee to pay in one per cent. of proceeds of estates.

Governor may make regulations.

Duties and powers of the Judge.

127. It shall be the duty of the judge to exercise supervision over the guardians, trustees and other persons appointed and acting under the provisions of this Act : and if any dereliction of duty on the part of any one of them comes to his knowledge, or if he has reason to believe that any such dereliction of duty has occurred, he may summon such guardian, trustee or person before him, and may investigate his conduct by examining him or any other person relative thereto, and may make such order in the premises, of his own mere motion, as he may deem expedient, and may enforce such order in the same manner and by the same means, and may exercise the same powers and jurisdiction in respect thereof or of disobedience thereto, as if such order had been made upon the petition of a creditor or other party interested.

Short title.

128. This Act shall be known and may be cited as "*The Assets Distribution Act*, 1886."

FORM A.

ASSETS DISTRIBUTION ACT, 1886.

To (*name* *residence* *and description of insolvent.*)

You are hereby required, to wit, by A.B., a creditor for the sum of $ (*describe in a summary manner the nature of the debt*), and by C.D., a creditor, &c., to make an assignment of your estate and effects under the above-mentioned Act for the benefit of your creditors.

place *date*

Signature of Creditor or Creditors

FORM B.

ASSETS DISTRIBUTION ACT, 1886.

CANADA,
Province of
District of

A.B.——— (*name, residence and description,*)

Plaintiff.

VS.

C.D.——— (*name, residence and description,*)

Defendant.

I, A.B.——— (*name, residence and description*) being duly sworn, depose and say:—

1. I am the plaintiff in this cause (*or* one of the plaintiffs, *or* the clerk, *or* the agent of the plaintiff in this cause duly authorized for the purposes thereof).

2. The defendant is indebted to me (*or* to the plaintiff, *or as the case may be*) in the sum of dollars currency, for (*state concisely and clearly the nature of the debt*), for which debt I hold (*or* the plaintiff holds) no security within the meaning of the said Act (*or holds* security of the value of $).

3. To the best of my knowledge and belief the defendant is insolvent within the meaning of the "*Assets Distribution Act*, 1886," and has rendered himself liable to have his assets distributed under the said Act, and my reasons for so believing are as follows: (*state concisely the facts relied upon as rendering the debtor insolvent and as subjecting his estate to be distributed.*)

4. I do not act in this matter in collusion with the defendant, nor to procure him any undue advantage against his creditors.

And I have signed; (*or* I declare that I cannot sign).

Sworn before me this
day of 18 .

and if the deponent cannot sign, add—
the foregoing affidavit having been first read over by me to the deponent.

FORM C.

ASSETS DISTRIBUTION ACT, 1886.

CANADA, Province of District of } VICTORIA, by the Grace of God of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith.

No.

To the *Guardian* in and for the county (*or* judicial district, *or* electoral district, *as the case may be*) of

GREETING:

We command you, at the the instance of , to attach the estate and effects, moneys and securities for money, vouchers, and all the office and business papers and documents of every kind and nature whatsoever, of and belonging to , if the same shall be found in (*name of district or other territorial jurisdiction*) and the name so attached, safely to hold, keep and detain in your charge and custody until the attachment thereof, which shall be so made under and by virtue of this writ shall be determined in due course of law.

We command you also to summon the said to be and appear before Us, in Our court for , at , in the county (*or* district) of , on the day of , to show cause, if any he hath, why his estate should not be distributed under the "*Assets Distribution Act*, 1885," and further to do and receive what, in Our said court before Us, in this behalf shall be considered; and in what manner you shall have executed this writ, then and there certify unto Us with your doings thereon, and every of them, and have you then and there also this writ.

In witness whereof, We have caused the seal of Our said court to be hereunto affixed, at aforesaid , this day of in the year of Our Lord one thousand eight hundred and , in the year of Our reign.

FORM D.

ASSETS DISTRIBUTION ACT, 1886.

A. B.,
Plaintiff.

C. D.,
Defendant.

A writ of attachment has issued in this cause.

(*Place* , *date.*)

(*Signature*),
Guardian.

FORM E.

ASSETS DISTRIBUTION ACT, 1886.

This assignment made between of the first part, and of the second part, witnesses,

(*or*)

On this day of
before the undersigned notaries
came and appeared
of the first part, and
of the second part, which said parties declared to us notaries :—

That under the provisions of the "*Assets Distribution Act*, 1886," the said party of the first part, being insolvent, has assigned and hereby does assign to the said party of the second part, accepting thereof, as trustee under the said Act, and for the purposes therein provided, all his estate and effects, real and personal, of every nature and kind whatsoever.

To have and to hold to the party of the second part as trustee for the purposes and under the Act aforesaid.

In witness whereof, &c.

(*or*)

Done and passed, &c.

FORM F.

ASSETS DISTRIBUTION ACT, 1886.

In the matter of A. B., an insolvent.

Schedule of Creditors.

1. Direct Liabilities.				Total.
Name.	Residence.	Nature of Debt.	Amount.	

2. Indirect Liabilities, maturing before the day fixed for the first meeting of creditors.				
Name.	Residence.	Nature of Debt.	Amount.	

3. Indirect Liabilities, maturing after the day fixed for the first meeting of creditors.				
Name.	Residence.	Nature of Debt.	Amount.	

4. Negotiable paper, the holders of which are unknown.					
Date.	Name of Maker.	Names liable to Insolvent.	When due.	Amount.	

FORM G.

ASSETS DISTRIBUTION ACT, 1886.

In the matter of an insolvent.

The insolvent has made an assignment of his estate to me (*or* a writ of attachment has been issued in this cause), and the creditors are notified to meet at

in on the day of at o'clock to receive statements of his affairs, and to appoint a trustee.

(*Date and residence of guardian.*)

(*Signature.*)
Guardian.

(*The following is to be added to the notices sent by post.*)

The creditors holding direct claims and indirect claims for one hundred dollars each and upwards, are as follows: (*names of creditors and amount due*) and the aggregate of claims under one hundred dollars is $

(*Date.*)

(*Signature.*)

FORM H.

ASSETS DISTRIBUTION ACT, 1885.

In the matter of A.B., an insolvent.

This deed of release (*or* transfer) made under the provisions of the said Act between (C.D.) guardian in possession of the estate of the said insolvent, of the first part; and (E.F.) of the second part, witnesseth:

That whereas by a resolution of the creditors of the insolvent, duly passed at a meeting thereof duly called and held at , on the day of , the said party of the second part was duly appointed trustee to the estate of the said insolvent: Now therefore these presents witness that the said party of the first part in his said capacity, hereby releases to the said party of the second part the estate and effects of the said insolvent, in conformity with the provisions of the said Act; and for the purposes therein provided.

In witness whereof, &c.

(*This form may be adapted in the Province of Quebec to the notarial form of execution of documents prevailing there.*)

FORM I.

ASSETS DISTRIBUTION ACT, 1885.

In the matter of

(A. B. *or* A. B. & Co.,)
an insolvent.

I, the undersigned (*name and residence*), have been appointed trustee in this matter.

(*Place date,*)

(*Signature*)
Trustee.

FORM J.

ASSETS DISTRIBUTION ACT, 1886.

CANADA, Province of District (*or* County) of } In the (*name of court*) In the matter of (A. B. *or* A. B. & Co.,) an insolvent.

The undersigned has filed in the office of this court, a consent by his creditors to his discharge and on the day of next, he will apply to the said court (*or* to the judge of the said court, *as the case may be*) for a confirmation of the discharge thereby effected.

(*Place, date.*)

(*Signature of insolvent, or of his attorney ad litem.*)

FORM K.

ASSETS DISTRIBUTION ACT, 1886.

In the matter of A. B., an insolvent.

I, A. B., of an insolvent, now making application to the for a confirmation of my discharge being duly sworn, depose and say:

That no one of my creditors who has signed the said discharge has been induced so to do by any payment, promise of payment, or advantage whatsoever, made, secured, or promised to him by me, or with my knowledge, by any person on my behalf.

And I have signed.

Sworn before me at this day of }

FORM L.

ASSETS DISTRIBUTION ACT, 1886.

In the matter of A. B., an insolvent.

In consideration of the sum of $ whereof quit; C. D., trustee of the insolvent, in that capacity hereby sells and assigns to E. F., accepting thereof, all claim by the insolvent against G. H., of (*describing the debtor*) with the evidences of debt and securities thereto appertaining, but without any warranty of any kind or nature whatsoever.

C. D., Trustee.
E. F.

FORM M.

ASSETS DISTRIBUTION ACT, 1886.

In the matter of

A. B. (*or* A. B. & Co.),
an insolvent.

A dividend sheet has been prepared, open to objection, until the day of , after which dividends will be paid.

(*Place.*) (*Date.*)

(*Signature of Trustee.*)

FORM N.

ASSETS DISTRIBUTION ACT, 1886.

In the matter of

A. B.,
an insolvent, and

C. D.,
claimant.

I, C. D., of , being duly sworn in depose and say:

1. I am the claimant (*or* the duly authorized agent of the claimant in this behalf, and have a personal knowledge of the matter hereinafter deposed to, *or* a member of the firm of claimants in the matter, and the said firm is composed of myself and of E. F.)

2. The insolvent is indebted to me (*or* to the claimant) in the sum of dollars, for (*here state the nature and particulars of the claim, for which purpose reference may also be made to accounts or documents annexed*).

3. I (*or* the claimant) hold no security for the claim, (*or* I *or* the claimant, hold the following, and no other, security for the claim, namely: *state the particulars of the security*).

4. To the best of my knowledge and belief, the security is of the value of dollars.

Sworn before me at this day of } And I have signed.
Signature.

FORM Q.

ASSETS DISTRIBUTION ACT, 1886.

In the matter of A. B.,

an insolvent.

Notice is hereby given that the undersigned creditor of the insolvent has required him to file, in the office of this court, the consent of his creditors, under which he claims to be discharged; and that on the day of , at ten of the clock in the forenoon, or as soon thereafter as counsel can be heard, the undersigned will apply to the said court (*or* to a judge of the said court) for the annulling of such discharge.

(*Place.*) (*Date.*)

(*Signature of creditor, or his attorney ad litem.*)

FORM P.

ASSETS DISTRIBUTION ACT, 1886.

In the matter of

This instrument witnesses that whereas has proved a claim upon the estate of the insolvent for the sum of and has therein declared that he holds security therefor, consisting of a mortgage upon that certain lot of land and premises known and described as (*describe the property as required in a deed of sale*); and has therein valued his said security as required by law at the sum of $

And whereas trustee of the estate, with the authority of the creditors (*or* inspectors), a certified copy whereof is hereto annexed, has consented to the retention by the creditor of the said property, at the said specified value; now, therefore, the said trustee, acting under the said authority, hath assigned, released and quit claimed, and by these presents doth assign, release and quit claim unto the said the said lot of land and premises (*or* the interest of the said insolvent in the said, &c.), to have and to hold the same to him, his heirs, representatives and assigns as his and their own property forever. He, the said claimant, hereby assuming and binding himself to pay all previous mortgages, hypothecs and liens thereon.

(*If subsequent mortgages, &c., exist, the appropriate conditions respecting them should be here inserted.*)

And, in consideration of the present release and assignment, the said claimant hereby reduces his claim upon the estate

of the insolvent to the sum of
being the balance of his said claim after deduction of the said valuation.

In witness whereof, &c., &c.

SCHEDULE A.

TARIFF OF FEES TO BE PAID TO GUARDIANS.

For the service of any writ of attachment and for the attachment made thereunder and all duties connected therewith	$5 00
For mileage in any travel required to make such service, the rate of mileage allowed to a bailiff or sheriff's officer in serving ordinary writs of summons, according to the practice in the jurisdiction within which the service is made	
For attendance accepting deed of assignment	2 50
During his continuance in office, *not to exceed twenty-one days* (*unless the appointment of a trustee is protracted beyond that period by legal proceedings*), per day, employing no sub-guardian	1 00
If a sub-guardian is employed	0 50
If it is necessary for the safe keeping of the assets, books, or effects of the estate that they should be placed in the custody of a sub-guardian, to such sub-guardian, for each day and each night of *actual guardianship*	1 00
For printing and mailing statement and notice of meeting to each creditor, including postage	0 05
The net cost of advertising assignment or issue of writ	

Fee covering other services of every kind required in the performance of his duties, $\frac{1}{10}$ of one per cent. on the realized proceeds of all unincumbered assets, to be reserved for, and paid to him by the trustee.

The fees of the notary for the deed of assignment to be charged to the assignee and settled by him.

The costs of the attachment to be paid by the trustee out of the estate

No. 93.

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

An Act to provide for the distribution of the Assets of Insolvent Debtors.

Received and read first time, Friday, 9th April, 1886.
Second reading, Monday, 12th April, 1886.

Mr. McMillan.
(Middlesex.)

OTTAWA:
Printed by MacLean, Roger & Co.
1886.

No. 94.] **BILL.** [1886.

An Act further to amend the "Dominion Lands Act, 1883."

Preamble. 46 V., c. 17.

WHEREAS it is expedient to amend the "*Dominion Lands Act*, 1883" as hereinafter set forth: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Interpretation

1. In this Act the expression "the said Act" means the "*Dominion Lands Act*, 1883."

Clause 2 amended.

2. Sub-clauses three and four of clause two of the said Act are hereby repealed, and the following substituted therefor:—

New sub-clause in place of sub-clause 3

"3. The Governor in Council may appoint an officer who shall be styled "The Commissioner of Dominion Lands," an officer who shall be styled "The Inspector of Dominion Lands Agencies," and an officer who shall be styled "The Superintendent of Mines," and such officers shall respectively have the powers, not inconsistent with the provisions of this Act, and perform the duties that are, from time to time, conferred upon and assigned to them by order of the Governor in Council; the Governor in Council may also establish a "Dominion Lands Board" to investigate and settle all disputed questions arising out of the duties imposed upon the Commissioner of Dominion Lands, the Inspector of Dominion Lands Agencies, and the Superintendent of Mines, and all other matters connected with the administration of the Dominion lands system in Manitoba and the North-West Territories; and such Dominion Lands Board shall be composed of such persons, and shall have such powers and authority, not inconsistent with this Act, and shall perform such duties as are, from time to time, prescribed by the Governor in Council;

Governor in Council may appoint certain officers and boards.

Their powers and duties.

New sub-clause in place of sub-clause 4.

"4. Copies of any records, documents, plans, books or papers belonging to or deposited in the Dominion lands office, attested under the signature of the Minister of the Interior, or of the Secretary of the Department of the Interior, or of the Surveyor-General, or of any chief clerk or officer authorized thereto, and of plans or documents in any Dominion lands or surveys office in Manitoba or the North-West Territories, attested under the signature of the Commissioner of Dominion Lands, Secretary of the Dominion Lands Board, or other officer in charge of such office, shall be competent evidence in all cases in which the original records, documents,

Certified copies of plans or documents to be evidence.

As to lithographic copies, &c.

books, plans or papers would be evidence ; and lithographed or other copies of maps or plans purporting to be issued or published by the Dominion lands office of the Department of the Interior, and to have a lithographed or copied signature of the Minister of the Interior or of the Surveyor-General thereto attached, shall be received in all courts and proceedings as *primâ facie* evidence of the originals, and of the contents thereof."

New sub-clause added.

2. The following is hereby added to the said clause two as sub-clause six thereof :—

Employees and extra clerks to take certain oaths.

"6. Every person who is now employed in the outside service of the Dominion lands branch of the Department of the Interior, and every extra clerk who is now employed in the said branch, shall, within *three months* after the first day of July, one thousand eight hundred and eighty-six, and every person or extra clerk who is hereafter so employed, shall, before any salary is paid to him, take and subscribe the oath of allegiance, and also the oath of office prescribed by clause fifty-seven of '*The Civil Service Act.*'"

Minister may vary forms in schedule to 46 V., c. 17.

3. The Minister of the Interior, with the approval of the Governor in Council, may, whenever he deems it necessary so to do, vary any of the forms in the schedule to the said Act from form A to form M, both inclusive, or he may, from time to time, with the like approval, cause to be adopted such other forms to the like effect as he considers applicable to any special case or class of cases.

Clause 29, as amended by 47 V., c. 25, repealed.

4. Clause twenty-nine of the said Act, as amended by clause one of the Act forty-seventh Victoria, chapter twenty-five, is hereby repealed, and the following substituted therefor :—

New clause. Affidavit by applicant for homestead.

"29. Every person applying for homestead entry shall appear and make affidavit before the local agent or, in his absence, the senior clerk performing his duties, according to the form B, C, D or E, in the schedule to this Act, as the circumstances of the case require ; and upon filing such affidavit with such local agent, senior clerk, and on payment to him of an office fee of ten dollars, such person shall receive a receipt from the local agent, senior clerk, according to the form F in the schedule to this Act ; and such a receipt shall be a certificate of entry, and shall be authority to the person obtaining it to take possession of the land described in it:

Fee.

Further fee on pre-emption entry.

"2. If a person who obtains homestead entry applies for and obtains at the same time a pre-emption entry, he shall pay to the local agent, senior clerk, a further office fee of ten dollars, and shall receive therefor from him a receipt in like form, and having like effect to that prescribed for homestead entry :

As to immigrants intending to settle together.

"3. In the case of intending immigrants or other persons proposing to settle together, the Minister of the Interior or

the Dominion Lands Board, on requisition signed by such immigrants or other persons, may authorize any person they name to obtain homestead and pre-emption entries for them before their arrival in the Province or Territory in which the land they desire to occupy is situate:

Application and affidavit

"4. The person so authorized shall, in order to obtain such entries, make application in the form G in the schedule to this Act, on behalf of each of those whom he represents, and shall make an affidavit before the local agent or, in his absence, the senior clerk performing his duties, or before the homestead inspector, according to the form H, J, K, or L, in the schedule to this Act, as the circumstances of the case require; and shall pay for each homestead entry, and for each pre-emption entry, the office fee of ten dollars hereinbefore prescribed for such entry."

Fees

Clause 33 again amended

5. Sub-clauses one and four of clause thirty-three of the said Act, as amended by the Act forty-seventh Victoria, chapter twenty-five, are hereby further amended by inserting the words "or in his absence, the senior clerk performing his duties," after the words "local agent," wheresoever the same occur in the said sub-clauses:

Sub-clause added to clause 33.

2. The following is hereby added to the said clause thirty-three as sub-clause seven thereof:—

Proof required for patent.

"7. Any person claiming a patent under a homestead or under a homestead and pre-emption entry shall also be entitled thereto upon proving to the satisfaction of the Dominion Lands Board,—

Fulfilment of condition of cultivation.

"(*a.*) That he perfected his homestead entry by commencing the cultivation of the homestead within six months from the date of his homestead entry, or if the entry was obtained on or after the first day of September in any year, before the first day of June following;

Preparing for crop.

"(*b.*) That within the first year after the date of his homestead entry he broke and prepared for crop not less than *five* acres of his homestead quarter section;

The same, and cropping.

"(*c*) That within the second year he cropped the said *five* acres, and broke and prepared for crop not less than *ten* acres in addition, making not less than *fifteen* acres in all;

Erection of house.

"(*d*) That he erected a habitable house upon his homestead in the course of the second year after his homestead entry, and has *bonâ fide* resided therein and has cultivated the land for three years next prior to the date of his application for his patent;

Commencing residences.

"(*e.*) That at the commencement of the third year after the date of his homestead entry, or previously, he commenced the residence on his homestead required by the next preceding paragraph of this sub-clause."

Notice of application for patent.

6. Every person who has obtained a homestead entry and has acquired a right to receive a patent under the provisions of the said Act, or of this Act, and who purposes to apply for such patent, shall give six months' notice to the Commissioner of Dominion Lands of his intention to make such application, and shall produce evidence to the officer who is authorized to receive the application that such notice has been duly given.

Clause 36 amended.

7. Clause thirty-six of the said Act is hereby amended by inserting after the word "Lands" in line fourteen of the said clause, the words "or in his absence by a member of the Dominion Lands Board."

Clause 37 repealed.

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

New clause

"**37.** No person who has obtained a homestead patent or a certificate countersigned by the Commissioner of Dominion Lands, or a member of the Dominion Lands Board, as in the next preceding clause mentioned, shall be entitled to obtain another homestead entry;"

Clause 38 amended.

9. Clause thirty-eight of the said Act is hereby amended by striking out the words "Governor in Council" in line four of the said clause, and inserting the words "Minister of the Interior" in lieu thereof.

Cancellation of entries obtained by fraud.

10. In all cases in which a homestead entry or a homestead and pre-emption entry has been obtained through fraud or in error or improvidence, such entry may be cancelled by the Dominion Lands Board on the production before them of evidence to their satisfaction that such entry was so obtained through fraud or in error or improvidence.

Clause substituted by 47 V., c. 25, repealed.

11. The clause substituted for clause thirty-nine of the said Act by clause four of the Act forty-seventh Victoria, chapter twenty-five, is hereby repealed, and the following substituted therefor:—

Duration of homestead entry privilege extended.

"**39.** The privilege of pre-emption, in connection with a homestead entry, shall be discontinued from and after the first day of January, in the year one thousand eight hundred and ninety."

Clause 83 amended.

12. The first two lines of clause eighty-three of the said Act are hereby repealed and the following substituted therefor: "The Dominion Lands Board or any member thereof."

Clauses 87, 88, 89 repealed, and new substituted.

13. Clauses eighty-seven, eighty-eight and eighty-nine of the said Act are hereby repealed, and the following substituted therefor:—

Qualification of Dominion surveyors.

"**87.** No person shall act as surveyor of Dominion lands unless he was, before the fourteenth day of April, one thousand eight hundred and seventy-two, duly qualified by certificate, diploma or commission to survey the Crown lands

in some one of the Provinces of Canada and was engaged, previous to the first day of January, one thousand eight hundred and eighty-six, in the survey of Dominion lands, or has become qualified under the provisions hereinafter set forth :

"2. Persons qualified under the provisions of this Act shall be styled "*Dominion Land Surveyors*," or, "*Dominion Topographical Surveyors*," as the case may be." Their name of office.

"**88**. There shall be a Board of Examiners for the examination of candidates for commissions as Dominion land surveyors, or as articled pupils, which shall consist of the Surveyor-General and eight other competent persons, appointed, from time to time, by Order in Council ; and the meetings of the board shall commence on the second Monday in the months of February and August in each year, and at such other times as the Minister of the Interior directs, due notice thereof being given in the *Canada Gazette*, and the place of meeting shall be at the city of Ottawa : Board of Examiners, of whom to consist. Meetings.

"2. Every member of the board shall take an oath of office, according to the form N, in the schedule to this Act, which shall be administered by a judge of any one of the superior courts in any Province of Canada, or a judge of the Supreme Court of Canada, and such judge is hereby authorized and required to administer such oath. Members to be sworn

"3. Three members of the board shall form a quorum. Quorum.

"4. The board shall, from time time, appoint a fit and proper person to be secretary thereof, who shall keep a record of its proceedings. Secretary.

"5. The Minister of the Interior may cause examinations of candidates for commissions as Dominion land surveyors, or as articled pupils, to be held at such times and places as he directs, by one of the members of the board, but such examinations shall be subject to the rules and regulations made by the board in that behalf, and shall have no effect unless they are conducted in accordance with such rules and regulations, and are subseqnently approved by the board." Certain powers of Minister as to examinations.

"**89**. No person shall be admitted as an articled pupil with any Dominion land surveyor unless he has previously passed an examination before the board of examiners, or before one of the members thereof, as to his penmanship and orthography, and also as to his knowledge of arithmetic, algebra, including quadratic equations, plane geometry, plane trigonometry, spherical trigonometry as far as the solution of triangles, the mensuration of superficies, and the use of logarithms, and has obtained a certificate of such examination, and of his proficiency, from such board," Examination for articles as pupils.

14. Sub-clause one of clause ninety-one of the said Act is hereby repealed, and the following substituted therefor :— Sub-clause of 91 repealed.

Conditions precedent to examination for admission.

"**91**. No pupil shall be entitled to be examined before the board, or before one of the members thereof, for admission as a Dominion land surveyor, unless he has previously served regularly and faithfully for and during the period of three successive years, under articles in writing, in the form O, in the schedule to this Act, duly executed before two witnesses, as pupil of a Dominion land surveyor, and unless he produces an affidavit from such surveyor in the form O 2 in the schedule to this Act, together with his own affidavit in the form O 3 in the schedule to this Act, that he has so served; or if for some good and valid reason such affidavits cannot be produced, unless he produces such evidence of the service as the board requires; and such three years' service shall include at least twelve months' actual practice in the field."

Clause 92 repealed.

15. Clause ninety-two of the said Act is hereby repealed and the following substituted therefor:—

New clause.

Transfer of pupil.

"**92**. Any Dominion land surveyor may, by an instrument in writing, transfer a pupil, with his own consent, to any other Dominion land surveyor, with whom such pupil may serve the remainder of his term; but such pupil shall not be entitled to examination unless he produces the affidavits of both surveyors in the form O 2 in the schedule to this Act, or in default thereof, such evidence as is required by the next preceding clause."

Clauses 95, 96, 97 repealed and new substituted.

16. Clauses ninety-five, ninety-six and ninety-seven of the said Act are hereby repealed and the following substituted therefor:—

As to admission of surveyors from provinces.

"**95**. Every person who, subsequently to the fourteenth day of April, one thousand eight hundred and seventy-two, was or becomes duly qualified by certificate, diploma or commission, to survey lands in any Province of Canada, and who, in order to become so qualified, has served a term under articles to a surveyor, similar to the term prescribed by this Act, and has passed an examination in the subjects prescribed by clauses *eighty-nine* and *ninety-nine* hereof before the board of examiners of such Province, shall be entitled to obtain a commission as Dominion land surveyor, without being subjected to any examination other than with respect to the system of survey of Dominion lands; but it shall rest with the board of examiners to decide whether the qualifications required of a surveyor of Crown lands in such Province are sufficiently similar to those set forth in the said clauses to entitle him, under the foregoing provisions, to such commission; and before any such commission as Dominion land surveyor is granted it shall be shown that such Province has reciprocated the privilege hereby granted, by granting to Dominion land surveyors, on their application, and without subjecting them to an examination, except with respect to a knowledge of the survey laws of such Province, diplomas, certificates or commissions, as the case may be, as surveyors of lands within such Province."

Board to judge as to qualification.

Proviso for reciprocity by province.

"**96**. Every person who shows, to the satisfaction of the board of examiners, that he has been duly admitted as a surveyor of lands in any part of Her Majesty's dominions other than the Provinces of Canada, to which the provisions of the next preceding clause relate, and that he has had at least two years' practice either as a surveyor or as a pupil to a surveyor, of which practice at least six months has been in the field, shall be entitled to a commission on passing an examination in the subjects set forth in clauses *eighty-nine* and *ninety-nine* of this Act, and on his producing an affidavit from a Dominion land surveyor in the form O2 in the schedule to this Act, that such person has, in addition to the service aforesaid, served for one year with him, including at least six months' actual practice with him in the field."

As to admission of surveyors from other parts of Her Majesty's Dominions.

"**97**. Every graduate in surveying of the Royal Military College of Canada, and every person who has followed a a regular course of study in all the branches of education required by this Act for admission as a Dominion land surveyor, through the regular sessions, for at least two years in any college or university where a complete course of theoretical and practical instruction in surveying is organized, and who has thereupon received from such college or university a diploma as civil engineer, shall be exempt from serving three years as aforesaid, and shall be entitled to examination after one year's service under articles with a Dominion land surveyor, at least six months of which service has been in the field, on producing the affidavit required by the next preceding clause as to such service; but it shall rest with the board to decide whether the course of instruction in such college or university is that required by this clause."

And of graduates from colleges.

17. Clauses ninety-nine and one hundred of the said Act are hereby repealed and the following substituted therefor:

Clauses 99 and 100 repealed, and new substituted.

"**99**. No person shall, unless he is thereto entitled under any other clause of this Act, receive a commission from the board authorizing him to practice as a Dominion land surveyor, unless he has complied with the foregoing provisions of this Act, nor until he has attained the full age of twenty-one years and has passed a satisfactory examination before the board, or before a member thereof as hereinbefore provided, on the following subjects, that is to say: plane and solid geometry; spherical trigonometry, so far as it includes solution of triangles; the use of logarithms; measurement of areas, including their calculation by latitude and departure, and the dividing or laying off land; a knowledge of the elements of practical astronomy and the solution of the following elementary problems:—

Examination for admission as surveyor.

In mathematics.

"(*a.*) To ascertain the latitude of a place from an observation of a meridian altitude of the sun or of a star;

In practical astronomy.

"(*b*) To obtain the local time and the azimuth from an observed altitude of the sun or a star;

"(*c.*) From an observed azimuth of a circumpolar star, when at its greatest elongation from the meridian, to ascertain the direction of the latter ;

In surveying operations and use of instruments.

" He shall be practically familiar with surveying operations and capable of intelligently reporting thereon, and be conversant with the keeping of field notes, their plotting and representation on plans of survey in a style of draughtsmanship satisfactory to the board, the describing of land by metes and bounds for title, and with the adjustments and methods of use of ordinary surveying instruments ; and shall also be perfectly conversant with the system of survey as embodied in this Act, and with the manual of standing instructions and regulations published by the authority of the Minister of the Interior, from time to time, for the guidance of Dominion land surveyors."

Examination on oath.

"**100**. The board, or any member thereof, may examine any candidate on oath, which oath may be administered by any one of the examiners, as to his actual practice in the field, and with regard to his instruments, or to any other matter connected with the examination."

Sub-clause repealed.

18. Sub-clause one of clause one hundred and one of the said Act is hereby repealed and the following substituted therefor :—

New sub-clause. Commission on security from successful candidate.

"**101**. Every person who passes the examination prescribed by this Act, and every person who is entitled to receive a commission under clause *ninety-five* of this Act, shall receive a commission from the board in accordance with the form P in the schedule to this Act, constituting him a Dominion land surveyor, and shall, jointly and severally with two sufficient sureties to the satisfaction of the board, enter into a bond in the sum of one thousand dollars to Her Majesty, Her heirs and successors, conditioned for the due and faithful performance of the duties of his office, and shall take and subscribe before a judge of any one of the superior courts in any Province of Canada, who is hereby authorized and required to administer such oaths, or before the board, any member of which may administer the same, the oath of allegiance, and an oath in the form following :—

Oath of office.

" I, , do solemnly swear (*or* affirm, *as the case may be*) that I will faithfully discharge the duties of a Dominion land surveyor according to law, without favor, affection or partiality : So help me God."

Clause 102 repealed.

19. Clause one hundred and two of the said Act is hereby repealed and the following substituted therefor :—

New clause. Voluntary examination in higher branches of study.

"**102**. Every Dominion land surveyor who has previously given the notice prescribed in clause *ninety-eight* of this Act may be examined as to his knowledge of the following subjects relating to the higher branches of surveying, qualifying him, in addition to the performance of the duties declared by this Act to be within the competence of Dominion land

surveyors, for the prosecution of extensive governing or topographic surveys, or those of geographic exploration, that is to say :—

"(*a.*) Algebra ; Mathematics.

"(*b.*) Plane and spherical trigonometry ;

"(*c.*) The plane co-ordinate geometry of the point, straight line, circle and ellipse, and the transformation of co-ordinates ;

"(*d*) The geometrical theory of limits, and the determination of the form, magnitude and radius of curvature of any plane section of a spheroid of revolution ;

"(*e*). Differential calculus as far as Taylor's and McLaurin's theorems, with its practical application ;

"(*f.*) Methods of trigonometrical surveying, of observing the angles and calculating the sides of large triangles on the earth's surface, and of obtaining the differences of latitude and longitude of points in a series of such triangles, regard being had to the effect of the figure of the earth ; Geodetic surveying.

"(*g.*) The theory of the projections and developments used in the delineation of spherical surfaces ; Delineation of spherical surfaces.

"(*h*) The portion of the theory of practical astronomy which relates to the determination of the geographic position of points on the earth's surface and the directions of lines on the same ; Practical astronomy.

"(*i*) The use of the method of least squares in combining direct and indirect observations, the solution of simple equations of condition and the determination of the probable and the mean error ; Problems.

"(*j.*) The theory of the Dominion lands system of survey, the methods of surveying blocks and township outlines and of making tract, micrometer and exploratory surveys ; Dominion lands system of survey.

"(*k*) The theory and use of the instruments used in connection with the foregoing, and also of the ordinary meteorological instruments ; Use of instruments.

"(*l.*) Elementary mineralogy and geology, so far as respects a knowledge of the more common characters by which the mineral bodies that enter largely into the composition of rocks are distinguished, with their general properties and conditions of occurrence ; the ores of the common metals and the classification of rocks ; and the geology of North America, so far as to be able to give an intelligent outline of the leading geological features of Canada ; Mineralogy and geology. Geology of N. America.

"(*m.*) Methods of trigonometrical levelling, of measurement of heights by barometer or by the temperature of boiling Trigonometrical levelling.

water, and the use of the pendulum in determining the compression of the earth ;

Magnetic observations.

"(*n*) The instruments and methods used in determining the magnetic declination, inclination and intensity."

Clause 104 amended.

20. Sub-clause six of clause one hundred and four is hereby repealed, and the following substituted therefor :—

Fees to secretary.

"6. To the secretary of the board as an admission fee by any candidate receiving a commission, twenty dollars, but such amount, as also the ten dollars required to be paid under sub-clause two of this clause, shall be paid to the Minister of Finance and Receiver-General, to the credit of Dominion lands"

New sub-clauses added.

2. The following are hereby added to the said clause one hundred and four as sub-clauses seven and eight thereof :—

Fees to secretary.

"7. To the secretary of the board by each applicant who obtains a commission as Dominion topographical surveyor, as his fee thereon, two dollars ;

The same.

"8. To the secretary of the board for testing a surveyor's standard of length, two dollars"

Clauses 105, 106 repealed.

2. Clauses one hundred and five and one hundred and six of the said Act are hereby repealed and the following substituted therefor :—

New clause.

Allowances to members of board of examiners.

"**105**. Every member of the board who attends at the meetings thereof, and the secretary and every member who holds an examination as provided by clause *eighty-eight*, shall receive five dollars for each day's sitting, and the actual travelling and living expenses incurred by such member, and consequent upon such attendance, and the Minister of the Interior shall pay such sums ; but no member of the board, if he he has to travel more than one hundred miles in order to be present at the meeting, shall receive any allowance for travelling expenses for attending such meeting, unless such member was previously specially notified to attend the same by the secretary."

Proviso.

New clause.

Suspension or dismissal of surveyor for negligence or corruption.

"**106**. The board may, in its discretion, suspend or dismiss from the practice of his profession any Dominion land or topographical surveyor whom it finds guilty of gross negligence or corruption in the execution of the duties of his office ; but the board shall not suspend or dismiss such surveyor without having previously summoned him to appear in order to be heard in his defence, nor without having heard the evidence offered both in support of the complaint and on behalf of such surveyor ; and if, after being summoned as aforesaid, the surveyor does not appear, the board shall appoint a fit and proper person to present the evidence on behalf of the surveyor."

Clause 109 repealed.

22. Clause one hundred and nine of the said Act is hereby repealed, and the following substituted therefor :—

"**109**. The measure of length used in the surveys of Dominion lands shall be the English measure of length, and every Dominion land surveyor shall be in possession of a subsidiary standard thereof—which subsidiary standard, tested and stamped as correct by the Department of Inland Revenue, shall be furnished to him by the secretary of the board on payment of a fee of eight dollars therefor; and all Dominion land surveyors shall, from time to time, regulate and verify, by such standard, the length of their chains and other instruments for measuring; and the said standard measure shall be returned to the secretary of the board as often as it requires to be tested again: New clause. Standard of measures of lengths.

"2 Every surveyor who is found performing his duties without being in possession of the standard measure which, by this clause, he is required to have, shall be liable to be suspended for a period not exceeding twelve months." Penalty for not having standard.

23. The following are hereby added to the schedule to the said Act as form O 2 and form O 3:— Forms added to schedule, as to service of pupils.

"FORM O 2.

I, A.B, of Dominion land surveyor, do solemnly swear that C.D. has served regularly and faithfully as my pupil from the day of 18 to the day of 18 . That he has been engaged with me in the field on the following surveys, that is to say:

From the day of , to the day of on the survey of at

From the day of to the day of on the survey of at , and that the said C.D. has always conducted himself with all due diligence, honesty and sobriety on the said service.

Sworn before me }
}

"Form O 3.

I, C.D., of , do solemnly swear that I have attained the full age of twenty-one years; that I have served regularly and faithfully with A.B., Dominion land surveyor, as his pupil, from the day of 18 , to the day of 18 ; that I have been engaged with him in the field between the following dates on the following surveys, that is to say:

From the day of to the day of
on the survey of at .

From the day of to the day of ,
on the survey of at .

Sworn before me }

24. This Act shall be read and construed as one with the said Act.

No. 94.

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

An Act further to amend the "Dominion Lands Act."

Received and read first time, Friday, 9th April, 1886.
Second reading, Monday, 12th April, 1886.

Mr. WHITE,
(Cardwell.)

OTTAWA:
PRINTED BY MACLEAN, ROGER & Co.

No. 94.] **BILL.** [1886.

An Act further to amend the "Dominion Lands Act, 1883."

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

Preamble. 47 V., c. 17.

WHEREAS it is expedient to amend the "*Dominion Lands Act*, 1883" as hereinafter set forth: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Interpretation

1. In this Act the expression "the said Act" means the "*Dominion Lands Act*, 1883."

Clause 2 amended.

2. Sub-clauses three and four of clause two of the said Act are hereby repealed, and the following substituted therefor:—

New sub-clause in place of sub-clause 3.

Governor in Council may appoint certain officers and boards.

Their powers and duties.

"3. The Governor in Council may appoint an officer who shall be styled "The Commissioner of Dominion Lands," an officer who shall be styled "The Inspector of Dominion Lands Agencies," and an officer who shall be styled "The Superintendent of Mines," and such officers shall respectively have the powers, not inconsistent with the provisions of this Act, and perform the duties that are, from time to time, conferred upon and assigned to them by order of the Governor in Council; the Governor in Council may also establish a "Dominion Lands Board" to investigate and settle all disputed questions arising out of the duties imposed upon the Commissioner of Dominion Lands, the Inspector of Dominion Lands Agencies, and the Superintendent of Mines, and all other matters connected with the administration of the Dominion lands system in Manitoba and the North-West Territories; and such Dominion Lands Board shall be composed of such persons, and shall have such powers and authority, not inconsistent with this Act, and shall perform such duties as the Governor in Council from time to time directs;

New sub-clause in place of sub-clause 4.

Certified copies of plans or documents to be evidence.

"4. Copies of any records, documents, plans, books or papers belonging to or deposited in the Dominion lands office, attested under the signature of the Minister of the Interior, or of the Secretary of the Department of the Interior, or of the Surveyor-General, or of any chief clerk or officer authorized thereto, and of plans or documents in any Dominion lands or surveys office in Manitoba or the North-West Territories, attested under the signature of the Commissioner of Dominion Lands, Secretary of the Dominion Lands Board, or other officer in charge of such office, shall be competent

As to lithographic copies, &c.

evidence in all cases in which the original records, documents, books, plans or papers would be evidence ; and lithographed or other copies of maps or plans purporting to be issued or published by the Dominion lands office of the Department of the Interior, and to have a lithographed or copied signature of the Minister of the Interior or of the Surveyor-General thereto attached, shall be received in all courts and proceedings as *primâ facie* evidence of the originals, and of the contents thereof."

New sub-clause added.

2. The following is hereby added to the said clause two as sub-clause six thereof :—

Employees and extra clerks to take certain oaths.

"6. Every person who is now employed in the outside service of the Dominion lands branch of the Department of the Interior, and every extra clerk who is now employed in the said branch, shall, within three months after the first day of July, one thousand eight hundred and eighty-six, and every person or extra clerk who is hereafter so employed, shall, before any salary is paid to him, take and subscribe the oath of allegiance, and also the oath of office prescribed by clause fifty-seven of '*The Civil Service Act.*' "

Minister may vary forms in schedule to 46 V., c. 17.

3. The Minister of the Interior, with the approval of the Governor in Council, may, whenever he deems it necessary so to do, vary any of the forms in the schedule to the said Act from form A to form M, both inclusive, or he may, from time to time, with the like approval, cause to be adopted such other forms to the like effect as he considers applicable to any special case or class of cases.

Clause 29, as amended by 47 V., c. 25, repealed.

4. Clause twenty-nine of the said Act, as amended by clause one of the Act forty-seventh Victoria, chapter twenty-five, is hereby repealed, and the following substituted therefor :—

New clause. Affidavit by applicant for homestead.

"29. Every person applying for homestead entry shall appear and make affidavit before the local agent or, in his absence, the senior clerk performing his duties, according to the form B, C, D or E, in the schedule to this Act, as the circumstances of the case require ; and upon filing such affidavit with such local agent or senior clerk, and on payment to him of an office fee of ten dollars, such person

Fee.

shall receive a receipt from the local agent, or senior clerk, according to the form F in the schedule to this Act ; and such receipt shall be a certificate of entry, and shall be authority to the person obtaining it to take possession of the land described in it:

Further fee on pre-emption entry.

"2. If a person who obtains homestead entry applies for and obtains at the same time a pre-emption entry, he shall pay to the local agent or senior clerk, a further office fee of ten dollars, and shall receive therefor from him a receipt in like form, and having like effect to that prescribed for homestead entry :

As to entry by agent.

"3. The Minister of the Interior or the Dominion Lands Board, upon requisition, may authorize any person named

therein to make a homestead entry or homestead and pre-emption entries, on behalf of any person signing such requisition and desiring to obtain such entry or entries."

Application and affidavit.

"4. The person so authorized shall, in order to obtain such entry or entries, make application in the form G in the schedule to this Act, on behalf of each of those whom he represents, and shall make an affidavit before the local agent or, in his absence, the senior clerk performing his duties, according to the form H, J, K, or L, in the schedule to this Act, as the circumstances of the case require; and shall pay for each homestead entry, and for each pre-emption entry, the office fee of ten dollars hereinbefore prescribed for such entry."

Fees.

Clause 33 again amended.

5. Sub-clauses one and four of clause thirty-three of the said Act, as amended by the Act forty-seventh Victoria, chapter twenty-five, are hereby further amended by inserting the words "or in his absence, the senior clerk performing his duties," after the words "local agent," wheresoever the same occur in the said sub-clauses:

Sub-clause added to clause 35.

2. The following is hereby added to the said clause thirty-three as sub-clause seven thereof:—

Proof required for patent.

"7. Any person claiming a patent under a homestead entry or under a homestead and pre-emption entry shall also be entitled thereto upon proving to the satisfaction of the Commissioner of Dominion Lands or the Dominion Lands Board,—

Fulfilment of conditions of cultivation.

"(*a.*) That he perfected his homestead entry by commencing the cultivation of the homestead within six months from the date of his homestead entry, or if the entry was obtained on or after the first day of September in any year, before the first day of June following;

Preparing to crop.

"(*b.*) That within the first year after the date of his homestead entry he broke and prepared for crop not less than five acres of his homestead quarter section;

The same, and cropping.

"(*c.*) That within the second year he cropped the said five acres, and broke and prepared for crop not less than ten acres in addition, making not less than fifteen acres in all;

Erection of house.

"(*d*) That he erected a habitable house upon his homestead before the expiration of the second year after his homestead entry, and has *bonâ fide* resided therein and has cultivated the land for three years next prior to the date of his application for his patent;

Commencing residences.

"(*e.*) That at the commencement of the third year after the date of his homestead entry, or previously, he commenced the residence on his homestead required by the next preceding paragraph of this sub-clause."

Notice of application for patent.

6. Every person who has obtained a homestead entry, and who purposes to apply for a patent for such homestead,

shall give six months' notice in writing to the Commissioner of Dominion Lands of his intention to make such application, and shall produce evidence to the officer who is authorized to receive the application, that such notice has been duly given.

Clause 36 amended.

7. Clause thirty-six of the said Act is hereby amended by inserting after the word "Lands" in line fourteen of the said clause, the words "or in his absence by a member of the Dominion Lands Board."

Clause 37 repealed.

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

New clause.

"**37.** No person who has obtained a homestead patent or a certificate countersigned by the Commissioner of Dominion Lands, or a member of the Dominion Lands Board, as in the next preceding clause mentioned, shall be entitled to obtain another homestead entry;"

Clause 38 amended.

But such repeal shall not take away the right of any person who, before the passing of this Act, had received such certificate or recommendation for a patent.

Clause substituted by 47 V., c. 25, repealed.

9. The clause substituted for clause thirty-nine of the said Act by clause four of the Act forty-seventh Victoria, chapter twenty-five, is hereby repealed, and the following substituted therefor:—

Duration of homestead entry privilege extended.

"**39.** The privilege of pre-emption, in connection with a homestead entry, shall be discontinued from and after the first day of January, in the year one thousand eight hundred and ninety."

Clause 83 amended.

10. The first two lines of clause eighty-three of the said Act are hereby repealed and the following substituted therefor: "The Dominion Lands Board or any member thereof"

Clauses 87, 88, 89 repealed, and new substituted.

11. Clauses eighty-eight and eighty-nine of the said Act are hereby repealed, and the following substituted therefor:—

Board of Examiners, of whom to consist.

"**88.** There shall be a Board of Examiners for the examination of candidates for commissions as Dominion land surveyors, or as articled pupils, which shall consist of the Surveyor-General and eight other competent persons, appointed, from time to time, by Order in Council; and the

Meetings.

meetings of the board shall commence on the second Monday in the months of February and August in each year, and at such other times as the Minister of the Interior directs, due notice thereof being given in the *Canada Gazette*, and the place of meeting shall be at the city of Ottawa, or such other place as is from time to time fixed by the Minister of the Interior:

"2. Every member of the board shall take an oath of office, according to the form N, in the schedule to this Act, which shall be administered by a judge of any one of the superior courts in any Province of Canada, or a judge of the Supreme Court of Canada, and such judge is hereby authorized and required to administer such oath : Members to be sworn.

"3. Three members of the board shall form a quorum : Quorum.

"4. The board shall, from time time, appoint a fit and proper person to be secretary thereof, who shall keep a record of its proceedings : Secretary.

"5. The Minister of the Interior may cause examinations of candidates for commissions as Dominion land surveyors, or as articled pupils, to be held at such times and places as he directs, by one of the members of the board, but such examinations shall be subject to the rules and regulations made by the board in that behalf, and shall have no effect unless they are conducted in accordance with such rules and regulations, and are subsequently approved by the board." Certain powers of Minister as to examinations.

"89. No person shall be admitted as an articled pupil with any Dominion land surveyor unless he has previously passed an examination before the board of examiners, or before one of the members thereof, as to his penmanship and orthography, and also as to his knowledge of arithmetic, algebra, including quadratic equations, plane geometry, plane trigonometry, spherical trigonometry as far as the solution of triangles, the mensuration of superficies, and the use of logarithms, and has obtained a certificate of such examination, and of his proficiency, from such board." Examination for articles as pupils.

12. Sub-clause one of clause ninety-one of the said Act is hereby repealed, and the following substituted therefor :— Sub-clause of 91 repealed.

"91. No pupil shall be entitled to be examined before the board, or before one of the members thereof, for admission as a Dominion land surveyor, unless he has previously served regularly and faithfully for and during the period of three successive years, under articles in writing, in the form O, in the schedule to this Act, duly executed before two witnesses, as pupil of a Dominion land surveyor, and unless he produces an affidavit from such surveyor in the form O 2 in the schedule to this Act, together with his own affidavit in the form O 3 in the schedule to this Act, that he has so served; or if for some good and valid reason such affidavits cannot be produced, unless he produces such evidence of the service as the board requires ; and such three years' service shall include at least twelve months' actual practice in the field." Conditions precedent to examination for admission.

13. Clause ninety-two of the said Act is hereby repealed, and the following substituted therefor :— Clause 92 repealed.

"92. Any Dominion land surveyor may, by an instrument in writing, transfer a pupil, with his own consent, to New clause.

Transfer of pupil.

any other Dominion land surveyor, with whom such pupil may serve the remainder of his term; but such pupil shall not be entitled to examination unless he produces the affidavits of both surveyors in the form O 2 in the schedule to this Act, or in default thereof, such evidence as is required by the next preceding clause."

Clauses 95, 96, 97 repealed, and new substituted.

14. Clauses ninety-five, ninety-six and ninety-seven of the said Act are hereby repealed and the following substituted therefor:—

As to admission of surveyors from provinces.

"**95.** Every person who, subsequently to the fourteenth day of April, one thousand eight hundred and seventy-two, was or becomes duly qualified by certificate, diploma or commission, to survey lands in any Province of Canada, and who, in order to become so qualified, has served a term under articles to a surveyor, similar to the term prescribed by this Act, and has passed an examination in the subjects prescribed by clauses eighty-nine and ninety-nine hereof before the board of examiners of such Province, shall be entitled to obtain a commission as Dominion land surveyor, without being subjected to any examination other than with respect to the system of survey of Dominion lands; but it shall rest with the board of examiners to decide whether the qualifications required of a surveyor of Crown lands in such Province are sufficiently similar to those set forth in the said clauses to entitle him, under the foregoing provisions, to such commission; and before any such commission as Dominion land surveyor is granted it shall be shown that such Province has reciprocated the privilege hereby granted, by granting to Dominion land surveyors, on their application, and without subjecting them to an examination, except with respect to a knowledge of the survey laws of such Province, diplomas, certificates or commissions, as the case may be, as surveyors of lands within such Province."

Board to judge as to qualification.

Proviso for reciprocity by province.

As to admission of surveyors from other parts of Her Majesty's Dominions.

"**96.** Every person who shows, to the satisfaction of the board of examiners, that he has been duly admitted as a surveyor of lands in any part of Her Majesty's dominions other than the Provinces of Canada, to which the provisions of the next preceding clause relate, and that he has had at least two years' practice either as a surveyor or as a pupil to a surveyor, of which practice at least six months has been in the field, shall be entitled to a commission on passing an examination in the subjects set forth in clauses eighty-nine and ninety-nine of this Act, and on his producing an affidavit from a Dominion land surveyor in the form O2 in the schedule to this Act, that such person has, in addition to the service aforesaid, served for one year with him, including at least six months' actual practice with him in the field."

And of graduates from colleges.

"**97.** Every graduate in surveying of the Royal Military College of Canada, and every person who has followed a a regular course of study in all the branches of education required by this Act for admission as a Dominion land surveyor, through the regular sessions, for at least two years in any college or university where a complete course of theo-

retical and practical instruction in surveying is organized, and who has thereupon received from such college or university a diploma as civil engineer, shall be exempt from serving three years as aforesaid, and shall be entitled to examination after one year's service under articles with a Dominion land surveyor, at least six months of which service has been in the field, on producing the affidavit required by the next preceding clause as to such service; but it shall rest with the board to decide whether the course of instruction in such college or university is that required by this clause."

15. Clause ninety-nine of the said Act is hereby repealed and the following substituted therefor: Clause 99 and 100 repealed, and new substituted.

"**99.** No person shall, unless he is thereto entitled under any other clause of this Act, receive a commission from the board authorizing him to practice as a Dominion land surveyor, unless he has complied with the foregoing provisions of this Act, nor until he has attained the full age of twenty-one years and has passed a satisfactory examination before the board, or before a member thereof as hereinbefore provided, on the following subjects, that is to say: plane and solid geometry; spherical trigonometry, so far as it includes solution of triangles; the use of logarithms; measurement of areas, including their calculation by latitude and departure, and the dividing or laying off land; a knowledge of the elements of practical astronomy and the solution of the following elementary problems:— Examination for admission as surveyor. In mathematics.

"(*a.*) To ascertain the latitude of a place from an observation of a meridian altitude of the sun or of a star; In practical astronomy.

"(*b.*) To obtain the local time and the azimuth from an observed altitude of the sun or a star;

"(*c.*) From an observed azimuth of a circumpolar star, when at its greatest elongation from the meridian, to ascertain the direction of the latter;

"He shall be practically familiar with surveying operations and capable of intelligently reporting thereon, and be conversant with the keeping of field notes, their plotting and representation on plans of survey in a style of draughtsmanship satisfactory to the board, the describing of land by metes and bounds for title, and with the adjustments and methods of use of ordinary surveying instruments; and shall also be perfectly conversant with the system of survey as embodied in this Act, and with the manual of standing instructions and regulations published by the authority of the Minister of the Interior, from time to time, for the guidance of Dominion land surveyors." In surveying operations and use of instruments.

16. Sub-clause one of clause one hundred and one of the said Act is hereby repealed and the following substituted therefor:— Sub-clause repealed.

"**101.** Every person who passes the examination prescribed by this Act, and every person who is entitled to receive a New sub-clause.

Commission on security from successful candidate.

commission under clause ninety-five of this Act, shall receive a commission from the board in accordance with the form P in the schedule to this Act, constituting him a Dominion land surveyor, and shall, jointly and severally with two sufficient sureties to the satisfaction of the board, enter into a bond in the sum of one thousand dollars to Her Majesty, Her heirs and successors, conditioned for the due and faithful performance of the duties of his office, and shall take and subscribe before a judge of any one of the superior courts in any Province of Canada, who is hereby authorized and required to administer such oaths, or before the board, any member of which may administer the same, the oath of allegiance, and an oath in the form following :—

Oath of office.

" I, , do solemnly swear (*or* affirm, *as the case may be*) that I will faithfully discharge the duties of a Dominion land surveyor according to law, without favor, affection or partiality : So help me God."

Clause 102 repealed.

17. Clause one hundred and two of the said Act is hereby repealed and the following substituted therefor :—

New clause.

Voluntary examination in higher branches of study.

" **102.** Every Dominion land surveyor who has previously given the notice prescribed in clause ninety-eight of this Act may be examined as to his knowledge of the following subjects relating to the higher branches of surveying, qualifying him, in addition to the performance of the duties declared by this Act to be within the competence of Dominion land surveyors, for the prosecution of extensive governing or topographic surveys, or those of geographic exploration, that is to say :—

Mathematics.

" (*a.*) Algebra ;

" (*b.*) Plane and spherical trigonometry ;

" (*c.*) The plane co-ordinate geometry of the point, straight line, circle and ellipse, and the transformation of co-ordinates ;

" (*d.*) The geometrical theory of limits, and the determination of the form, magnitude and radius of curvature of any plane section of a spheroid of revolution ;

" (*e*). Differential calculus as far as Taylor's and McLaurin's theorems, with its practical application ;

Geodetic surveying.

" (*f.*) Methods of trigonometrical surveying, of observing the angles and calculating the sides of large triangles on the earth's surface, and of obtaining the differences of latitude and longitude of points in a series of such triangles, regard being had to the effect of the figure of the earth ;

Delineation of spherical surfaces.

" (*g.*) The theory of the projections and developments used in the delineation of spherical surfaces ;

Practical astronomy.

" (*h.*) The portion of the theory of practical astronomy which relates to the determination of the geographic position

of points on the earth's surface and the directions of lines on the same ;

"(*i*) The use of the method of least squares in combining direct and indirect observations, the solution of simple equations of condition and the determination of the probable and the mean error ; Problems.

"(*j*.) The theory of the Dominion lands system of survey, the methods of surveying blocks and township outlines and of making tract, micrometer and exploratory surveys ; Dominion lands system of survey.

"(*k*) The theory and use of the instruments used in connection with the foregoing, and also of the ordinary meteorological instruments ; Use of instruments.

"(*l*.) Elementary mineralogy and geology, so far as respects a knowledge of the more common characters by which the mineral bodies that enter largely into the composition of rocks are distinguished, with their general properties and conditions of occurrence ; the ores of the common metals and the classification of rocks ; and the geology of North America, so far as to be able to give an intelligent outline of the leading geological features of Canada ; Mineralogy and geology. Geology of N. America.

"(*m*.) Methods of trigonometrical levelling, of measurement of heights by barometer or by the temperature of boiling water, and the use of the pendulum in determining the compression of the earth ; Trigonometrical levelling.

"(*n*) The instruments and methods used in determining the magnetic declination, inclination and intensity." Magnetic observations.

18. Sub-clause six of clause one hundred and four is hereby repealed, and the following substituted therefor :— Clause 104 amended.

"6. To the secretary of the board as an admission fee by any candidate receiving a commission, twenty dollars ; but such amount, as also the ten dollars required to be paid under sub-clause two of this clause, shall be paid to the Minister of Finance and Receiver-General to the credit of Dominion lands." Fees to secretary.

2. The following are hereby added to the said clause one hundred and four as sub-clauses seven and eight thereof :— New sub-clauses added.

"7. To the secretary of the board by each applicant who obtains a commission as Dominion topographical surveyor, as his fee thereon, two dollars ; Fees to secretary.

"8. To the secretary of the board for testing a surveyor's standard of length, two dollars." The same.

19. Clauses one hundred and five and one hundred and six of the said Act are hereby repealed and the following substituted therefor :— Clauses 105, 106 repealed

New clause. Allowances to members of boards of examiners.

"**105**. Every member of the board who attends at the meetings thereof, and the secretary and every member who holds an examination as provided by clause eighty-eight, shall receive five dollars for each day's sitting, and the actual travelling and living expenses incurred by such member, and consequent upon such attendance, and the Minister of the Interior shall pay such sums; but no member of the board, if he he has to travel more than one hundred miles in order to be present at the meeting, shall receive any allowance for travelling expenses for attending such meeting, unless such member was previously specially notified to attend the same by the secretary."

Proviso.

New clause. Suspension or dismissal of surveyor for negligence or corruption.

"**106**. The board may, in its discretion, suspend or dismiss from the practice of his profession any Dominion land or topographical surveyor whom it finds guilty of gross negligence or corruption in the execution of the duties of his office; but the board shall not suspend or dismiss such surveyor without having previously summoned him to appear in order to be heard in his defence, nor without having heard the evidence offered both in support of the complaint and on behalf of such surveyor; and if, after being summoned as aforesaid, the surveyor does not appear, the board may appoint a fit and proper person to present the evidence on behalf of the surveyor."

Clause 109 repealed.

20. Clause one hundred and nine of the said Act is hereby repealed, and the following substituted therefor:—

New clause. Standard of measures of lengths.

"**109**. The measure of length used in the surveys of Dominion lands shall be the English measure of length, and every Dominion land surveyor shall be in possession of a subsidiary standard thereof—which subsidiary standard, tested and stamped as correct by the Department of Inland Revenue, shall be furnished to him by the secretary of the board on payment of a fee of eight dollars therefor; and all Dominion land surveyors shall, from time to time, regulate and verify, by such standard, the length of their chains and other instruments for measuring; and the said standard measure shall be returned to the secretary of the board as often as it requires to be tested again:

Penalty for not having standard.

"2. Every surveyor who is found performing his duties without being in possession of the standard measure which, by this clause, he is required to have, shall be liable to be suspended for a period not exceeding twelve months."

Forms added to schedule, as to service of pupils.

21. The following are hereby added to the schedule to the said Act as form O 2 and form O 3:—

"FORM O 2.

I, A.B., of Dominion land surveyor, do solemnly swear that C.D. has served regularly and faithfully as my pupil from the day of 18 to the day of 18 . That he has been

engaged with me in the field on the following surveys, that is to say:

From the day of , to the day of on the survey of at

From the day of to the day of on the survey of at , and that the said C.D. has always conducted himself with all due diligence, honesty and sobriety on the said service.

Sworn before me }

"Form O 3.

I, C.D., of , do solemnly swear that I have attained the full age of twenty-one years; that I have served regularly and faithfully with A.B., Dominion land surveyor, as his pupil, from the day of 18 , to the day of 18 ; that I have been engaged with him in the field between the following dates on the following surveys, that is to say:

From the day of to the day of on the survey of at .

From the day of to the day of , on the survey of at .

Sworn before me }

22. This Act shall be read and construed as one with the said Act. Construction of Act.

No. 94.

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

An Act further to amend the "Dominion Lands Act."

(Reprinted as amended in Committee of the Whole.)

Mr. WHITE.
(Cardwell.)

OTTAWA:
PRINTED BY MACLEAN, ROGER & CO.
1886.

No. 95.] **BILL.** [1886.

An Act to incorporate the Victoria and Sault Ste. Marie Junction Railway Company.

Preamble.

WHEREAS the persons hereinafter mentioned by name have petitioned for the incorporation as a company, to construct and operate a railway from some point on the River St. Mary to a point on the Echo River in the District of Algoma; and whereas the construction of such railway would be for the general advantage of Canada, by developing the resources of the country; and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Certain persons incorporated.

Corporate name.

1. Colin Campbell, Neil MacDonald, W. D. Bowerman, R. M. Wells, M.P., Edmund A. Meredith, H. S. Howland, T. S. Stayner, Charles Silverman and J. G. Scott, together with such other persons as may become shareholders in the company to be hereby incorporated, are hereby declared to be a body corporate and politic, by the name of the Victoria and Sault Ste. Marie Junction Railway Company, hereinafter called the company; and the said railway, and the works hereby authorized are declared to be for the general advantage of Canada.

Railway may be built.

2. The company may lay out, construct and operate a railway, with a single or double track, from any point on the St. Mary River, crossing and connecting with the Canadian Pacific Railway to any point on the Echo River, in the District of Algoma, with power to build branches or tramways to the Victoria, Cascade and Ontario Mines, and to other mines or mining lands in the said district of Algoma, passing, if necessary, through Crown lands lying between the points aforesaid.

Provisional directors and their powers.

Notice of meetings.

3. The persons hereinbefore mentioned shall be provisional directors of the company (of whom five shall be a quorum), and they shall hold office as such until the first election of directors under this Act, and shall have power to open stock books, procure subscriptions of stock for the undertaking, make calls on stock subscribed, receive payments thereon, make, or cause to be made, plans and surveys of the works herein contemplated, and to receive on behalf of the company any grant, loan, bonus or gift made to it, in aid of the undertaking or any part thereof. No meeting for the transaction of business shall be held by the said provisional directors, unless notice thereof shall be given

for one week in a daily newspaper published in the city of Toronto.

Capital stock and shares.

4. The capital stock of the company shall be five hundred thousand dollars, divided into five thousand shares of one hundred dollars each, and shall be applied, in the first instance, to the payment of all expenses for procuring the passing of this Act, of organizing the company, and of the surveys, plans and estimates connected with the said railway.

First meeting of shareholders.

Notice.

Election of directors.

Number of directors.

5. When fifty thousand of the capital stock has been subscribed, and ten per cent. paid into some chartered bank having an office in the city of Toronto, to the credit of the company, the provisional directors shall call a general meeting of the subscribers, to be held in the city of Toronto, for the purpose of electing directors, giving at least two weeks' previous notice of such meeting in the *Canada Gazette* and in some daily newspaper published in the City of Toronto, and also by circular addressed by mail to each subscriber, stating the time, place and purpose of the said meeting; at such general meeting, the shareholders, voting in person or by proxy, may elect not less than five nor more than nine persons, qualified as hereinafter mentioned, who shall constitute a board of directors, and shall hold office until the next annual general meeting of the company; and the board of directors so elected, and any subsequent board of directors duly elected, may pass a by-law declaring what number of directors shall be thereafter elected, but such number shall not be less than five nor more than nine.

Annual general meeting.

6. The annual general meetings of the company, for the election of directors and other general purposes, shall be held in the city of Toronto, on the first Tuesday in in each year.

Qualification of directors.

7. No person shall be elected as, nor continue a director of the company, unless he is the holder, in his own right, of at least ten shares in the stock of the company and has paid all calls thereon.

Notice of general meetings.

8. Notices shall be given in the *Canada Gazette* and in one daily newspaper published in the city of Toronto, as hereinbefore prescribed, of all annual general meetings and all special general meetings of the company.

Quorum and paid director.

9. At all meetings of the board of directors, a majority shall form a quorum for the transaction of business, and the board may employ one of their number as a paid director.

Grants in aid.

10. The company may receive, as aid in the construction of the railway, any lands or real or personal property in the vicinity thereof, either as gifts or in payment of stock, and may legally dispose of the same, and may alienate and convey the lands and other real or personal property of the company, not required for the purposes thereof; and the company may receive from any government, or from any

persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway, by way of bonus, gift or loan, in money or debentures, or other securities for money, or by way of guarantee, upon such terms and conditions as may be agreed upon.

Mining lands and their products.

11. The company may enter into agreements for the purchase, or lease, or working of mining lands, and may work the same as part of their undertaking, and for that purpose may erect suitable machinery, mills and smelting works, for smelting and treating ores; they may purchase and sell ores and their products, and they may mortgage such lands or property, but no agreement respecting such lands and property shall be valid until it has been approved of by the holders of a majority of the shares in the company, present or represented by proxy, at a meeting called for the purpose of considering such agreement.

Proviso.

Steam and other vessels.

12. The company may purchase, build, charter and work, as part of their undertaking, and in connection therewith, steam and other vessels, to ply on the river St Mary.

Company may be party to promissory note.

13. The company may become party to promissory notes and bills of exchange for sums not less than one hundred dollars, and every such promissory note and bill of exchange shall be taken to have been made, endorsed, drawn or accepted with proper authority, nor shall it be necessary to have the seal of the company affixed thereto: Provided, however, that nothing in this section shall be construed to authorize the company to issue notes or bills of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

Proviso: as to bank notes.

Bonds may be issued.

14. The directors of the company, with the sanction of a majority of the shareholders, present or represented by proxy, at any special general meeting called for the purpose, may issue bonds, debentures or debenture stock, made and signed by the president or vice-president of the company, and countersigned by the secretary thereof, and under the seal of the company, for the purpose of raising money for prosecuting the undertaking hereby authorized, and such bonds shall be the first preferential claim and charge upon the undertaking, and the franchises, tolls and property of the company, real and personal, then existing, or at any time thereafter acquired: Provided, however, that the whole amount of such issue of bonds, debentures and debenture stock, shall not exceed in all the sum of twenty-five thousand dollars per mile of railway; and provided that in the event at any time of the interest upon the said bonds, debentures or debenture stock remaining unpaid, then at the next ensuing annual general meeting of the company, and at all other general or special meetings, so long as the said default continues, all holders of such bonds, debentures or debenture stock, shall have and possess the same rights, privileges and qualifications for being elected directors, and for voting, as they would have if the bonds, debentures or

Amount limited.

Proviso, in default of payment.

debenture stock they held had been shares, provided that the bonds, debentures or debenture stock, and any transfers thereof, if any, have been first registered in the same manner as is provided for the registration of shares; and it shall be the duty of the secretary of the company, on production thereof, to register the same in the manner required by the bearer thereof; but the said bonds, debentures or debenture stock shall not be a claim or charge upon any mining lands or property of the company, unless so declared by the shareholders, in the manner above prescribed, and no such bonds, debentures or debenture stock shall affect any prior mortgage or lien upon the said mining lands or property, whether made by the company or otherwise existing.

Registration in such case.

As to charge on mining lands.

15. The company may, with the sanction aforesaid, execute a deed or instrument securing such bonds, debentures or debenture stock, and declaring and defining the rights, privileges, ranking and remedies of the holders thereof, and may provide such forfeitures and penalties in default of payment, as may, in such deed or instrument, be set forth; such deed or instrument may also contain authority to any trustee or trustees named therein upon such default, as one of such remedies, to take possession of the railway and property mortgaged, and to hold and work the same for the benefit of the holders of such bonds, debentures, or debenture stock, for a time to be limited in such deed, or to sell the said railway undertaking and property, upon such notice, terms and conditions as are therein provided; and with like approval, any such deed may contain provisions to the effect that upon such default, and upon such other conditions as are contained therein, the right of voting possessed by a majority of the shareholders shall cease and determine, and shall thereafter appertain to the holders of such bonds, debentures or debenture stock; and such deed may also provide for the conditional or absolute cancellation, after such sale, of any or all of the shares so deprived of voting power, and may also, either directly by its terms, or indirectly by reference to the by-laws of the company, provide for the mode of enforcing and exercising the powers and authority to be conferred and defined by such deed, under the provisions thereof; and such deed and such provisions thereof as purport, with like approval, to grant such further and other powers and privileges to such trustee or trustees, and to the holders of such bonds, debentures or debenture stock as are not contrary to law, shall be valid and binding; but if any change in the ownership or possession of the said railway and property at any time takes place, under the provisions hereof, or by any such deed, or in any other manner, the said railway and property shall continue to be held and operated under the provisions hereof, and of "*The Consolidated Railway Act*, 1879," and any Act amending the same as hereby modified.

Bonds may be secured by mortgage deed.

What such deed may contain.

Deed to be valid.

Working of the railway in case of change of ownership.

16. The directors of the company may, from time to time, make such regulations as they think fit, for facilitating the transfer and registration of the ordinary stock and of the bonds, debentures or debenture stock of the company, and

Transfer of stock, &c.

the forms in respect thereof, as well in Canada as elsewhere, and for the closing of the registers and transfer books for the purpose of dividends, as they find expedient

Transf r of bonds, &c.

17. The said bonds, debentures or debenture stock shall be made payable to bearer, and shall be transferable by delivery until the same shall be registered as hereinbefore provided, and shall be personal property ; they may be issued in the denominations of dollars or pounds sterling, and made payable at any place in Canada, in Great Britain or in the United States ; and the whole of such bonds, debentures or debenture stock, may be pledged, sold or negotiated, upon such terms and conditions, and at such prices as the board of directors from time to time determine ; the signatures to all coupons attached thereto may be lithographed.

Denomination.

Sale, &c.

Registration of debenture stock.

18. Any debenture stock authorized by this Act, which, from time to time, shall be created, shall be entered by the company in a register to be kept for that purpose at their head office, wherein they shall enter the names and addresses of the several persons and corporations, from time to time, entitled to any of such debenture stock, with the respective amounts of the stock to which they are respectively entitled ; and the said company may also open registers for the same purpose in Great Britain, and the United States.

Certificate and transfer of debenture stock.

19 The company shall deliver to every holder a certificate stating the amount of debenture stock held by him, and all regulations or provisions for the time being, applicable for certificates of ordinary shares of the capital of the company, and transfer of such shares shall apply, *mutatis mutandis*, to certificates and transfers of the debenture stock, subject to the provisions of this Act ; but the company shall not be bound to accept any such transfer, nor shall any such transfer be effectual unless and until the scrip or certificate before issued for the debenture stock proposed to be transferred, be delivered up to be cancelled, or such delivery and cancellation dispensed with by the company, and a new certificate or certificates issued in lieu thereof.

Amount transferable.

20. The said debenture stock shall not be transferable in amounts less than one hundred pounds sterling, and no transfer shall include any fractional part of ten pounds sterling.

Stock or bonds may be issued for services rendered.

21. The directors, with the sanction of a majority of the shareholders, may, from time to time, for advances of money made thereon, or in payment of any property real or personal, purchased or leased by the company, or for services rendered to the company, give, mortgage or pledge any of their ordinary stock, or any of such bonds, debentures or debenture stock, and for that purpose they may, with the sanction of a majority of the shareholders, given as aforesaid, declare any of such ordinary stock to be paid-up stock, and the same shall thereupon become paid-up stock for all purposes whatsoever : Provided that no such stock, bonds, debentures or debenture stock, shall be allotted to any director by the company until

Proviso.

a resolution authorizing the same shall have been adopted and confirmed at a meeting of the shareholders.

No registration necessary.

22. It shall not be necessary, in order to preserve the lien, priority, charge or privilege, purporting to be created by any such bond, debenture or debenture stock, or by any such mortgage deed, that such bond, debenture, debenture stock or deed shall be registered in any manner, or in any place whatsoever, but every such mortgage deed shall be deposited in the office of the Secretary of State for Canada, of which deposit notice shall be given in the *Canada Gazette*, and a copy of such mortgage deed certified to be a true copy by the Secretary of State or his Deputy, shall be received as *primâ facie* evidence of the original in all courts.

Limitation of time.

23. The said railway may be constructed in sections, and the first section, from river St Mary to the vicinity of Victoria mines, shall be commenced within three years from the passing of this Act, and completed within five years, and the remaining portion of the main line shall be commenced within four years, and completed within seven years from the passing of this Act.

Equal rights of shareholders.

24. Aliens as well as British subjects, and whether resident in the Dominion of Canada or elsewhere, may be shareholders in the company, and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors of the company.

No. 95.

4th Session, 5th Parliament, 49 Victoria,

BILL.

An Act to incorporate the Victori
Sault Ste. Marie Junction Ra
Company.

Received and read first time, Monday
April, 1886.
Second reading, Tuesday, 13th April, 18

(PRIVATE BILL.)

Mr. DAWS

OTTAWA:

PRINTED BY MACLEAN, ROGER &

1886.

No. 96.] **BILL.** [1886

An Act respecting the protection of Navigable Waters.

(The portions printed in Italics indicate the amendments made in the existing law.)

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

1. In this Act, unless the context otherwise requires: Interpretation of terms used.

(*a.*) The expression "vessel" includes every description of ship, boat or craft of any kind, and whether propelled by steam or otherwise, and whether used as a sea-going vessel or on inland waters only. 37 V., c. 29, s. 5. Vessel.

(*b.*) *The expression "owner" means the registered owner* Owner.

2. If the navigation of any navigable water over which the Parliament of Canada has jurisdiction, is obstructed, impeded or rendered more difficult or dangerous by the wreck, sinking, lying ashore or grounding of any vessel or part thereof or other thing, the owner, master or person in charge of such vessel or other thing, by which any such obstruction or obstacle is caused, shall forthwith give notice of the existence thereof to the Minister of Marine and Fisheries, or to the collector of customs at the nearest or most convenient port, *and shall place, and as long as such obstruction or obstacle continues shall maintain by day a sufficient signal and by night a sufficient light to indicate the position thereof, and in default of giving such notice and placing and maintaining such signal and light* shall, on summary conviction before two justices of the peace, be liable to a penalty of forty dollars for every day during which he neglects so to do without lawful or reasonable excuse. 37 V, c. 29, ss. 2 and 3 (part.) Notice of any obstruction to be given to the Minister of Marine and Fisheries. Signal to be placed to indicate such obstruction. Penalty for neglect.

3. *The Minister of Marine and Fisheries may cause such signal and light to be placed and maintained if the owner, master or person in charge of such vessel or other thing by which the obstruction or obstacle is caused fails or neglects so to do.* Minister may cause signal to be placed.

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, lying ashore or Minister may cause obstruction to be removed.

grounding, of any vessel or of any part thereof, or other thing, the said Minister may, under the authority of the Governor in Council, if such obstruction or obstacle 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 any thing 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. 37 V., c. 29, s. 1.

Sale of vessel causing obstruction for costs incurred

5. Whenever, under the provisions of this Act, the Minister of Marine and Fisheries has *caused any signal or light to be 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 by the wreck, sinking or lying ashore or grounding of any vessel, or part thereof, or other thing, and the cost of *placing and maintaining such signal or light or of* removing or destroying such vessel or part thereof or other thing has been defrayed out of the public moneys 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 at the option of the Crown 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 default, 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. 43 V., c. 30, s. 1.

Recovery of cost if proceeds of sale are insufficient to defray it.

And from whom.

6. Nothing in this Act shall be construed to exempt any owner, master or person from any obligation or responsibility with respect to any obstruction or obstacle imposed on him by any other law, or to derogate from or impair any power or right vested by any such law in the *Quebec Harbor Commissioners* or Montreal Harbor Commissioners or other authority with respect to such obstruction or obstacle, and not incompatible with the powers hereby vested in the Minister of Marine and Fisheries. 37 V., c. 29, s. 2 (part.)

Existing rights and liabilities not impaired.

7. No owner or tenant of any saw-mill, or any workman therein or other person shall throw or cause to be thrown, or suffer or permit to be thrown, any sawdust, edgings, slabs, bark or rubbish of any description whatsoever, into any river, stream *or other water any part of which is navigable, or which flows into any navigable water;* and every person who violates the provisions of this section shall, on summary conviction, be liable for a first offence, to a penalty of not less than twenty dollars, and for each subsequent offence, to a penalty of not less than fifty dollars. No saw-dust or saw-mill rubbish to be thrown into navigable waters.

2. The several fishery officers shall, from time to time, examine and report on the condition of such rivers, streams and waters, and prosecute all persons violating the provisions of this section; and for enforcing the said provisions, such officers shall have and exercise all the powers conferred upon them for like purposes by "*The Fisheries Act.*" Fishery officers to enforce this provision.

3. The Governor in Council, when it is shown to his satisfaction that the public interest would not be injuriously affected thereby, may, from time to time, by proclamation published in the *Canada Gazette*, declare any such river, stream or water, or part or parts thereof, exempted from the operation of this section, in whole or in part, and may, from time to time, revoke such proclamation. 36 V., c. 65, ss. 1, 2, 3 and 4. Exemption by proclamation in certain cases.

8. The Acts and parts of Acts mentioned in the schedule hereto, are hereby repealed. Repeal.

SCHEDULE.

Year of Reign and chapter.	Title of Act.	Extent of Repeal.
36 Vic., c 65	An Act for the better protection of Navigable Streams and Rivers.....	The whole.
37 Vic., c. 29	An Act for the removal of obstructions by wreck and like causes in navigable waters of Canada, and other purposes relative to wrecks.....	The whole, except section four.
43 Vic., c. 30.....	An Act to amend the law respecting the removal of obstructions in navigable waters by wrecks.....	The whole.

No. 96.

4th Session, 5th Parliament, 49 Victoria, 1886

BILL.

An Act respecting the protection of Navigable Waters.

Received and read first time, Monday, 12th April, 1886.
Second reading, Tuesday, 13th April, 1886.

Mr. FOSTER.

OTTAWA:
PRINTED BY MACLEAN, ROGER & CO.

No. 100.] **BILL.** [1886.

Act respecting the transfer of the Lighthouse at Cape Race, Newfoundland, and its appurtenances, to the Dominion of Canada.

Preamble.

Recital of facts.

WHEREAS it appears from a despatch from Her Majesty's Secretary of State for the Colonies, bearing date 5th January, 1886, and other public documents laid before Parliament by order of His Excellency the Governor General, during the present Session ;—

That the Lighthouse at Cape Race, in the island of Newfoundland, was erected in the year 1856, on a lot of ground containing about 300 acres, appropriated therefor by the Government of the said Colony, and that the cost thereof, with its appurtenances, was paid out of the Consolidated Fund of the United Kingdom ;

That in pursuance of an Order of Her Majesty in Council, made under the "*Merchant Shipping (Amendment Act)*, 1855," dues have been levied in respect of the said lighthouse, and applied, under the direction of the Board of Trade, in maintaining it and its appurtenances, and in repaying to the said Consolidated Fund the cost incurred in respect thereof ;

That the whole of the said cost has been so repaid, and that there remains a balance arising from the said dues, which it is estimated will, on the 30th day of June, 1886, amount to £20,000, or thereabouts ;

That in pursuance of an Order of Her Majesty in Council, made under the said recited Act on the 12th day of December, 1885, the dues leviable in respect of the said lighthouse will, on and after the 1st day of July, 1886, cease to be levied ;

Consent of the Imperial Government.

That the Government of the United Kingdom, on the recommendation of the Board of Trade, is willing that the said lighthouse and its appurtenances be transferred to Canada, on condition that the same be maintained for all time at the expense of the Dominion, without any dues being thereafter charged in respect thereof, and that in consideration thereof the sum to be certified by the Board of Trade as the net balance, aforesaid, of the monies arising from such dues before the 1st day of July, 1886, after

the payment of all expenses of maintaining the lighthouse and appurtenances up to the date of the transfer, and of such gratuities to the existing lighthouse and fog-signal staff as the Board of Trade may direct,—if the services of such staff be not required by the Government of Canada after the date of the transfer,—shall be paid to or for the use of the Government of Canada, by Her Majesty's Paymaster-General, in such manner as the Board of Trade may direct;

And that a Bill to authorize the transfer and terms aforesaid, and the draft of which accompanies the despatch hereinbefore mentioned, will be laid before the Parliament of the United Kingdom by the Government thereof;

And whereas, inasmuch as the said lighthouse is indispensable to the safety of Canadian vessels and others navigating the North Atlantic, to and from Canada, and by the proposed transfer the Dominion will be relieved from the payment of lighthouse dues, amounting yearly to about $1,200, on vessels trading between Canadian ports and ports in Europe not in the United Kingdom, which the Dominion Government has paid rather than burden the trade by collecting them; it is expedient to authorize the acceptance of proposed transfer and the conditions aforesaid:

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

Government may accept the transfer mentioned; and lighthouse to be thereafter maintained by Canada.

1. The Government of Canada may accept the transfer and terms aforesaid, and from the first day of July next, or so soon thereafter as the transfer shall have been made, and the said lighthouse, with the tract of land attached thereto, and all other land and all rights of water or other rights heretofore used and enjoyed therewith, and all the other appurtenances thereof, for all the estate and interest therein, either of the Board of Trade or of Her Majesty, or of any body corporate, person or persons in trust for Her Majesty, or for the Board of Trade, or for any public service, shall have been assigned to and vested in Her Majesty for the public service of the Dominion of Canada, the said lighthouse and its appurtenances shall be maintained for all time at the expense of the revenues of the Dominion, without any dues being thereafter charged in respect thereof.

And without tolls.

Money payable to Canada, to form part of Consolidated Revenue Fund.

2. The money to be paid by Her Majesty's Paymaster-General to and for the use of the Government of Canada, under the conditions of the said transfer, shall form part of the Consolidated Revenue Fund of Canada.

No. 100.

4th Session, 5th Parliament, 49 Victori

BILL

An Act respecting the transfer Lighthouse at Cape Race, New land, and its appurtenances, Dominion of Canada.

Received and read first time, Tuesda March, 1886.
Second reading, Thursday, 15th Marc

Mr. Fos

OTTAWA:

PRINTED BY MACLEAN, ROGER & 1886.

No. 101] BILL. [1886.

An Act in amendment of "The Consolidated Inland Revenue Act, 1883," and the Act amending the same.

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

1. In this Act the expression "Act first cited" means "*The Consolidated Inland Revenue Act*, 1883," and the expression "Act secondly cited" means the Act passed in amendment thereto in the Session held in the forty-eighth and forty-ninth years of Her Majesty's reign and chaptered sixty-two. Interpretation 46 V., c. 15. 48-49 V., c. 62.

2. All the words after "day" in the fifth line of section thirty-three of the Act first cited, and section one of the Act secondly cited are hereby repealed; and such repeal shall be deemed to have taken effect from and after the first day of March in the present year, one thousand eight hundred and eighty-six. Both Acts amended.

3. The sub-section substituted by section eight of the Act secondly cited for sub-section four of section one hundred and twenty-six of the Act first cited is hereby repealed and the following substituted therefor :— The same.

"4. Upon the quantity of spirits which passes from the tail of the first worm in which it is condensed into the closed spirit receivers, subject to the following abatements :— Computation of duty on spirits passing into receiver.

"(*a*). An abatement not exceeding three per cent. for such quantity of fusil oil or other refuse as is separated therefrom by a second process of distillation,—the quantity so allowed in abatement being determined and destroyed in the presence of an officer of excise or otherwise accounted for in accordance with such regulations as are approved by the Governor in Council; Abatement for refuse destroyed.

"(*b*). In the case of spirits which are not removed from the distiller's premises within twelve months of the date of their manufacture, an abatement for shrinkage by evaporation while maturing, which shall not exceed six per cent. for the first year, four per cent. for the second year, three per cent. for the third year, and two per cent. for each succeeding year up to seven years in all, after which no further abatement for shrinkage shall be allowed; but no such And for shrinkage by evaporation. Proviso.

abatement shall be allowed unless the distiller has complied with all regulations made by the Governor in Council in relation to such abatement, nor unless the spirits have been kept in wood or in ventilated tanks approved by the Governor in Council, during the whole period for which the abatement is claimed; and every such abatement shall be made in respect of each specific package or tank, and shall in no case exceed the actual deficiency found to exist in the package or tank."

46 V., c. 15, s. 6, amended.

4. Sub-section six of section one hundred and twenty-seven of the Act first cited is hereby amended by adding at the end thereof, the words "in respect of other matters subject to excise, as provided by section thirty-nine of this Act."

Section 141, amended.

5. The paragraph numbered ten of section one hundred and forty-one of the Act first cited is hereby amended by striking out the words "and ex-manufactory" in the first line thereof.

Section 143, amended.

6. Sub-sections one and two of section one hundred and forty-three of the Act first cited, as amended by section nine of the Act secondly cited, are hereby repealed and the following substituted therefor:—

Warehousing of spirits produced.

"**143.** All spirits produced in a distillery shall be warehoused in accordance with departmental regulations made in that behalf:

Least quantity.

"2. No less quantity than one hundred gallons of proof spirits shall be entered for warehouse by one entry; and except for exportation no less quantity than fifty gallons of proof spirits shall be ex-warehoused by one entry."

Permit for removal of malt.

7. No malt shall be removed or delivered, either in bond or duty paid, into the possession of any person other than a brewer or distiller licensed under the Act first cited, except upon the written permit in each case of removal or delivery, granted by the Collector of Inland Revenue for the division in which the malt house from which such removal or delivery is to take place is situated; and every person who removes, delivers or receives any malt in violation of the provisions of this section shall incur a penalty of *one hundred dollars.*

Penalty for contravention

46 V., c. 15, s. 226, repealed.

8. Section two hundred and twenty-six of the Act first cited is hereby repealed and the following substituted therefor:—

New section 226.

"**226.** There shall be imposed, levied and collected on goods manufactured in bond within Canada, the following duties of excise, which shall be paid to the Collector of Inland Revenue, as by this Act provided, that is to say:

Duties of Excise.

On goods manufactured in bond.

"All goods manufactured in bond shall, if taken out of bond for consumption in Canada, be subject to duties of

excise equal to the duties of customs to which they would be subject if imported from the United Kingdom and entered for consumption in Canada; and whenever any article not the produce of Canada, upon which the duty of excise would be levied if produced in Canada, is taken into a bonded manufactory, the difference between the duty of excise to which it would be so liable, and the customs duty which would be levied on such article, if so imported and entered for consumption, shall be paid as a duty of excise when it is taken into the bonded manufactory; but in the case of spirits to be used for any chemical or manufacturing purpose only, the foregoing provisions of this section may be varied, in whole or in part, by the Governor in Council:

On articles not produced in Canada.

"Provided always, that the undermentioned articles, when manufactured in bond, shall, when entered for consumption in Canada, be subject to the following duties of excise, and to no other, that is to say—

Proviso: exception as to certain articles.

"Vinegar containing six per cent of acetic acid, the strength to be determined by such tests as are established by Order in Council, and so in proportion for any greater or or less strength—on every gallon or less quantity than a gallon, four cents;

Vinegar.

"Methylated spirits, being composed of alcohol mixed with wood naphtha in such proportions and subject to such regulations as are, from time to time, made by the Department of Inland Revenue, and spirits used in any bonded manufactory in the production of ether and of such other chemical compositions as are determined by the Governor in Council—for every gallon of the strength of proof, by Sikes' hydrometer, and so in proportion for any greater or less strength, and for any less quantity than a gallon, fifteen cents."

Methylated spirits.

9. No methylated spirits and no spirits to be used for any chemical or manufacturing purpose shall be removed from any bonded manufactory and delivered to any person who has not obtained a permit to sell or use the same from the Department of Inland Revenue; and every person who removes, delivers or receives any such spirits in violation of the provisions of this section shall incur a penalty of one hundred dollars for the first offence and of five hundred dollars for each subsequent offence.

Restriction as to removal of methylated spirits, or spirits used in manufactures.

Penalty for contravention

2. The Governor in Council may, from time to time, make regulations respecting the sale of methylated spirits and of spirits to be used for any chemical or manufacturing purpose only.

Regulations by Order in Council.

10. The sub-sections substituted for sub-sections one and two of section two hundred and eighty-seven of the Act first cited by section twenty-one of the Act secondly cited are hereby repealed and the following substituted therefor:—

Both Acts, amended.

"**287.** No less quantity than one hundred pounds of raw leaf tobacco, two hundred pounds of cavendish or other

Least quantity of tobacco or cigars by

one entry for warehousing

tobacco, or eight thousand cigars, shall be entered for warehouse by one entry :

Or ex-warehoused.

"2. Except for exportation, no less quantity than one hundred pounds of raw leaf tobacco, or of cavendish or manufactured tobacco, or four thousand cigars, shall be ex-warehoused by one entry."

Both Acts, amended.

11. The section substituted for section two hundred and eighty-eight of the Act first cited by section twenty-two of the Act secondly cited is hereby repealed and the following substituted therefor :—

Limitation of size of packages for removal in bond.

"**288.** No tobacco of any description put up in packages containing one pound or under, nor tobacco in any sized packages whatever containing less than ten pounds, if the product of raw leaf tobacco of Canadian growth, shall be removed in bond from one warehouse to another warehouse, whether within the same or any other Inland Revenue division."

Conditions of license for manufacture of substitutes for butter.

12. A license to carry on the trade or business of a manufacturer of oleomargarine or other substitute for butter, may be granted to any person who has complied with the provisions of this Act, if the granting of such license has been approved by the district inspector, and the person has, jointly and severally with two good and sufficient sureties, entered into a bond to Her Majesty, Her heirs and successors, in the sum of *one thousand dollars ;* and such bond shall be entered into before the collector of Inland Revenue, his deputy or other officer authorized thereto by the Department of Inland Revenue—who shall cause such sureties to justify as to their sufficiency before him by affidavit indorsed upon such bond—and such bond shall be conditioned, for the rendering of all accounts and the payment of all duties and penalties to which the person to whom the license is granted may become liable under the provisions of the Acts hereinbefore cited, or of this Act, and that such person will faithfully comply with the requirements thereof, according to their true intent and meaning, as well with regard to such accounts, duties and penalties, as to all other matters and things whatsoever.

And as to bond to be given by licensee.

Regulation by Order in Council respecting such manufacture or importation.

13. The Governor in Council may make regulations respecting the manufacture or importation of oleomargarine and other substitutes for butter, and the supervision thereof and the forms of the returns to be made in connection with such manufacture ; and the provisions of section one hundred and fifteen of the first cited Act, shall apply to such regulations ; and the Governor in Council may make such regulations for the inspection of oleomagarine, when imported into Canada, as he deems necessary from time to time.

Penalty for making or selling such substitutes

14. Every person who, without having a license under this Act in force, manufactures, sells or offers for sale any oleomargarine or other substitute for butter, and every

person who violates any regulation made under the authority of this Act, shall, for the first offence, incur a penalty of fifty dollars, and for each subsequent offence, a penalty of two hundred dollars. without license.

15. Every person who becomes liable to the penalty provided for in the next preceding section, shall, in addition thereto, forfeit and pay, for the use of Her Majesty, double the amount of excise duty and license duty which should have been paid by him under this Act. Further penalty.

No. 101.

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

An Act in amendment of "The Consolidated Inland Revenue Act, 1883," and the Act amending the same.

Received and read first time, Tuesday, 13th April, 1886.
Second reading, Wednesday, 14th April, 1886.

Mr. COSTIGAN.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.

1886.

No. 102] **BILL.** [1886.

An Act to expedite the issue of Letters Patent for Indian Lands.

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

1. A Deputy-Governor may be appointed by the Governor General, who shall have the power, in the absence of, or under instructions of, the Governor General, to sign letters patent for Indian lands; and the signature of such Deputy Governor to such patents shall have the same force and virtue as if such patents were signed by the Governor General. Deputy Governor may be appointed who may be authorized to sign letters patents for Indian lands.

2. Every patent for Indian lands shall be prepared in the Department of Indian Affairs, and shall be signed by the Superintendent General of Indian Affairs or his deputy, or by some other person thereunto specially authorized by order of the Governor General in Council, and when so signed, shall be registered by an officer specially appointed for that purpose by the Registrar-General, and then transmitted to the Secretary of State of Canada, by whom, or by the Under-Secretary of State, the same shall be countersigned, and the Great Seal of Canada thereto caused to be affixed: Provided, that every such patent for land shall be signed by the Governor or Deputy-Governor, as hereinbefore provided. Such patents to be prepared in the Department of Indian Affairs, and signed by Superintendent, or deputy, &c. Registration, countersigning and affixing Great Seal. Proviso: for signature by Governor or Deputy.

No. 102.

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

An Act to expedite the issue of Letters Patent for Indian Lands.

Received and read first time, Wednesday, 14th April, 1886.
Second reading, Thursday, 15th April, 1886.

Sir HECTOR L. LANGEVIN.

OTTAWA:
PRINTED BY MACLEAN, ROGER & CO.
1886.

No. 103. **BILL.** [1886.

An Act further to amend "The Steamboat Inspection Act, 1882."

WHEREAS it appears by a despatch from Her Majesty's Secretary of State for the Colonies, and other documents laid before Parliament by His Excellency the Governor General, that the Board of Trade of the United Kingdom have reported to Her Majesty that they were satisfied that the examination under the Canadian laws of persons applying for certificates of competency as engineers on board sea-going steamboats or vessels propelled wholly or in part by steam, are so conducted as to be equally efficient with the examinations for the like purpose under the Imperial Acts relating to merchant shipping, and are granted on such principles as to show like qualifications and competency as those granted under the said Imperial Acts, and are liable to be forfeited for the same reasons and in the like manner: and that Her Majesty will be advised to extend the provisions of the Order in Council made under the "*Merchant Shipping Act* (*Colonial*) 1879," and dated the twenty-ninth day of June, one thousand eight hundred and eighty-two, making the colonial certificates of competency granted by the Minister of Marine and Fisheries in Canada to persons intending to act as masters or mates on board British sea-going ships of the same force as if they had been granted under the said Imperial Acts, to certificates of competency as first-class or second-class engineers for sea-going British ships; and in view of such extension it is expedient to amend the said "*Steamboat Inspection Act*, 1882," as hereinafter mentioned: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. Certificates of competency granted under the "*Steamboat Inspection Act*, 1882," to persons examined and found qualified under it as engineers, shall hereafter be granted by the Minister of Marine and Fisheries, instead of the Board of Inspection, and shall be on parchment and signed by the said Minister instead of the chairman of the said Board, and any such certificate in force at the passing of this Act, may be delivered up by the holder thereof to the said Minister, who may thereupon give to the holder a certificate on parchment and signed as hereby required. Certificates of competency to be granted and signed by the minister.

2. (1) Every certificate of competency to which it is intended that the said Order of Her Majesty in Council, shall apply, shall have the word "*Canada*" inserted prominently As to those to be used under the Order of Her Majesty in Council.

on its face and back, and shall be as nearly as possible similar in shape and form with corresponding certificate of competency for the foreign trade granted by the Board of Trade under the Acts relating to merchant shipping; and shall be numbered in consecutive order.

On what proof of service to be granted.

(2) Such certificate 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

To be subject to forfeiture for certain offences.

(3) Every such certificate of competency 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 Imperial Acts relating to merchant shipping, all the provisions whereof or of any Order of Her Majesty in Council made under them shall apply to such certificates,— or to be revoked for cause by the Minister of Marine and Fisheries under the provisions of the Act hereby amended

Certificates granted under Imperial Acts to be in force as to Canadian ships.

3. Certificates of competency as first or second class engineers in sea-going ships, granted under the Imperial Acts relating to merchant shipping, shall, after the time of the coming into force of the Order of Her Majesty in Council referred to in the preamble to this Act, and while in force under the said Imperial Acts, be of the same force and effect in Canada, as if granted under the Act hereby amended, but subject to be forfeited for cause, as respects ships to which "*The Steamboat Inspection Act*, 1882," applies, as if granted under the said Canadian Act.

As to sections amended.

4. The sections hereinafter referred to as amended are those of "*The Steamboat Inspection Act*, 1882."

Section 9, amended.

5. Section nine is so amended that it shall read and have effect as follows:—

Powers and duties of chairman of the Inspection Board.

"**9.** The chairman of the Board of Steamboat Inspection, who shall also be the Supervising Inspector, 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 of Marine and Fisheries: 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:"

Section 16, amended.

6. The first sub-section or paragraph of section sixteen, is so amended that it shall read and have effect as follows:—

Certificates of inspection how and by

"**16.** If the inspector of hulls who inspects any steamboat in the manner required by this Act, approves the hull and

equipment of such steamboat, he shall sign a certificate in triplicate according to the form A, in the schedule to this Act, and such triplicate certificate shall be delivered by him to the inspector of boilers and machinery for the same district, who when he has inspected and approved the boilers and machinery of the steamboat, shall make and sign in triplicate upon the same sheet of paper, a certificate according to the form of the schedule A, in the said schedule, and shall deliver two of the triplicates of the said certificates to the owner or master of the steamboat, who shall deliver one triplicate to the 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." Whom granted, and how dealt with.

7. Sub-section four of section sixteen, is so amended that it shall read and have effect as follows:— Further amended.

"4 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 Inspection Board shall, from time to time, require, and shall furnish copies thereof to the chairman when required." Register of inspection.

8. Sub-section three of section seventeen is amended by inserting the words "*their strength compared with*" after the words "according to" in the eighth line thereof: Section 17, amended.

(2). Sub-section four of section seventeen is amended by inserting the words "*their strength compared with*" after the words "according to" in the seventeenth line thereof: Further amended.

(3). The first paragraph of sub-section seven of section seventeen, is so amended that it shall read and have effect as follows:— Further amended.

"7. The external working pressure to be allowed on plane circular iron furnaces and flues subjected to such pressure, when the longitudinal joints are welded or made with a butt strap, shall be determined by the following formula:"— Working pressure allowed in certain cases.

9. Sub-section thirteen, of section seventeen, is so amended that it shall read and take effect as follows:— Further amendment.

"13. Donkey boilers on steamboats shall be provided with a safety valve which may be locked up." Donkey boilers.

10. Sub-section two of section nineteen, is so amended that it shall read and have effect as follows:— Section 19, amended.

"2. The boiler cocks and valves attached to the boilers, shall be substantially made, and in no case shall they be Cocks and valves to boilers.

attached to the boilers by screwing into the plate, unless, as an additional security, bolted flanges be used in addition to such attachment."

Further amended.

11. Sub-section four, of section nineteen, is so amended that it shall read and have effect as follows :—

Lock-up safety valves.

"4. The lock-up safety valves shall be of a construction approved by the Board of Steamboat Inspection; such valves to be tested and proved by an inspector before use; and no inspector shall grant a certificate to any steamboat unless the boiler, or each boiler if more than one, of such steamboat be provided with a safety valve."

Repeal of part of section 32.

12. Sub-section two of section thirty-two, is hereby repealed.

Section 35, amended. As to life preservers.

13. Each life preserver required by section thirty-five shall have a buoyancy equal to sustaining twenty-three pounds of iron immersed in water.

Provision added to section 39.

14. The following provision is hereby added to the first sub-section or paragraph of section thirty-nine, after the words "in use on board": —"and no coal oil lamp shall be used between decks on any passenger steamboat, in which hay or other inflammable material is carried, under a penalty of *one hundred dollars*, for each contravention of this provision, nor shall any coal oil which will not bear a test of 300 degrees Fahrenheit without taking fire be used on any passenger steamboat."

Section 45, amended.

Certificates not to be subject to renewal.

Fees payable on those granted under section 1, or on expiration of present certificates.

15. So much of section forty-five, as requires that the certificate of any engineer shall be subject to renewal, yearly or otherwise, is repealed, as is also so much of the said section as authorises the Board of Inspection to grant any such certificate, and every certificate hereinafter granted shall be for life or during good conduct, and shall be signed by the Minister of Marine and Fisheries; and for every such certificate granted on the delivery up under section one of this Act, or of an unexpired certificate, or on the expiration of the term for which any certificate was granted, the applicant shall pay one dollar, but the sum payable for the first certificate to an engineer, of any class, or for a certificate raising him to a higher class after re-examination, shall be as now five dollars; the said sums to be paid and applied as provided in the said section forty-five.

Section 52, amended.

16. Section fifty-two is so amended that it shall read and have effect as follows:

Chief officer of Customs to demand production of certificate of inspection and receipt for duty.

"**52.** 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 certificate of inspection of such steamboat and the receipt for the payment of the rate or duty, mentioned in section fifty of 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 any penalty incurred and lawfully imposed on such steamboat under the provisions of this Act, has been paid in full; and in default of payment such chief officer shall sell such steamboat for the payment of such rate or duty and penalties, in the usual manner, and shall deal with the proceeds as if the penalties were incurred for violation of the Customs laws."

17. Schedule A of the said Act is so amended that it shall read and have effect as follows:— Schedule A. amended.

SCHEDULE A.

Certificate of the Inspector of Hulls and Equipment, for a steamboat to carry passengers, or a freight boat of or over 150 *tons gross.* Form. Certificate of Inspector of hulls and equipment.

Having examined the hull and equipment of the steamboat (*name*), of , whereof is (*or* are) owner (*or* owners) 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:—

	Tons.
Tonnage under tonnage deck.....	
Houses on deck (*naming them*).....	
Total gross tonnage.....	
Deduct for engine room.....	
Register tonnage.....	

I (*Inspector's name*), Inspector of Hulls 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*, 1882," the said steamboat having on board, properly placed and in good order for immediate service,—

(*Number*) boats, having together a carrying capacity for persons; lifeboats, 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 (*here insert the places between which the steamboat is to be employed in running, and the season or period of time during which she may be so employed, and for which the certificate is granted, and if she is a passenger steamboat, add:* and that she is adapted and fit to carry (*number*) passengers and no more (*as the case may be*).

Date (*of time and place*).

A. B.,
Inspector of Hulls and Equipment.

And of Inspector of boilers and machinery.

Certificate of the Inspector of Boilers and Machinery for the same Steamboat.

And I (*Inspector's name*), Inspector of Boilers and Machinery, do hereby certify, that the engine, boiler and machinery of the steamboat (*name*) are sufficient and suitable to authorize her being lawfully employed in the carriage of passengers (*or* as a freight boat, *or* as a ferry boat, *as the case may be*), without hazard to life, on the route on which she is to be placed, as hereinafter mentioned; 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.

Add the certificate as to the waters on which the steamboat is to run, as in the certificate of the Inspector of Hulls and Equipment.

Date (*time and place*)

C. D.,
Inspector of Boilers and Machinery.

Inspection prior to this Act not affected.

18. Nothing in this Act shall invalidate or affect any inspection made or certificate of inspection granted in conformity to the Act hereby amended, before the passing of this Act.

No. 103.

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

An Act further to amend "The Steamboat Inspection Act, 1882."

Received and read first time, Thursday, 15th April, 1886.
Second reading, Friday, 16th April, 1886.

MR. FOSTER.

OTTAWA:
PRINTED BY MACLEAN, ROGER & CO.
1886.

No. 104] **BILL.** [1886.

An Act further to amend the Canada Temperance Act, 1878.

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

1. Nothing contained in "*The Canada Temperance Act*, 1878," or in any amendments thereto, shall affect the dealing in or sale of wine, cider, beer or ale containing not more than fifteen per cent. of alcohol, ascertained by weight, except only in any county, city or electoral division, where the provisions of the said Act are in force, or shall come into force, under a proclamation heretofore issued under the provisions of the said Act. The said Act not to apply to certain liquors, except where it is now in force.

2. A petition may be presented to the Governor in Council, signed by one-fourth of the electors qualified and competent to vote under the provisions of "*The Canada Temperance Act*, 1878," in any county, city or electoral division in which the second part of the said Act is in force under a proclamation heretofore issued, in the form or to the effect of schedule to this Act. Petition to Governor in Council.

3 If it appears by evidence to the satisfaction of the Governor in Council that the said petition has appended to it the genuine signatures of at least one-fourth of the resident electors qualified and competent to vote as aforesaid, in any county, city or electoral division where the provisions of the said Act are or shall be in force as aforesaid, and that the same has been deposited in the office of the sheriff or registrar of deeds, or one of such offices where there is more than one in such locality, according to the provisions of the said Act, His Excellency in Council may issue a proclamation in the manner and to the effect described in the said Act, for taking the votes of the electors on the question whether the sale or dealing in wine, cider, beer or ale, as mentioned in section one, shall or shall not be allowed in such county, city, or electoral division. Proclamation on such petition.

4. Such proclamation shall be inserted at least three times in the *Canada Gazette* and three times in the official *Gazette* of the Province in which the county, city or electoral division is situated. Publication of proclamation.

5. All the sections of the said Act, from section nine to section ninety-five, both inclusive, shall be applicable to a Certain provisions to apply to it.

proclamation issued under this Act in the same manner as if they had been re-enacted herein.

Order in Council if petition is adopted by one-half or more of voters

6. When any petition presented under this Act has been adopted by one-half or more of all the votes polled in any such county, city or electoral division under the provisions of this Act, the Governor in Council may, at any time, after the expiration of sixty days from the day on which it was adopted, by Order in Council published in the *Canada Gazette*, declare that nothing contained in the said Act or in any amendments thereto shall affect the dealing in or sale of wine, cider, beer or ale in such county, city or electoral division, as the case may be, containing not more than fifteen per cent. of alcohol ascertained by weight; and such declaration shall have the force of law.

SCHEDULE.

To His Excellency the Governor General of Canada in Council:

The petition of the undersigned resident electors of the county (*or* city *or* electoral division of the county) of qualified and competent to vote at the election of a member of the House of Commons in the said county, (*or* city *or* electoral division of the county) of respectfully sheweth: That your petitioners are desirous that nothing contained in the "*Canada Temperance Act*, 1878," or in any amendment thereto shall affect the dealing in or sale of in the said county (*or* city *or* electoral division of the county) of , wine, cider, beer or ale containing not more than fifteen per cent. of alcohol ascertained by weight;

Wherefore your petitioners humbly pray that Your Excellency will be pleased to issue a proclamation under the provisions of the statute in that behalf, and that if, at the polling or election to be held under such proclamation, if it shall appear that one-half or more of the votes polled by the electors duly qualified and competent to vote under said Act are in favor of allowing the dealing in and sale aforesaid, Your Excellency will be pleased by Order in Council, to declare that nothing contained in the "*Canada Temperance Act*, 1878," or in any amendment thereto, shall affect the dealing in or sale of wine, cider, beer or ale containing not more than fifteen per cent. of alcohol, ascertained by weight, in the said county (*or* city *or* electoral division) of : and your petitioners will ever pray, &c.

No. 104.

4th Session, 5th Parliament, 49 Victori

BILL.

An Act to amend "The Canada T rance Act, 1878."

Received and read first time, Thursda April, 1886.
Second reading, Friday, 16th April, 18

Mr ORE

OTTAWA:
PRINTED BY MACLEAN, ROGER & C
1886.

No. 105.] **BILL.** [1886.

An Act to amend the Act to provide for the granting of a subsidy to the Chignecto Marine Transport Railway Company (Limited.)

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

1. The term during which a subsidy may be granted out of the Consolidated Revenue Fund of Canada to the Chignecto Marine Transport Railway Company (Limited), under the provisions of the Act forty-fifth Victoria, chapter fifty-five, shall be twenty years instead of twenty-five years, and the amount of the subsidy that may be so granted shall be one hundred and seventy thousand six hundred and two dollars a year, instead of one hundred and fifty thousand dollars a year. Duration and yearly amount of subsidy to the company, under 45 V., c. 55.

2. The Company shall only call on the Government of Canada for the payment of such sums of the subsidy payable as above mentioned (which shall not in any case exceed the amount then due and payable), as may be required to make up the net earnings of the undertaking to seven per cent. per annum on the authorized share and bond capital of the Company, namely five millions of dollars. Company to call for such amount only for any year as may be required to make up its net earnings to 7 per cent. on its capital.

3. In case the earnings of the undertaking should exceed seven per cent. per annum upon the aforementioned capital, the Company shall pay over to the Government of Canada, one half of the surplus profit beyond the said seven per cent, until the whole of the subsidy which may then have been paid to the Company shall have been repaid to the Government by the Company. Repayment of subsidy to Government out of surplus profits.

No. 105.

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

An Act to amend the Act to provide for the granting of a subsidy to the Chignecto Marine Transport Railway Company (Limited.)

Received and read first time, Thursday, 15th April, 1886.
Second reading, Friday, 16th April, 1886.

Mr. POPE.

OTTAWA:
PRINTED BY MACLEAN, ROGER & Co.
1886.

No 106.] **BILL.** [1886.

An Act to amend and consolidate as amended the Statutory provisions respecting Chinese Immigration.

WHEREAS it is expedient to amend and consolidate as amended the Statutory provisions respecting the immigration of Chinese into the Dominion: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. This Act may be cited as "*The Chinese Immigration Act*, 1886." Short title.

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

(*a*) The expression "controller" means any officer charged with the duty of carrying the provisions of this Act into effect;

(*b*) The expression "master" means any person in command of any vessel; and the expression "conductor" means any person in charge of a railway train or car, or other public vehicle;

(*c*) The expression "Chinese" means "of Chinese origin, of either sex"; the expression "Chinese Immigrant" means any person of Chinese origin entering Canada and not entitled to the privilege of exemption provided for by section *seven* of this Act;

(*d*) The expression "vessel" means any sea-going craft of any kind or description capable of carrying passengers;

(*e*) The expression "vehicle" means any boat, car, cart, wagon, carriage, sleigh or other conveyances whatever, whether propelled or drawn by steam, animal or other power;

(*f*) The expression "tonnage" means tonnage according to the measurement fixed by the Merchants' Shipping Acts of the Parliament of the United Kingdom. 48-49 V., c. 71, s. 1, *amended*.

2. The Minister of Customs shall be charged with the administration of this Act, and with the general superintendence of the matters to which it relates. General administration.

3. An officer of the Customs Department shall be appointed to act as Chief Controller, with authority over officers of Customs and other persons appointed for the purpose or charged with the duty of assisting in carrying the Chief controller.

provisions of this Act into effect, and by such appointment he shall become an officer of the inside service, if not already such.

Other controllers, assistance and duties.

4. All collectors and acting collectors of Customs in the Province of British Columbia, and at all sea ports and frontier Customs ports in the other Provinces of the Dominion, shall be held to be and shall act as controllers; and all other collectors and officers of Customs shall be charged with the duty of assisting in carrying the provisions of this Act into effect, and shall report to the nearest controller.

Other clerks and assistants.

5. The Governor in Council may—

(*a*) Appoint one or more clerks or other persons to assist in carrying the provisions of this Act into effect;

(*b*) Assign any duty in connection therewith to any officer or person in the employ of the Government of Canada;

(*c*) Define and prescribe the duty or duties of such officer or person;

Interpreter in British Columbia.

(*d*) Engage and pay an interpreter skilled in the English and Chinese languages, at a salary of not more than *three thousand* dollars a year, who shall reside in the Province of British Columbia, and perform such duties as are assigned to him by the Governor in Council or the Minister of Customs:

Publication of appointments.

(2.) All appointments made under this Act shall be published in the *Canada Gazette*. 48-49 V., c. 71, ss. 2 and 21.

Remuneration how fixed.

6. The Governor in Council may fix the salary or remuneration to be allowed to any officer or person appointed or assigned to perform any duty under this Act. 48-49 V., c. 71, s. 2.

Duty of $50 on each Chinese immigrant.

7. Subject to the provisions of this section or of section *twenty-five* of this Act, every Chinese person shall on entering Canada, pay to the controller, at the port or place of entry, a duty of *fifty dollars*, except that the following persons shall be exempt from such payment, that is to say:

Certain persons exempted.

(*a*) Members of the Diplomatic Corps or other Government representatives and their suite and servants, consuls and consular agents;

Certificates respecting exemption.

(*b*) Tourists, merchants, men of science and students, who are bearers of certificates of identity, specifying their occupation and their object in coming into Canada, or other similar documents issued by the Chinese Government or other Government whose subjects they are:

Requisites of such certificates.

2 Every such certificate shall be in the English or French language, and shall be examined and endorsed (*visé*) by a British consul or *chargé d'affaires* or other accredited representative of Her Majesty, at the place where the same is granted, or at the port or place of departure for Canada of the person holding the same;

3. This section shall not be construed as including within the meaning of the word "merchant" any huckster, pedler or person engaged in taking, drying or otherwise preserving shell or other fish for home consumption or for exportation. 48-49 V., c. 71, s. 4.

Proviso: as to word "merchant."

8. The master of any vessel bringing Chinese immigrants to Canada shall be personally liable to Her Majesty for the payment of the duty imposed by this Act in respect of any such immigrant brought by such vessel, and shall deliver to the controller, immediately on his arrival in port, and before any of his passengers or crew of Chinese origin shall disembark, a complete and accurate report, including a list of such passengers and crew, showing their names in full, the country and place of their birth, the title, official rank, profession or occupation, and the last place of domicile of each such passenger, and shall pay, or cause to be paid to the controller the total amount of the duty payable on or by such passengers or member of the crew as may be granted permission to land or disembark; and any Chinese member of the crew permitted to land shall be deemed an immigrant. 48-49 V., c. 71, s. 6.

Personal liability and obligations of master of vessel bringing Chinese immigrants.

9. No vessel carrying Chinese immigrants to any port in Canada shall carry more than one such immigrant for each fifty tons of its tonnage; and the owner of any such vessel, which carries any number in excess of that allowed by this section, shall be liable to a penalty of *fifty dollars* for each Chinese immigrant so carried in excess. 48-49 V., c 71, s. 5.

Of number to be carried by any vessel.

10. The master of any vessel who lands or allows to be landed off or from such vessel any Chinese immigrant before the duty payable under the provisions of this Act has been duly paid, or who wilfully makes any false statement respecting the number of Chinese immigrants or other persons of Chinese origin on board his vessel, shall, in addition to the amount of the duty payable under this Act, be liable to a penalty not exeeeding *one thousand dollars* and not less than *five hundred dollars*, for each such offence, and in default of payment to imprisonment for a term not exceeding twelve months; and such vessel shall be forfeited to Her Majesty, and shall be seized by any officer charged with the duty of carrying or of assisting in carrying this Act into effect and dealt with accordingly. 48-49 V., c. 71, s. 7.

Penalty on master landing Chinese before duty is paid, or making false statement.

Liability of vessel.

11. No master of any vessel carrying Chinese immigrants shall land or disembark any such immigrant or permit any such immigrant or member of his crew of Chinese origin to land or disembark from such vessel, until a permit to do so, stating that the provisions of this Act have been complied with, has been granted to the master of such vessel by the controller, and every master who contravenes any provision of this section shall incur a penalty of *one hundred dollars* for each Chinese immigrant or person, with respect to whom such contravention takes place. 48-49 V., c. 71. s. 8.

Penalty on master allowing Chinese to land without a permit.

Certificate by the controller to Chinese permitted to land; its effect subject to contestation.

(*a*) The controller shall deliver to each Chinese immigrant who has been permitted to land, and in respect of whom the duty has been paid as hereinbefore provided, a certificate containing a description of such individual, the date of his arrival, the name of the port of his landing and an acknowledgment that the duty has been duly paid; and such certificate shall be *prima facie* evidence of the right of the person presenting the same to enter Canada; but such certificate may be contested by Her Majesty, or by any officer charged with the duty of carrying this Act into effect, if there is reason to doubt the validity or authenticity thereof, or of any statement therein contained; and such contestation shall be heard and determined in a summary manner by any judge of a superior court of any Province of Canada where such certificate is produced. 48-49 V., c. 71, s. 10.

Register to be kept.

(*b*) The controller shall keep a register of all Chinese persons to whom he has granted certificates of entry. 48-49 V., c. 71, s. 11.

Permit not to be granted except after bill of health.

No permit in certain cases.

12. No controller shall grant a permit allowing any Chinese immigrant to land from any vessel until the quarantine officer has granted a bill of health, and has certified after due examination, that no leprosy, or infectious or contagious disease exists on board such vessel; nor shall any conductor or other person in charge of any vehicle bring into Canada, either as an immigrant or *in transitu*, nor shall there be permitted to land or come into Canada, by any conveyance or in any other way, any Chinese person who is suffering from leprosy or from any infectious or contagious disease, or to any Chinese woman who is known to be a prostitute. 48-49 V., c. 71, s. 9.

Immigrants arriving otherwise than by vessel or railway to report themselves; and to whom.

13. Every Chinese immigrant who enters Canada otherwise than by disembarking from any vessel or railway train or car, shall forthwith make a statement and declaration of his entry to the controller or other proper officer of Customs at the nearest or most convenient port or place, and shall forthwith pay to such controller or officer the duty of fifty dollars imposed by this Act; and if the statement and declaration is made to an officer other than a controller authorized to keep a register, such officer shall report the fact and transmit the duty to the nearest controller so authorized, and such controller shall record the same in his register and deliver the proper certificate of such registration in conformity with the provisions of section *eleven* of this Act. 48-49 V., c. 71, s 12.

Duty of conductor of railway train bringing Chinese into Canada.

14. Every conductor of any railway train or car bringing Chinese immigrants into Canada shall be personally liable to Her Majesty for the payment of the duty imposed by this Act in respect of any such immigrant brought by or on such railway train or car, and shall deliver immediately, on his arrival, to the controller or other proper officer at the port or place of arrival, a report in the same terms as is required by section *eight* of this Act to be made by the

master of a vessel, of all Chinese persons arriving by or being on board of the railway train or car of which he is in charge, and shall, unless such persons are merely passing *in transitu* through Canada, pay or cause to be paid to the controller the total amount of the duty payable by or on such Chinese immigrants brought by such train or car, and the controller shall not allow any such immigrant to disembark from such train or car until after such report has been made and such duty paid.

Report and payment of duty.

15. Chinese immigrants may be allowed to pass through Canada by railway, *in transitu* from one port or place in the United States to another port or place in the United States, or from a steamship or vessel on the Atlantic to another on the Pacific ocean, or *vice-versâ*, provided that the conductor of the train or car in which such persons enter Canada for such purpose, shall come directly to the controller at the port where such train or car enters Canada, and report in writing to such controller the names with such full description as would be required for registration under this Act, of every such Chinese person, and shall declare that they are to pass through Canada on the train or car in which they arrive and then in his charge, and that they will not be allowed to disembark from such train or car while in Canada, but will be conveyed directly to a steamship or vessel bound to a place, out of Canada, at a port or place to be named in said report;

Provision for passage of immigrants through Canada, *in transitu*, by railway.

Report and declaration by conductor to controller.

(2.) A duplicate of such report and description, after having been verified and certified by the controller, shall be retained by the conductor or other person in charge of such train or car, to be delivered by him or the conductor then in charge of the train or car, to the controller at the designated port or place of exit immediately on his arrival with such Chinese persons, at such port or place, and such controller shall personally see that Chinese persons described in the report are duly carried beyond the limits of the Dominion into the United States, or to such steamship or vessel as aforesaid bound to a place out of Canada as aforesaid, and shall thereupon so certify on the duplicate report aforesaid, and return the same to the controller at the first named port of entry;

Duty of controller and of the conductor and his successor in charge of the train.

(3.) In case of the contravention of any provision of this section, the conductor or other person who brings any such Chinese person into Canada, or the conductor succeeding him in charge of the train or car, shall be deemed guilty of a misdemeanor and liable to punishment under section *twenty-nine* of this Act, and the Railway Company on whose train or car such Chinese person was brought into Canada, shall, in addition to the total amount of the duty payable by or on any such Chinese person (who shall be considered as a Chinese immigrant), be liable to a penalty not exceeding *one thousand* dollars, and not less than *five hundred* dollars, for each such offence, with all costs of suit and expenses.

Liability of conductor and railway company for contravention.

Penalty.

16. The chief controller and such controllers as are designated or authorized thereto by the Minister of Customs shall keep registers in which shall be registered all Chinese

Registers to be kept by controllers.

persons, being or residing in Canada at the time of, or arriving or born in Canada after the coming into force of this Act, which said registers shall show in respect of every person therein registered, the particulars hereinafter mentioned, that is to say:—

Particulars required.

1st. The name of the person;

2nd. The number of the statement and declaration, if any, under which the registration is made;

3rd. The date of the registration;

4th. The number and class of certificate issued in the case.

5th. The amount of duty paid;

6th. The sex and age of the person;

7th. His place of birth, city or village, district, province, and country;

8th. His title, official rank, profession or occupation.

9th. His last place of domicile;

10th. The date of his arrival in Canada, the port or place thereof, and the name of the vessel, railway or other conveyance by which he came into Canada;

11th. Any physical marks or pecularities and other information deemed necessary for the proper identification of the individual:

Obtaining information for registration.

Each controller shall use his best endeavours to obtain and shall obey all instructions given him as to obtaining the information necessary for the purpose aforesaid; all public officers and others shall assist him by giving him such information as they possess, and such information shall be recorded in duplicate by the controller obtaining it and transmitted to the chief controller.

General registrar by chief controller.

17. A general register made up from the reports and duplicates forwarded to him by controllers shall be kept by the chief controller, and he shall be charged with the duty of making the returns required of him by this Act, and of transmitting to the Receiver General for the consolidated revenue fund, any moneys received by him.

Registration of Chinese residents.

18. Every Chinese person resident in Canada at the time of the coming into force of this Act shall register himself with the chief controller or with one of the controllers authorized to keep registers, and shall pay to such officer therefor a fee of *one dollar*; and for wilfully failing to do so before the 31st day of December, 1886, he shall be liable to a penalty of *fifty dollars* or to imprisonment for a term not less than three months at the discretion of the court.

19. Any Chinese person residing more than ten miles from the office of a controller or of a Customs officer before whom he could make his application, statement and declaration for registration, may make the same before a Judge of a Superior Court, a Police or Stipendiary Magistrate, a Recorder, a Justice of the Peace or the Mayor of the municipality in which he resides; and such judge, officer or functionary shall receive such application, statement and declaration, and a fee of *one dollar*, and transmit the same, to the nearest controller, who shall receive and register it or cause it to be registered.

Registration of Chinese resident at a distance from a controller's office.

Fee.

20. Every child whose parents are resident in Canada and Chinese, shall be registered in substantially the same manner as required by this Act as to Chinese persons so resident, and the parents, or one of them, or in the case of death or inability of both parents, any person standing in the place of a parent, or if none such there be, then the owner or occupier of the house or tenement in which such child was born, shall, within thirty days from the date of such birth, cause such registration to be effected with the nearest controller authorized to keep a register, and shall pay therefor a fee of *one dollar*, and shall receive from such controller a certificate of such registration.

Registration of Chinese children.

Fee.

21. The owner or occupier of any house or tenement in which the death of any Chinese person takes place, or if the owner or occupier be the person who has died, then some one of the persons residing in the house in which the death took place, or if such death has not taken place within a house, then the coroner who attended any inquest held on such person, shall, within thirty days after such death, give, or cause to be given, written notice thereof to the nearest controller authorized to keep a register, and such controller shall record the same and cancel the certificate of registration relating to such deceased individual; and it shall be the duty of any person coming into possession of such certificate to cause the same to be returned to such nearest controller.

Registration of deaths of Chinese residents, and by whom to be effected.

22. If any person required by the two next preceding sections of this Act to report births or deaths neglects to do so within the time specified, he shall, for each such offence, be liable to a penalty not exceeding *fifty dollars*, or to imprisonment for a term not less than three months, at the discretion of the court.

Penalty for neglect to register.

23. A controller authorized to keep registers shall, upon the registration of any resident Chinese immigrant, person or child under this Act, issue to such Chinese immigrant, person or child, a certificate containing such portion of the description under which he is registered as the Minister of Customs deems necessary for the proper identification of the individual to whom is issued; and such certificate shall be *primâ facie* evidence of the right of the person holding the same to remain or reside in Canada, but may be contested by the Crown, or by the Minister of Customs, or by the

Controller to issue certificates of registration of residents.

Effect of certificate; subject to contestation.

chief controller, or by any controller, if there is reason to doubt the validity or authenticity thereof; and any such contestation shall be heard and determined in a summary manner by and before a judge of a Superior Court of any Province of Canada where such certificate is produced.

Duty of Chinese persons wishing to leave Canada.

24. No Chinese person shall leave Canada without first reporting himself to the controller or other proper officer at the port or place of intended exit and surrendering to such controller or officer his certificate of registration (if he is a person subject to registration under this Act) either for cancellation only or in exchange for a certificate of leave as provided for by the next following section of this Act; and the certificate of registration of any Chinese person leaving Canada, shall be cancelled.

And if such person intends to return.

25. Any Chinese person who wishes to leave Canada with the declared intention of returning thereto, shall give notice of such intention to the controller at the port or place whence he proposes to sail or depart, and shall surrender to the said controller his certificate of registration, and shall receive in lieu thereof, on payment of a fee of *one dollar*, a certificate or leave to depart, and to return; and the person to whom such certificate is granted shall be entitled, on presentation of the same on his return, if within *one year* from the date thereof, to have his original certificate of registration returned to him; but if he does not return within the one year his original certificate shall be cancelled and he shall on returning to Canada be subject to payment of the duty of fifty dollars as in the case of a first arrival; provided that if he does not return to the port or place from which he departed he must be identified to the satisfaction of the proper controller. 49 V., c. 71, s. 14.

Certificate of leave and its effect.

Proviso.

Provision if certificate is lost.

26. In case of the loss of a certificate of leave to depart and return and on proof of such loss to the satisfaction of the controller, the person to whom such certificate was granted, and who has paid the entrance duty or registration fee a second time within one year, shall be entitled to have such second entrance duty or registration fee returned to him, with his first certificate of registration. 48-49 V., c. 71, s.14.

Penalty on Chinese evading this Act; or for attempting or aiding evasion.

27. Every Chinese person who wilfully evades, or attempts to evade, any of the provisions of this Act as respects the payment of any duty or fee, by personating any other individual, or who wilfully makes use of any forged or fraudulent certificate to evade the provisions of this Act, and every person who wilfully aids or abets any such person in any evasion or attempt at evasion of any of the provisions of this Act, is guilty of a misdemeanor, and liable to imprisonment for a term not exceeding twelve months or to a penalty not exceeding *five hundred* dollars, or to both. 48-49 V., c. 71, s. 16.

Penalty for taking part in organizaing unlawful

28. Every person who takes part in the organization of any sort of court or tribunal, composed of Chinese persons, for the hearing and determination of any offence committed

by a Chinese person, or in carrying on any such organization, or who takes part in any of its proceedings, or who gives evidence before any such court or tribunal, or assists in carrying into effect any decision, decree, or order of any such court or tribunal, is guilty of a misdemeanor, and liable to imprisonment for any term not exceeding twelve months, or to a penalty not exceeding *five hundred* dollars or to both ; but nothing in this section shall be construed to prevent Chinese immigrants from submitting any difference or dispute to arbitration, provided such submission be not contrary to the laws in force in the Province in which such submission is made. 48-49 V., c. 71, s 17.

court as to offences by Chinese.

Proviso; as to arbitrations.

29. Every person who molests, persecutes or hinders any officer or person appointed to carry or to assist in carrying the provisions of this Act into effect ; and every person who contravenes any provision of this Act for which no special punishment is herein provided, is guilty of a misdemeanor and liable to imprisonment for a term not exceeding twelve months, or to a fine not exceeding *five hundred* dollars, or to both, in the discretion of the court before which the conviction is had. 48-49 V , c. 71, ss. 18 and 19.

Penalty for molesting officers.

Punishment in unprovided cases.

(2.) Any vessel with respect to which any offence against the provisions of sections *seven, eight, nine or eleven*, is committed, and any vehicle with respect to which any offence against section *fifteen*, is committed, shall be forfeited as for contravention of the Customs laws, and dealt with accordingly as provided by section *ten* in the case of an offence against that section.

Forfeiture of vessel or vehicle in certain cases.

30. Suits or actions for the recovery of duties, fees or penalties under this Act, and prosecutions for offences under this Act, which are not herein declared to be misdemeanors, shall be tried in a summary manner before one or more justices of the peace, or before the recorder, police magistrate, or stipendiary magistrate having jurisdiction where such duties, fees or penalties are exigible or where the offence was committed. 48-49 V., c. 71, s. 22.

As to suits and actions for duties or penalties.

31. The burden of proof that the registration of any Chinese immigrant, person or child, has been effected, and that the requirements of this Act as respects such registration have been complied with, and the proper duties or fees paid, shall, in all cases, lie upon the party whose duty it was to effect, comply with or fulfil the same.

Burden of proof on whom to lie.

32. All duties, pecuniary penalties and other sources of revenue under this Act shall be paid into and form part of the Consolidated Revenue Fund of Canada ; but one-fourth part of all entry duties or fees paid by or on Chinese immigrants shall, at the end of every fiscal year, be paid out of such fund to the Province wherein the same were collected. 48-49 V., c. 71, s 20.

Application of duty, &c.

Proviso.

33. All controllers shall report to the chief controller monthly,—giving in their reports full details of what they

Reports by controllers.

have done under this Act, with duplicates of the registrations made by or through them.

Yearly report by chief controller.

34. The chief controller shall, in the month of January in each year, send to the Provincial Secretary of each Province wherein certificates of entry have been granted a certified list of all Chinese immigrants to whom such certificates have been granted during the year next preceding. 48-49 V., c. 71, s 15.

Report by Minister of Customs to Parliament, and what to show.

35. The Minister of Customs shall lay before Parliament, within thirty days from the opening of each session thereof, a report of things done under this Act during the year ended on the thirtieth day of June next preceding, including the number of Chinese immigrants arrived, the number of births registered, the number of certificates surrendered and cancelled on leaving Canada, the number cancelled in consequence of death, the number of certificates of leave to depart and return, outstanding at the close of the fiscal year; the number of Chinese persons remaining in Canada at that date, as shewn by the general register, and the number of persons passing through Canada *in transitu* during the fiscal year, as well as the amount of revenue derived from and of expenses incurred in administering this Act.

Commencement of this Act.

Repeal of 48-49 V., c. 72

Proviso; saving clause.

36. This Act shall come into force one month from the day of the passing thereof, and "*The Chinese Immigration Act*, 1885," shall be then repealed; provided always that all things lawfully done, duties and fees paid, registrations made, certificates issued and rights acquired under the said Act shall remain valid and may be enforced, and all offences committed, penalties or liabilities incurred under it may be prosecuted, punished and enforced and all proceedings and things lawfully commenced under it may be continued and completed under it as if it had not been repealed, or under any corresponding provisions of this Act.

No. 106.

4th Session, 5th Parliament, 49 Victoria,

BILL.

An Act to amend an Act to restric regulate Chinese immigration Canada.

Received and read a first time, Friday April, 1886.
Second reading, Tuesday, 20th April, 1

Mr. CHAPLE

OTTAWA:
PRINTED BY MACLEAN, ROGER &
1886.

No. 107.] **BILL.** [1886.

An Act to amend the Act re-adjusting the representation in the House of Commons, as respects certain constituencies in British Columbia.

Preamble.

WHEREAS it appears that under the Act thirty-fifth Victoria, chapter thirteen, all the islands adjacent to Vancouver Island are included within the electoral district of Vancouver, notwithstanding that several of the said islands should, from their geographical position, naturally form part of the electoral district of Victoria; and whereas it is therefore expedient that the boundaries of the electoral district hereinbefore mentioned should be re-adjusted; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

35 V., c. 13.

The said Act amended.

1. Paragraphs four and five of that part of section two of the Act cited in the preamble, which relates to the Province of British Columbia are hereby repealed and the following substituted therefor:

As to the electoral district of Victoria.

"4 The electoral district of Victoria shall consist of those portions of Vancouver Island known as Victoria district, Esquimalt district and Metchosin district, as defined in the official maps of those districts which are deposited in the Land Office, Victoria, and are designated respectively, 'Victoria District Official Map, 1858,' 'Esquimalt District Official Map, 1858,' and 'Metchosin District Official Map, 1858,' together with such islands adjacent to the said portions of Vancouver Island as were formerly dependencies of the colony of Vancouver Island, and shall return two members."

And of Vancouver.

"5. The electoral district of Vancouver shall consist of all the remainder of Vancouver Island, and all such islands adjacent to such remainder as were formerly dependencies of the late colony of Vancouver Island, and shall return one member."

When to take effect.

2. This Act shall take effect at and after the next general election of members of the House of Commons.

No. 107.

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

An Act to amend an Act relating to the representation in the House of Commons of the Province of British Columbia.

Received and read first time, Friday, 16th April, 1886.
Second reading, Monday, 19th April, 1886.

Mr BAKER,
(Victoria, B. C.)

OTTAWA:
PRINTED BY MACLEAN, ROGER & CO.
1886.

No 108.] **BILL.** [1886.

An Act to amend "The Adulteration Act."

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

1. The following is hereby added to section three of "*The Adulteration Act*" as sub-section two thereof:— Section 3 of 49-49 V., c. 67 amended.

"2. No analyst shall be appointed until he has undergone an examination before a special examining board appointed by the Governor in Council, and until he has obtained from such board a certificate setting forth that he is duly qualified to perform the duties attached to the office of analyst." Qualification of analyst.

No. 108.

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

An Act to amend "The Adulteration Act."

Received and read the first time, Monday, 16th April, 1886.
Second reading, Tuesday, 20th April, 1886.

Mr. COSTIGAN.

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.

1886.

No. 109] **BILL.** [1886.

An Act in further amendment of the "Weights and Measures Act of 1879."

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

1. Section forty-eight of the "*Weights and Measures Act of* 1879" is hereby amended by inserting, immediately after the word "denominations" in the seventeenth line of the said section, the following as paragraph seven :— Section 48 of 42 V., c. 16 amended.

"7. The defining and specifying what weights, measures, weighing machines and balances shall or shall not be admitted to verification." Definition of weights, &c.

No. 109.

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

An Act in further amendment of the "Weights and Measures Act of 1879."

Received and read first time, Friday, 16th April, 1886.
Second reading, Tuesday, 20th April, 1886.

Mr. COSTIGAN.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.

No. 110.] **BILL.** [1886.

An Act respecting Commissions to Public Officers of Canada.

Preamble.

WHEREAS under the existing customary practice certain officers only in the Civil Service of Canada receive commissions on their appointment, and it may be found expedient to issue commissions to some who do not now receive them: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Governor in Council may by regulations determine what officers shall receive commissions.

1 The Governor in Council, at any time after the passing of this Act, may make regulations declaring and determining what officers or classes of officers in the Civil Service, now or hereafter to be appointed under Orders in Council, shall receive commissions under the Great Seal or under the Privy Seal respectively, and what fee shall be paid thereon; and such commissions may be issued to the officers who have not received and are declared entitled to receive them; but nothing done under this Act shall affect any commission now in force.

Proviso.

Regulations may be amended.

2. Regulations made under this Act may be revoked or amended, and others made in like manner; but no such regulation shall affect the validity of any commission heretofore issued.

Record and notice of commissions.

3 Commissions issued under this Act shall be recorded in the office of the Registrar General of Canada, and notice of the appointments shall be inserted in the *Canada Gazette* by the Secretary of State.

No. 110.

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

An Act respecting Commissions to Public Officers of Canada.

Received and read a first time, Monday, 19th April, 1885.
Second reading, Tuesday, 20th April, 1886.

Mr. CHAPLEAU.

OTTAWA:
PRINTED BY MACLEAN, ROGER & Co.
1886.

No 114.] **BILL.** [1886.

An Act to amend the Acts respecting the British Canadian Bank.

Preamble.

WHEREAS the provisional directors of the British Canadian Bank have, by petition, prayed that the time fixed by the Act amending the Act incorporating the said bank for obtaining the certificate of the Treasury Board, mentioned in and required by section five of the said amending Act, may be extended; and have also, by petition, prayed that the chief office of the said bank may be changed from the city of Toronto to the town of Port Arthur, in the district of Thunder Bay and Province of Ontario, 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 obtaining certificate from Treasury Board extended.

1. The time fixed by the fifth section of the said Act to amend the Act to incorporate the said bank, for obtaining from the Treasury Board the certificate required by section seven of the "*Act relating to Banks and Banking*," is hereby extended for one year from the passing of this Act, and the charter of the said bank shall not be deemed to have become forfeited by reason of the said certificate not having been obtained within the time fixed by the said fifth section, but the Act to incorporate the said bank and the said Act amending the same shall be deemed to have continued and to be in full force and effect.

Chief office changed.

2. The chief office of the bank shall be at the town of Port Arthur, in the district of Thunder Bay in the Province of Ontario, and the third section of the said Act to amend the Act to incorporate the said bank is hereby amended by striking out the words "city of Toronto" in the last line thereof and inserting the words "town of Port Arthur, in the district of Thunder Bay and Province of Ontario."

No. 114.

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

An Act to amend the Acts respecting the British Canadian Bank.

Received and read first time, Thursday, 22nd April, 1886.
Second reading, Wednesday, 28th April, 1886.

(PRIVATE BILL.)

Mr. DAWSON.

OTTAWA:
PRINTED BY MACLEAN, ROGER & CO.
1886.

No. 115] **BILL.** [1886.

An Act respecting the representation of the North-West Territories in the Parliament of Canada.

[*The reference at the end of each section shows the provision of the present law on which it is based. N. W. T. means the proclamation of the Lieutenant Governor respecting Elections to the Council of the North-West Territories. The section between brackets will be moved in Committee of the Whole.*]

Preamble.

WHEREAS it is expedient to make provision for the representation of the inhabitants of the North-West Territories in the House of Commons of Canada as hereinafter provided: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Short title.

1. This Act may be cited as "*The North-West Territories Representation Act*, 1886."

Saskatchewan and Alberta.

2. The Provisional Districts of Saskatchewan and Alberta, in the said Territories, as they were respectively constituted by an Order of the Governor in Council, bearing date the eighth day of May, one thousand eight hundred and eighty-two, shall each be an electoral district and shall each return one member to the House of Commons of Canada.

Assiniboia to be divided.

3. The provisional district of Assiniboia as it was constituted by the said Order in Council shall be divided into two electoral districts, each of which shall return one member to the said House of Commons:

East and west ridings.

2. The said electoral districts shall be known as the East and West Ridings of Assiniboia and shall be constituted as hereinafter described:

East riding of Assiniboia.

(*a.*) The east riding of Assiniboia shall consist of so much of the said provisional district of Assiniboia 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;

West riding of Assiniboia.

(*b*) The west riding of Assiniboia 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.

Who shall be qualified to vote.

4. The persons qualified to vote at the election of such members shall be the *bonâ fide* male residents and householders, of adult age, who are not aliens or Indians, within the electoral district, and who have respectively resided in such electoral district for at least twelve months immediately preceding the issue of the writ of election. 43 V., c. 25, s. 17.

Issue of writ of election.

5. Every writ for the election of a member of the House of Commons under this Act shall be dated and be returnable on such days as the Governor General determines, and shall be addressed to such person as the Governor General appoints; and such person shall be the returning officer at the election to which such writ relates: Provided always, that if the person to whom the writ has been addressed refuses, or is disqualified or unable to act, the Governor General may appoint another person to be such returning officer. 45 V., c. 3, s. 6.

Proviso: in case of inability to act.

Place and day of nomination.

6. The Governor General shall fix the place and the day for the nomination of candidates at each such election, and the place and the day so fixed shall be specified in the writ of election for the electoral district to which such day applies. 37 V., c. 9, s. 2.

Form of writ of election.

7. The writs of election shall be in the form A in the schedule to this Act, and shall be transmitted by mail to the respective returning officers, unless otherwise ordered by the Governor General. 37 V., c. 9, s. 4.

Who may not be appointed returning officers, &c.

8. None of the persons hereinafter mentioned shall be appointed returning officers, or deputy returning officers, election clerks or poll clerks, that is to say:—

(*a*) Members of the Queen's Privy Council for Canada or of the Executive Council of any of the Provinces of Canada;

(*b*) Members of the Senate or members of the Legislative Council of any of the Provinces of Canada;

(*c*) Members of the House of Commons, or members of the Legislative Assemblies of the several Provinces of Canada, or of the Council or Legislative Assembly of the North-West Territories;

(*d*) Ministers, priests or ecclesiastics of any religious faith or worship;

(*e*) Judges of the courts of superior, civil or criminal jurisdiction, judges of any county or district court, insolvent court or vice-admiralty court or stipendiary magistrates ;

(*f*) Persons who have served in the Parliament of Canada in the session immediately preceding the election, or in the then present session of Parliament ;

(*g*) Sheriffs, registrars or other persons who have been found guilty by the House of Commons, or by any court for the trial of controverted elections, or other competent tribunal, of any offence or dereliction of duty under this Act. 37 V., c. 9, s. 5.

Who shall not be obliged to act as such.

9. None of the persons hereinafter mentioned, unless they are sheriffs, registrars, town clerks or assessors shall be obliged to act as returning officers, deputy returning officers, election clerks or poll clerks, that is to say :—

(*a*) Professors in any university, college, high school or academy ;

(*b*) Physicians or surgeons ;

(*c*) Millers ;

(*d*) Postmasters, customs officers, or clerks in post offices or customs offices ;

(*e*) Persons of sixty years of age or upwards ;

(*f*) Persons who have previously served as returning officers at the election of a member for the House of Commons. 37 V., c. 9, s. 6.

Proceedings on receipt of writ.

10. The returning officer shall, on receiving the writ of election, forthwith indorse thereon the date on which he receives the same, and before taking any further action thereon, he shall take the oath of office in the form B in the schedule to this Act. 37 V., c 9, s. 7. N. W. T. s. 1.

Election clerk.

11. The returning officer, by a commission under his hand, and in the form C in the schedule to this Act, shall appoint an election clerk, and may, at any time during the election, appoint, in the same manner, another election clerk, if the one so appointed resigns, refuses or is unable to perform his duties as such clerk. 37 V., c. 9, s. 8. N. W. T. s. 2.

Duties of election clerk.

12. The election clerk shall assist the returning officer in the performance of his duties, and act in his stead as returning officer, whenever the returning officer refuses or is disqualified or unable to perform his duties, and has not been replaced by another. 37 V., c. 9, s. 9. N. W. T. s. 3.

To take oath of office.

13. The election clerk shall, before acting as such clerk, take the oath of office in the form D in the schedule to this Act. 37 V., c. 9, s. 10.

Returning officer and election clerk not to vote.

14. Neither the returning officer nor the election clerk shall in any case vote at an election in the electoral district for which he is acting, except as hereinafter provided. N. W. T. s. 4.

Proclamation to be posted up.

15. At least days before the day fixed in the writ for the nomination of candidates the returning officer shall cause to be posted up in a conspicuous position, in at least *ten* of the most public places in the electoral district, a proclamation in the form E in the schedule to this Act, in which proclamation shall be set forth the place and the day specified in the writ for the nomination. N. W. T. s. 5.

Another day may be fixed in cases specified.

16. Whenever from unforeseen accident, delays or otherwise, the proclamation cannot be posted up so as to leave the required delay between the posting up of the proclamation and the nomination day appointed by the Governor General, or whenever any candidate dies after being nominated and before the close of the polls, the returning officer may fix another day for the nomination of candidates,—which day shall be the nearest day possible after allowing the number of days required by the next preceding section between the posting up of the proclamation and the nomination day; and in every such case the returning officer shall, with his return, make to the Clerk of the Crown in Chancery a special report of the causes which occasioned the postponement of the election. 37 V., c. 9, s. 13. N. W. T. s. 6.

Report in such case.

Nomination of candidates.

17. At any time after the date of the proclamation, and before two of the clock in the afternoon of the day fixed for the nomination, any *four* or more electors may nominate a candidate by affirming to and signing, before a justice of the peace, or before the returning officer, and causing to be filed with the returning officer a nomination paper in the form F in the schedule to this Act; and any votes given at the election for any other candidates than those so nominated shall be null and void. N. W. T, s. 7.

Nomination paper.

Consent of candidate.

18. No nomination paper shall be valid and acted upon by the returning officer unless it is accompanied by the consent in writing of the person therein nominated, except when such person is absent from the North-West Territories, when such absence shall be stated in the nomination paper; and—

Deposit to be made.

Unless a sum of two hundred dollars is deposited in the hands of the returning officer at the time the nomination paper is filed with him; and the receipt of the returning officer shall, in every case, be sufficient evidence of the production of the nomination paper, of the consent of the candidate and of the payment herein mentioned:

2. The sum so deposited by any candidate shall be returned to him in the event of his being elected, or of his obtaining a number of votes at least equal to one-half the number of votes polled in favor of the candidate elected,—otherwise it shall belong to Her Majesty for the public uses of Canada; and the sums so paid and not returned as herein provided, shall be applied by the returning officer towards the payment of the election expenses; and an account thereof shall be rendered by him to the Auditor General of Canada. 37 V., c. 9, s. 19; 45 V., c. 3, s. 8. Application of sum deposited.

19 The returning officer shall require the person, or one or more of the persons producing any such nomination paper, to make oath before him, that he or they know that the several persons who have signed such nomination paper are electors duly entitled to vote; and that they have signed the same in his or their presence; and that the consent of the candidate has been signed in his or their presence, or that the person named as candidate is absent from the North-West Territories, as the case may be: Attestation of nomination paper.

2. Such oath may be in the form G in the schedule to this Act, and the fact of its having been taken shall be stated on the back of the said nomination paper. 37 V., c. 9, s. 21. Form of oath.

20. Whenever only one candidate has been nominated within the time fixed for that purpose, the returning officer shall make his return to the Clerk of the Crown in Chancery that such candidate is duly elected for the said electoral district,—of which return he shall send within forty-eight hours a duplicate or certified copy to the person elected; and such return shall be in the form H in the schedule to this Act. 37 V., c. 9, s. 22. Return by acclamation.

21. The returning officer shall accompany his return to the Clerk of the Crown in Chancery with a report of his proceedings and of any nomination proposed and rejected for non-compliance with the requirements of this Act. 37 V., c. 9, s. 23. N. W. T., s. 11. Report with return.

22. Any candidate nominated may withdraw at any time after his nomination, and before the closing of the poll, by filing with the returning officer a declaration in writing to that effect, signed by himself; and any votes cast for the candidate who has so withdrawn shall be null and void: and if, after the withdrawal, there remains but one candidate, then the returning officer shall return as duly elected the candidate so remaining, without waiting for the day fixed for holding the poll, or for the closing of the poll if such withdrawal is filed on the polling day. 37 V., c. 9, s. 25. N. W. T., s. 9. Withdrawal of candidate. Return if only one candidate remains.

23. If at the time fixed for receiving nominations there remain more than one candidate in nomination, the return- When poll may be granted.

ing officer shall grant a poll for taking the votes of the electors. N. W. T., s. 12.

Delivery of certified list.

24. As soon as the time for receiving nominations has elapsed, or at any time thereafter, the returning officer, if required, shall deliver gratis to every candidate, or to the person who filed the nomination paper on his behalf, a certified list of the candidates nominated. N. W. T., s. 13.

Polling subdivisions to be established

25. If a poll is granted, the returning officer shall subdivide the electoral district into as many polling divisions as he deems necessary for the convenience of the electors; and he shall number, or otherwise designate them, and fix upon a suitable polling station in each such division. N. W. T., s. 14.

When poll shall be held.

26. Whenever a poll has been granted it shall be held on the same day of the week as the nomination, in the week thereafter, and shall be opened at the hour of nine of the clock in the forenoon, and kept open until five of the clock in the afternoon of the said day; and the votes at the several polling stations shall be given between the said hours of that day, and by open voting. N. W. T., s. 15.

Proclamation if poll is granted.

27. Immediately after having granted a poll, the returning officer shall cause to be posted up at all places where the proclamation for the election was posted up, an election notice in the form I in the schedule to this Act. N.W.T., s. 16.

Appointment of enumerators.

28. The Governor General may appoint enumerators to make lists of the electors in the electoral district; and if such appointments have not been made, the returning officer conjointly with any two justices of the peace, or with one justice of the peace and a notary public, or with any one of them resident in or near the electoral district and two electors of such district, neither of the number being a candidate, shall appoint under their hand a competent and reliable person to be enumerator for any one or more polling divisions of such district; and the returning officer shall see that no polling division is omitted to be included of such appointments. N. W. T., s. 17.

List of voters to be prepar-

29. Each such enumerator, immediately after the nomination day, if a poll is granted, shall carefully compile a list of the persons qualified as electors to vote at the election then pending, for the polling division or each of the polling divisions, for which he has been appointed; and he shall make three plainly written copies of the same, with the names of the voters alphabetically arranged, giving the occupation and residence of each voter, in the form J in the schedule to this Act. N.W.T., s. 18.

Lists to be completed and posted up.

30. Each enumerator shall complete, date at his place of residence and sign the copies of the voters' list or lists as aforesaid, four days before the polling day; two of the said copies for each polling division he shall forthwith post up in two of the most public places within such polling division, and the other he shall retain for revision. N.W.T., s. 19.

Correction of list of voters.

31. If any enumerator, at any time after posting up any voters' list, and before the polling day, is fully satisfied, from representations made to him by any credible person, that the name of any qualified voter has been omitted from the voters' list of the polling division to which such voter belongs, he shall add such name to the copy of the list in his possession below his own signature, and shall attest such addition by his initials; if the enumerator, in like manner, is fully satisfied that there is on the list the name of any person who is not qualified as a voter in such polling division, he may draw erasing lines through such name, and write his own initials opposite thereto in the column for "remarks"; and if the enumerator finds the occupation, addition or residence of any voter to be inaccurately stated in the list, he may make the necessary alteration and affix his initials thereto in like manner. N.W.T, s. 20.

Attestation of list of voters.

32. Every enumerator, having revised and corrected such retained copy of each voters' list compiled by him, if he deems such correction necessary, as provided in the next preceding section, shall write at the foot of such copy and close to the last name thereon, on the day immediately preceding the polling day, a certificate in the form of the second certificate contained in form J in the schedule to this Act. N.W.T., s. 21.

List to be delivered to deputy returning officer.

33. The enumerator shall deliver the voters' list so certified forthwith, or before eight o'clock in the morning of the polling day, to the deputy returning officer for the polling division to which it relates; and such list as received by such deputy returning officer, shall be the voters' list for such polling division, subject to be further corrected on the polling day as hereinafter provided. N. W. T., s. 22.

Notice to be posted up.

34. It shall be the duty of the returning officer to cause to be posted up with the election notice, a notice of information to electors in the form K in the schedule to this Act. N. W. T., s. 23.

Accommodation at polling stations.

35. The returning officer shall secure at each polling station a room, building, or other convenient place for the officers employed at the poll, with a window or door opening to the outside, and in winter, if possible, two rooms, one for the officers and the other for the electors while voting. N. W. T., s. 24.

Appointment of deputy returning officers.

36. The returning officer shall, by a commission under his hand, appoint one deputy returning officer for each polling division comprised in the electoral district; but if the

returning officer sees fit to act in the capacity of deputy returning officer for any polling division, he may dispense with appointing a deputy for such division and himself perform the duties of deputy returning officer therein, without taking any oath of office other than that which he is hereinbefore required to take. N. W. T., s. 25.

Oath of office to be taken.

37. Every deputy returning officer shall, before acting as such, take an oath of office in the form L in the schedule to this Act. 37 V., c. 9, s. 28.

Poll book, &c., to be furnished.

38. The returning officer shall furnish each deputy returning officer with a poll book which shall be in the form M in the schedule to this Act, and which shall contain as many columns showing the names of candidates as there are candidates duly nominated, and with at least five copies of the notice (form K) for the information of electors. N. W. T. s. 26.

Appointment of poll clerk.

39. Each deputy returning officer shall forthwith appoint by commission under his hand a poll clerk, who before acting as such shall take the oath in the form N in the schedule to this Act. 37 V., c. 9, s. 31.

Agents of candidates.

40. Any person who produces to the deputy returning officer, at any time, a written authority from a candidate to represent him as an agent at a polling station, shall be recognized as such by the deputy returning officer, and if no such agent is nominated by the candidate, any two electors may, at their own request, be recognized as the agents of such candidate: Provided always, that any agent bearing a written authorization from the candidate, shall always be entitled to represent such candidate in preference to, and to the exclusion of, any two electors who might otherwise claim the right of representing such candidate under this section. 41 V., c. 6, s. 4. N. W. T. s. 27.

Proviso.

Who may remain where votes are recorded.

41. In addition to the deputy returning officer and his poll clerk, each candidate and his agent, or in such candidate's absence any two agents of such candidate, and no others, shall be permitted to remain in the room or place, or that part thereof where the votes are recorded. N. W. T. s. 28.

Duties of deputy returning officer when the poll is held.

42. The deputy returning officer shall,—

(*a*) Post up on the polling day before nine o'clock in the forenoon at least three of the handbills containing "Information for Electors" in conspicuous places near the polling station;

(*b*) See that the poll clerk is put in possession of the poll book and voters' list in time for the polling;

(*c*) Open the poll on the polling day at nine o'clock in the forenoon and keep it open till five o'clock in the afternoon of the same day;

(*d*) Receive the votes of electors and see that they are correctly recorded by the poll clerk, and ask all questions relating to the qualification of voters required by any candidate or his agent;

(*e*) Administer either or both of the oaths hereinafter mentioned to any elector, if required, and when necessary direct that the voters' lists be corrected accordingly;

(*f*) When the poll is declared by him to be closed, immediately sum up with the poll clerk the votes received by each candidate, and sign on the poll book with the poll clerk the certificate hereinafter mentioned;

(*g*) When the said certificate is signed, seal up the poll book and voters' list in one package and forward them to the returning officer as he directs. N. W. T., s. 29.

Administration of oaths to electors.

43. Every deputy returning officer may and shall, when he is required so to do by any candidate or agent of a candidate, administer to any elector either one or both of the oaths set forth in form O in the schedule to this Act. N. W. T. s. 30.

Oath when voter's name is not on the list.

44. The deputy returning officer shall, while the poll is open, if required by any elector whose name is not on the voters' list, administer to such elector oath number one in the said form O; and such oath having been taken, the deputy returning officer shall at once cause such elector's name to be added to the voters' list, with the word "sworn" written thereafter. N. W. T. s. 31.

Voter on the list may be sworn.

If he refuses.

45. Every person whose name is on the voters' list, unless sworn as in the next preceding section provided, shall, before being permitted to vote, if required by any candidate, agent or elector, take the said oath number one; and if he refuses to take the same, erasing lines shall be drawn through his name on the voters' list, and the words "refused to be sworn" written thereafter. N. W. T. s. 32.

What voters may vote.

Refusal to take oath.

46. Every voter shall be entitled to vote whose name is on the voters' list and has not been erased therefrom in accordance with the provisions of the next preceding section, or whose name is added to the said list as herein provided; but if any such voter, when required by the deputy returning officer, or by any candidate, agent or elector, refuses to take oath number two in the said form O, he shall not be permitted to vote, and if his name has been entered in the poll book, erasing lines shall be drawn through it, and the words "refused to take oath number two" written thereafter N. W. T., s. 33.

Interpreter may be sworn.

47. Whenever the deputy returning officer does not understand the language of an elector claiming to vote, he may

swear an interpreter, to be the means of communicating between him and such elector with reference to all matters required to enable such elector to vote. N. W. T., s. 34.

As to votes of certain officers and agents.

48 Any deputy returning officer, candidate, agent or poll clerk, who belongs to a polling division other than the one at which he is stationed on the polling day, shall be permitted to vote at the polling station where he is so stationed, provided he produces a certificate from the enumerator of the polling division to which he belongs, that he is a qualified voter in such polling division; which certificate it shall be the duty of such enumerator to give gratis to any qualified elector who is so stationed outside of his own polling division. N. W. T., s. 35.

Entry in such case.

49 In case any vote is recorded as provided in the next preceding section, in a different polling division to that in which the voter resides, the particular office or position which the voter is filling at the station at which he voted, shall be entered opposite his name in the poll book in the column for "remarks." N. W. T., s. 36.

Poll clerk to act as deputy returning officer in case of need.

50. If the deputy returning officer is unable or fails to perform his duties, the poll clerk shall act in his place without taking any further oath of office, and he shall appoint another poll clerk who shall take the oath of office as such, hereinbefore prescribed. N. W. T., s. 37.

How votes shall be recorded.

51. The poll clerk shall write in the poll book the full name and the occupation and residence of each voter, and shall, opposite thereto, mark the figure 1 in the column for the candidate in whose favor the vote of such voter is given; and immediately the vote is recorded he shall write "voted" after the elector's name in the voters' list. N W. T., s. 38

Correction of list of voters.

52. The poll clerk shall make such additions, alterations, and erasures in the voters' list, and such entries in the poll book as the deputy returning officer directs him to make, or as is required by any provision of this Act. N. W. T., s. 39.

Close of the poll and summing up the votes.

53. At five o'clock in the afternoon of the polling day the deputy returning officer shall declare the poll closed: and immediately thereafter he and the poll clerk, in the presence of the candidates, or their agents, shall sum up the votes given for each candidate, and shall enter in the poll book,

Certificate.

immediately below the last name recorded, and sign a certificate in the form P in the schedule to this Act. N. W. T., s. 40.

Duplicate to be retained.

54. A duplicate copy of the said certificate shall be made out and signed in the same manner, on a separate sheet of paper, which duplicate shall be kept by the deputy returning officer, after he has forwarded the poll book and voters' list to the returning officer; and if by any means the poll book should be lost or destroyed, he shall deliver the said duplicate certificate to the returning officer. N. W. T., s. 41.

55. Every poll clerk, on being requested so to do by any candidate or his agent, shall deliver, free of charge, to such candidate or agent, a copy of the certificate made by the deputy returning officer and himself at the close of the poll. N. W. T., s. 42. Copies for candidates.

56. The returning officer, at the place, day and hour appointed by his election notice, and after having received all the poll books, shall proceed to open them in presence of the election clerk, and the candidates or their representatives, if present, or of at least two electors, and to add together the number of votes given for each candidate from the poll books of the several polling divisions returned by the deputy returning officers; but if all the poll books are not received on the day named in the election notice, he may adjourn the final summing up of votes until every poll book, or in its absence, the duplicate certificate of the deputy returning officer and poll clerk, has been received. N. W. T., s 43. Addition of votes by the returning officer. Postponement if poll books are not all received.

57. The candidate who on the final summing up of the votes is found to have a majority of votes, shall be then declared elected. N. W. T., s 44. Declaration of election.

58. When on the final addition of votes by the returning officer, an equality of votes is found to exist between any of the candidates. and the addition of a vote would entitle any of such candidates to be declared elected, the returning officer, if he is an elector of the district, and if he is not an elector, then the election clerk, shall give such additional or casting vote. N. W. T., s. 45. Provision in case of a tie.

59. The returning officer after such final summing up shall forthwith transmit his return to the Clerk of the Crown in Chancery by mail, after have registered the same and such return shall be in the form Q in the schedule to this Act. N. W. T., s. 46 Return and form thereof.

60. The returning officer shall forward to each of the respective candidates a copy of his return to the Clerk of the Crown in Chancery. N. W. T., s. 47. Copies for candidates.

61. The returning officer shall accompany his return to the Clerk of the Crown in Chancery with a report of his proceedings, including the number shown in his final summing up of votes; he shall also forward to the said Clerk of the Crown in Chancery, by mail, after having registered the same. all the poll books and voters' lists of the several polling divisions. N. W. T., s 48. What shall accompany the return.

62. The proclamation and other notices required to be posted up at any election under this Act, the poll books and all other documents herein mentioned may either be printed or written, or partly printed and partly written. N. W. T., s. 50. Proclamation &c., may be written or printed.

63. The returning officer shall not delay proceeding with an election under this Act, notwithstanding that he dis- Proceedings not to be delayed.

covers a mistake in the use of the forms prescribed by this Act, or that there has been a want of qualification in any person signing a nomination paper received by him, or from any other cause, unless he ascertains that the poll at any polling station has been so obstructed, or so grossly neglected or mismanaged, that qualified electors have had no fair opportunity to record their votes; in which case he shall not return any candidate elected, but shall report the proceedings in full to the Clerk of the Crown in Chancery. N. W. T., s. 51.

Exception.

Report in such case.

Copies of Act for returning officer and deputies.

64. One copy of this Act, and of such portions of the several Acts respecting the elections of members of the House of Commons of Canada as are hereinafter incorporated with this Act, and of such instructions, approved by the Governor in Council, as are necessary to carry out the elections according to the provisions of this Act (with a copious alphabetical index prefixed), for the returning officer, and one for each of his deputies, shall be transmitted, with the writ of election, to each returning officer. 37 V., c. 9, s. 131.

Personation defined.

65. Every one who, at an election of a member of the House of Commons under this Act, tenders a vote in the name of some other person, whether such name is that of a person living or dead, or a fictitious person; or having voted once at any such election, tenders a vote at the same election, is guilty of personation, and shall be liable to a penalty not exceeding six hundred dollars, and to imprisonment for a term not exceeding six months. 37 V., c. 9, s. 74.

Penalty.

Recital.

[**66.** Inasmuch as in view of the extension of the electoral franchise to the North-West Territories, as by this Act provided, and the specific provisions in that behalf herein enacted, and of the remoteness of certain portions of the said Territories, it may appear that the allowances for fees and disbursements provided by section one hundred and twenty-six of "*The Dominion Elections Act*, 1874," will be inadequate or insufficient for a fair and just but economical remuneration for the services performed, the Governor in Council may make a tariff of fees, costs and expenses, based, as nearly as may be, on the tariff of fees, costs and expenses in the said section set forth, to be paid and allowed to returning officers and other persons employed at or with respect to elections under this Act, and may, from time to time, revise and amend such tariff:

Tariff of fees may be made.

To be laid before House of Commons.

2. A copy of every such tariff, and of every amendment thereof, shall be laid before the House of Commons at the then next session thereof. 37 V., c. 9, s. 126.]

Certain provisions of 37 V., c. 9, incorporated.

67. Sections twenty, sixty-four, sixty-five, seventy, seventy-three, seventy-five, seventy-six, seventy-eight to one hundred and fourteen, both inclusive, one hundred and sixteen to one hundred and twenty-five, both inclusive, an one hundred and twenty-seven to one hundred and thirty both inclusive, of "*The Dominion Elections Act*, 1874"

section fifteen of the Act forty-first Victoria, chapter six, and the Act forty-sixth Victoria, chapter four, are hereby incorporated with this Act, and shall be read as forming part thereof.

41 V., c. 6, s. 15.
46 V., c. 4.

68. "*The Dominion Controverted Elections Act*, 1874;" the Act thirty-eighth Victoria, chapter ten; sections twenty-five and forty-eight of the Act thirty-eighth Victoria, chapter eleven; the Acts thirty-ninth Victoria, chapters nine and ten; section sixteen of the Act thirty-ninth Victoria, chapter twenty-six; the Act forty-second Victoria, chapter six, and section ten of the Act forty-second Victoria, chapter thirty-nine shall also apply to elections of members of the House of Commons under this Act.

37 V., c. 10; 38 V., c. 10; 38 V., c. 11, ss 25 and 48; 39 V., cc. 9 and 10, and c. 26, s. 16; 42 V., c. 6, and 42 V., c. 39, s. 10, to apply.

69. In the Acts and parts of Acts in the two sections next preceding mentioned and in the application thereof to elections under this Act, the expression "Province" includes "North-West Territories," and the expressions "court" and "judge" mean a stipendiary magistrate acting as such in the North-West Territories.

Interpretation of "Province" "Court" and "Judge."

70. Nothing in this Act contained shall be deemed to repeal or to modify in any manner whatsoever the provisions of section eleven of "*The Electoral Franchise Act*," and the said Act shall not, except as expressly therein provided, apply to the North-West Territories.

S. 11 of 48-49 V., c. 40 not affected.

71. This Act shall come into force upon, from and after such day as the Governor General, by proclamation, directs.

Commencement of Act.

SCHEDULE OF FORMS.

A.

Writ of Election.

VICTORIA, by the Grace of God of the United Kingdom of Great Britain and Ireland, QUEEN, Defender of the Faith; - To

of , GREETING:

Whereas, by the advice of Our Privy Council for Canada, we have ordered a Parliament to be holden at Ottawa, on the day of next (*omit this preamble, except in the case of a general election*) We command you that, notice of the time and place of election being duly given, you do cause election to be made according to law of a member to serve in the House of Commons of Canada, for the electoral district of

(*except in case of a general election, insert here* in the place of , deceased, *or otherwise, stating the cause of vacancy*) and that you do cause the nomination of candidates at such election to be held on the day of next, at , and do cause the name of such member when so elected, whether he is present or absent, to be certified to our Clerk of the Crown in Chancery, as by law directed.

Witness, Our Right Trusty and Well-beloved, &c., Governor General (*or* Administrator of the Government) of our Dominion of Canada, at our City of Ottawa, the day of in the year of Our Reign and in the year of Our Lord 18 .

Indorsement.

Received the within Writ on the day of 18 .

(*Signature*), A. B.,
Returning Officer.

37 V., c. 9, sch. Form A;—41 V., c. 6, s. 18.

B.

Oath of the returning officer.

I, the undersigned, A. B., returning officer for the electoral district of , solemnly swear (*or if he is one of the persons permitted by law to affirm in civil cases*, solemnly affirm) that I am legally qualified according to law to act as returning officer for the said electoral district of and that I will act faithfully in that capacity, without partiality, fear, favor or affection: So help me God.

(*Signature*). A. B,
Returning Officer.

Certificate of returning officer having taken oath of office.

I, the undersigned, hereby certify that on the day of the month of , 18 , A. B., the returning officer for the electoral district of , took and subscribed before me, the oath (*or* affirmation) of office, in such case required of a returning officer, by "The North-West Territories Representation Act, 1886."

In testimony whereof, I have delivered to him this certificate.

(*Signature*). C. D.,
Justice of the Peace.

37 V., c. 9, sch. Form B.

C.

Commission of an election clerk.

To E. F. (*set forth his legal addition and residence*).

Know you, that in my capacity of returning officer for the electoral district of , I have appointed, and do hereby appoint you to be my election clerk, to act in that capacity according to law, at the approaching election for

the said electoral district of , which election will be opened by me, on the day of the month of 18

Given under my hand this day of , in the year 18 .

(*Sig ature*). A. B.,
Returning Officer.

37 V., c. 9, sch. Form C.

D.

Oath of the election clerk.

I, the undersigned, E. F., appointed election clerk for the electoral district of , solemnly swear (*or if he is one of the persons permitted by law to affirm in civil cases*, solemnly affirm), that I will act faithfully in my said capacity as election clerk, and also in that of returning officer if required to act as such according to law, without partiality, fear, favor or affection : So help me God.

(*Signature*). E. F.,
Election Clerk.

Certificate of the election clerk having taken the oath of office.

I, the undersigned, hereby certify that on the day of , 18 , E. F., election clerk for the electoral district of , took and subscribed before me, the oath (*or* affirmation) of office required in such case, of an election clerk, by "The North-West Territories Representation Act, 1886."

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

37 V., c. 9, sch. form D.

E.

PROCLAMATION.

Electoral District of , to wit:

Public notice is hereby given to the electors of the electoral district aforesaid, that, in obedience to Her Majesty's Writ to me directed, and bearing date the day of 18 , I require the presence of the said

electors at (*describe the place where the nomination is to take place*) on the day of , from noon until two of the clock in the afternoon for the purpose of nominating a person to represent them in the House of Commons of Canada, and that, in case a poll becomes necessary, such poll will be open on the day and during the time prescribed by law at the polling station in each of the polling divisions which are, after the nomination, specified by me in an election notice.

Of which all persons are hereby required to take notice and to govern themselves accordingly.

Given under my hand at , this day of , in the year 18

(*Signature*). A. B.,
Returning Officer.

N. W. T., s. 5.

F.

Nomination paper, &c.

We, the undersigned electors of the electoral district of hereby nominate (*name, residence and addition or description of person nominated*) as a candidate at the election now about to be held of a member to represent the said electoral district in the House of Commons of Canada.

Witness our hands at in the said electoral district, this day of 18 .

Signed by the said electors, in presence of , of (*additions.*) }

Signatures with residence and additions.

I, the said , nominated in the foregoing nomination paper, hereby consent to such nomination.

Witness my hand at , this day of 18 .

Signed by the said nominee, in presence of , of , (*additions*) } *Signature.*

37 V., c. 9, sch. Form F.

G.

Oath of attestation of the nomination paper.

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

solemnly affirm) that I know (*mentioning the names of the signers known to him*), and that they are duly qualified as electors of the electoral district of , to vote at an election of a member to serve in the House of Commons of Canada, and that they respectively signed the foregoing (*or* within) nomination paper in my presence; and further (*if the case be so*), that I know the said , thereby nominated as a candidate, and that he signed his consent to the nomination in my presence.

Sworn (*or* affirmed) before me, at , this day of , 18 . } (*Signature,*) G.H.

C. D.,
Justice of the Peace.

The forms in this schedule may be varied according to circumstances, the intention of the Act being complied with, and the assent of the candidate may be sworn to by a separate elector, if the facts require it to be so.

37 V., c. 9, sch., form G.

H.

Return when there is only a single candidate nominated.

I hereby certify that the member elected for the electoral district of , in pursuance of the within written writ, is R. O., of , in (*as in the nomination paper*), no other candidate having been nominated (*or* the other *or* all other candidates having withdrawn, *as the case may be*).

(*Signature*) A. B.,
Returning Officer.

37 V., c. 9, sch., form H.

I.

Election Notice.

Electoral District of }
To wit.: }

Public notice is hereby given to the electors of the electoral district aforesaid, that a poll has been granted for the election now pending for the said district, and that such poll will be opened on , the day of , 18 , from the hour of nine in the forenoon till the hour of five in the afternoon, in each of the following divisions, that is to say :—

For the polling division No. 1 (*or other designation*) consisting of (*or* bounded as follows, *or as the case may be*) at (*describe the polling station ; and so continue for all the other polling divisions and polling stations in the electoral district*)

Further, that the persons duly nominated, and for whom only votes will be received, are,—

1. } (*Insert the name and additions of each candidate, as*
2. } *given in the nomination paper.*)
3. }

And further, that unless the election is otherwise terminated before the time above named for closing the poll, I will, on , the day of , 18 , open the poll-books, sum up the votes given for the several candidates and return as elected the one having the majority of votes.

Of which all persons are hereby required to take notice and govern themselves accordingly .

Given under my hand at , this day of , 18 .

(*Signature*) A. B.,
Returning officer.

N.W.T., 16.

J.

List of voters.

Electoral district of

Polling division No. 1. (*or as the case may be.*)

No	Name.	Occupation or Addition.	Residence.	Remarks.

I certify that the foregoing is a true copy of the voters' list in polling division No. 1 (*or as the case may be*) of the electoral district of , as prepared by me for use in the election of a member of the House of Commons for the said electoral district, now pending.

(*Signature,*) I. J.,
Enumerator

(*Here the enumerator shall make any addition to the list which he finds necessary*)

I certify that the foregoing is a correct list of the voters in polling division No. 1 (*or as the case may be*) of the electoral district of as revised (*or if no correction is made*, as finally approved) by me this day of 18 .

(*Signature,*) I. J.,
Enumerator.

K.

Information to electors.

The following is the qualification of electors as prescribed by the Parliament of Canada.

(*Here insert section 4 of this Act.*)

If any elector finds that his name is not on the voters' list of the polling division to which he belongs, he may apply to the enumerator on any day before the polling day 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 by taking before that officer the following oath:

(*Here insert oath No.* 1. *See form O.*)

Each elector may vote only at one polling station and for one candidate within the same electoral district.

Any elector wishing to record his vote shall, in his turn while the poll is open, go up to the deputy returning officer, state his full name, occupation or addition and place of residence, take such oaths as the deputy returning officer lawfully puts to him, and declare for which candidate he votes.

Every elector, after having voted, shall quietly leave the polling station.

(*Signature,*) A. B.,
Returning Officer.

Dated 18 .

N. W. T., s. 23.

L.

Oath of deputy returning officer.

I, the undersigned, G. H., appointed deputy returning officer, for the polling district, No. , (*or as case may be*) of the electoral district of , solemnly swear (*or, being one of the persons permitted by law to affirm in civil cases*, solemnly affirm) that I will act faithfully in my said capacity of deputy returning officer, without partiality, fear, favor, or affection. So help me God.

(*Signature*), G. H.,
Deputy Returning Officer.

Certificate of a deputy returning officer having taken the oath of office.

I, the undersigned, hereby certify that on the day of the month of , G. H., deputy returning office for the polling district No. , (*or as the case may be*) of the electoral district of , took and subscribed the oath (*or* affirmation) of office, required in such case of a deputy returning officer, by "The North-West Territories Representation Act, 1886."

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.

37 V., c. 9, sch. Form K.

M.

FORM OF POLL-BOOK.

No. of the Voter.	No. on the Voters' List.	Name of Voter.	Occupation or Addition.	Place of Residence.	Sworn.	Name of Candidate.	Name of Candidate.	Name of Candidate.	Remarks.

N.

Oath of poll clerk.

I, the undersigned, I. J., appointed poll clerk for the polling district, No. , (*or as the case may be*) of the electoral district of do solemnly swear (*or, if he is one of the persons permitted by law to affirm in civil cases*, do solemnly affirm) that I will act faithfully in my capacity of poll clerk, and also in that of deputy returning officer if required to act as such, according to law, without partiality, fear, favor or affection. So help me God.

(*Signature*), I. J.,
Poll Clerk.

Certificate of the poll clerk having taken the oath.

I, the undersigned, hereby certify that on the day of the month of , I. J., poll clerk for the polling district, No. , (*or as the case may be*) of the electoral district of took and subscribed before me the oath (*or* affirmation) of office required of a poll clerk in such cases by "The North-West Territories Representation Act, 1886."

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.
or G. H.,
Deputy Returning Officer.

37 V., c. 9, sch. Form M.

O

Oaths to be taken by voters.

No. 1.

You do swear that you are a *bonâ fide* male resident and householder within this polling division of this electoral district, that you are of the full age of twenty-one years, that you are not an alien or an Indian, and that you have resided in this electoral district for at least twelve months immediately preceding the date of the issue of the writ for this election. So help you God.

No. 2.

You do swear that you have not received any money or other reward nor have you accepted any promise made to you, directly or indirectly, to induce you to vote at this election, and that you have not before voted at this election in this electoral district, either at this or any other polling station. So help you God. N. W. T., s. 50.

P.

We, the undersigned, deputy returning officer and poll clerk for the polling division No. 1 (*or as the case may be*) of the electoral district of , solemnly declare that to the best of our knowledge and belief the poll book for the said polling division contains a true and exact record of the votes polled at the polling station thereof; that we have faithfully counted the votes given for each candidate, and that the number recorded for (*here insert the name of one candidate*) was (*and so on for each of the candidates.*)

In witness whereof we hereto set our hands, this day of 18 .

(*Signature*) A. B,
Deputy Returning Officer.

C. D.,
Poll Clerk.

N. W. T., s. 40.

Q.

Return when a poll has been held.

I hereby certify that the member elected for the electoral district of in pursuance of the within writ, as having the majority of votes lawfully given, is (*name as in the nomination paper.*)

Dated at this day of 18 .

(*Signature.*) A. B.,
Returning Officer.

N. W. T., s 46.

No. 115.

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

An Act respecting the representation of the North-West Territories in the Parliament of Canada.

Received and read the first time, Thursday, 22nd April, 1886.
Second reading, Tuesday, 27th April, 1886.

Sir JOHN A. MACDONALD.

OTTAWA:
PRINTED BY MACLEAN, ROGER & Co.
1886.

No. 116] **BILL.** [1886.

An Act to incorporate the Saint Gabriel Levee and Railway Company.

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

Preamble.

WHEREAS it is of urgent importance that measures should be taken to protect that portion of the city of Montreal and its suburbs lying south of the Lachine Canal from disastrous floods; and whereas the construction of a levee or dyke from the abutment of the Victoria Bridge to a point above the Pavilion Road, on or near the northern bank of the River St. Lawrence, would tend to prevent the recurrence of such floods; and whereas the construction of a railway upon the said levee or dyke to connect with the Grand Trunk Railway at Point Saint Charles and at Saint Henri, crossing the Lachine Canal at the bridge at St. Paul's locks, would protect the proposed work and greatly diminish its cost; and whereas the construction of the said levee or dyke would be for the general advantage of Canada; and whereas a petition has been presented praying for the incorporation of a company for the construction of the proposed works, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Certain persons incorporated.

1. Honoré Beaugrand, Jacques Grenier, M. Donovan, William Farrell, M. Laurent, H. Jeannotte, H. P. Rainville, Henry R. Gray, R. Holland, George A. Drummond, James McShane and Sir Alexander Tilloch Galt, G. C. M. G., together with such persons as shall, under the provisions of this Act, become shareholders in the company hereby incorporated, are hereby constituted a body corporate and politic, under the name of "The Saint Gabriel Levee and Railway Company," hereinafter called the company; and the said undertaking and the works hereby authorized are declared to be for the general advantage of Canada.

Levee may be constructed.

And a railway.

2. The company shall have power to lay out, construct and complete a levee or dyke from the abutment of the Victoria Bridge to a point above the Pavilion Road, on or near the northern bank of the River Saint Lawrence, at a sufficient height above high water to prevent an overflow; and also to construct and complete a railway, of a gauge of four feet eight and a-half inches in width, from a point on the Grand Trunk Railway at St. Henri to and upon the said levee or dyke, and to connect it with any railway joining

with or intersecting such levee or dyke or availing itself of it as a roadway as hereinafter provided and with the Grand Trunk Railway at Point Saint Charles.

Provisional directors and their powers.

3. Honoré Beaugrand, Jacques Grenier, James McShane, George A. Drummond and Sir Alexander Tilloch Galt shall be provisional directors of the company (of whom a majority shall be a quorum), and shall hold office as such until the first election of directors under this Act, and shall have power forthwith to open stock books, procure subscriptions for stock for the undertaking, make calls on the stock subscribed, receive payments thereon, make, or cause to be made, plans and surveys of the work herein contemplated, and to deposit in any chartered bank of Canada, all moneys received by them on account of stock subscribed, or otherwise received on account of the company, and to receive, on behalf of the company, any grant, loan, bonus or gift made to it in aid of the undertaking or any portion of it.

Capital stock and shares.

4. The capital stock of the company shall be two hundred and fifty thousand dollars, divided into five thousand shares of fifty dollars each ; and the money so raised shall be applied, in the first place, to the payment of all fees, expenses and disbursements for procuring the passing of this Act, and for making the surveys, plans and estimates hereby authorized ; and all the remainder of such money shall be applied to the making, equipping, completing and maintaining of the said undertaking, and other purposes of this Act.

First meeting of shareholders.

Notice.

Election of directors.

5. So soon as fifty thousand dollars of the capital stock have been subscribed, and ten per cent. thereof has been paid in to some chartered bank of Canada, to the credit of the company, the provisional directors shall call a general meeting of the subscribers to the said capital stock, for the purpose of electing directors, giving at least two weeks' previous notice of such meeting in the *Canada Gazette*, and in one English and one French daily newspaper published in the city of Montreal, and also by circular addressed by mail to each subscriber, stating the time, place and purpose of the said meeting ; and at such general meeting the shareholders may choose five persons, qualified as hereinafter mentioned, to be directors of the company, who shall constitute a board of directors, and shall hold office until the first Tuesday in May in the year following their appointment.

Annual general meeting.

6. Thereafter the annual general meeting of the shareholders of the company, for the election of directors and other general purposes, shall be held on the first Tuesday in May in each year, when five directors shall be chosen to hold office for one year ; and two weeks' previous notice of such meeting shall be given by advertisement, published as provided in the next preceding section.

Qualification of director.

7. No person shall be a director of the company unless he is the holder, in his own right, of at least twenty shares in the stock of the company, and has paid up all calls thereon.

8. Special general meetings of the shareholders of the company may be called in the method prescribed by the by-laws of the company, and upon notice to be given by advertisement published as provided in section five. Special general meetings.

9. The number of directors may be increased to not more than nine, by by-law passed by the shareholders at any general meeting or special meeting called for that purpose. Number of directors.

10. The company may receive, as aid in the construction of the said undertaking, any lands in the vicinity thereof, or any other real property, required for the purposes of the undertaking, either as gifts or in payment of stock, and may legally dispose of the same, and may alienate the lands or other real property for the purposes of the company; and the company may receive in aid of the construction of the said undertaking any bonus in money or debentures, either with or without conditions, and may enter into agreements for the carrying out of any such conditions, or with respect thereto. Grants in aid.

11. The company may become party to promissory notes and bills of exchange for sums not less than one hundred dollars; and every such promissory note or bill of exchange made, drawn, accepted or endorsed by the president or vice-president of the company, and countersigned by the secretary and treasurer, shall be binding on the company; and every such promissory note or bill of exchange made, drawn, accepted or endorsed by the president or vice-president, and countersigned by the secretary and treasurer, shall be presumed to have been duly made with the proper authority, until the contrary is shown; and in no case shall it be necessary to have the seal of the company affixed to any such promissory note or bill of exchange; nor shall the president or vice-president, or secretary and treasurer of the company be individually responsible for the same, unless the said promissory note or bill of exchange has been issued without the proper authority: Provided however, that nothing in this section shall be construed to authorize the company to issue any note or bill of exchange, payable to bearer or intended to be circulated as money, or as the note or bill of a bank. Company may become party to promissory notes. Proviso: as to notes payable to bearer.

12. The directors of the company, after the sanction of the shareholders shall have been first obtained at any special general meeting to be called from time to time for the purpose, may issue bonds made and signed by the president or vice-president of the company, and countersigned by the secretary and treasurer, and under the seal of the company, for the purpose of raising money for prosecuting the said undertaking; and such bonds shall, without registration or formal conveyance, be taken and be considered to be the first preferential claim and charge upon the undertaking, and the tolls and property of the company, real and personal, then existing and at any time thereafter acquired: Provided however, that the whole amount of such issue of bonds shall not exceed in all the sum of twenty-five thousand dollars per Bonds may be issued. Proviso: amount limited.

Voting power of bondholders in default of payment.

mile of the undertaking; and provided also, that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then, at the next ensuing annual general meeting of the company, and at all other general meetings, as long as the said default shall continue, all holders of bonds shall have and possess the same rights and privileges and qualifications for being elected directors, and for voting, as they would have if the bonds they held had been shares, provided that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares; and it shall be the duty of the secretary of the company to register the same on being required so to do by any holder thereof:

Proviso: as to registration.

Bonds may be sold, &c.

Provided always, that the whole or any of such bonds may be pledged, negotiated or sold upon such conditions and at such price as the board of directors, from time to time, determines.

Bonds may be secured by mortgage deed.

What such deed may contain.

13. The company may secure such bonds by a deed or deeds of mortgage, executed by the company with the authority of its shareholders, expressed by a resolution passed at such special general meeting; and any such deed may contain such description of the property mortgaged by such deed, and such conditions respecting the payment of the bonds secured thereby, and of the interest thereon, and the remedies which shall be enjoyed by the holders of such bonds, or by any trustee or trustees for them, in default of such payment, and the enforcement of such remedies, and may provide for such forfeitures and penalties in default of such payment as may be approved by such meeting: and such deed may also contain, with the approval aforesaid, authority to the trustee or trustees upon such default, as one of such remedies, to take possession of the undertaking and property mortgaged, and to hold and manage the same for the benefit of the bondholders thereof for a time to be limited by such deed, or to sell the said undertaking and property after such delay and upon such terms and conditions as may be stated in such deed; and with like approval any such deed may contain provisions to the effect that upon such default and upon such other conditions as shall be described in such deed, the right of voting possessed by the shareholders of the company shall cease and determine, and shall thereafter appertain to the bondholders; and such deed may also provide for the conditional or absolute cancellation, after such sale of any or all of the shares so deprived of voting power, and may also, either directly by its terms or indirectly by reference to the by-laws of the company, provide for the mode of enforcing and exercising the powers and authority to be conferred and defined by such deed under the provisions hereof; and such deed and such provisions thereof as shall purport (with like approval) to grant such further and other powers and privileges to such trustee or trustees, and to such bondholders, as are not contrary to law or to the provisions of this Act, shall be valid and binding: but if any change in the ownership or possession of the said undertaking and property shall at any time take place under the provisions hereof, or of any

Further provision in such deed.

Deed to be valid.

Provision in case of change of ownership.

such deed, or in any other manner, the said undertaking and property shall continue to be held and operated under the provisions hereof, and of "*The Consolidated Railway Act*, 1879," and the Acts amending the same. 42 V., c. 6.

Bonds may be pledged.

14. The company may, from time to time, for advances of money made thereon, mortgage or pledge any bonds which they, under the provisions of this Act, issue for the construction of the undertaking or otherwise.

No registration necessary.

Deposit of deed.

Copy to be evidence.

15. It shall not be necessary, in order to preserve the lien, priority, charge or privilege purporting to appertain to or be created by any bond issued or mortgage deed executed under the provisions of this Act, that such bond or deed should be registered in any manner or in any place whatever; but every such mortgage deed shall be deposited in the office of the Secretary of State of Canada,—of which deposit notice shall be given in the *Canada Gazette*; and in like manner any agreement entered into by the company under the next following section of this Act shall also be deposited in the said office; and a copy of such mortgage deed or agreement, certified to be a true copy by the Secretary of State or his deputy, shall be received as *primâ facie* evidence of the original, in all courts, without proof of the signature or seal upon such original.

Agreements with railway companies.

Lease of movable property.

16. The company may enter into an agreement with any railway company with which it connects, for leasing or hiring any locomotives, tenders, cars or other rolling stock or movable property, from any such company, and generally may make any agreement or arrangement with any such company touching the use by one or the other, or by both, of the rolling stock or movable property of either or both, or any part thereof, or touching any service to be rendered by the one to the other and the compensation therefor.

Powers of railway companies as to laying tracks.

If the levee is endangered, &c.

Disputes, how settled.

17. Any railway company connecting with such levee or dyke shall have an equal right with any other railway company to lay a track or tracks thereon, after the completion thereof; and upon similar terms and conditions, to be adjusted by agreement between the company and such railway company; and such track or tracks shall be so laid as to afford the greatest possible accommodation to the railway companies desiring to use the said levee or dyke for the said purpose; but if any track or tracks which any company shall desire to lay thereon, shall endanger the safety of such levee or dyke or shall require more space than is afforded by such levee or dyke, such company shall perform the work necessary for the safety thereof, or for the extension thereof, as the case may be, subject to conditions to be agreed upon in respect of such work and the expense thereof, and the rental to be paid by such company; and in case of any dispute as to the terms or conditions of any agreement hereby authorized or as to the manner or position in which any previous track is laid on the said levee or dyke, the same shall be referred to the Minister of Railways, whose decision thereon

shall be final and binding, and who shall determine any such dispute as to the laying of the tracks by two or more railway companies on the said levee or dyke so as to provide most effectually for the convenience of all of them.

Additional security for bonds.

Application of rental.

18. The company may avail itself of the rental to be paid by railway companies for the privilege of laying tracks upon the said levee or dyke, for the purpose of increasing the security of the bonds to be issued as herein provided, and for that purpose, may appropriate such rental to the payment of the interest of such bonds, and if deemed expedient, may require such rental to be paid directly to the holders of such bonds in extinction of the coupons thereto appended, or may use the same for such purpose in such manner as they shall consider most advantageous.

Lines of telegraph and telephone.

19. The company may construct, work and operate such line or lines of telegraph and telephone, in connection with and along the line of their undertaking, as are necessary or useful for the purposes thereof.

Bridge over Lachine canal.

Approval of Governor in Council.

20. The company is hereby authorized and empowered to construct a bridge for railway and other purposes across the Lachine Canal at Saint Paul's locks with one or more tracks for the passage of locomotive engines and railway trains, with the necessary approaches and appliances; but the company shall not commence the construction of the said bridge or any work thereunto appertaining until the plans of the said bridge, and the proposed works connected therewith, and the location and site thereof, have been submitted to and approved by the Governor in Council.

42 V., c. 9, incorporated.

21. "*The Consolidated Railway Act*, 1879," and the Acts amending the same, are hereby incorporated with this Act, and shall form a part thereof and be construed therewith as forming one Act,

Limitation of time.

22. The undertaking shall be commenced within three months from the passing of this Act, and the levee or dyke shall be completed before the first day of January, one thousand eight hundred and eighty-seven, and the railway within two years after the passing of this Act.

No. 116.

4th Session, 5th Parliament, 49 Victoria,

BILL.

An Act to incorporate the Saint G
Levee and Railway Company.

(*Reprinted as amended and reported by th
way Committee.*)

(PRIVATE BILL.)

Mr. CURR

OTTAWA:

PRINTED BY MACLEAN, ROGER &

1886.

No. 117.] **BILL.** [1886.

An Act to amend an Act to authorize the granting of subsidies in land to certain railway companies.

Preamble.

WHEREAS it is expedient to make further provision, as hereinafter set forth, respecting the subsidies in land authorized by the Act passed in the session held in the forty-eighth and forty-ninth years of Her Majesty's reign, chapter sixty, intituled "*An Act to authorize the grant of certain subsidies in land for the construction of the railways therein mentioned*;" Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

48-49 V., c. 60

Subsidies in land under the said Act may be granted in townships or fractions thereof; subject to certain conditions as lands reserved under 46 V., c. 17, for Hudson's Bay Company, or as school lands, for which others shall be substituted.

1. Notwithstanding anything contained in section eighteen of the "*Dominion Lands Act*, 1883," the Governor in Council is hereby empowered to grant the subsidies in land authorized by the Act cited in the preamble to this Act, wholly or in part, in tracts each comprising a township or a fractional part of a township, as he deems expedient; but no such grant shall be made until an extent of land equivalent to that reserved for the Hudson's Bay Company in the township, or fractional part of a township to be so granted, has been set apart for that company out of other ungranted available public lands, and such change has been assented to by the said Hudson's Bay Company; nor shall any such grant be made until a tract or tracts of land equivalent in extent, and as nearly as may be in value, to that set apart as school lands in the township, or fractional part of a township, to be so granted has been set apart as school land out of other ungranted available public lands; and the substituted lands so set apart shall stand in place of those reserved for the Hudson's Bay Company and set apart as school lands respectively under the said section eighteen of the "*Dominion Lands Act*, 1883," in the township or fractional part of a township to be so granted.

What the grants under this Act shall include or reserve.

2. The grants of land so made shall include the statutory allowance for roads between sections in the townships and fractional parts of townships so granted, but shall be subject to a reserve of one acre out of every one hundred acres, for the establishment of trails, with convenient watering places, for the purpose of driving and watering cattle

As to lands reserved for trails.

3. Such trails shall be for the public benefit, and shall be open to the public for use as common highways, and shall be set off within two years after the passing of this Act, by an officer appointed by the Minister of the Interior for that purpose; and the cost of the survey of such trails shall be borne by the company to which the grant is made.

No. 117.

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

An Act to amend an Act to authorize the granting of subsidies in land to certain railway companies.

Received and read first time, Tuesday, 27th April, 1886.
Second reading, Wednesday, 28th April, 1886.

Mr WHITE,
(Cardwel ,

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.

1886.

No. 118] **BILL.** [1886.

An Act amending the Acts respecting the Traffic in Intoxicating Liquors.

Preamble.

WHEREAS it is desirable to give any county or city the option of adopting the provisions of the Canada Temperance Act of 1878, as the same are in force previous to or at the time of the passing of this Act or of adopting this Act: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Temperance Act, 41 V., c. 16, amended.

1. The said "*Canada Temperance Act*, 1878," is hereby amended by adding thereto, as forming part of the "*Second Part*" thereof, the following section, which shall be read as section 99*a* of the said Act:—

Certain liquors not to be sold or kept for sale, except for certain purposes only.

"**99***a*. From the day on which this section comes into force and takes effect in any county or city, and for so long thereafter as the same continues in force therein, no person, unless it be for exclusively medicinal purposes or for *bonâ fide* use in some art, trade or manufacture, under the regulation contained in the third sub-section of this section, or as hereinafter authorized by this or by any one of the other sub-sections of this section, shall, within such county or city, by himself, his clerk, servant or agent, manufacture, import or bring into such county or city, or expose or keep for sale, or sell or barter or exchange to or with any other person, or give to any person, or purchase, keep or use, directly or indirectly, on any pretence or by any device, any gin, rum, brandy or whiskey, or other distilled liquor or spirits, or any porter, beer, ale, wine or any liquor or fluid mixed therewith, capable of being used as a beverage: Provided always, that in any county or city where this section comes into and is in force, porter, beer or ale, or wine, cider or other vinous or fermented liquors of the standard of alcoholic strength, recognized for such liquors by the Customs or Inland Revenue Department, and not in any instance exceeding such standard, imported into or manufactured in such county or city or elsewhere, may be sold, purchased, kept and used as a beverage, as at the time of the passing of this section, but under and subject to such licenses, restrictions and regulations as may then or thereafter be in force in respect thereto, under any Acts of the Parliament of Canada, or of any provincial or other law or regulation then in force in such city or county;

Proviso: as to certain liquors not exceeding a certain alcoholic strength.

Subject to licences and regulations, then in force.

No license to legalize acts

"2. And neither any license issued to any distiller or brewer or hotel or inn keeper, saloon keeper, or any person,

done in contravention of this section.

nor yet any license for retailing on board any steamboat or other vessel, gin, rum, brandy, whiskey or other spirituous liquors, wine, ale, beer, porter, cider, or other vinous or fermented liquors, nor yet any license to any hotel or inn keeper, or saloon keeper, or other person, nor yet any license for retailing on board any steamboat or other vessel, wine, ale, beer, porter cider or other vinous or fermented liquors, but not gin, rum, brandy, whiskey or other distilled liquors, nor yet any other description of license whatever, shall in anywise avail to render lawful any acts done in contravention of this section.

Proviso: as to liquors above the said alcoholic standard.

"3. Provided also, that the sale of gin, rum, brandy, whiskey, or other distilled liquor or spirits, or of any porter, beer, ale, wine or other liquors or fluid mixed therewith, above the standard of alcoholic strength recognized as aforesaid by the Department of Customs or Inland Revenue, or for exclusively medicinal purposes in or for *bona fide* use in some art, trade or manufacture, shall be lawful only by such druggists and other vendors thereof as may be officially licensed therefor the Province by the Lieutenant-Governor thereof, the number not to exceed one in each township or parish, nor two in each town; and in cities not to exceed one for every four thousand inhabitants; such sale, when for medicinal purposes to be in quantities of not less than one pint, nor more than one gallon, and contained in a sealed bottle or vessel not to be opened on the premises except for medicinal purposes and to be removed from the premises and to be sold or used only on the certificate of a qualified medical practitioner having no interest in the sale by the druggist or vendor, and affirming that such liquor has been prescribed for the person or persons named therein for medicinal purposes; and when such sale is for the use of such liquor in some art, trade, or manufacture, the sale to be made only on a certificate signed by two justices of the peace of the *bona fides* of the application, accompanied by the solemn declaration of the applicant that the liquor is to be used only for the particular purposes of some art, trade, or manufacture, as set forth in such solemn declaration; and it shall be the duty of the druggist or other vendor to file the certificate and solemn declaration and keep a register of all such sales, indicating as to each the dates, names of the purchaser, medical practitioner and justices of the peace, and the quantity sold and the purposes for which sold, and to make an annual return of all such sales on the thirty-first day of December in each year to the collector of Inland Revenue within whose revenue division the county or city is situated.

Sale not to be of less than certain quantities; and not for consumption on the premises.

Certificate and affirmation as to uae to be made of such liquor.

Druggists, &c., to keep register of such liquor sold.

Proviso: as to distillers licensed when this section is passed.

"4. Provided also, that any distiller, licensed at the time of the passing of this section, having his distillery within such county or city, may, thereat, manufacture, expose and keep for sale such distilled liquor as he shall have manufactured or may manufacture thereat, and no other, and may sell the same thereat, but only in quantities not less than ten gallons at any one time, and in sealed bottles or vessels and only to druggists and other persons licensed as aforesaid, or to such

persons, whether in sealed bottles or vessels or otherwise, who will make a solemn declaration, in writing, to that effect, and whom the distiller has otherwise good reason to believe as well as from the receipt of the said solemn declaration, will forthwith convey the same beyond the limits of the county or city, and of any county or city in which this section is then in force, and to be wholly removed and taken away in quantities not less than ten gallons at a time

Conditions to be complied with.

"5. Provided also, that any merchant or trader, being at the time of the passing of this section, licensed to sell liquor by wholesale, having his store or place for sale of goods within such county or city, may, thereat, keep for sale and sell, gin, rum, brandy or whiskey, or other distilled liquors, but only in quantities not less than ten gallons at any one time, and only to druggists and others licensed as aforesaid, and not to be used on the premises of the merchant or trader, or to such persons as shall make a solemn declaration, in writing, to that effect, and whom the merchant or trader has otherwise good reason to believe, as well as from the receipt of such declaration, will, forthwith, carry the same beyond the limits of the county or city, and of any county or city in which this section is then in force, to be wholly removed and taken away in quantities not less than ten gallons at a time."

Proviso: as to persons licensed to sell liquors by wholesale.

Conditions to be complied with.

2. The said "*Canada Temperance Act*, 1878," is hereby amended by adding thereto as forming part of the "*Third Part*" thereof; the following section which shall be read as section 100*a* of the said Act:

Further amendment to 41 V., c. 16.

"**100***a*. Whoever by himself, his clerk, servant or agent, within any county or city in which section "99*a*" of the "*Second Part*" of the said Act shall be then in force, shall, directly or indirectly, or on any pretence or by any device, manufacture, keep or sell, except as therein authorized, or who shall import or bring into any such county or city, or expose or keep for sale, or sell or barter or exchange to or with any other person, or give to any person, or purchase, keep or use except as therein authorized, any gin, rum, brandy, whiskey, or other distilled liquor or spirits or any porter, beer, ale, wine or any liquors or fluid mixed therewith capable of being used as a beverage, other than porter, beer or ale or wine, cider or other vinous or fermented liquors of the standard of alcoholic strength recognized, as aforesaid, by the Customs or Inland Revenue Department, and not in any instance exceeding such standard, in contravention of section "99*a*" of the "*second part*" of the said Act, shall be liable, on summary conviction, to a penalty of not less than *one hundred dollars* for the first offence, and not less than *three hundred dollars* for the second offence, nor less than *five hundred dollars* for the third offence; and in case of failure of the offender to pay such penalty within such time as the presiding or convicting magistrates may direct, then, for the first offence, such offender shall be imprisoned for a term not less than one month nor more than three months, and for the second offence, shall be imprisoned for a term not less than three months nor more than six months, and

Penalty for contravention of section 99*a*.

Imprisonment on failure to pay penalty.

As to repealed offences.

And aiding or abetting them.

Forfeiture of liquors and receptacles.

Report.

for the third offence, shall be imprisoned for a term not less than six months nor more than twelve months; and the penalty for every subsequent offence shall be the same as for the third offence: and whoever shall, on the premises of another, or in his employment or in aid or assistance or in connivance or collusion with such other, be a party to any of the offences aforesaid, shall be held equally guilty with the principal, (excepting always the wife or minor children of and acting under the direction of her husband or their parent, so offending) shall be liable, on summary conviction, to the same penalties or punishments (as the case may require), as the principal; and in every case all gin, rum, brandy, whiskey or other distilled or mixed liquors or fluids, in respect to which any such offence has been committed, and all kegs, barrels, cases, bottles, packages or receptacles of any kind in which the same are contained, shall be forfeited to the Crown, and it shall be the duty of the convicting magistrate, forthwith, to report to the Collector of Inland Revenue the names, offences and fines, and terms of imprisonment of all offenders under this section."

Application of pecuniary penalties.

Division by Minister of Inland Revenue in certain cases.

3. Any person giving or laying information against and prosecuting any offender under this Act and the said sections "99*a*" and "100*a*" of the "*second part*" of the said Act to conviction, shall be entitled to receive from the Crown one-third of the net proceeds of the pecuniary penalties and forfeitures imposed and received by the Crown in each case; and in case there are two or more claimants, the said third of the said penalties shall be divided and distributed in such amounts as the Minister of Inland Revenue may in his discretion determine.

Duty of the said Minister.

4. The Minister of Inland Revenue shall keep a special account of all convictions under this Act, and the pecuniary penalties received, and shall charge against the same all expenses and outlay in connection therewith.

How the Act 41 V., c. 16, shall apply to this Act.

Application of forms under the said Act.

Technical and frivolous objections not to avail.

5. The said "*The Canada Temperance Act*, 1878," except the "*second part*" *of* section 99 of the said Act, and section 100 of the "*third part*,"—shall apply to this Act and to the sections hereby added to the said Act, and shall be read therewith, *mutatis mutandis*, and all petitions, notices, proceedings, votings, voting papers, returns, proclamations and forms thereunder shall apply to the said section "99*a*" and section "100*a*" as set forth in this Act, and shall be adapted and made conformable thereto by all petitioners, magistrates and persons acting thereunder; and no technical or frivolous objection shall be allowed to prevail against any action, proceeding, prosecution or form, so long as substantial justice is done in the premises; and all amendments, alterations and changes shall be made to effect such purpose, by all Magistrates and persons administering or acting under this Act, or the said Act as adopted and adapted hereto.

Act 41 V., c. 16, not interfered with when in force.

6. This Act shall not be held to interfere with or contravene the operation of the said "*Canada Temperance Act*, 1878," in any county or city where the same is now or

hereafter shall be in force, but shall be held to apply to any county or city where the said Act is not now in force or where the said Act shall cease to have force hereafter; and immediately upon the expiration of the three years operation of the said Act in any case where a new vote may be taken or where a vote has been taken on the said *Canada Temperance Act*, 1878, against the adoption of any petition, and three years have not expired, a new vote may be taken under this Act.

New vote on this Act, when to be taken.

7. In case a petition under the said *Canada Temperance Act*, 1878, and a petition under this Act, shall be sent to the Secretary of State, the petition having the largest number of Petitioners over the required number shall be voted upon first; and in case the same is adopted, then no further vote shall be had until the expiration of three years thereafter; and in case such petition shall not be adopted, then after the expiration of six months from the vote rejecting such petition, a vote shall behad on the other petition.

Case of one petition for Act of 1878, and another for this Act, how to be dealt with.

8. This Act shall apply to Electoral Districts in the Province of British Columbia, as if they were counties

Application of Act in B.C.

9. This Act may be cited as the "*Partial Prohibition Option Act*, 1886."

Short title.

No. 118.

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

An Act amending the Acts respecting the Traffic in Intoxicating Liquors.

Received and read first time, Wednesday, 28th April, 1886.
Second reading, Thursday, 29th April, 1886.

Mr. BEATY.

OTTAWA:
PRINTED BY MACLEAN, ROGER & CO.
1886.

No. 119.] **BILL.** [1886.

An Act to amend the Acts relating to the Winnipeg and Hudson's Bay Railway and Steamship Company.

Preamble.

WHEREAS the Winnipeg and Hudson's Bay Railway and Steamship Company have by their petition represented that the amendments to the Act incorporating the said company, hereinafter set forth, are necessary, and have prayed for the passing of an Act amending their said Act of incorporation accordingly, 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:—

43 V., c. 59.

Section 5, amended.

1. Section five of the Act forty-third Victoria, chapter fifty-nine, is hereby amended by adding thereto the following sub-section:

Transfer of shares.

"2. The shares in the capital stock 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 *bonâ fide* received by the company, either in money at par, or at such price and upon such conditions as the Board of Directors determine, or as part of the consideration of any contract made by the company."

Issue of paid-up shares.

Lands may be sold.

2. Any lands acquired by the company before or after the passing of this Act which are not required for the right of way, or actual working of the railway of the said company, may be sold, mortgaged, granted or disposed of as the directors of the said company think necessary and advantageous for the purposes of the company.

Section 10 repealed; new section.

3. Section ten of the Act above cited is hereby repealed and the following substituted therefor:—

Election of directors.

"**10.** At such general meeting the subscribers for the capital stock assembled who shall have paid up five per cent. of the amount subscribed by them shall choose nine persons to be directors of the said company, of whom six shall be a quorum, and may also pass such rules, regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act or '*The Consolidated Railway Act*, 1879.' and the Acts amending the same."

By-laws.

Acts continued and time extended.

4. The Acts relating to the Winnipeg and Hudson's Bay Railway and Steamship Company are hereby continued in force and the times limited by section twenty-two of the

said above cited Act for the commencement and completion of the said railway, and extended by section one of the Act forty-seventh Victoria, chapter seventy, are hereby respectively extended so that the said railway shall be commenced within one year and completed within four years after the passing of this Act.

Section 13, amended.

5. The section substituted by section three of the Act forty-seventh Victoria, chapter seventy, for section thirteen of the Act first cited is hereby amended by substituting in the proviso thereof the words "twenty-five thousand dollars per mile" in the place and stead of "twenty thousand dollars per mile."

No. 119.

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

An Act to amend the Acts relating to the Winnipeg and Hudson's Bay Railway and Steamship Company.

Received and read first time, Thursday, 29th April, 1886.
Second reading, Friday, 30th April, 1886.

(PRIVATE BILL.)

Mr. ROYAL.

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.

No. 120.] **BILL.** [1886.

An Act to make further provision respecting the Administration of the Public Lands of Canada in British Columbia.

Preamble.

WHEREAS it is expedient to enable the Governor in Council to extend the jurisdiction of the Dominion Lands Board, appointed under the provisions of the "*Dominion Lands Act*, 1883," to the public lands of Canada in the Province of British Columbia, for the administration of which provision is made by section eleven of the Act forty-seventh Victoria, chapter six: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

46 V., c. 17, s. 2.

47 V., c. 6.

Governor in Council may extend the powers of the Lands Board to lands in British Columbia.

1. The Governor in Council may declare that the jurisdiction of the said Dominion Lands Board shall extend to all public lands in the Province of British Columbia which are the property of Canada, and for the administration of which provision is made by the Act secondly cited in the preamble to this Act, and thereupon the said Dominion Lands Board shall, as respects the said lands, have the like powers and perform the like duties as are conferred upon and assigned to them in relation to public lands of Canada, for the administration of which provision is made by the "*Dominion Lands Act*, 1883."

No. 120.

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

An Act to make further provision respecting the Administration of the Public Lands of Canada in British Columbia.

Received and read a first time, Thursday, 29th April, 1886.
Second reading, Friday, 30th April, 1886.

Mr. WHITE,
(Cardwell.)

OTTAWA:
PRINTED BY MACLEAN, ROGER & CO.
1886.

No. 121.] **BILL.** [1886.

An Act respecting Factories.

(The sections printed between brackets will be proposed in Committee of the Whole.)

Preamble.

WHEREAS it is necessary that provision should be made by law as to the employment of children, young persons and women in mills and factories, inasmuch as there are great numbers of children and young persons now employed in workshops, mills and factories, and their hours of labor are longer than is desirable, due regard being had to their health and morals: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

SHORT TITLE.

Short title.

1. This Act may be cited as "*The Factories Regulation Act*, 1886."

INTERPRETATION.

Interpretation.

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

"Child."

(*a.*) The expression "child" means a child under the age of thirteen years:

"Young person."

(*b.*) The expression "young person" means a person of the age of thirteen years and under the age of eighteen years;

"Parent."

(*c.*) The expression "parent" means parent, guardian or person having the legal custody of any young person;

"Inspector" and "medical inspector."

(*d*) The expressions "inspector" and "medical inspector" mean respectively an inspector and a medical inspector of factories;

"Occupier," &c.

(*e.*) The expression "occupier," "manager," "superintendent," "secretary," "overseer," or "person in charge," means any person having, on behalf of the owners or owner of any factory, the care or direction thereof, or of any part thereof, or of any person employed therein;

"Mill-gearing."

(*f.*) The expression, "mill-gearing," includes all machinery, every shaft, whether upright, oblique or horizontal, and every wheel, drum or pulley by which the motion of the first moving power is communicated to any machinery appertaining to the manufacturing process;

"Factory." (*g.*) The expression "factory," notwithstanding any provision or exemption in this Act, means a factory, a mill or a workshop, and also all buildings and premises situated within any part of Canada, wherein or within the close or curtilage of which steam, water or any other mechanical power is used to move or work any machinery employed in preparing, manufacturing or finishing, or in any process incident to the manufacture of cotton, wool, hair, silk, flax, hemp, jute, tow, prints, hosiery, either separately or mixed together, or mixed with any other material or fabric made thereof, earthenware, lucifer matches and cartridges, or in the process of bleaching, dyeing and paper staining; and any room situated within the outward gate or boundary of any factory wherein young persons or women are employed in any process incident to the manufacture carried on in the factory, shall be deemed a part of the factory, although it does not contain any machinery, and any part of such factory may be taken to be a factory within the meaning of this Act; but this enactment shall not extend to any part of such factory used solely for the purposes of a dwelling house, nor to any factory or part of a factory used solely for the manufacture of hats, or of lace, or solely for printing or calendering;

Who shall be deemed to be employed. (*h.*) Every person who works in any factory, whether for wages or not, or as a learner or otherwise, either in any manufacturing process or in any labor incident to any manufacturing process, or in cleaning any part of the factory or in cleaning or oiling any part of the machinery, or in any other kind of work or handicraft whatsoever, save in the cases hereinafter excepted, shall be deemed, notwithstanding any other description, limitation or exception of employment in this Act, to be employed therein within the meaning of this Act.

Application of Act. **3.** Nothing in this Act contained shall extend to any young person who is a mechanic, artizan or laborer, and who works only in making and repairing the machinery or any part of the factory; and the enactments of this Act respecting hours of labor shall not apply to any young person or woman when employed solely in packing goods in any warehouse or part of a factory not used for any manufacturing process, or for any labor not incident to any manufacturing process.

EMPLOYMENT AND HOURS.

No child to be employed. **4.** From and after one month after the passing of this Act no child shall be employed in any factory.

Hours limited. **5.** No young person or woman shall be employed in any factory for more than sixty hours in any one week:

Division of hours. 2. A varying apportionment of the hours of labor per day may be made for the sole purpose of giving a shorter day's work on Saturday:

Time for meals. 3 At least one hour in each day shall be allowed for meals or for absence from work, during the said period of employment in the factory.

As to women.

6. No woman, in a factory which is conducted on the principle of employing young persons therein, shall be employed except during the same period and subject to the same restrictions as if she was a young person; and the provisions of this Act, with respect to the employment of young persons in a factory, shall apply accordingly to the employment of women in such factory.

Notice as to young persons.

7. A factory shall not be deemed to be conducted on the system of not employing young persons therein until the occupier has served on an inspector a notice of his intention to conduct his factory on that system.

Regulations as to employment at home.

8. Where young persons and women are employed at home, that is to say, in a private house, place or room, in which the only persons employed are members of the same family dwelling there, the following regulations shall be observed:—

(*a.*) No young person or woman shall be employed in such house, place or room except during the period of employment hereinafter mentioned;

(*b.*) The period of employment for a young person or woman shall, except on Saturday, begin at six o'clock in the forenoon and end at nine o'clock in the afternoon, and shall, on Saturday, begin at six o'clock in the forenoon and end at four o'clock in the afternoon;

(*c.*) At least three hours on every day, except Saturday, and at least one hour on Saturday, shall be allowed to every young person and woman for meals and absence from work during the period of employment.

Regulations as to meals.

9. With respect to meals, the following regulations shall (save as in this Act specially excepted) be observed in a factory:—

(*a.*) All young persons and women employed therein shall have the time allowed for meals at the same hour of the day;

(*b.*) No young person or woman shall, during any part of the times allowed for meals in any factory, be employed in the factory, or be allowed to remain in the room in which the manufacturing process or handicraft is being carried on.

Night work in certain cases.

10. In any factory in which the mechanical power is water, and in any factory or class of factories with respect to which the inspector certifies that it has been proved to his satisfaction that, by reason of the nature of the business, it is necessary that work should be carried on therein throughout the night, it shall be lawful to employ male young persons during the night, subject to the same intervals of rest which they are allowed during the day, and subject to this provision, that no male young persons employed during the night shall be employed during the preceding or succeeding day, and

that no male young person shall be employed during more than three nights in any one week.

Extra time for completion of process.

11. Whenever, in any factory, the process in which a young person or woman is employed is in an incomplete state at the hour at which such young person or woman is required by this Act to cease work, such young person or woman may be employed for a period not exceeding thirty minutes beyond the said hour.

Temporary provision for change of machinery.

12. If the owner, manager, superintendent, secretary, overseer, or person in charge of any factory, proves to the satisfaction of the inspector that such owner, manager, superintendent, secretary, overseer, or person in charge, was, at the time of the passing of this Act, employing, and had, for not less than one month previously to such passing, employed young persons and women at night, and further proves that he cannot, without a considerable interval of time, alter his machinery, so as to dispense with such employment, the inspector may, by order, authorize the employment by such owner, manager, superintendent, secretary, overseer, or person in charge, until some day not later than six months after the passing of this Act, of young persons and women, in such manner and for such times as had previously been customary in the said factory.

HOLIDAYS.

Holidays to be allowed.

13. All young persons and women, whose hours of work are regulated and limited by this Act, shall be entitled to the following holidays, that is to say, the entire day on Christmas Day and Good Friday, the birthday of the Sovereign and Dominion Day, and at least eight half days besides in every year, such half days to be at such period or periods, together or separately, as are most desirable and convenient, and as are determined upon by the master of such young persons or women, with the approval of the inspector or the medical inspector: Provided, nevertheless, that the inspector, on proof to his satisfaction that the customs or exigencies of the trade require the alteration to be made, may, by order, to be advertised in the *Canada Gazette*, or otherwise published in such manner as the inspector thinks fit, give permission with respect to any particular factory or class of factories for any one or more of the following things, namely:—

May be varied in a certain case.

(*a.*) That four whole holidays in any year may be allowed as a substitute for the eight half holidays required to be given to every young person or woman by this Act;

(*b.*) That the eight half holidays required to be given by this Act to all the young persons and women employed may be given on different days to any of the young persons and women, or to any sets of such young persons and women, and not at the same time;

(*c.*) That such half holidays shall be given between the first day of May and the first day of November in each year.

SANITARY PROVISIONS.

Over-crowding prohibited.

14. No factory shall, while work is being carried on therein, be so overcrowded as to be dangerous to or prejudicial to the health of those employed therein:

Enforcement of cleanliness.

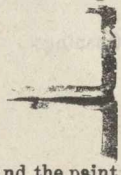
2. Every factory shall be kept in a cleanly state, and free from effluvia arising from any drain, privy or other nuisance; and if it appears to any inspector or medical inspector that there is any act, neglect or default in relation to any drain, privy, earth closet, water closet, ashpit, water supply, nuisance or other matter in a factory, he shall give notice in writing of such neglect, default or act to the master, manager, overseer or secretary of such factory, who shall, without delay, take such action thereon as the said inspector or medical inspector deems proper and necessary.

Prevention of injury by dust.

15. In every factory where grinding, glazing or polishing on a wheel or any other process is carried on by which dust is generated and liable to be inhaled by the workmen to an injurious extent, if it appears to any inspector or medical inspector that such inhalation could be, to a great extent, prevented by the use of a fan or other mechanical means, the inspector or medical inspector may direct a fan or other mechanical means of such construction as is, from time to time, approved by him, to be provided by the owner, manager, superintendent, secretary, overseer or person in charge of the factory, within a reasonable time; and if such owner, manager, superintendent, secretary, overseer or person in charge fails to comply with such direction, he shall be deemed to have failed to have kept his factory in conformity with this Act, and shall be punishable accordingly.

Factory to be whitewashed.

16. Except in bleaching and dyeing works, the interior walls, except such parts as are painted, of every factory or building where the process of manufacturing is carried on, shall be lime-washed, and the ceilings of all rooms which have rooms or lofts above them, and all ceilings which are plastered, shall be white washed, in the months of April and of October of each and every year, unless permission to the contrary, in writing, is granted by the inspector, and all such parts as are painted shall be washed with hot water and with soap in the months of April and of October in every year, and shall be repainted once in every six years.



And the paint washed.

As to infectious disease.

17. If the medical inspector finds that any infectious or contagious disease has broken out or prevails in any factory, he shall, without delay, cause the removal of the persons so infected to some hospital, if there is an hospital in the town, city or place where such factory is situated; take every precaution necessary to prevent the spread of such infectious or contagious disease, by isolation of the sick and other sanitary measures; cause the factory to be thoroughly disinfected, and make such regulations as he deems proper and necessary:

Medical inspector to take charge and report.

2. The medical inspector shall, in addition to the measures hereinbefore mentioned, in a place where there is no hospital accommodation, take the sick under his own medical charge, see that they are properly nursed and cared for, and provided with every necessary medical comfort ; and shall also, once in each week, report to the Secretary of State the progress and existing state of the disease, and its probable results ; and any expenses incurred in consequence thereof shall be discharged by the owner or owners of such factory, or by the municipality.

SAFETY.

Regulations as to cleaning machinery.

18. No young person or woman shall be allowed to clean any part of the mill gearing or machinery in a factory while the same is in motion, for the purpose of propelling any part of the manufacturing machinery, and no young person or woman shall be allowed to work between the fixed and traversing part of any self-acting machine while the latter is in motion by the action of the steam-engine, water-wheel or other mechanical power.

Machinery to be fenced.

19. Every fly-wheel directly connected with the steam-engine or water-wheel, or other mechanical power, whether in the engine-house or not, and every part of a steam-engine and water-wheel, and every hoist or tackle near to which young persons or women are liable to pass or be employed, and all parts of the mill gearing in a factory shall be securely fenced, and the said protection to each part shall not be removed while the parts required to be fenced are in motion by the action of the steam-engine, water-wheel, or other mechanical power for any manufacturing process :

Wheel race or flume.

2. Every wheel-race or flume not otherwise secured shall be fenced by a close fence not less than four feet high, close to the edge of the wheel-race or flume :

Openings.

3. The openings of every hoistway, hatchway, elevator or well-hole shall be, at each floor, provided with and protected by good and sufficient trap doors or self-closing hatches and safety catches, or by such other safe-guards as the inspector directs, and such trap doors shall be kept closed at all times except when in actual use by persons duly authorized by the employer to use the same ;

Elevator cars.

4. All elevator cabs or cars, whether used for freight or passengers, shall be provided with some suitable mechanical device approved by the inspector, whereby the cab or car will be securely held in the event of accident to the shipper rope or hoisting machinery, or from any similar cause.

Precautions against fire.

20. In every factory such means of extinguishing fire shall be provided as the inspector, acting under the regulations made in that behalf, directs in writing ; and the main doors of egress shall in all cases open outwardly ; and every factory, two or more stories in height, in which persons are employed above the second story, shall be sup-

plied with a sufficient number of tower stairways, and shall be provided with such number of fire escapes as the inspector directs, constructed according to plans approved by him :

Fire escapes.

2. Such fire escapes shall be connected with the interior of the building by doors or windows, and shall have suitable landings at every story above the first, including the attic, if the attic is occupied as a workroom, and shall be kept in good repair and free from obstruction or encumbrance of any kind.

Vats, pans, &c.

21. If an inspector or medical inspector considers that in a factory, any vat, pan or other structure, which is used in the process or handicraft carried on in such factory, and near to or about which young persons or women are liable to pass or to be employed, is so dangerous, by reason of its being empty, or by reason of its being filled with hot liquid or molten metal, or otherwise, as to be likely to be a cause of bodily injury to any young person or woman employed in the factory, he shall deliver to the manager or person in charge of the factory a notice requiring him to fence such vat, pan, or other structure.

Grindstones.

22. If it appears to any inspector or medical inspector that any grindstone worked by steam or other mechanical power in any factory is in itself so faulty, or is fixed in so faulty a manner as to be likely to cause bodily injury to the grinder using the same, or to any other person, such inspector or medical inspector may require the owner, manager, superintendent, secretary, overseer or person in charge of the factory, to replace or properly readjust such grindstone.

Notice if precautions are not taken.

23. Whenever it appears to an inspector or medical inspector that any provision of the five sections next preceding have not been complied with in any factory, he shall forthwith give notice in writing to the owner, manager, superintendent, secretary, overseer or person in charge of such factory, in the form of the Schedule A to this Act, requiring him at once to comply with such provision, and the owner, manager, superintendent, overseer or person in charge of such factory shall sign a duplicate copy of such notice in acknowledgment of having received it :

Appointment of arbitrators.

2. If application in writing is made by the owner, manager, superintendent, secretary, overseer or person in charge of the factory within six days after he has received such notice, two arbitrators, skilled in the construction of the kind of machinery to which such notice refers, shall be appointed, one of whom shall be named by the owner, manager, superintendent, overseer or person in charge of the factory, in the aforesaid application, and the other by the inspector or the medical inspector, with the least possible delay after he has received such application, and the said arbitrators shall proceed to examine the machinery alleged to be dangerous within four days of the appointment of the

arbitrator named by the inspector or medical inspector; and if the arbitrators so appointed do not agree in opinion, they shall choose a third arbitrator, possessing a similar knowledge of machinery;

Effect of their decision.

3. If the said arbitrators, or any two of them, sign an opinion in writing, addressed to the inspector or medical inspector, stating that it is unnecessary or impossible to comply with the requirements of the notice, the Inspector or the Medical Inspector, on the receipt of the same, shall cancel the said notice;

As to costs.

4. If the decision of the arbitrators is that it is impossible or unnecessary to comply with the requirements of the notice, the expense of such reference shall be paid as other expenses under this Act; but if the decision of the arbitrators is that it is necessary and possible to comply with the requirements of the notice, the expense of the reference shall be paid by the owner, manager, superintendent, overseer or person in charge of the factory, and shall be recoverable as the penalties under this Act are recoverable;

Penalty for non-compliance.

5. Every owner, manager, superintendent, secretary, overseer or person in charge of the factory who does not, within a reasonable time after such notice or decision, as the case may be, cause such notice or decision to be carried into effect, shall be liable to a penalty of not less than
and not more than

LOSS OF TIME OR OVERTIME.

Time lost through accident.

24. If any accident happens to the steam-engine, water-wheel, weirs or water-courses, main-shafting, main-gearing, or gas apparatus of any factory, by which not less than three hours' labor at any one time is lost, such time may be worked up at the rate of one hour a day in addition to the hereby restricted hours of labor, for the twelve following working days, but not after.

And through drought, &c.

25. Whenever during periods of drought and floods, or during the time occupied in the repairing of any canal, or whenever it is necessary to let the water out of any canal, or whenever, in consequence of a break in any canal, the power of water-wheels on any stream or canal is wholly interrupted, or so far diminished that the machinery, or part or parts of the machinery dependent upon such power, cannot be regularly worked at one and the same time, and in consequence thereof a portion of the time of the persons employed in the working of such machinery is lost in each day during such periods of drought, floods, repair or breakage, the manager, superintendent, secretary, overseer or person in charge of any factory where time is so lost, may extend the hours during which it is hereinbefore provided that young persons and women may work, to such period as is, in such case, necessary to prevent the loss of time, and no longer; but such increased hours of work and the time to be allowed for meals in consequence thereof, shall, in every case

Time may be extended.

Subject to approval of inspector.

be subject to the approval of the inspector, and no such extension shall take place until it has been so approved.

How hours of work shall be regulated.

26. The hours of the work of young persons and women in every factory shall be reckoned from the time when such young persons or women first begin to work in the morning in such factory, and shall be regulated by a public clock or by some other clock open to the public view, approved of in either case in writing, under the hand of the inspector, or the medical inspector.

Overtime to be registered.

27. When, under the provisions of this Act, any young person or woman is employed on any day for a longer period than that fixed by the *fifth* section of this Act, the day on which and the period during which he or she is so employed shall be entered by the owner, manager, superintendent, secretary, overseer or person in charge of the factory, in a register, which shall be in such form as the inspector directs, and shall be deemed to be a register within the meaning of this Act.

Notices to be posted up.

28. Notices in the several forms set forth in Schedule B, to this Act shall be posted up in every factory by the owner, manager, superintendent, overseer or person in charge thereof in accordance with the directions in the said schedule contained.

MEDICAL CERTIFICATE.

No young person to be employed without a certificate.

29. No person shall employ, keep, or allow to remain employed in any factory, any young person without a certificate signed by the medical inspector or some duly qualified medical practitioner authorized by him to sign the same, declaring the person to whom the certificate is granted to be of the ordinary strength and appearance of a person of the age of thirteen years, and such certificate shall be taken to be sufficient evidence of the age certified therein :

To be granted at the factory.

2. No medical inspector or medical practitioner shall grant any medical certificate required by this Act, except upon personal inspection of the person named therein, and no medical inspector or medical practitioner shall examine any person for the purposes of this Act, or sign or issue any such medical certificate elsewhere than at the factory where such person is to be employed, unless for special cause allowed by the inspector ;

Confirmation by a magistrate.

3. Whenever such certificate is granted by a medical practitioner, who is not a medical inspector, the certificate shall not be valid until it is verified and confirmed by a magistrate or justice of the peace ;

If certificate is refused.

4. Whenever a medical inspector or medical practitioner refuses to grant a certificate of age for any person presented to him for such examination, he shall give, when required, instead of such certificate, a paper specifying, under his hand, the reasons for such refusal ; and in every such case the word

"refused" shall be written in the column of the register, by this Act required to be kept, in which the numbers of the certificates are required to be inserted;

Appeal to a judge.

5. Whenever any magistrate or justice of the peace refuses to verify and confirm any such certificate, he shall state, in writing, his reasons for such refusal, and the parents of the young person to whom the certificate relates may, thereupon, take the certificate to the judge of the county court or of the circuit court of the county or district in which the young person resides, who shall decide upon the validity of such refusal; and every such act of any such judge shall be free of all charge, cost or expense whatsoever;

Proof of age may be obtained.

6. If any person is desirous of proving the real age of any young person for whom a medical inspector has refused to grant a certificate for the purposes of this Act, or whose certificate the inspector has annulled, the inspector or medical inspector shall, on demand, give to such person a requisition under his hand in a form approved of by the inspectors and by the Secretary of State, for the production of a duly certified copy of the entry of the birth or baptism of such young person, provided the person demanding the same declares the names of such young person and of his parents, with the place where and the year in which he was born or baptized, which particulars shall be set forth in the requisition;

Registrars, &c., to furnish certified copy.

7. Every person to whom such requisition is given shall be entitled upon payment of twenty-five cents, to receive, on personal application, or on application in writing, in such form and under such regulations as are approved of by the inspectors and Secretary of State, from any Minister, registrar or other person having the care of any register of births or baptisms in which the birth or baptism of such young person is entered, a duly certified copy of the entry in such register, which shall be indorsed on the aforesaid requisition, and shall be signed by the Minister, registrar or other person having charge of such register; and such payment of twenty-five cents shall be instead of all other fees or payments to which such Minister, registrar or other person is entitled;

Fee for the same.

Issue of certificate on production of extract.

8. If the said certified copy proving the age of the young person named therein to be such as to entitle him to have the medical certificate required, is produced to the medical inspector, he shall examine the same, and if it appears to him that the said certified copy has not been altered or falsified in any way, he shall thereupon, without further fee or reward, give a medical certificate in the form prescribed in such case, and shall write the word "examined" upon the certified copy of the entry of the birth or baptism which he has received, with his signature, and the date of such signature, and shall send such certified copy by mail to the inspector, who shall send a receipt for the same by mail to the said medical inspector, and shall keep such certified copy of the entry of the birth or baptism for future reference, if necessary:

Examination of register by inspector.

9. Whenever any inspector requires a certified copy of the entry of the birth of any young person employed in any factory, from the office of the clerk of any municipality or from any church register, he or any person employed or deputed by him shall, on producing a requisition in the form hereinbefore provided, be entitled to examine the index of the register in the municipality or vestry, and to receive such certified copy indorsed on the requisition without the payment of any fee;

Not to be evidence in other matters.

10. No certified copy of the entry of any birth or baptism issued in consequence of any such requisition shall be admissible in evidence in any court, or for any purpose, save for the purposes of this Act;

No requisition if refusal is on the ground of ill health.

11. Whenever a medical certificate has been refused or annulled, in consequence of deficient health or strength, or by reason of disease or bodily infirmity, the inspector or medical inspector shall not sign the requisition hereinbefore mentioned, and the young person in respect of whom the certificate is applied for shall not be employed on proof of real age only;

Date, how written.

30. In every medical certificate of age the day of the month on which it is granted shall be written in words and not in figures.

Entry of certificate.

31. So soon as any certificate authorized by this Act to be received as proof of the age of any young person is obtained by the owner, manager, superintendent, overseer or person in charge of a factory, it shall be entered in a book to be called "The Age Certificate Book," in the order of the dates at which the certificates have been respectively received, and such certificates shall be numbered in the order in which they are so entered in the book.

Entry of certificate of age.

32. So soon as any certificate of age authorized by this Act is obtained, the number hereinbefore required to be set against each certificate shall be set against the name of the young person for whom such certificate was granted, in the first column of the register of the young persons employed, required by this Act to be kept in each factory.

Certificate to be obtained and produced.

33. Before employing any person requiring a medical certificate under this Act, the manager, superintendent, secretary, overseer or person in charge of the factory shall obtain the medical certificate, save as hereinafter excepted, and shall keep and be bound to produce every such certificate when required, to the inspector or medical inspector;

Where it shall be valid.

and no medical certificate shall be valid except for employment at the factory for which it was originally granted, or at any other factory under the management and control of the same person who is manager, superintendent, secretary, or overseer of the factory for which the certificate was originally granted, provided such other factory is in the district of the Medical inspector who granted the certificate, and that the certificate is produced in the factory where the person named in the certificate is at work.

Form.

4. The certificates hereinbefore required in the case of young persons shall be in the form of schedule C to this Act annexed.

Register to be kept.

35. A register shall be kept in every factory, in which shall be set forth, in the form of schedule D to this Act annexed, the names of every young person employed in the factory, to be entered successively when engaged to work, whether for the first time, or after having left when re-engaged to work:

What such register shall show.

2. At the beginning of such register shall be inserted:

(*a.*) The name of the owner, firm or company;

(*b.*) The name of the factory, the place, township and county where it is situated, and the post office to which the owner, manager, superintendent, overseer or person in charge desires his letters to be sent;

(*c.*) The nature of the work to be carried on;

(*d.*) The nature of the moving power, the whole amount of horse-power of the steam-engine or water-wheel, and also the amount of horse-power employed;

(*e.*) A description of the clock by which the employment of the workers in the factory is regulated;

Every alteration in any of the foregoing particulars shall be inserted immediately after such alteration has been made;

Record of holidays.

3. The holidays and half-holidays which have been given, in conformity with this Act, shall be recorded in a distinct place in the register;

Time of lime-washing.

4. The dates when the whole of the factory, if done at one time, and the several parts, if done at different times, have been lime-washed, and the names and residences of the persons by whom the factory was lime-washed, shall be recorded in a distinct place in the register within days after they have been so lime-washed, and such declaration of the times of lime-washing shall be signed by the owner, manager, superintendent, overseer or person in charge of the factory:

Record of visits of medical inspector.

5. The medical inspector, whenever he visits a factory for the purpose of granting certificates, shall enter in the register aforesaid the date of his visit and the other particulars set forth in the form of schedule E to this Act annexed:

Time allowed for obtaining certificate.

36. No manager, superintendent, overseer or person in charge of any factory shall be liable to any penalty for employing any young person without a medical certificate, for any time not exceeding three working days, or when the medical inspector resides more than three miles from the factory, for any time not exceeding six working days; but this enactment shall not be construed to authorize the em-

ployment of any young person in respect of whom the granting of such medical certificate has been refused.

INSPECTORS.

Inspectors may be appointed.

37. [The Governor in Council may appoint one or more inspectors of factories in places where the labor of young persons and women is employed, and such clerks and servants as he thinks necessary for the carrying of this Act into effect; and such inspectors, clerks and servants shall be paid such salary as the Governor in Council determines.]

Powers of inspectors.

38. Such inspectors shall have all the powers and authority by this Act conferred upon inspectors of factories, and shall be charged with the duty of carrying the provisions of this Act into effect; they may enter into any factory over which they have jurisdiction under the provisions of this Act, at all times and seasons, by day or by night, when such factory is at work, and having so entered, may examine therein any person or persons employed therein, and may make enquiry respecting their condition and employment, and may take or call to their aid in such examination and enquiry such persons as they choose, and may summon and require any person, upon the spot or elsewhere, to give evidence upon such examination and inquiry; and may examine such persons under oath.

Regulations may be made.

39. The inspectors shall make all such rules, regulations and orders as are necessary for the due execution of this Act; all registers, books, entries, accounts and papers kept in pursuance of this Act shall be at all times open to them, and they may take or cause to be taken for their own use such copies thereof or extracts therefrom as they think proper:

Rules for continuing certificates, &c., in force.

2. The inspectors shall also make such regulations as they deem proper to continue in force any certificates, tickets or vouchers required by this Act, and such certificates, tickets or vouchers so continued in force shall have the same operation and effect as new certificates, tickets and vouchers;

Record of certain information.

3. The inspector shall order the manager, superintendent, secretary or other person in charge of any factory to register, or cause to be registered, any information with relation to the performance of any labor in such factory, if the inspector deems such information necessary to facilitate the due enforcement of any of the provisions of this Act, or of any of the regulations made under the authority of this Act;

Transmission of information.

4. The inspector may order the manager, superintendent, secretary, overseer or person in charge of any factory, to transmit, in such manner as is directed in such order, any information with relation to the persons employed or the labor performed in such factory, that such inspector deems requisite to facilitate the performance of his duties, or any inquiry made under the authority of this Act.

Medical inspectors may be appointed.

40. [The Governor in Council may appoint, for any county, village, town, city or place, in which any factory is situate, a medical inspector, who shall be a legally qualified medical practitioner, according to the laws of the Province in which he resides, and in which the factory over which he has supervision is situated, and such medical inspector shall be paid by such salary or by such fees as the Governor in Council determines]:

Access to factory.

2. Every medical inspector may enter any part of any factory, excepting such part or parts as are not used for manufacturing processes.

Certificate of appointment.

41. Every inspector and medical inspector of factories shall be furnished with such certificate of his appointment as the Secretary of State directs, and on applying for admission to any factory, such inspector or medical inspector shall, if required, produce the said certificate to the owner, manager, superintendent, secretary, overseer or person in charge.

Extracts from registers &c., may be required.

42. Any inspector or medical inspector may require the manager, superintendent, secretary, overseer or person in charge of a factory, to send to him, in such manner as is directed in the requisition, any extracts from the register kept as herein provided, and any other information with relation to the persons employed in the factory which is requisite to facilitate the performance of the duties of such inspector in any enquiry made under the authority of this Act; but no information so sent by the manager, superintendent, secretary, overseer or person in charge of any factory, which is not contained in the registers, certificates and other documents required by this Act to be received or kept, shall be admissible in evidence in any proceeding against him for the recovery of any penalty; and the registers, certificates and other documents required by this Act to be received or kept, shall be forthwith produced to the inspector or medical inspector on his demanding to examine the same, at any time when the factory is at work.

Communication privileged.

Access to registers, &c.

Minutes to be kept and report made.

43. Every inspector shall keep full minutes of all his visits and proceedings, and shall report the same to the Secretary of State of Canada twice in each year, and oftener if required so to do, and shall also report the state and condition of the factories over which he has supervision and of the young persons and women employed therein, and whether such factories are or are not conducted in accordance with the provisions of this Act.

As to constables, &c.

44. Each inspector shall have the same powers, authority and jurisdiction over constables and peace officers, as regards the execution of the provisions of this Act, as may by law be exercised by Her Majesty's justices of the peace over such constables and peace officers.

Meetings of inspectors.

45. The inspectors appointed under this Act, for the purpose of rendering their proceedings, rules, orders and regu-

lations as nearly alike as is practicable under all circumstances, shall, within three months next after they have commenced the execution of their several duties and powers under this Act, and twice, at least, in every year afterwards, meet and confer together at the city of Ottawa, respecting their several proceedings, rules, orders, regulations, duties and powers under this Act, and at such meetings shall make their proceedings, rules, orders and regulations as uniform as is expedient and practicable :

Minutes and report thereof.

2. The inspectors shall make and keep full minutes of such meetings, and shall report the same to the Secretary of State immediately after each such meeting ; and the orders, rules and regulations made by them shall not take effect until they are approved by the Governor in Council, and published in the *Canada Gazette*, and in one newspaper in each city, town or county in which there is a factory.

Alteration or disallowance of regulations.

46. Any order, rule, or regulation made under any provision of this Act may be altered or disallowed by the Governor in Council, upon complaint made by memorial from any person interested.

GENERAL PROVISIONS.

Notices to be sent to Secretary of State.

47. Every person, on beginning to occupy a factory, shall, within one month, send to the Secretary of State at Ottawa, a written notice, setting forth the name of the factory, the village, town, city, township, or county, and Province in which it is situated, the post office to which he desires his letters to be addressed, the nature of the work to be carried on, the nature and amount of the moving power, and the name of the firm under which the business of the factory is to be carried on.

Notice of accident to be given.

48. If any accident occurs in a factory which causes any bodily injury to any person employed therein, the manager, superintendent, secretary, overseer, or person in charge of the factory, shall immediately send a notice thereof in writing to the medical inspector for the district in which the factory is situated, in which notice the place of residence of the person injured, or the place to which he has been removed, shall be stated, and the medical inspector shall send a copy of such notice to the inspector by the first post after the receipt thereof.

Duty of medical inspector in such case.

49. If a medical inspector receives notice as aforesaid, that an accident has occurred which has occasioned bodily injury to any person employed in a factory for which he has been appointed, he shall, with the least possible delay, proceed to the said factory and make a full investigation as to the nature and cause of such bodily injury, and shall, within the next twenty-four hours, send to the inspector a report thereof, a copy of which report, together with any other information he receives in connection with the said accident, the inspector shall send to the Secretary of State at Ottawa, as soon as conveniently may be; and for such investigation

the medical inspector shall receive a fee not exceeding *four* dollars, or such sum not less than one dollar, as the inspector considers a reasonable remuneration to the medical inspector for his trouble, which fee shall be paid in like manner as the other expenses incurred under this Act.

Access to person injured.

50. The medical inspector shall have power to enter any room in any building to which the person injured has been removed.

Cleanliness and ventilation.

51. Every factory to which this Act applies shall be kept in a cleanly state, and be ventilated in such a manner as to render harmless, so far as is practicable, any gases, dust or other impurities generated in the process of manufacture, that may be injurious to health.

Manager, &c., may make rules for such purpose.

52. The owner, manager, superintendent, overseer or person in charge of any factory, for the purpose of preventing the requirements of this Act, as to cleanliness and ventilation in a factory being infringed to his detriment, by the wilful misconduct or negligence of the workmen employed therein, may make special rules for compelling the observance amongst the workmen of the conditions necessary to insure the required degree of cleanliness and ventilation, and may provide by such rules for the imposition of a penalty not exceeding for any breach thereof:

To be approved.

2. No special rules made in pursuance of this section shall be valid until they have been approved by the Secretary of State;

To be posted up.

3. Printed copies of the special rules in force in any factory shall be posted up in a legible condition, in two or more conspicuous places in the factory, and a printed copy shall be supplied to any person employed in the factory who applies for a copy:

Evidence of such rules.

4. A printed copy of the special rules for the time being in force in any factory, certified under the hand of the inspector, having jurisdiction for the time being over such factory, shall be evidence of such rules and of their having been approved by the Secretary of State, and the inspector shall certify copies of special rules when required so to do.

Copies of abstract of Act to be posted up.

53. A copy or copies of an abstract of this Act, and also such copy or copies of any regulation or regulations made in pursuance of this Act, as the inspector directs, shall be posted up in a conspicuous part, or in the several departments of every factory; and such copy or copies of such abstract and of such rules and regulations so posted up, shall be signed by the master, or manager, or overseer of such factory, and such copy or copies shall be renewed by such master, manager or overseer, so often as the inspector or medical inspector directs.

Remuneration of constable.

54. If any constable or peace officer is required by any inspector or medical inspector to perform any continuous

service, such inspector may allow a special recompense to such constable or peace officer for such service.

Publication of regulations and effect thereof.

55. The notice of any general order or regulation applying to more than one factory, made by any inspector, if published for two successive weeks in one or more newspapers published in the city, town, place or county where any such factory is situate, shall, in all cases, at the end of seven days after the second publication thereof, have the same effect in attaching a responsibility upon any offender against such order or regulation as a notice personally served upon such offender: Provided nevertheless, that such notice shall not be to the exclusion of any other special notice which any inspector or medical inspector deems expedient or proper.

Proviso.

Expenses.

56. [All expenses incurred in carrying this Act into effect shall be paid out of such moneys as are provided by Parliament for that purpose.]

OFFENCES AND PENALTIES.

Penalty if person is killed because precautions are not taken.

57. If any person is killed or suffers any bodily injury in consequence of the owner, manager, superintendent, secretary, overseer or person in charge of a factory having neglected to fence any part of the machinery, or any hoist or teagle, or any wheel-race required by this Act to be securely fenced, or having neglected to fence any part of the machinery or any driving-strap or band in the factory, of which he has received notice in writing from any inspector or medical inspector, as hereinbefore provided, that the same was deemed to be dangerous, the owner, manager, superintendent, secretary, overseer or person in charge of the factory shall, on conviction before two justices of the peace, incur a penalty not exceeding , and not less than , and the whole or any part of such penalty may be applied for the benefit of the injured person, or otherwise, as the Secretary of State determines; but the owner, manager, superintendent, secretary, overseer or person in charge of the factory shall not be liable to any such penalty if the notice which he received from an inspector or medical inspector has been cancelled by competent authority, or if in any proceedings against an owner, manager, superintendent, secretary, overseer or person in charge of a factory, for not securely fencing that part of the machinery, hoist, teagle or wheel-race, by which such bodily injury was inflicted, the complaint has been heard and dismissed previous to the time when such bodily injury was inflicted.

Exception.

Penalty for neglect of cleanliness, &c.

58. Every owner, manager, superintendent, overseer or person in charge of a factory, who fails to keep the same in a cleanly state and ventilated in accordance with the provisions of this Act, shall be liable, for each offence, to a penalty not exceeding , and not less than :

Order of court may be made such case.

2. The court may, in addition to or instead of inflicting any penalty in respect to any such offence, make an order

directing, that within a certain time to be named in such order, certain means shall be adopted by the owner, manager, superintendent, secretary, overseer or person in charge, for the purpose of bringing his factory into such cleanly and ventilated condition, and may, upon application, enlarge any time appointed for the adoption of the means directed by the order, but any non-compliance with the order shall, after the expiration of the time, as originally limited or enlarged by subsequent order, be deemed to be a continuing offence, and shall be punishable by a penalty not exceeding for every day during which such non-compliance continues.

Signing false certificate, &c.

59. Every person who gives, signs, countersigns, endorses, or in any manner gives currency to any false certificate, knowing the same to be untrue, and every person who forges any certificate, or forges any signature or endorsement on any certificate, or knowingly and wilfully gives false testimony on any point material to any certificate of any inspector or medical inspector, is guilty of a misdemeanor, and is liable to imprisonment for any period not exceeding two months.

Punishment of servant or agent in certain cases.

60. If any offence is committed against the provisions of this Act for which the owner, manager, superintendent, secretary, overseer or person in charge of any factory is legally responsible, and it appears to the satisfaction of the court that the same was committed without his personal consent, concurrence or knowledge, by or under the authority of some agent, or servant, or workman of such owner, manager, superintendent, secretary, overseer or person in charge, the court may summon such agent, or servant, or workman before it, to answer for such offence, and such agent, or servant, or workman shall be liable to the penalties and punishment for such offence herein provided, in lieu of such owner, manager, superintendent, secretary, overseer or person in charge.

Penalty for violation of Act by an employer:

61. Every empoyer of young persons or women in any factory who, by himself or by his servants or workmen, offends against any of the provisions of this Act, or any order or regulation of any inspector, made in pursuance hereof, shall, (except in the case of any offence for which some other penalty or punishment is specially provided), incur a penalty not exceeding in the discretion of the court.

Penalty in cases not provided for.

62 The penalty for any offence against this Act, for which no specific penalty is hereinbefore provided, shall be any sum not exceeding , and not less than

When complaints shall be brought.

63. All complaints for offences against this Act shall be preferred within two weeks next after the commission of the offence, except in all cases of complaints for offences punishable at discretion by fine or imprisonment, or for not giving all or any of the time for holidays required to be given, in each of which cases the complaints may be preferred within three months next after the commission of the offence; and

no person shall be liable to a larger amount of penalties for any repetition from day to day of the same kind of offence than the highest penalty provided for such offence, unless such repetition of an offence has been committed after a complaint has been made for the previous offence, and except also for offences of employing children or young persons contrary to law.

To be preferred previous to inspector's visit.

64. All complaints in respect of offences against this Act shall be preferred at or before the time of the visit duly notified of the inspector or medical inspector next after the commission of such offence, and written notice of the intention to prefer the complaint for such offence shall, by the complainant, be given within fourteen days after the commission of such offence, to the person or persons complained against; Provided always, that no more than one penalty for the repetition of the same offence shall be recoverable, except after the service of the written notice as aforesaid.

Names of partners need not be specified.

65. It shall not be necessary, in any proceeding under this Act, to set forth the name or other designation of each and every the partners in any factory, but it shall be sufficient in any such proceeding, to set forth the name of the manager, superintendent, secretary, overseer or person in charge of such factory, or the title of the firm or company employing the workpeople of every such factory, as usually designated and known.

Certain matters relating to the factory need not be specified.

66. It shall not be necessary, in any information, conviction or other proceeding under this Act, to define the process carried on in the factory, or the nature of the power by which the machinery of such factory is moved, or to set out that the factory or process of employment referred to is not within any of the cases excepted, provided that it is therein stated that such factory is a factory within the meaning of this Act, and the proof of such factory being within the meaning of any such excepted case shall lie upon the person claiming the benefit of such exception.

Notice of complaint that precautions have not been taken.

67. Notice, in writing, of an intention to prefer a complaint, that a young person or woman has been employed in a factory in which sufficient means had not been employed or continued for protecting the workers from being wetted, or for preventing the escape of steam into the room occupied by the workers, or that any part of any machinery, hoist, teagle, wheel-race or flume, has not been securely fenced, shall be given four days at least previous to the day fixed for hearing the complaint; and if the person complained against intends to bring forward any millwright or other person skilled in the construction of such machinery, as a witness at the hearing of the case, he shall give notice in writing of such intention to the inspector or medical inspector, who is the complainant, at least forty-eight hours previous to the day fixed for hearing the case.

Production of documents.

68. Every person summoned to answer any complaint, shall be bound to produce before the court every register or

other account, paper or notice required by law to be kept by him or his agent, which is mentioned in the summons.

Application of penalties.

69. Any magistrate or justice of the peace by whom any complaint under this Act is determined shall, if he so thinks fit, award to the complainant or prosecutor one-half of any penalty imposed for any offence against any of the provisions of this Act, and in respect of which no other provision is made, together with all costs of prosecution and conviction, and the remainder of the penalty or the whole, if he thinks fit, shall be paid over to the Minister of Finance, to form part of the Consolidated Revenue Fund of Canada.

Certain justices may not act.

70. No complaint preferred for any offence against this Act, committed in a factory, shall be heard by a magistrate or justice of the peace who is the owner, manager, superintendent, secretary, overseer, or person in charge of the factory, or who is the father, son or brother of the owner, manager, superintendent, secretary, overseer or person in charge of the factory, in which the offence set forth in the complaint was committed.

Only one penalty.

71. Only one penalty shall be recoverable for any one description of offence from any one person for any one day.

Copy of conviction may be obtained.

72. Whenever any person is convicted of any offence against the provisions of this Act, the clerk of the peace with whom such conviction is filed shall, upon the request in writing of any inspector or medical inspector, deliver or cause to be delivered to him a copy of the conviction, certified under his hand to be a true copy, and every such copy shall be received as evidence of such conviction in any future proceedings under this Act, and for every such copy the clerk shall be entitled to receive a fee of *fifty cents* and no more.

Summary proceedings Act to apply.

73. All offences and penalties under this Act may be prosecuted and recovered under the "*Act respecting the duties of Justices of the Peace, out of Sessions, in relation to Summary Convictions and Orders;*" and any such penalty, if not paid forthwith or within such time as the court directs, may be recovered by distress and sale of the goods and chattels of the offender.

SCHEDULE A.

FORM of notice to be given to the owner, superintendent, manager, overseer or person in charge of a factory, by an inspector or medical inspector, as to such part of the machinery or such driving-strap or band in the factory as appears to him to be dangerous to the workers or as to proper precautions not being taken:—

To (*name of owner, manager, &c., as the case may be*), occupier of a (*description of the manufacture*) factory situated at , in the county of

I hereby give you notice that the following parts of the machinery in your factory, namely (*here enumerate the parts*), appear to me to be dangerous and likely to cause bodily injury to the workers employed in the factory (*or, as the case may be*) ; and I am of opinion that they ought severally to be immediately well and securely fenced (*or, as the case may be*) ; and I hereby further give you notice that by the Act passed in the 49th year of Her Majesty's reign, intituled (*here set forth the title of this Act*), it is provided that if, after receiving this notice, you neglect or fail to fence the above enumerated machinery (*or, as the case may be*), you will be liable to a penalty of dollars.

Given under my hand this day of , one thousand eight hundred and .

Signed A. B.,
Inspector (or *Medical Inspector.*)

SCHEDULE B.

NOTICES TO BE POSTED UP IN FACTORIES.

Name and address of the inspector.
Name and address of the medical inspector.
Clock by which the hours of work are regulated.

Hours of work of all young persons above the age of thirteen, and of women, employed in this factory :—

Days of Week.	Morning.		Forenoon.		Afternoon.		Evening.		*Total Hours.
	From.	To.	From.	To.	From.	To.	From.	To.	

*In this space the days of the week to which the hours of work refer shall be entered.

Signature of owner, manager, superintendent, overseer or person in charge of factory. A. B.

FORM OF NOTICE OF THE TIMES ALLOWED FOR MEALS TO BE POSTED UP.

TIMES ALLOWED FOR MEALS IN THIS FACTORY.

*Days of the Week.	Breakfast.		Dinner.		Tea.	
	From.	To.	From.	To.	From.	To.

*In this space the days to which the meal hours refer shall be entered.

Signature of owner, manager, superintendent, overseer or person in charge of factory. } A. B.

These notices of the regular hours of work posted up in a factory are not required to be altered when young persons or women are only employed at other hours for the recovery of lost time, as authorized by this Act.

FORM of Notice to be posted up when the owner, manager, superintendent, overseer or person in charge intends to recover all or any part of the time which has been lost by the stoppage of the machinery in the factory, as allowed by this Act:—

ACCOUNT OF TIME LOST AND RECOVERABLE.

TIME LOST.						TIME RECOVERED.				
Date.	Cause of Loss.	Time of day when lost.	Amount Lost.		Explanatory Remarks.	Date.	Time of day when recovered.	Amount Recovered.		Explanatory Remarks.
			H.	M.				H.	M.	

Signature of owner, manager, superintendent, overseer or person in charge. } A. B.

No lost time is required to be entered except such as it may be intended to recover.

FORM of the Notice to be posted up when the time has been lost by partial stoppage of the machinery by drought or floods, &c., and is intended to be recovered during the following night:—

NOTICE OF TIME LOST AND RECOVERED.

TIME LOST.				TIME RECOVERED.			
Description of the room where the stoppage took place, and of the machinery stopped.	Time of the day when the stoppage took place.	Amount of time Lost.		Signature of the person taking time.	Time of the night when the young persons or women are employed.	Amount of time Recoverable.	
		H.	M.			H.	M.

NAMES of the young persons and women who have lost time by the stoppage of the machinery at the dates affixed:—

Date when time was lost.	Surname.	Christian name.	Date when time was lost.	Surname.	Christian name.

The entries of time lost and of the names of the young persons and women who have lost time shall be made in these notices before any part of the time can be recovered.

SCHEDULE C.

Factories Regulation Act, 1886. 49 *Victoria, Chap.* — No.

Certificate of age for a young person to be employed in the factory of , situated at , in .

I, , of , duly appointed a medical inspector of factories, do hereby certify that , son (*or* daughter) of , and , residing in

, has been personally examined by me this day of . one thousand eight hundred and , and that the said young person has the ordinary strength and appearance of a young person of at least years of age, and that I believe the real age of the said young person to be at least years, and that the said young person is not incapacitated by disease or bodily infirmity from working daily in the above-named factory for the time allowed by the Act.

(Signed,) A. B.,
Medical Inspector.

The form of medical certificate to be given to a young person who has obtained a certificate of real age shall be the same as above, omitting the words, "and that the said young person has the ordinary strength and appearance of a young person of at least years of age, and that I believe the real age of the said young person to be at least years," *and substituting these words in their place,* "and that a certificate of the birth (*or* baptism) has been produced to me in the form required by the Act, proving that the real age of such young person is at least years."

The form of medical certificate to be given in either case by any practitioner who is not a medical inspector must be the same as the corresponding form above given, omitting the words, "duly appointed a medical inspector," *and substituting the words,* "duly authorized by the university" (*or college or other public body having authority in that behalf*) of , to practise surgery and medicine," *and making the following addition, which must be signed by a magistrate or justice of the peace:—*

"The young person named in the above-written certificate has been this day brought before me, and the appearance of the said young person agrees with the description therein given, and I believe the real age of the said young person to be at least years, and I declare that I have no beneficial interest in, and am not the owner, manager, superintendent, overseer or person in charge of the factory in which it is proposed that the young person shall be employed, and that I am not the father, son or brother of the owner, manager, superintendent, overseer or person in charge of such factory.

"Dated this day of one thousand eight hundred

(Signed,) "C. D.,
"*J. P.*"

Factories Regulation Act, 1886. 49 *Victoria, Chap.*—
Certificate Refused.

I, of , duly appointed a medical inspector of factories, do hereby declare that son (*or daughter*) of , residing in , has been personally examined by me this day of , one thousand eight hundred and

, and that in my opinion the said young person has not the ordinary strength and appearance of a young person of at least thirteen years of age [or (*or* and) is incapacitated, by disease and bodily infirmity, from working daily in a factory for the time allowed by the Act.]

(Signed) A. B.,
Medical Inspector.

N.B.—The reason of his refusal, which shall be either on account of deficient age or of bodily infirmity, or both, as the case may be, shall be in the handwriting of the medical inspector.

SCHEDULE D.

REGISTERS.

Form of the Register of Young Persons.

LIST OF YOUNG PERSONS EMPLOYED IN THIS FACTORY.

No. of reference to Age Certificate Book.	Names.		Date of first day of being employed or re-employed.			When any person ceases to be employed insert opposite the name the word "left," and when any person completes his year of age, the word "adult."
	Surname.	Christian Name	Month.	Day.	Year.	

SCHEDULE E.

FORM OF RECORD OF THE VISITS OF THE MEDICAL INSPECTOR.

Date of Visit.	Number of Persons presented for Examination.	Number of Certificates granted.	Signature of Medical Inspector.

No. 121.

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

An Act respecting Factories.

Received and read first time, Friday, 30th April, 1886.
Second reading, Monday, 3rd May, 1886.

Mr. BERDIN.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.

1886.

No. 122] **BILL.** [1886.

An Act for the relief of the Corporation of the Town of Cobourg.

Preamble.

WHEREAS it appears by the Public Accounts of the Dominion for the financial year ending on the first day or July, one thousand eight hundred and eighty-four, that the corporation of the town of Cobourg was then indebted to the Government of the Dominion in the sum of forty-four thousand seven hundred and ninety-eight dollars and twenty-four cents, such indebtedness arising out of their purchase of the Cobourg harbour and the Port Hope and Rice Lake Road; and whereas the said corporation have represented that they contributed in the financial year one thousand eight hundred and seventy-six and seventy-seven the sum of twenty-five thousand five hundred and seven dollars and forty-nine cents, towards defraying the cost of constructing the harbour of refuge at Cobourg, established by the Government, which, though of great advantage to the shipping of the whole Dominion as a large and safe harbour of refuge, is of no special advantage to the town of Cobourg, no revenue being derived therefrom; and the said corporation has prayed for relief to the amount of their said contribution, and it is expedient to grant their prayer on the condition hereinafter mentioned; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Reduction of debt to Government by amount of contribution for harbor of refuge.

1. On the payment by the said corporation of the balance of the said sum of forty-four thousand seven hundred and ninety-eight dollars and twenty-four cents, together with the interest due thereon, after deducting therefrom the said sum of twenty-five thousand five hundred and seven dollars and forty-nine cents, the Government may discharge the said corporation from all further indebtedness on account of the said first-mentioned sum, or any interest thereon.

No. 122.

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

An Act for the relief of the Corporation of the Town of Cobourg.

Received and read a first time, Friday, 30th April, 1886.
Second reading, Tuesday, 4th May, 1886.

Mr. McLELAN.

OTTAWA:
PRINTED BY MACLEAN, ROGER & Co.
1886.

No. 123] **BILL.** [1886.

An Act to explain the Act, intituled "An Act for the final settlement of the claims made by the Province of Manitoba on the Dominion."

Preamble.

FOR the removal of all doubts as to the proper construction of section six of the Act passed in the session held in the forty-eighth and forty-ninth years of Her Majesty's reign, chapter fifty, intituled "*An Act for the final settlement of the claims made by the Province of Manitoba on the Dominion*;" Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows:—

48-49 V., c. 50.

How the rate *per capita* mentioned in section 6, of the said Act shall be calculated.

1. Notwithstanding anything in the section above mentioned, it is hereby declared to be the intention thereof that the rate *per capita* at which the calculations therein mentioned are to be made, shall be taken and construed to be the rate *per capita* ascertained by dividing by seventeen thousand (that is to say, the estimated population of the Province of Manitoba under the Act thirty-third Victoria, chapter three) the sum of five hundred and fifty-one thousand, four hundred and forty-seven dollars (being the amount of capital on which the said Province was entitled to receive interest under and by virtue of section twenty-four of the Act last above cited and the Act thirty-sixth Victoria, chapter thirty); and the said section six of the Act cited in the preamble of this Act, shall be construed as if the provisions hereof had been made therein: Provided always, that nothing herein contained shall be taken or construed as in any way varying or altering any other provision of the said section or of the Act last above cited, not inconsistent herewith or repugnant hereto.

Proviso.

No. 123.

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

An Act to explain the Act forty-eighth and forty-ninth Victoria, chapter fifty, intituled "*An Act for the final settlement of the claims made by the Province of Manitoba on the Dominion.*"

Received and read first time, Friday, 30th April, 1886.
Second reading, Tuesday, 4th May, 1886.

Mr. McLELAN

OTTAWA:
PRINTED BY MACLEAN, ROGER & CO.
1886.

No. 124.] **BILL.** [1886.

An Act respecting Experimental Farm Stations.

Preamble.

WHEREAS it is expedient to establish experimental farm stations as hereinafter provided, for the promotion of agriculture, by the dissemination of useful and practical information respecting matters connected therewith: 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 Experimental Farm Station Act.*"

Interpretation.

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

(*a.*) The expression "the Minister" means the Minister of Agriculture;

(*b*) The expression "farm station" means an experimental farm station established under the provisions of this Act.

Farm stations may be established.

3. The Governor in Council may establish, first, a farm station for the Provinces of Ontario and Quebec jointly; secondly, one for the Provinces of Nova Scotia, New Brunswick and Prince Edward Island jointly; thirdly, one for the Province of Manitoba; fourthly, one for the North-West Territories of Canada, and fifthly, one for the Province of British Columbia; and the farm station for the Provinces of Ontario and Quebec jointly shall be the principal or central station.

Land may be acquired for such purpose.

4. The Governor in Council may, for the purpose of establishing such farm stations, acquire by purchase an extent of land, not exceeding five hundred acres, in the vicinity of the seat of Government, for the central farm station, and an extent of land, not exceeding three hundred acres, in either of the Provinces of Nova Scotia, New Brunswick or Prince Edward Island, and a like extent of land in the Province of British Columbia, for the farm stations secondly and fifthly mentioned in the next preceding section; and the Governor in Council may, for the like purpose, set apart in Manitoba and in the North-West Territories of Canada such tracts of unoccupied available public lands, which are the property of Canada, as are necessary for the farm stations thirdly and fourthly mentioned in the next preceding sec-

And set apart in Man. and N.W.T.

tion ; but the tract of public land so set apart shall not, in each case, exceed one section :

Land for tree planting and timber growing.

2. The Governor in Council may also set apart in the Province of Manitoba, and in that portion of the Province of British Columbia known as the Railway Belt, in each a tract or tracts not exceeding ten sections, and in each of the four provisional districts of the North-West Territories defined by order of the Governor in Council, and known as Assiniboia, Alberta, Saskatchewan and Athabasca, a tract or tracts not exceeding ten sections, for the purpose of tree-planting and timber growing.

3. For the acquiring of lands for the purposes of this Act all the powers respecting the acquiring and taking possession of land conferred upon the Minister of Public Works by the Act passed in the thirty-first year of Her Majesty's reign, chapter twelve, and intituled "*An Act respecting the Public Works of Canada*," and the Acts amending the same, are hereby conferred upon the Minister, and all the provisions of the said Acts respecting the compensation to be awarded for lands acquired thereunder shall apply to lands acquired under the provisions of this Act.

Management of farm stations.

5. The said farm stations shall be under the control and direction of the Minister, subject to such regulations as are, from time to time, made by the Governor in Council ; and the Governor in Council may appoint a director and such officers and employees as are necessary for each farm station.

Remuneration of employees.

6. The Governor in Council may fix the rate of remuneration of the director and officers and employees at each farm station, and such remuneration, and all expenses incurred in carrying this Act into effect, shall be paid out of such moneys as are provided by Parliament for that purpose.

Duties of officers.

7. Such officers of each farm station as are charged with such duty by the Minister shall,—

Stock.

(*a.*) Conduct researches and verify experiments designed to test the relative value, for all purposes, of different breeds of stock, and their adaptability to the varying climatic or other conditions which prevail in the several Provinces and in the North-West Territories ;

Butter and cheese.

(*b.*) Examine into the economic questions involved in the production of butter and cheese ;

Field crops, fruit, vegetables, &c.

(*c.*) Test the merits, hardiness and adaptability of new or untried varieties of wheat or other cereals, and of field crops, grasses and forage-plants, fruits, vegetables, plants and trees, and disseminate among persons engaged in farming, gardening or fruit growing, upon such conditions as are prescribed by the Minister, samples of the surplus of such products as are considered to be specially worthy of introduction ;

(*d.*) Analyze fertilizers, whether natural or artificial, and conduct experiments with such fertilizers, in order to test their comparative value as applied to crops of different kinds; Fertilizers.

(*e.*) Examine into the composition and digestibility of foods for domestic animals; Foods.

(*f.*) Conduct experiments in the planting of trees for timber and for shelter; Trees.

(*g.*) Examine into the diseases to which cultivated plants and trees are subject, and also into the ravages of destructive insects, and ascertain and test the most useful preventives and remedies to be used in each case; Diseases of plants and trees.

(*h.*) Investigate the diseases to which domestic animals are subject; Diseases of animals.

(*i*) Ascertain the vitality and purity of agricultural seeds; and Seeds.

(*j.*) Conduct any other experiments and researches bearing upon the agricultural industry of Canada, which are approved by the Minister. Experiments and researches.

8. The officer in charge, or such other officer at each farm station as the Minister designates, shall, for the purpose of making the results of the work done thereat immediately useful, prepare and transmit through the director to the Minister for publication, at least once in every three months, a bulletin or report of progress. Quarterly report to be made.

9. Such bulletins or reports, and all samples of grain, and of such plants and other products as are designated by the Minister, which are distributed for experiment and trial, shall be transmitted in the mails of Canada free of postage, subject to such regulations as are prescribed by the Postmaster-General. Free transmission of certain matters by mail.

10. The officer in charge of each farm station shall prepare and transmit through the director to the Minister, on or before the thirty-first day of December in each year, a full and detailed report of the work accomplished, and of the revenue and expenditure at such farm station, which report shall be laid before both Houses of Parliament within the first twenty-one days of each Session. Annual report for Parliament.

No. 124.

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

An Act respecting Experimental Farm Stations.

Received and read first time, Friday, 30th April, 1886.
Second reading, Tuesday, 4th May, 1886.

Mr. CARLING.

OTTAWA:
PRINTED BY MACLEAN, ROGER & Co.
1886.

No. 125] **BILL.** [1886.

An Act to amend the law relating to the salaries of certain Judges of the Supreme Court of Judicature for Ontario.

Preamble.

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

Salary of additional judge, chancery division.

1. The salary of the additional Judge of the Chancery Division of the High Court of Justice for Ontario, for whose appointment provision is made by the Act of the Legislature of that Province, forty-eighth Victoria, chapter thirteen, shall be five thousand dollars per annum; and such salary shall be paid out of any unappropriated moneys forming part of the Consolidated Revenue Fund of Canada.

How paid.

Section 1 of 46 V., c. 9, repealed.

2. The first section of the Act forty-sixth Victoria, chapter nine, intituled "*An Act to provide for the salaries and superannuation and travelling allowances of certain Judges of certain Provincial Courts*," is hereby repealed.

No. 125.

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

An Act to amend the law relating to the Salaries of certain Judges of the Supreme Court of Judicature for Ontario.

Received and read first time, Friday, 30th April, 1885.
Second reading, Tuesday, 4th May, 1886.

Mr. Thompson.

OTTAWA:
Printed by MacLean, Roger & Co.
1886.

No. 126] **BILL.** [1886.

An Act to amend the law respecting Crown Cases reserved.

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

1. Any judge, within the meaning of "*The Speedy Trials Acts*," trying any person under such Acts, may, in his discretion, reserve any question of law arising on such trial for the consideration of the justices of the court having, within the Province in which such trial takes place, jurisdiction to hear crown cases reserved, and thereupon the like proceedings shall be had and taken as in other cases in which questions arising on criminal trials are reserved for the consideration of such justices. Judge in cases under *Speedy Trials Acts*, may reserve questions of law.

No. 126.

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

An Act to amend the law respecting Crown Cases reserved.

Received and read first time, Monday, 3rd May, 1886.
Second reading, Tuesday, 4th May, 1886.

Mr. THOMPSON.

OTTAWA:
PRINTED BY MACLEAN, ROGER & CO.
1886

No. 127. **BILL.** [1886.

An Act to extend the boundaries of the District of Keewatin and to amend the law respecting such District.

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

Limits of district extended

1. The limits of the District of Keewatin are hereby extended easterly, so as to include within such District all the territory of Canada east of such district as now bounded, and of the Province of Manitoba, and not included within the limits of any Province of Canada.

What Acts of Dominion Parliament shall apply to it.

2. Every Act of the Parliament of Canada, except in so far as otherwise provided in any such Act, and except in so far as the same is, by its terms, applicable only to one or more of the Provinces of Canada, or in so far as any such Act is, for any reason, inapplicable to the District of Keewatin, shall apply to and be in force in such District.

And what laws of England, civil or criminal.

3. The civil and criminal laws of England, as the same existed on the fifteenth day of July, in the year of our Lord one thousand eight hundred and seventy, shall be in force in such district, in so far as the same are applicable to such district, and in so far as the same have not been, or may not hereafter be, repealed, altered, varied, modified or affected by any Act of the Parliament of the United Kingdom, applicable to the district, or of the Parliament of Canada, or by any law made by the Governor in Council or by the Lieutenant-Governor of the District and his council.

No. 130.

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

An Act respecting certain works constructed in or over Navigable Waters.

Received and read the first time, Wednesday, 5th May, 1886.
Second reading, Friday, 7th May, 1886.

Sir HECTOR L. LANGEVIN.

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.

1886.

No. 131.] **BILL.** [1886.

An Act further to amend the Act respecting the Canadian Pacific Railway.

Preamble.

Agreement between the Government and the Company.

WHEREAS an agreement has been entered into between the Government of the Dominion and the Canadian Pacific Railway Company, (hereinafter called the company), subject to the approval of Parliament, providing for the payment and settlement, in the manner described in the said agreement, of the full amount remaining due, with interest, of the loans and advances heretofore authorized to be made to the company by the Government, amounting in all to the sum of twenty-nine millions eight hundred and eighty thousand nine hundred and twelve dollars, and containing certain stipulations by the company for authority to deal with their lands and with the branch of their railway known as the Algoma branch, in manner and form as stated in the said agreement, and it is expedient to approve and ratify the said agreement, and to grant the powers necessary to carry out the same: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Agreement ratified, and power given to carry it out.

Proviso.

1. The said agreement, a copy of which is appended hereto, is hereby approved and ratified, and the Government and the company respectively are hereby authorized to perform and carry out the conditions thereof according to their intent and purport; provided that the Governor in Council may extend the time for the payment of the first instalment and interest mentioned in the said agreement, to a date not later than the first day of July now next.

On payment of the $29,880,912, company may be authorized to issue mortgage bonds on the Algoma branch.

2. So soon as the payment and settlement of the sum advanced on the said sum of twenty-nine millions eight hundred and eighty thousand nine hundred and twelve dollars, and interest, shall have been effected, as provided by the said agreement, the company, under the authority of a special general meeting of their shareholders, called for the purpose, may issue mortgage bonds, secured upon the branch of the said railway known as the Algoma branch, constructed and to be hereafter constructed, completing the connection between the main line of the Canadian Pacific Railway and the river Ste. Marie, which issue shall constitute a first mortgage and privilege upon the said branch railway, constructed and to be thereafter constructed, including the rolling stock and plant applicable thereto, and upon the tolls and revenues thereof, after deduction, from such tolls and revenues, of working expenses and of such rolling stock and

plant appertaining thereto, as shall be declared and described in any deed of mortgage securing such bonds, which shall be executed by the company, in conformity with its charter. But the proceeds of such bonds shall be applied exclusively to the cost of construction and equipment of the said Algoma branch, including the bridge over the said river; And before the issue of such bonds, the company shall make by-laws, prescribing the mode in which the due and exclusive application of the proceeds of the said bonds to the purposes hereinafter defined shall be secured, and in which in case of default in the payment of the interest on such bonds, or of the capital thereof, the rolling stock and plant (if any) included in such mortgage as appertaining to the said branch, shall be identified, and the tolls and revenues derivable from such branch, ascertained and distinguished from the tolls and revenues of the main line, and making such further provisions as may be just and expedient for the protection of the holders of the bonds secured upon the said branch line, without interfering with the rights of the holders of other securities of the company. And such by-laws shall be submitted for approval to the Governor in Council, and upon such approval, a certified copy thereof shall be deposited in the office of the Secretary of State, and thereafter such by-laws shall continue to be valid and binding upon the company, and shall not be altered or repealed by the company so long as the bonds referred to therein shall remain in force.

But shall previously pass by-laws respecting such bonds for protection of the holders.

Subject to approval by Governor in Council, and not to be altered while bonds are in force.

Mode of securing bonds to be as provided in the charter of the company.

3. The mode of securing the said mortgage bonds, and the rights, privileges and remedies applicable thereto and available to the holders thereof, shall be such as are described in sections twenty-eight, thirty-two, thirty-three, thirty-four, thirty-five and thirty-six of the charter of the company.

Company may also issue mortgage bonds secured on land grants.

4. The company may also issue mortgage bonds to such amount as they shall deem fit, and as shall be approved by the Governor in Council, and according to the terms of the said agreement, secured upon the lands of the company to which they shall then be entitled under the provisions of the construction contract executed on the 21st October, 1880, and the provisions of sections thirty, thirty-two, thirty-four, thirty-five and thirty-six of the charter of the company shall apply to such last-mentioned bonds. But nothing herein contained shall affect or impair the security or remedies of the holders of outstanding land grant bonds; and in making such last-mentioned issue of bonds, the company shall reserve and place in the hands of the trustees of the mortgage securing such bonds, if trustees are created by such mortgage deed, and if not, then in the hands of some person or company appointed for the purpose, by the Governor in Council, an amount of the said bonds equal in value to the land grant bonds, then outstanding and unsatisfied above and beyond the sum of five million dollars of such bonds in the hands of the Government, the exchange of which is provided for by the said agreement, and the bonds so reserved shall not be used or disposed of for any other purpose whatsoever, except for providing by payment or

Conditions prior to such issue.

As to outstanding land grant bonds beyond the $5,000,000 in hands of Government.

exchange, for the land grant bonds so outstanding and unsatisfied.

Provision for release of certain bonds held by Government under construction contract, on satisfactory proof that their retention is no longer necessary.

5. If after the said Canadian Pacific Railway shall have been constructed and duly placed in operation to its terminus on the seaboard in the Province of British Columbia, it shall be established to the satisfaction of the Government that the retention of the amount of five million dollars in bonds under the provisions of the construction contract, as security for the operation of the railway, is no longer necessary in the public interest, the Governor in Council may order that the said bonds be released and delivered to the company.

Company may acquire stock in North Shore Railway Company.

6. The company may take and hold the stock of the North Shore Railway Company as a means of acquiring the railway of the said company.

On completion of railway disqualification of shareholders as M.P.'s to cease.

7. Upon the completion of the said Canadian Pacific Railway according to the said contract, and upon its being duly opened for traffic, the disqualification of the shareholders thereof from becoming or being members of the Senate or House of Commons of Canada by reason of their being such shareholders shall be removed, and shall cease and determine.

SCHEDULE.

Agreement referred to in Section One of the foregoing Act.

THIS AGREEMENT, made subject to the approval of Parliament, between Her Majesty the Queen, acting for the Dominion of Canada, herein represented by the Honourable A. W. McLelan, Minister of Finance, hereinafter called the Government, and the Canadian Pacific Railway Company, herein represented by the Chief Executive Officer thereof, hereinafter called the Company, witnesses,

1. That inasmuch as the amount actually advanced to the Company by the Government on account of the sum of $20,000,000, secured by the first mortgage bonds of the Company, to the amount of £4,109,500 sterling, is $19,150,700, it is agreed that the Company shall repay to the Government with interest at the rate of four per centum per annum, as provided by the Act 48-49 Victoria, chapter 57, the said sum of $19,150,700, such payment to be made in two equal instalments, the first of which shall be paid on the first day of May next, and the second thereof on or before the first day of July next, both with interest as aforesaid.

2. That upon full payment of the said two cash instalments and interest as hereinbefore provided, the land grant of the Company shall be reduced by such number of acres as shall be sufficient, computing the value thereof at $1.50 per acre, to extinguish the balance of the loan of $29,880,912, mentioned in the Act 48-49 Victoria, chapter 57, that is to say, the sum of $9,880,912, with interest at the rate aforesaid to the first day of May next; and such reduction shall be effected

by the retention by the Government of lands of equal average quality and value with the lands constituting the portion of the Company's land grant not heretofore disposed of by the Company.

3. That upon the settlement of all accounts respecting the said authorized loan of $29,880,912, and payment and settlement as aforesaid of all sums of money due thereon, all the bonds of the Company secured exclusively upon the land grant of the Company, commonly called land grant bonds, now held by the Government in excess of the sum of $5,000,000, of such bonds held by the Government under the Construction Contract of the 21st October, 1880, shall be cancelled, and the debenture stock of the Ontario and Quebec Railway Company held by the Government under the Act 47 Victoria, chapter 61, section 1, shall be returned to the Company; and the Government shall authorize the Company under section 10 of 48-49 Victoria, chapter 57, to mortgage the Algoma Branch to such amount per mile as is authorized by the Charter of the Company with respect to the main line.

4. That upon the settlement in manner aforesaid of the indebtedness of the Company to the Government, the Company may issue first mortgage bonds upon the remaining lands granted to them under their said contract, in such manner as is provided by their Charter in respect of the issue of land grant bonds, and to such amount per acre as they shall deem fit, not to exceed $2 per acre, subject to the approval of the Governor in Council, all of the outstanding land grant bonds obtainable being first duly cancelled, and a reserve being made from the new issue to cover such outstanding land grant bonds as cannot be obtained for cancellation. And in the event of the Company making such issue, the Government will accept in exchange for the said $5,000,000 of the said land grant bonds, a like amount of the new issue of bonds, such bonds to be held and dealt with in the same manner as the Government were by 44 Victoria, chapter 1, intituled: "An Act respecting the Canadian Pacific Railway," authorized to hold and deal with the said $5,000,000, so exchanged.

5. That all necessary legislation required to carry the provisions hereof into force shall be asked for from Parliament at its present Session.

In witness whereof the Minister of Finance has hereto set his Hand and Seal, and the Chief Executive Officer and the Secretary of the Canadian Pacific Railway Company have hereto set their Hands and have caused the Seal of the

Company to be hereto affixed the 30th day of March, in the year of Our Lord one thousand eight hundred and eighty-six.

(Signed,) A. W. McLELAN,

Signed and Sealed by the Minister of Finance in the presence of }

(Signed,) GEO. W. BURBIDGE.

The Canadian Pacific Railway Company per

(Signed,) GEO. STEPHEN,
President.

(Signed,) C. DRINKWATER,
Secretary.

C.P.R.

131—2

No. 131.

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

An Act further to amend the Act respecting the Canadian Pacific Railway.

Received and read first time, Wednesday, 5th May, 1886.
Second Reading, Thursday, 6th May, 1886.

Mr. McLELAN.

OTTAWA:
PRINTED BY MACLEAN, ROGER & CO.
1886.

No. 132.] **BILL.** [1886.

An Act respecting the Department of Public Printing and Stationery.

Preamble.

WHEREAS it is expedient to make further provision respecting the execution of the printing, binding and other work of like character, and the obtaining of stationery required for the service of the Parliament and of the Government of Canada, and to consolidate the several provisions of law relating to such services; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

INTERPRETATION.

Interpretation.

1. In this Act unless the context otherwise requires,—

"Minister."

(*a.*) The expression "Minister" means the Secretary of State of Canada or the member of Her Majesty's Privy Council for Canada in charge, for the time being, of the Department hereby constituted:

"Queen's Printer."

(*b*) The expression "Queen's Printer" means the Queen's Printer and Controller of Stationery hereinafter mentioned:

CONSTITUTION OF THE DEPARTMENT.

Department constituted.

2. There shall be a department which shall be called "The Department of Public Printing and Stationery," over which the Secretary of State of Canada or such other member of the Queen's Privy Council for Canada as the Governor in Council, from time to time, directs, shall preside, and the Secretary of State, or such other member of the said Privy Council shall have the management and direction of the Department.

Certain work to be done and articles supplied by the department.

3. All printing, stereotyping or electrotyping, lithography or binding work or work of a like nature, and paper and other material therefor, required for the use of the Senate and the House of Commons, and of the several Departments of the Government of Canada—whether for the inside service or the outside service—shall be procured and executed subject to the superintendence and audit of the proper officer of the Department; the proper officer of the Department shall also superintend and execute the purchase and distribution of all paper, books and all other articles of stationery of whatsoever kind, and the distribution and sale of all books or publications issued by order of either or both Houses

of Parliament, or any Department of the Government of Canada, the procuring of all advertising required for the public service and the audit of the accounts therefor, and all work and supplies in this section before mentioned shall be done, purchased and distributed through the Department exclusively, except that books, which are procured for addition to the Library of Parliament, may be procured as before the passing of this Act.

Appointment of Queen's Printer.

His duties.

4. The Governor in Council may, by commission under the Great Seal, appoint an officer, who shall be called the Queen's Printer and Controller of Stationery, shall hold office during pleasure, and shall be the deputy head of the department; he shall, under the Minister, have the management and control of the several services to which this Act relates, and shall have such powers and shall perform such duties as are conferred upon and assigned to him by this Act or by any other Act of the Parliament of Canada, or by any Order in Council made thereunder, or by the Minister; but all such powers shall be exercised and duties performed subject to the control of the Minister and as he directs; and wherever, in any Act of the Parliament of Canada, any power is conferred upon, or any duty is assigned to, the Queen's Printer, such power may be exercised and such duty shall be performed by the Queen's Printer appointed under this Act:

Qualification of Queen's Printer.

2. No person shall be appointed Queen's Printer unless he has been actively employed for at least ten years in the management of a publishing establishment in Canada, or in the superintendence of the printing and cognate services of the Parliament or Government of Canada:

Appointment of officers.

3. The Governor in Council may also appoint a Superintendent of Printing, a Superintendent of Stationery and an Accountant, who shall respectively have the rank and emoluments of a chief clerk in the Civil Service of Canada; the Governor in Council may also appoint such other officers, clerks and servants as are necessary for the proper conduct of the business of the Department; and the said superintendents, accountant, officers, clerks and servants shall hold office during pleasure, and shall perform such services as are, from time to time, assigned to them by the Governor in Council or by the Minister:

Qualification of superintendent of printing.

And of superintendent of stationery.

And of accountant.

4. No person shall be appointed Superintendent of Printing unless he has had at least five years' experience in the management of a publishing house in Canada, or in the management and superintendence of similar services for the Parliament or Government of Canada or in both; no person shall be appointed Superintendent of Stationery unless he has had at least five years' experience in the active management of a stationery establishment in Canada, or in the management and superintendence of similar work for the Parliament or Government of Canada or in both; and no person shall be appointed Accountant unless he has a competent knowledge of book-keeping and accounts, and has had at

least five years' experience in the measuring and auditing of printing and binding work, either in a publishing establishment, or in the service of the Parliament or Government of Canada or in both :

Exemption from examination.

5. The Superintendent of Printing, the Superintendent of Stationery and the Accountant, being appointed as experts in the work to be performed by them, shall not be subject to the ordinary Civil Service examinations.

PUBLIC PRINTING.

Printing, &c. to be done in a government establishment.

5. A Government establishment shall be organized at Ottawa and shall be under the management of the Superintendent of Printing, in which establishment all printing, electrotyping, stereotyping, lithographing and binding and other work of like nature required for the service of the Parliament and Government of Canada shall be executed :

Employment of workmen.

2. The Superintendent of Printing, subject to the approval of the Minister, shall employ such apprentices, journeymen, skilled hands or workmen, as are necessary to perform the work of the establishment, and shall purchase such material, other than printing and other paper, as are necessary for such service :

Their payment.

3. All persons employed under the provisions of the next preceding sub-section shall be paid in accordance with weekly or monthly pay-rolls audited by the Accountant ; and the provisions of "*The Civil Service Act*" shall not apply to the persons so employed :

Purchases, how made.

4. The Superintendent of Printing shall make all purchases authorized by this section upon requisitions duly approved by the Minister or as he directs, and payment therefor shall be made, after audit by the Accountant.

Exception as to printing and binding in certain cases.

6. The Governor in Council may, from time to time, for special reasons to be stated in the Orders in Council, authorize printing and binding for the public service to be done elsewhere than at the Government printing establishment ; and such Orders in Council and the expenditure under them shall be laid before Parliament at its then next Session.

STATIONERY OFFICE.

Stationery office.

7. An office shall be established as a branch of the Department which shall be called the Stationery Office, and shall be under the management of the Superintendent of Stationery :

Purchase and supply of stationery.

2. The Superintendent of Stationery shall, under the direction of the Minister, have charge of the purchase and supply of all printing and other paper and of all other articles of stationery required for the use of members and employees of the two Houses of Parliament and of the several departments of the Government

Official publications.

of Canada; he shall also have charge of the sale of all the official publications of the Parliament and Government of Canada which are issued for sale, as well as of the distribution of all public documents and papers to the officials and other persons that are entitled to receive the same without payment:

Documents for Parliament.

3. The Superintendent of Stationery shall furnish to such officer as is designated by either House of Parliament or by any committee or joint committee appointed for the purpose such number of copies of any document which is printed under the provisions of this Act as such House or committee decides to be necessary for the use of each such House or for distribution to the members thereof.

Purchases to be made upon requisition.

4. All purchases made under the authority of this section shall be so made upon requisition approved by the Minister or the Queen's Printer, or in accordance with contracts entered into with the like approval after tenders have been called for; and moneys received by the superintendent of stationery shall be paid over to the accountant for the public uses of Canada, or deposited from time to time in some chartered bank of Canada to the credit of the Minister of Finance and Receiver General, as the Governor in Council or the Minister by regulation directs.

Application of moneys.

Supply of stationery to departments and Houses of Parliament.

8. The Superintendent of Stationery shall supply any articles of stationery to any department of the civil service according to such regulations as are approved by the Governor in Council, upon requisition therefor, signed by the deputy head of such department, and to either House of Parliament according to regulations approved by such House upon requisition therefor, signed by the clerk of such House of Parliament; and the quantity supplied, and the value thereof shall be charged against such department or House of Parliament; and an account shall be furnished monthly, of the same respectively, to each deputy head of a department and the clerk of each House of Parliament, accompanied by the several requisitions in respect of the several articles mentioned in the said account, and such deputy head or clerk shall, if the same is found correct, certify to the correctness of such account, and return it to the Superintendent of Stationery.

Account to be furnished.

ACCOUNTANT.

Duty of accountant as to accounts.

9. The Accountant shall, under direction of the Minister and the Queen's Printer, audit all accounts for any of the services under the control of the department, keep the accounts of the department, receive and deposit all cash paid in, and render statements of account to the clerks of the two Houses of Parliament and the deputy heads of the several departments, as and when the same are required by this Act or by regulations made by, or instructions received from, the Minister.

Publication of Canada Gazette, Statutes, &c.

10. The Queen's Printer shall print and publish or cause to be printed and published, for the Government, under his superintendence, the official Gazette of Canada, which shall be known as the *Canada Gazette*, the Statutes of Canada, and all such official and departmental and other reports, forms, documents, and other papers, as he is required to print and publish, or cause to be printed and published by or under the authority of the Governor in Council; and whatever is printed under his superintendence, by authority of this Act, shall be held to be printed by him. 32-33 V. c. 7, s. 2.

Certain documents to be printed in Canada Gazette.

11. All Proclamations issued by the Governor General or under the authority of the Governor in Council, and all official notices, Orders in Council, regulations, advertisements and documents relating to the Dominion of Canada, or matters under the control of the Parliament thereof, and requiring publication, shall be published in the *Canada Gazette*, unless some other mode of publication thereof is required by law. 32-33 V. c. 7, s. 3.

Powers of Governor as to Gazette.

12. The Governor in Council may, from time to time, prescribe the form, mode and conditions of publication of the *Canada Gazette*, and designate the public bodies, officers and persons to whom it shall be sent without charge, and regulate the price of subscription thereto, and the charges to be paid for the publication of notices, advertisements and documents; and all sums payable for such last mentioned charges shall be paid in advance to the accountant and by him accounted for, and paid over to the Minister of Finance and Receiver General, in such manner as the Governor in Council or the Minister directs, and shall form part of the Consolidated Revenue Fund of Canada. 32-33 V. c. 7. s. 5.

Applications of moneys.

GENERAL PROVISIONS.

Estimates to be furnished to the Minister.

13. Each deputy head of a department and the clerk of each House of Parliament shall furnish to the Minister, when required, an estimate of the probable quantity, quality and variety of all articles commonly known as "stationery," and of the probable amount, in value, of printing and binding which may be required for the purposes of each such department or House of Parliament for the then ensuing financial year. 31 V. c. 35, s. 13.

Minister to report to Governor in Council as to estimates.

14. The Minister shall report to the Governor in Council, the total probable amount, in quantities, qualities and value, required for the stationery, printing and binding for the departments of the civil service and for the two Houses of Parliament for such year, and a requisite sum therefor shall be placed in the estimates as a separate item, and an apportionment in respect of each department and each House of Parliament shall be made by the Governor in Council, which may be increased or varied from time to time, so that the whole sum voted by Parliament in any year, together with the

And as to other matters.

value of the stock on hand, is not exceeded; and the Minister shall further report to the Governor in Council, the mode or modes in which he proposes that the said articles shall be procured, and the regulations under which tenders may be asked for the same and as to the terms of acceptance thereof, and as to the mode of collection and disposal of the waste paper of the several departments and Houses of Parliament; and upon the approval by the Governor in Council of such reports, any necessary supplies of stationery, to the extent of the appropriation made by Parliament, may be procured, and any necessary arrangements for printing and binding, may be made in accordance with the provisions of this Act, and all stationery so procured, shall be placed in the custody of the Superintendent of Stationery, as hereinbefore mentioned. 31 V. c. 35, s. 14.

Obtaining of supplies.

Statement for Auditor General.

15. The Queen's printer shall furnish a statement, monthly to the Auditor General, with the accounts and vouchers therefor, of all printing and binding executed for, and all stationery and articles purchased and supplied, to each department and to each House of Parliament during the preceding month, certified as correct by the deputy head of such department, or by the clerk of either House of Parliament, as the case may be, in the manner provided with respect to contingencies by the Act thirty-fifth Victoria, chapter thirty-five; and the Auditor General shall, quarterly, or more frequently, at his discretion, cause the stock of stationery in store to be checked with the quantities purchased and supplied. 31 V. c 35, s. 16.

Stock to be taken.

Account to be laid before Parliament.

16. An account shall be laid before Parliament each year, showing the value of the stock of stationery on hand at the beginning of the year, the amount expended during the year for stationery, printing and binding, the amounts charged against each Department and each House of Parliament and the stock on hand at the end of the year. 31 V. c. 35, s. 17.

How expenses shall be met.

17. The expenses to be incurred under the provisions of this Act, shall be paid out of such moneys as are appropriated for the purpose by Parliament, and shall be accounted for in like manner as other moneys expended for the public service. 32-33 V. c. 7, s. 8.

Ss. 3 and 6 of 31 V. c. 27; ss. 12 to 17 of 31 V. c. 35; ss. 1, 2, 3, 5, 6, 7 and 8 of 32-33 V. c. 7, & 33 V., c. 6, part of s. 13 of 36 V. c. 4 repealed.

18. Sections three and six of the Act thirty-first Victoria, chapter twenty-seven, sections twelve, thirteen, fourteen, fifteen, sixteen and seventeen of the Act thirty-first Victoria, chapter thirty-five, sections one, two, three, five, six, seven and eight of the Act passed in the Session held in the thirty-second and thirty-third years of Her Majesty's reign, chapter seven, the Act thirty-third Victoria, chapter six, and all the words in section thirteen of the Act thirty-sixth Victoria, chapter four, from the word "Canada" in the fifth line to the end of the said section are hereby repealed.

No. 132.

4th Session, 5th Parliament, 49 Victori

BILL.

An Act respecting the Departm
Public Printing and Stationer

Received and read first time, Wedn
12th May, 1885.
Second reading, Thursday, 13th May,

MR. CHAPLE

OTTAWA:
PRINTED BY MACLEAN, ROGER &
1885.

No. 133.] **BILL.** [1886.

An Act further to amend the law 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:— Preamble.

1. In this Act, unless the context otherwise requires,— Interpretation of terms used in this Act.

(*a*) The expression "Territories" means the North-West Territories;

(*b*) The expression "Supreme Court" or "court" means the Supreme Court of the North-West Territories;

(*c*) The expression "Lieutenant-Governor" means the Lieutenant-Governor of the Territories;

(*d*) The expression "Lieutenant-Governor in Council" means the Lieutenant-Governor in Council of the Territories, or the Lieutenant-Governor by and with the advice and consent of the Legislative Assembly of the Territories, as the case may be.

2. Every Act of the Parliament of Canada, except in so far as otherwise provided in any such Act, and except in so far as the same is, by its terms, applicable only to one or more of the Provinces of Canada, or in so far as any such Act is, for any reason, inapplicable to the Territories, shall apply to and be in force in the Territories. What Dominion Acts shall or shall not apply to N. W. T.

3. The civil and criminal laws of England, as the same existed on the fifteenth day of July, in the year of our Lord one thousand eight hundred and seventy, shall be in force in the Territories, in so far as the same are applicable to the Territories, and in so far as the same have not been, or may not hereafter be, repealed, altered, varied, modified or affected by any Act of the Parliament of the United Kingdom applicable to the Territories, or of the Parliament of Canada, or by any ordinance of the Lieutenant-Governor in Council. And what civil and criminal laws of England.

4. There is hereby constituted and established in and for the Territories a supreme court of record of original and appellate jurisdiction, which shall be called "The Supreme Court of the North-West Territories." Supreme court for N.-W. T.

How composed.

5. The Supreme Court shall consist of five puisne judges, who shall be appointed by the Governor in Council by letters patent under the great seal.

Qualification of judges.

6. Any person may be appointed a judge of the court who is or has been a judge of a superior court of any Province of Canada, a stipendiary magistrate of the Territories or a barrister or advocate of at least *ten* years' standing at the bar of any such Province, or of the Territories.

Not to hold any other office.

7. No judge of the court shall hold any other office of emolument under the Government of Canada, or of any Province thereof, or of the Territories; but this provision shall not prevent the judges from acting as members of the North-West Council without emolument.

Where to reside.

8. Each judge of the court shall reside at such place in the Territories, as the Governor in Council may, in the commission to such judge, or by Order in Council, direct.

Tenure of office.

9. The judges of the court shall hold office during good behaviour, but shall be removable by the Governor General, on address of the Senate and House of Commons of Canada.

Salary and allowances of judges.

Retiring allowance.

10. Each judge of the court shall be paid a yearly salary of four thousand dollars, and such travelling allowances as the Governor in Council determines, and may be granted an annuity equal to two-thirds of his salary, at the time of his resignation if having continued in his office as such judge, or in such office, and the office of a judge of any superior court in Canada, or of a stipendiary magistrate of the Territories, for fifteen years or upwards, or being afflicted with some permanent infirmity disabling him from the due execution of his office, he resigns such office.

How paid.

11. Such salaries, travelling allowances and annuities, shall be payable out of any unappropriated moneys forming part of the Consolidated Revenue Fund of Canada, and for any period less than a year such salaries and annuities shall be paid *pro rata*.

Oath of office.

12. Every judge shall, previously to entering upon the duties of his office as such judge, take an oath in the form following:—

"I, , do solemnly and sincerely promise and "swear that I will duly and faithfully, and to the best of "my skill and knowledge, execute the powers and trusts "reposed in me as one of the judges of the Supreme Court "of the North-West Territories. So help me God."

How administered.

13. Such oaths shall be administered by the Lieutenant-Governor or by a judge of the court.

Powers of the court.

14. The court shall, within the Territories, have, possess, exercise, and enjoy, all such powers, authorities, rights, incidents and privileges as on the fifteenth day of July, one thousand eight hundred and seventy, were possessed, exercised and enjoyed by any of Her Majesty's Superior Courts

of Common Law at Westminister, or by the Court of Chancery at Lincoln's Inn, or by the Court of Probate or any court in England having cognizance of property and civil rights or of crimes and offences.

Sittings of the court in banc.

15. The court shall sit in banc at the seat of government of the Territories at such times as the Lieutenant-Governor in Council appoints. The senior judge present shall preside, and any three judges of the court shall constitute a quorum.

Proceedings at such sittings.

16. The court sitting in banc, shall hear and determine all applications for new trials, all questions or issues of law, all questions or points in civil or criminal cases reserved for the opinion of the court, all appeals or motions in the nature of appeals, all petitions and all other motions, matters or things whatsoever which may be lawfully brought before it.

Division of N. W. T. into judicial districts.

17. The Governor in Council may, at any time by proclamation, divide the Territories into judicial districts, and give to each such district an appropriate name, and in like manner, from time to time, alter the limits and extent of such districts.

Extent of jurisdiction of the judges as to locality and nature of cases.

18. Every judge of the court shall have jurisdiction throughout the Territories, but shall usually exercise the same within the district to which he is assigned by the Governor in Council, and in all causes, matters and proceedings, other than such as are usually cognizable by a court sitting in banc and not by a single judge of such court, shall have and exercise all the powers, authorities and jurisdiction of the court.

Presiding at sittings.

19. Sittings of the court, which shall be presided over by a judge of this court, shall be held in each judicial district at such times and places as the Lieutenant-Governor of the Territories appoints.

Sheriff and clerk for each judicial district.

20. For each judicial district the Governor in Council may appoint a sheriff and a clerk of the court and may name the place at which such sheriff and clerk, respectively, shall reside and keep an office; and the clerk of the district, within which the seat of Government of the Territories is situate, shall be registrar of the court sitting in banc.

Seal of court.

21. Each clerk of the court shall use such a seal for sealing processes issued out of the court in the district for which he is appointed as the Lieutenant-Governor approves.

Security by sheriff and clerk.

22. Each sheriff and clerk of the court shall furnish such security for the performance of his official duties as the Lieutenant-Governor in Council requires; and before entering upon the duties, shall take the oath of allegiance and an oath of office.

Remuneration of sheriff.

23. Each sheriff shall be paid a yearly salary of five hundred dollars, and such fees as the Lieutenant-Governor in Council prescribes.

No. 127.

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

An Act to extend the boundaries of the District of Keewatin and to amend the law respecting such District.

Received and read first time, Monday, 3rd May, 1886.
Second reading, Tuesday, 4th May, 1886.

Mr. THOMPSON.

OTTAWA:
PRINTED BY MACLEAN, ROGER & Co.
1886.

No. 130.] **BILL.** [1886.

An Act respecting certain works constructed in or over Navigable Waters.

(The words in Italics make new provisions.)

Preamble.

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

Interpretation.

1. In this Act, unless the context otherwise requires:— The expression "work" means and includes any bridge, boom, dam, aboiteau, *wharf, dock, pier or other structure*, and the approaches or other works necessary or appurtenant thereto. 45 V., c. 37, and 46 V., cc. 43 and 44.

Certain works not to be built unless authorized.

2. No work shall be constructed so as to interfere with navigation, unless the site thereof has been approved by the Governor in Council, and unless such work is built and maintained in accordance with plans approved by the Governor in Council. 45 V., c. 37, ss. 1 *and* 2;—46 V., c. 43, s. 1.

In what cases only existing structures of like kind shall be lawful.

3. No work heretofore constructed, shall, so far as the same interferes with navigation, be a lawful work, unless the site thereof has been or is approved, and such works is maintained in accordance with plans approved by the Governor in Council. 45 V., c. 43, s. 2.

Plans with description of site, to be deposited and notice given.

4. The local authority, company or person proposing to construct any work in navigable waters, shall deposit the plans therof and a description of the proposed site with the Minister of *Public Works, and duplicates thereof, in the office of the registrar of deeds for the district or county in which such work is proposed to be constructed*, and may apply to the Governor in Council for approval thereof, and shall give one month's notice of the said deposit of plans and application, by advertisement in the *Canada Gazette*, and in two newspapers published in or near the locality where such work is to be constructed. 46 V., c. 43, s. 3, and 45 V., c. 37, ss. 3 and 4.

Obtaining approval of work already constructed.

5. *Any local authority, company or person, may proceed in like manner to obtain the approval of the Governor in Council of the site and plans of any work heretofore constructed.*

Governor in Council may order removal of works built in contravention of this Act.

6. Any work to which this Act applies, which is built upon a site not approved by the Governor in Council, or which is not built in accordance with plans so approved, or which, having been so built, is not maintained in accordance with such plans, may, in so far as the same interferes

How composed.

5. The Supreme Court shall consist of five puisne judges, who shall be appointed by the Governor in Council by letters patent under the great seal.

Qualification of judges.

6. Any person may be appointed a judge of the court who is or has been a judge of a superior court of any Province of Canada, a stipendiary magistrate of the Territories or a barrister or advocate of at least *ten* years' standing at the bar of any such Province, or of the Territories.

Not to hold any other office.

7. No judge of the court shall hold any other office of emolument under the Government of Canada, or of any Province thereof, or of the Territories; but this provision shall not prevent the judges from acting as members of the North-West Council without emolument.

Where to reside.

8. Each judge of the court shall reside at such place in the Territories, as the Governor in Council may, in the commission to such judge, or by Order in Council, direct.

Tenure of office.

9. The judges of the court shall hold office during good behaviour, but shall be removable by the Governor General, on address of the Senate and House of Commons of Canada.

Salary and allowances of judges.

10. Each judge of the court shall be paid a yearly salary of four thousand dollars, and such travelling allowances as the Governor in Council determines, and may be granted an annuity equal to two-thirds of his salary, at the time of his resignation if having continued in his office as such judge, or in such office, and the office of a judge of any superior court in Canada, or of a stipendiary magistrate of the Territories, for fifteen years or upwards, or being afflicted with some permanent infirmity disabling him from the due execution of his office, he resigns such office.

Retiring allowance.

How paid.

11. Such salaries, travelling allowances and annuities, shall be payable out of any unappropriated moneys forming part of the Consolidated Revenue Fund of Canada, and for any period less than a year such salaries and annuities shall be paid *pro rata*.

Oath of office.

12. Every judge shall, previously to entering upon the duties of his office as such judge, take an oath in the form following:—

"I, , do solemnly and sincerely promise and "swear that I will duly and faithfully, and to the best of "my skill and knowledge, execute the powers and trusts "reposed in me as one of the judges of the Supreme Court "of the North-West Territories. So help me God."

How administered.

13. Such oaths shall be administered by the Lieutenant-Governor or by a judge of the court.

Powers of the court.

14. The court shall, within the Territories, have, possess, exercise, and enjoy, all such powers, authorities, rights, incidents and privileges as on the fifteenth day of July, one thousand eight hundred and seventy, were possessed, exercised and enjoyed by any of Her Majesty's Superior Courts

of Common Law at Westminister, or by the Court of Chancery at Lincoln's Inn, or by the Court of Probate or any court in England having cognizance of property and civil rights or of crimes and offences.

Sittings of the court in banc.

15. The court shall sit in banc at the seat of government of the Territories at such times as the Lieutenant-Governor in Council appoints. The senior judge present shall preside, and any three judges of the court shall constitute a quorum.

Proceedings at such sittings.

16. The court sitting in banc, shall hear and determine all applications for new trials, all questions or issues of law, all questions or points in civil or criminal cases reserved for the opinion of the court, all appeals or motions in the nature of appeals, all petitions and all other motions, matters or things whatsoever which may be lawfully brought before it.

Division of N. W. T. into judicial districts.

17. The Governor in Council may, at any time by proclamation, divide the Territories into judicial districts, and give to each such district an appropriate name, and in like manner, from time to time, alter the limits and extent of such districts.

Extent of jurisdiction of the judges as to locality and nature of cases.

18. Every judge of the court shall have jurisdiction throughout the Territories, but shall usually exercise the same within the district to which he is assigned by the Governor in Council, and in all causes, matters and proceedings, other than such as are usually cognizable by a court sitting in banc and not by a single judge of such court, shall have and exercise all the powers, authorities and jurisdiction of the court.

Presiding at sittings.

19. Sittings of the court, which shall be presided over by a judge of this court, shall be held in each judicial district at such times and places as the Lieutenant-Governor of the Territories appoints.

Sheriff and clerk for each judicial district.

20. For each judicial district the Governor in Council may appoint a sheriff and a clerk of the court and may name the place at which such sheriff and clerk, respectively, shall reside and keep an office; and the clerk of the district, within which the seat of Government of the Territories is situate, shall be registrar of the court sitting in banc.

Seal of court.

21. Each clerk of the court shall use such a seal for sealing processes issued out of the court in the district for which he is appointed as the Lieutenant-Governor approves.

Security by sheriff and clerk.

22. Each sheriff and clerk of the court shall furnish such security for the performance of his official duties as the Lieutenant-Governor in Council requires; and before entering upon the duties, shall take the oath of allegiance and an oath of office.

Remuneration of sheriff.

23. Each sheriff shall be paid a yearly salary of five hundred dollars, and such fees as the Lieutenant-Governor in Council prescribes.

And of clerk.

24. Such clerk shall be paid such fees as the Lieutenant-Governor in Council prescribes.

Deputies.

25. Any sheriff or clerk may, with the approval of the Lieutenant-Governor, appoint a deputy.

Duties of sheriffs and clerks.

26. Every sheriff and clerk shall be an officer of the Supreme Court, generally, and not merely of the judges sitting or acting in his district, and shall obey the lawful orders of the said court and of the judges thereof, in whatever district such orders are made, provided anything is required to be done under them by the sheriff or clerk in his district.

Legislative powers of the Lt.-Governor in Council, as to administration of justice in N.-W. T.

27. The Lieutenant-Governor in Council may, from time to time, but subject to the provision hereof, make ordinances in relation to the administration of justice in the Territories, and to the constitution, maintenance and organization of the said court, including procedure therein in civil matters, in as full and ample a manner as the Legislature of any Province of Canada could, under the fourteenth paragraph of the ninety-second section of "*The British North America Act*, 1867," or otherwise, make laws in relation to the administration of justice in the Province, and to the constitution, maintenance and organization of a provincial court, both of civil and criminal jurisdiction, including procedure in civil matters in such court.

Procedure in criminal cases

28. The procedure in criminal cases in the court shall, subject to any Act of the Parliament of Canada, conform as near as may be to the procedure existing in like cases in England, on the fifteenth day of July, in the year one thousand eight hundred and seventy, but no grand jury shall be summoned or sit in the Territories.

Ordinances respecting juries.

29. The Lieutenant-Governor in Council may, from time to time, make ordinances in respect to the mode of calling juries in criminal as well as civil cases, and when and by whom and the manner in which they may be summoned or taken, and in respect to all matters relating to the same.

Judges to have powers of stipendiary magistrates.

30. The judges of the court shall have all the powers, authority and jurisdiction now vested in the stipendiary magistrates of the Territories; and wherever in any Act of the Parliament of Canada relating to the Territories, the words "stipendiary magistrate" or "stipendiary magistrates" are used, the same shall mean a judge or the judges of the Supreme Court, as the case may be.

Section 5 of 43 V., c. 25, amended.

31. The fifth section of "*The North-West Territories Act*, 1880, is hereby amended by substituting the word "eight" for the word "six" in the fourth line of such section.

And certain other sections of the same.

32. Sections seventy-one, seventy-four, seventy-five and seventy-seven of "*The North-West Territories Act*, 1880," section eighty-nine of the said Act, so far as it relates to stipendiary magistrates, the second and sixth sections of the Act 47 Victoria, chapter 23, intituled "*An Act to amend the*

North-West Territories Act, 1880," and the fourth and sixth sections of the Act 48-49 Victoria, chapter 51, intituled "*An Act respecting the Administration of Justice and other matters in the North-West Territories*," are hereby repealed.

Governor in Council may repeal certain provisions of 43 V., c. 25 and 47 V., c. 23.

33. The Governor in Council may, from time time by proclamation, declare that paragraphs five to fifteen, both inclusive, of the seventy-sixth section of "*The North-West Territories Act*, 1880" ; section eighty-six of the said Act, and the fourth and fifth sections of 47 Victoria, chapter 23, intituled "*An Act to amend the North-West Territories Act*, 1880," or any of such paragraphs or sections shall be repealed from and after a date to be named in such proclamation.

Section 7 of 48-49 V., c. 51, amended.

34. The seventh section of 48-49 Victoria, chapter 51, intituled "*An Act respecting the administration of justice and other matters in the North-West Territories*," is hereby amended by striking out the words "clerk of the district court of the district or division," and substituting therefor the words, "clerk of the Supreme Court of the judicial district."

N.-W. Territories real property Act of this Session amended.

35. The Act of the present Session, intituled "*An Act respecting Real Property in the North-West Territories*," is hereby amended, as follows :—

1. In such Act, unless the context otherwise requires,—

The expression "Court" means the Supreme Court of the North-West Territories.

The expression "judge" means a judge of the Supreme Court, and

The expression "Court of Appeal" means the Supreme Court sitting in banc.

The same.

2. All the words of the *one hundred and thirty-seventh* section of such Act, after the words "Court of Appeal," in the second and third lines of such section, shall be struck out.

Commencement of this Act.

Proviso : as to certain Ordinances to be made under it.

36. This Act shall not come into force until a day to be named by the Governor in Council by his proclamation : Provided always, that at any time after the passing hereof, the Lieutenant-Governor in Council may make ordinances in the exercise of the powers conferred by the *twenty-seventh* and *twenty-ninth* sections hereof, such ordinances to come into force on the day on which this Act comes into force.

No. 133

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

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

Received and read first time, Wednesday, 12th May, 1886
Second reading, Thursday, 13th May, 1886.

Mr. THOMPSON.

OTTAWA:
PRINTED BY MACLEAN, ROGER & Co.
1886.

No. 136. **BILL.** [1886.

An Act further to amend the Act respecting Fishing by Foreign Vessels.

Preamble.

WHEREAS it is expedient for the more effectual protection of the inshore fisheries of Canada, against intrusion by foreigners, to further amend the Act intituled "*An Act respecting Fishing by Foreign Vessels*," passed in the thirty-first year of Her Majesty's reign, and chaptered sixty-one: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

31 V., c. 61.

Substituted S. 3 repealed.

1. The section substituted by the first section of the Act thirty-third Victoria, chapter fifteen, intituled "*An Act to amend the Act respecting Fishing by Foreign Vessels*," for the third section of the hereinbefore recited Act, is hereby repealed, and the following section substituted in lieu thereof:

New section.

Vessels found in British waters may be brought into port.

"3. Any one of the officers or persons hereinbefore mentioned may bring any ship, vessel or boat, being within any harbor in Canada, or hovering in British waters within three marine miles of any of the coasts, bays, creeks or harbors in Canada, into port, and search her cargo, and may also examine the master upon oath touching the cargo and voyage; and if the master or person in command does not truly answer the questions put to him in such examination, he shall incur a penalty of four hundred dollars; and if such ship, vessel or boat is foreign, or not navigated according to the laws of the United Kingdom or of Canada, and (*a*) has been found fishing or preparing to fish, or to have been fishing in British waters within three marine miles of any of the coasts, bays, creeks or harbors of Canada, not included within the above mentioned limits, without a license, or after the expiration of the term named in the last license granted to such ship, vessel or boat, under the first section of this Act, or (*b*) has entered such waters for any purpose not permitted by the law of nations, or by treaty or convention, or by any law of the United Kingdom or of Canada for the time being in force, or (*c*) having entered such waters has failed to comply with any such law of the United Kingdom or of Canada, such ship, vessel or boat and the tackle, rigging, apparel, furniture, stores and cargo thereof shall be forfeited.

Forfeiture in cases specified.

Repeal.

2. The Acts mentioned in the schedule hereto are hereby repealed.

Construction of this Act.

3. This Act shall be construed as one with the said "*Act respecting Fishing by Foreign Vessels*" and the amendments thereto.

SCHEDULE.

Acts of the Legislature of the Province of Nova Scotia.

Year, Reign, and Chapter.	Title of Act.	Extent of Repeal.
Revised Statutes, 3rd Series, c. 94.	Of the Coast and Deep Sea Fisheries.....	The whole.
29 Vic (1866) c 35..	An Act to amend Chapter 94 of the Revised Statutes "Of the Coast and Deep Sea Fisheries".....	The whole.

Act of the Legislature of the Province of New Brunswick.

16 Vic. (1853) c. 69..	An Act relating to the Coast Fisheries and for the prevention of illicit trade.....	The whole.

Act of the Legislature of the Province of Prince Edward Island.

6 Vic. (1843), c. 14...	An Act relating to the Fisheries and for the prevention of illicit trade in Prince Edward Island and the Coasts and Harbors thereof.	The whole.

No. 136.

4th Session, 5th Parliament, 49 Victoria

BILL.

An Act further to amend the A
specting Fishing by Foreign V

Received and read first time, Monda
May, 1886.
Second reading, Tuesday, 18th May, 1

Mr. Fos

OTTAWA:
Printed by MacLean, Roger &
1886.

No. 137.] **BILL.** [1886.

An Act respecting the Carleton City of Saint John Branch Railway.

WHEREAS by an Act passed in its now last Session the Parliament of Canada appropriated the sum of eighty-five thousand dollars, to purchase the Branch Railway, harbor frontage, wharf and town lots, and all other property of the Carleton City of Saint John Branch Railway Company; And whereas, in pursuance thereof, the outstanding bonds of the said company, and also four thousand seven hundred shares out of the five thousand shares of its capital stock, have been purchased by the Government of Canada, and it is expedient to declare that the said railway is a work for the general advantage of Canada, and to make provision for vesting the same with its appurtenances in Her Majesty, for the public uses of the Dominion: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

48-49 V., c. 41,

Schedule B.

Proceedings under it.

1. The railway of the Carleton City of Saint John Branch Railway Company, with its harbor frontage, wharves and town lots, and all other property of the said company, is hereby declared to be a work for the general advantage of Canada

Work declared to be for advantage of Canada.

2. The Minister of Railways and Canals may purchase from the several holders thereof, the three hundred shares in the capital stock of the company now outstanding, paying to each such shareholder a sum not exceeding that paid by him for his stock, without interest thereon.

Purchase of certain shares of stock of company.

3. As soon as the Minister of Railways and Canals has purchased the three hundred shares now outstanding of the capital stock of the said company, the said railway with its harbor frontage, wharves and town lots, and all other property of the company, shall be vested in Her Majesty for the public uses of Canada, free from all claims and incumbrances whatsoever; and the Governor in Council may, by proclamation declare that the same has so become vested in Her Majesty.

Railway, &c., vested in the Crown after such purchase.

Proclamation.

4. If the Minister of Railways and Canals cannot agree with any shareholder in the said company for the purchase of his shares in its stock, the Governor in Council may, by proclamation, declare that, from and after a day to be named in such proclamation, the railway of the said company, with its harbor frontage, wharves and town lots, and all other property

Provision if any such stock cannot be purchased.

of the company, shall be vested in Her Majesty for the public uses of Canada, free from all claims and incumbrances whatsoever, saving the right of any shareholder whose shares of the stock of the said company have not been purchased as hereinbefore provided, to obtain compensation therefor in the manner by law provided in the case of the expropriation of lands required for public works; and all provisions of law relating to claims arising from such expropriation, shall, as far as applicable, apply to the cases mentioned in this section.

Certain enactments to apply.

Railway and property vested in the Crown.

5. From and after the date of a proclamation issued under either of the two next preceding sections of this Act, the Minister of Railways and Canals shall, for all purposes relating to the said railway, have and exercise all the powers and authority vested in him by "*The Government Railways Act*, 1881," all the provisions whereof shall extend and apply to the said railway; and any other property of the said company vested in Her Majesty under such proclamation, and not required for railway purposes shall be subject to the control and management of such Ministers and Departments as the Governor in Council directs.

Money voted as aforesaid, or revoted, to be applicable.

6. The money appropriated as aforesaid for the purpose of the said railway and property, or any revote thereof, shall be applicable to the payment of the price of or the compensation for the shares of the stock of the said company not yet acquired by the Minister of Railways and Canals, and of any costs incurred with respect to the acquisition thereof.

No. 137.

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

An Act respecting the Carleton City of Saint John Branch Railway.

Received and read first time, Monday, 17th May, 1886.
Second Reading, Tuesday, 18th May, 1886.

Mr. THOMPSON.

OTTAWA:
PRINTED BY MACLEAN, ROGER & Co.
1886.

No. 138.] **BILL.** [1886.

An Act to amend the Act respecting the Electoral Franchise and the Dominion Elections Act, 1874.

(Reprinted as amended and reported from Committee of the Whole.)

WHEREAS it is expedient to amend "*The Electoral Franchise Act*," and "*The Dominion Elections Act*, 1874," as hereinafter set forth: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows:— Preamble.

1. Section two of the Act first cited is hereby amended by striking out the definition of "farmer's son" and inserting the following in lieu thereof:— S. 1 of 48-49 V., c. 40, amended.

"'Farmer's son' means and includes any male person who is not otherwise qualified to vote, and who is the son of an owner and actual occupant of a farm tenant or and actual occupant thereof under a lease for a term of not less than five years." "Farmer's son."

2. Sections three and four of the said Act are hereby repealed, and the following substituted therefor:— Ss. 3 and 4, repealed; new provision.

"**3.** Every person shall be entitled to be registered in any year upon the list of voters for the proper polling district of any electoral district or portion of an electoral district, and when so registered to vote, if such person— Who shall be registered as voters if qualified as to—

"(1.) Is of the full age of twenty-one years, and is not by this Act or by any law of the Dominion of Canada disqualified or prevented from voting; and Age.

"(2.) Is a British subject by birth or naturalization; and Allegiance.

"(3.) Is the owner of real property within any city or part of a city in the electoral district, of the actual value of at least three hundred dollars, or within any town or part of a town in the electoral district, of the actual value of at least two hundred dollars, or in any place in the electoral district, other than a city or town, of the actual value of at least one hundred and fifty dollars; or Ownership.

"(4.) Is the tenant of any real property within the electoral district, under a lease, at a monthly rental of at least two dollars, or at a quarterly rental of at least six dollars, or at a half-yearly rental of at least twelve dollars, or at an annual rental of at least twenty dollars, and has been in possession thereof as such tenant for at least one Tenancy.

year before his being placed upon the list of voters, or the date of the application for the placing of his name on the list of voters, and has really and *bonâ fide* paid one year's rent for such real property, at not less than the rate aforesaid; except when the rental is an annual one and for a larger sum than twenty dollars, in which case it shall be sufficient that at least twenty dollars of the last year's rent which accrued next before the time aforesaid shall have been paid: Provided always, that a change or changes of tenancy during the year shall not deprive such tenant of the right to be registered on a list of voters if such change or changes have been without any intermission of time between the tenancies, and if the several tenancies are such as would entitle the tenant to be registered on a list of voters had such tenant been in possession under any one of them, as such tenant, for the year next before the time aforesaid: Provided also, that in any place except a city, town or incorporated village, the rental hereinbefore mentioned may be payable in money, in kind, or in money's worth of like value; and provided further, that if on any revised or final assessment roll the amount of the tenant's rent is not stated, the fact that the real property in respect of which his name is entered on such roll as the tenant thereof is assessed on such roll in cities at three hundred dollars or more, or in towns at two hundred dollars or more, or in any place other than a city or town at one hundred and fifty dollars or more, shall be *primâ facie* evidence of his right to be registered on the list of voters; or—

As to charges of tenancy.

As to nature of rent payable.

As to valuation on assessment roll.

Occupancy.

"(5.) Is the *bonâ fide* occupant of real property within any city or part of a city in the electoral district, of the actual value of at least three hundred dollars, or within any town or part of a town in the electoral district, of the actual value of at least two hundred dollars, or in any place in the electoral district, other than a city or town, of the actual value of at least one hundred and fifty dollars: Provided in every such case, that such person has been in possession of such real property as such occupant for one year next before his being placed upon the list of voters, or the date of the application for the placing of his name on the list of voters, and is, and has been for such time, in the enjoyment of the revenues and profits thereof; or—

As to length of possession.

Residence and income.

"(6.) Is a resident within the electoral district, and derives an income of at least three hundred dollars annually from his earnings in money or money's worth, or partly in money and partly in money's worth, or from some profession, calling, office or trade, or from some investment in Canada, and has so derived such income and has been a resident of Canada for one year next before his being placed upon the list of voters, or the date of the application for the placing of his name on the list of voters; or—

As a farmer's son.

"(7.) Is a farmer's son not otherwise qualified to vote in the electoral district in which his father's farm is situated; and—

"(*a*) If his father is living, is and has been resident continuously with his father for one year next before his being placed upon the list of voters, or the date of the application for the placing of his name on the list of voters, if the value of such farm is sufficient, if equally divided among the father and one or more sons as co-owners, to qualify them to be registered as voters, in which case the father and such one or more sons as so desire may be so registered as voters; and if there are more such sons than one resident as aforesaid, and claiming to be registered as voters in respect thereof, and if the value of the farm of the father is not sufficient to give the father and each of such sons the right to vote in respect of such value if equally divided among them, then the right to be registered as a voter and to vote in respect of such farm, shall belong only to the father and the eldest or so many of the elder of such sons, being so resident as aforesaid, as the value of such farm, if equally divided, will qualify; or— If father is living. Case of more than one son.

"(*b*) If his father is dead, is and has been resident continuously with his father, or with his mother (after the death of his father), being the owner of the farm, for one year next before his being placed upon the list of voters, or the date of the application for the placing of his name on the list of voters, if the value of the farm, in respect of which it is claimed that he should be registered as a voter, is sufficient, if equally divided among all the sons of such father as co-owners, to qualify them as voters under this Act, in which case such one or more sons as so desire may be so registered as voters; and if there are more such sons than one resident as aforesaid, and claiming to be registered as voters in respect thereof, and if the value of such farm is not sufficient to give each of such sons the right to vote in respect of such value, if equally divided among them, then the right to be registered as a voter and to vote in respect of such farm shall belong only to the eldest or so many of the elder of such sons, being so resident as aforesaid, as the value of such farm, if equally divided, will qualify; or— If father is dead. Case of more than one son.

"(8.) Is the son of an owner of real property in such electoral district, or portion of an electoral district, other than a farm, and is not otherwise qualified to vote in the electoral district in which such property is situated; and— As son of owner not a farmer.

"(*a*) If his father is living, is and has been resident continuously with his father for one year next before his being placed upon the list of voters, or the date of the application for the placing of his name on the list of voters, if the value of the real property on which his father resides, and in respect of which his father is qualified to be registered as a voter as owner, is sufficient, if equally divided among the father and one or more sons as co-owners, to qualify them to be registered as voters under this Act, in which case the father and such one or more sons as so desire, may be so registered as voters; and if there are more such sons than one resident as aforesaid, and claiming to be registered as voters in respect of such property, and if the value thereof is If father in living. Case of more than one son.

not sufficient to give the father and each of the sons the right to vote in respect of such value, if equally divided, then the right to be registered as a voter and to vote in respect of such real property, shall belong only to the father and the eldest or so many of the elder of such sons, being so resident as aforesaid, as the value of such real property, if equally divided, will qualify; or—

If father is dead.

"(*b*) If his father is dead, is and has been resident continuously with his father, or with his mother (after the death of his father) being such owner, for one year next before his being placed upon the list of voters, or the date of the application for the placing of his name on the list of voters, if the value of the real property on which his father, or his mother (after the death of his father) resided or resides, and in respect of which such father would, if living, be qualified to be registered as a voter as owner, is sufficient, if equally divided among all his sons as co-owners, to qualify them to be registered as voters under this Act, in which case such one or more sons as so desire may be so registered as voters; and if there are more such sons than one resident as aforesaid, and claiming to be registered as voters in respect of such property, and if the value thereof is not sufficient to give each of such sons the right to vote in respect of such value, if equally divided, then the right to be registered as a voter and to vote in respect of such real property, shall belong only to the eldest or so many of the elder of such sons, being so resident as aforesaid, as the value of such real property, if equally divided, will qualify; or—

Case of more than one son.

As a fisherman.

"(9.) Is a fisherman, and is the owner of real property and boats, nets, fishing gear and tackle, within any such electoral district, or portion of an electoral district, or of a share or shares in a registered ship, which together are of the actual value of at least one hundred and fifty dollars."

S. 5 repealed; new provision.

3. Section five of the said Act is hereby repealed and the following substituted therefor:—

In a city or town attached to a county or riding and *vice versâ*.

"**5.** The qualifications required of voters in respect of a city or town, or portion of a city or town, shall apply to voters in respect of a city or town, or a portion of a city or town attached for electoral purposes to a county or riding of a county in any electoral district; and the qualifications required of voters in respect of any place other than a city or town shall apply to voters in respect of any municipality or place not being a city or town, or a portion of a city or town, which is attached to or included for electoral purposes in a city or town, or portion of a city or town."

When preceding sections shall come into force.

4. The two sections of this Act next preceding shall not come into force until the first day of January, in the year one thousand eight hundred and eighty-seven.

S. 8, repealed; new provision.

5. Section eight of the said Act is hereby repealed and the following substituted therefor:—

"8. In the case of a farmer's son or of the son of an owner of real property other than a farmer, each such son, in order to entitle him to vote as such son under the foregoing provisions of this Act, shall, at the time of the election for the electoral district in which he tenders his vote, be resident in such electoral district as hereinbefore provided with his father, or with his mother (after the death of his father), being owner as aforesaid; but occasional absence of any such son from the residence of the father, or of the mother (after the death of the father) for any period or periods not exceeding in all six months in the year, shall not disqualify such son as a voter; and the time spent by such son as a mariner or fisherman, in the prosecution of either of such occupations, or as a student in any institution of learning within Canada, shall be considered, for the purposes of this Act, as having been spent at the residence of his father, or of his mother (after the death of his father) as the case may be."

As to time spent by sons as mariners, fishermen or students.

6. The time to be fixed for the final revision of lists of voters under the said Act, shall be not less than five weeks after the publication by posting up of the lists, and each sitting for such final revision shall include when practicable at least three and (except in cities and towns) not more than five polling districts; the place for the holding of the final revision shall be in one of the polling districts the lists for which are to be so finally revised; and there shall be a sitting for such final revision in each city, town, township, parish, incorporated village and other known territorial division, and in the province of Prince Edward Island at least two sittings in each existing provincial electoral district except Charlottetown and Royalty and Georgetown and Royalty.

Time and place for final revision.

7. The revising officer shall exhibit to any person requiring to examine the same all notices of additions or objections deposited with or mailed to him under sections nineteen and twenty-six of the said Act, and shall permit copies thereof to be taken.

Notices of additions, &c., to exhibited on request.

8. If at the time of the final revision the person by whom any application to add to, amend or correct the list was made or notice of any objection or complaint was given, does not appear in support of the application, objection or complaint, or is desirous of withdrawing the same, the revising officer shall allow any other elector, who is desirous of so doing, to appear in support of such application, objection or complaint, or he may, without such substitution, hear any evidence that is available in support thereof and dispose of the matter accordingly.

Provision in case of withdrawal of objection.

9. The revising officer shall not remove the name of any person entered on the list of voters from such list on the ground that the qualification of such person is incorrectly entered thereon, if it appears that such person is entitled to be registered on the list of voters as possessed of any of the qualifications set forth in the said Act, but the revising officer shall retain the name of such person on the list and correct the same accordingly.

Defective description may be corrected.

S. 33 repealed; new provision.

10. Section thirty-three of the said Act is hereby repealed and the following substituted therefor:

Lists to be revised.

"**33.** On or as soon as possible after the first day of June in each year after the year of Our Lord one thousand eight hundred and eighty-six, the revising officer, being duly sworn as hereinbefore provided, shall cause the list of voters of the preceding year to be compared with the last assessment rolls and shall, with all the information that he can obtain from that or any other source, proceed to revise the lists of voters then in force under this Act for the electoral district or portion of an electoral district for which he is appointed, entering thereupon the names of all persons not already on such lists, and who, according to the provisions of this Act, are entitled to have their names so entered, indicating in the proper column thereof whether they are qualified in respect of real property, as owners, tenants, occupants, or otherwise, and stating the numbers of the lots, portions of lots and concessions, streets, or other available description of real property in respect of which they are qualified, and their post office addresses as nearly as can be ascertained by the said officer, or whether they are qualified in respect of income; and as to the sons of farmers, or other owners' sons as aforesaid, and voters on income, stating also in such lists in the proper column thereof the residence and post office addresses of such persons as nearly as can be ascertained by him, and noting on the said lists the names of any persons who are dead or who are not, according to the provisions of this Act, entitled to be registered as voters, stating the reason of such note, and making any other verbal or clerical corrections which seem necessary; and he shall attest all such additions, erasures or corrections, with his initials, and sign such lists as such revising officer; and such assessment rolls as aforesaid shall be *primâ facie* evidence of value.

What the lists shall show.

Attestation of changes.

S. 41, amended.

11. Section forty-one of the said Act is hereby amended by striking out the words "two hundred" in the third line thereof and inserting the words "three hundred" in lieu thereof.

S. 42, amended.

12. The following are hereby added to section forty-two of the said Act, as sub-sections two and three thereof:—

Parties if summoned to obey the summons.

"2. Every person, in respect of the placing of whose name on the list of voters an application has been made, or notice of an objection or complaint has been given, and every person who gives notice of any such objection or complaint, shall, if he is resident within the polling district, the list for which is sought to be amended, or within ten miles thereof, and is not absent from such limits, upon being served with a summons in the said form J, obey the same without being tendered or paid any allowance for his expenses:

Penalty in default.

"3. If any person summoned as in the next preceding sub-section provided, does not so attend in obedience to such summons, the revising officer may, in the absence of satisfactory evidence as to the reason of such non-attendance, or, if

such person is an applicant to be placed on the list of voters, as to his right to be placed on such list, dismiss the objection or complaint, or strike the name of such person off the list of voters, or refuse to place his name thereon, as the case requires, or the revising officer may impose a fine not exceeding five dollars on such person, or he may do both."

13. Section forty-eight of the said Act is hereby repealed. S. 48, repealed.

14. The form B in the Schedule to the said Act is hereby repealed and the form A in the schedule hereto substituted in lieu thereof. Form B, amended

15. As respects lists of voters revised after the year one thousand eight hundred and eighty-six, the same shall be certified and published, in the manner required by the said Act as hereby amended, on or before the first day of September in each year, and shall be finally revised and certified and duplicates thereof forwarded to the Clerk of the Crown in Chancery on or before the first day of November in each year. Time for future revision and returns.

16. Whenever from illness or from other casualty a revising officer is unable to hold any sitting at the time appointed therefor, the clerk may adjourn the sitting to any hour on the following day to be named by him, and so from day to day until the revising officer is able to attend, or until other provision is made for the holding of such sitting. If revising officer is unable to act.

17. Any revising officer appointed under the Act hereby amended may, in case of illness or necessary absence, after leave granted therefor by the Governor in Council, appoint a deputy revising officer to act for him during such illness or absence. Such appointment shall be subject to the approval of the Governor in Council: Deputy may be appointed in certain cases.

2. The deputy revising officer shall be possessed of all the qualifications, and during such illness or absence shall have all the powers of a revising officer, and if he is not a judge of any court his decision shall be subject to appeal as provided in the Act hereby amended. Powers of deputy.

18. The lists of voters prepared under the said Act in the present year, one thousand eight hundred and eighty-six, shall when finally revised, be valid and shall avail for the purposes of the said Act, notwithstanding that any form thereby prescribed is departed from, or that anything done is not done within the time or in the manner prescribed thereby, or that the territorial limits assigned to the revising officers in the district of Algoma were altered or extended subsequently to their having taken the oath of office. Certain lists to be valid.

19. The oath of qualification to be administered to a voter under the provisions of the section substituted by section six of the Act forty-first Victoria, chapter six, for section forty-three of "*The Dominion Elections Act*, 1874," shall be in the form B or the form C in the schedule to this Act, as the circumstances of the case require. Oath of qualification of a voter.

FORM A.

LIST OF VOTERS

For the year commencing 1st July, 18 , for the Polling Sub-division No. of the (*Municipality of, or the City or Town of*) in the Electoral District of .

LIST OF POST OFFICES, WITH THEIR REFERENCE NUMBERS.

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

POLLING SUB-DIVISION No. .

Comprising all the Lots and Parts of Lots in the following territory: Bounded on the South by , on the West by , on the North by , and on the East by .

Consecutive Number.	Name in Full. — (*Surname first.*)	Occupation.	Post Office Address.	Nature and Title of Qualification.	Concession, Street and No. of Lot, or other particular description of property; and residence if qualified on income, or as son of owner or farmer's son, with name of owner or farmer in the case of owner's or farmer's sons.
1	Atkinson, Alfred	Carpenter	9	Son of owner	Lot 21, con. 3, John Atkinson.
2	Adams, Wm. Henry	Farmer	8	Owner	N.W. pt. lot 28, con. 6.
3	Asseltine, Pierre	Stonemason	1	Tenant	Pt. 20, broken front, Rideau.
4	Benjamin, Ernest	Bricklayer	7	Income	667 Wellington street, W.
5	Bisonnette, Paul	Fisherman	4	Fisherman and owner	Pt. 34, range No. 10.
6	Brennan, Edward	Plasterer	2	Income	8 Broad street.
7	Campion, Francis	Farmer	3	Farmer's son	Lot 21, con. 4, Peter Campion.
8	Cooper, Charles	Printer	5	Tenant	Pt. 10, east George street.
9	Clegge, William	Painter	6	Occupant	Lot 14, Elgin street.

Dated 188 .

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

FORM B.

Form of Oath of Qualification of a person whose name is registered as a voter on the list of voters.

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 (by birth *or* naturalization, *as the case may be*) 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 at 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, directly or indirectly, paid or promised anything to any person either to induce him to vote or to refrain from voting at this election :

6. (*Also if such person is registered upon the list of voters and tenders his vote as a farmer's son or the son of an owner of real property other than a farmer :*) That I am resident with my father (*or if his father is dead*, with my mother) upon the farm (*or other real property, stating it*) in respect of which I am registered on the said list of voters. So help me God.

FORM C.

Form of oath of qualification of a person whose name has been excluded from the list of voters and which exclusion appears by the list of voters to be the subject of an undecided appeal.

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 (*stating residence, post office address and addition or occupation*) duly applied before the revising officer for the electoral district of (*or portion of an electoral district, as the case may be, in which the polling district where such person applies for a ballot paper is situated*) to have my name registered on the list of voters for this polling district (*or in the case of the first lists made for such electoral district or portion of an electoral district* on the list or one of the lists

of voters for such electoral district, or portion of an electoral district,) under the provisions of " The Electoral Franchise Act :"

2. That my application to have my name so registered was refused ; that I have duly appealed from such decision of the said revising officer, pursuant to the provisions of the said Act ;

3. That I am a British subject (by birth *or* naturalization *as the case may be*) and that I am of the full age of twenty-one years.

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

5. 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 ;

6. 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 ;

7. (*Also if the claim of such person to be entitled to be registered on the list of voters and to vote is as a farmer's son or as the son of an owner of real property other than a farmer, and if the subject of such appeal is the exclusion of his name from such list as such son*) That I am resident with my father (*or if his father is dead*, with my mother) upon the farm (*or other real property*) in respect of which I have made my claim and appeal thereupon to be registered as aforesaid on such list of voters. So help me God."

No. 138.

4th Session, 5th Parliament, 49 Victoria, 1

BILL.

An Act to amend the Act respecting Electoral Franchise and the Domin Elections Act, 1874.

(*Reprinted as amended and reported from C mittee of the Whole.*)

Mr. THOMPSON

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co

No. 138.] **BILL.** [1886.

An Act to amend the Act respecting the Electoral Franchise and the Dominion Elections Act, 1874.

(*Reprinted as amended in Committee of the Whole on Friday, 21st May, 1886.*)

Preamble.

WHEREAS it is expedient to amend "*The Electoral Franchise Act*," and "*The Dominion Elections Act*, 1874," as hereinafter set forth: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows:—

Time and place for final revision.

1. The time to be fixed for the final revision of lists of voters under "*The Electoral Franchise Act*," shall be not less than five weeks after the publication by posting up of the lists, and each sitting for such final revision shall include when practicable at least three and (except in cities and towns) not more than five polling districts; the place for the holding of the final revision shall be in one of the polling districts the lists for which are to be so finally revised; and there shall be a sitting for such final revision in each city, town, township, parish, incorporated village and other known territorial division, and in the province of Prince Edward Island at least two sittings in each existing provincial electoral district except Charlottetown and Royalty and Georgetown and Royalty.

Provision in case of withdrawal of objection.

2. If at the time of the final revision the person by whom any application to add to, amend or correct the list was made or notice of any objection or complaint was given, does not appear in support of the application, objection or complaint, or is desirous of withdrawing the same, the revising officer shall allow any other elector, who is desirous of so doing, to appear in support of such application, objection or complaint, or he may, without such substitution, hear any evidence that is available in support thereof and dispose of the matter accordingly.

Defective description may be corrected.

3. The revising officer shall not remove the name of any person entered on the list of voters from such list on the ground that the qualification of such person is incorrectly entered thereon, if it appears that such person is entitled to be registered on the list of voters as possessed of any of the qualifications set forth in the said Act, but the revising officer shall retain the name of such person on the list and correct the same in consequence.

S. 33 repealed; new provision.

4. Section thirty-three of the said Act is hereby repealed and the following substituted therefor:

Lists to be revised.

"**33.** On or as soon as possible after the first day of June in each year after the year of Our Lord one thousand eight hundred and eighty-six, the revising officer, being duly sworn as hereinbefore provided, shall cause the list of voters of the preceding year to be compared with the last assessment rolls and shall, with all the information that he can obtain from that or any other source, proceed to revise the lists of voters then in force under this Act for the electoral district or portion of an electoral district for which he is appointed, entering thereupon the names of all persons not already on such lists, and who, according to the provisions of this Act, are entitled to have their names so entered, indicating in the proper column thereof whether they are qualified in respect of real property, as owners, tenants, occupants, or otherwise, and stating the numbers of the lots, portions of lots and concessions, streets, or other available description of real property in respect of which they are qualified, and their post office addresses as nearly as can be ascertained by the said officer, or whether they are qualified in respect of income; and as to the sons of farmers, or other owners' sons as aforesaid, and voters on income, stating also in such lists in the proper column thereof the residence and post office addresses of such persons as nearly as can be ascertained by him, and noting on the said lists the names of any persons who are dead or who are not, according to the provisions of this Act, entitled to be registered as voters, stating the reason of such note, and making any other verbal or clerical corrections which seem necessary; and he shall attest all such additions, erasures or corrections, with his initials, and sign such lists as such revising officer; and such assessment rolls as aforesaid shall be *primâ facie* evidence in value.

What the lists shall show.

Attestation of changes.

S. 41, amended.

5. Section forty-one of the said Act is hereby amended by striking out the words "two hundred" in the third line thereof and inserting the words "three hundred" in lieu thereof.

S. 48, repealed.

6. Section forty-eight of the said Act is hereby repealed.

Form B, amended.

7. The form B in the Schedule to the said Act is hereby repealed and the form A in the schedule hereto substituted in lieu thereof.

Certain lists to be valid.

8. The lists of voters prepared under the said Act in the present year, one thousand eight hundred and eighty-six, shall when finally revised, be valid and shall avail for the purposes of the said Act, notwithstanding that any form thereby prescribed is departed from, or that anything done is not done within the time or in the manner prescribed thereby, or that the territorial limits assigned to the revising officers in the district of Algoma were altered or extended subsequently to their having taken the oath of office.

Provision as to final revision of a list first made for a polling district.

11. In the present year, one thousand eight hundred and eighty-six, it shall not be necessary, in any case in which the preliminary list of voters has been made for a polling district constituted under the laws in force at the time of the passing of the said Act, and does not contain the names of

more than three hundred voters that such polling district should be divided as provided by section twenty-one of the said Act; and in every such case the final revision shall be made upon such preliminary list, and it shall not be necessary that such list shall be printed and published as provided by section twenty-four of the said Act, but the notice of the final revision required by the last cited section, and section twenty-five of the said Act may be posted up and published at any time after the passing of this Act.

Oath of qualification of a voter.

12. The oath of qualification to be administered to a voter under the provisions of the section substituted by section six of the Act forty-first Victoria, chapter six, for section forty-three of "*The Dominion Elections Act*, 1874," shall be in the form B or the form C in the schedule to this Act, as the circumstances of the case require.

FORM A.

LIST OF VOTERS

For the year commencing 1st July, 18 , for the Polling Sub-division No. of the (*Municipality of, or the City or Town of*) in the Electoral District of .

LIST OF POST OFFICES, WITH THEIR REFERENCE NUMBERS.

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

POLLING SUB-DIVISION No. .

Comprising all the Lots and Parts of Lots in the following territory: Bounded on the South by , on the West by , on the North by , and on the East by .

Consecutive Number.	Name in Full. (*Surname first.*)	Occupation.	Post Office Address.	Nature and Title of Qualification.	Concession, Street and No. of Lot, or other particular description of property; and residence if qualified on income, or as son of owner or farmer's son, with name of owner or farmer in the case of owner's or farmer's sons.
1	Atkinson, Alfred.	Carpenter	9	Son of owner.	Lot 21, con. 3, John Atkinson.
2	Adams, Wm. Henry.	Farmer	8	Owner	N.W. pt. lot 28, con. 6.
3	Asseltine, Pierre	Stonemason	1	Tenant	Pt. 20, broken front, Rideau.
4	Benjamin, Ernest	Bricklayer	7	Income.	667 Wellington street, W.
5	Bisonnette, Paul	Fisherman	4	Fisherman and owner	Pt. 34, range No. 10.
6	Brennan, Edward	Plasterer	2	Income	8 Broad street.
7	Campion, Francis	Farmer	3	Farmer's son	Lot 21, con. 4, Peter Campion.
8	Cooper, Charles	Printer	5	Tenant	Pt. 10, east George street.
9	Clegge, William	Painter	6	Occupant	Lot 14, Elgin street.

Dated 188 .

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

FORM B.

Form of Oath of Qualification of a person whose name is registered as a voter on the list of voters.

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 now shown to me (*showing list of voters to such person*) and that I am entitled to vote at this election :

2. That I am a British subject (by birth *or* naturalization, *as the case may be*) 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 at 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, directly or indirectly, paid or promised anything to any person either to induce him to vote or to refrain from voting :

6. (*Also if such person is registered upon the list of voters and tenders his vote as a farmer's son or the son of an owner of real property other than a farmer :*) That I am resident with my father (*or if his father is dead*, with my mother) upon the farm (*or other real property, stating it*) in respect of which I am registered on the said list of voters. So help me God.

FORM C.

Form of oath of qualification of a person whose name has been excluded from the list of voters and which exclusion appears by the list of voters to be the subject of an undecided appeal.

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 (*stating residence, post office address and addition or occupation*) duly applied before the revising officer for the electoral district of (*or portion of an electoral district, as the case may be, in which the polling district where such person applies for a ballot paper is situated*) to have my name registered on the list of voters for this polling district (*or in the case of the first lists made for such electoral district or portion of an electoral district* on the list or one of the lists

of voters for such electoral district, or portion of an electoral district,) under the provisions of "The Electoral Franchise Act:"

2. That my application to have my name so registered was refused; that I have duly appealed from such decision of the said revising officer, pursuant to the provisions of the said Act;

3. That I am a British subject (by birth *or* naturalization *as the case may be*) and that I am of the full age of twenty-one years.

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

5. 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;

6. 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;

7. (*Also if the claim of such person to be entitled to be registered on the list of voters and to vote is as a farmer's son or as the son of an owner of real property other than a farmer, and if the subject of such appeal is the exclusion of his name from such list as such son*) That I am resident with my father (*or if his father is dead*, with my mother) upon the farm (*or other real property*) in respect of which I have made my claim and appeal thereupon to be registered as aforesaid on such list of voters. So help me God."

No. 138.

4th Session, 5th Parliament, 49 Victoria,

BILL.

An Act to amend the Act respectir
Electoral Franchise and the Dom
Elections Act, 1874.

(*Reprinted as amended in Committee Whole on Friday, 21st May*, 1886.

Mr. THOMPS

OTTAWA:

PRINTED BY MACLEAN, ROGER &

No 139.] **BILL.** [1886.

An Act respecting Tolls over the Dunnville Dam and Bridge connecting works constructed over the Grand River.

Preamble.

WHEREAS the Dunnville Dam and Bridge, erected over the Grand River is a public work of Canada vested in Her Majesty and under the control and management of the Minister of Railways and Canals; and whereas public convenience would be greatly promoted by the abolition of the collection of tolls for the use of the said Dam and Bridge and by allowing free passage over the same: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

No tolls to be levied for passage over the said work

1. Notwithstanding anything in the "*Act respecting the Public Works of Canada*," or in any other Act contained, no tolls shall be hereafter levied or collected for passage over the Dam and Bridge mentioned in the preamble to this Act.

No. 139.

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

An Act respecting tolls over the Dunnville Dam and Bridge connecting works constructed over the Grand River.

Received and read first time, Wednesday, 19th May, 1886.
Second reading, Thursday, 20th May, 1886.

Sir HECTOR L. LANGEVIN.

OTTAWA:
PRINTED BY MACLEAN, ROGER & Co.
1886.

No. 140.] **BILL.** [1886.

An Act respecting the Improvement of the Harbor of Quebec. Preamble.

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

1. In addition to the sums authorized by the Acts thirty-sixth Victoria, chapter sixty-two, forty-third Victoria, chapter seventeen, forty-fifth Victoria, chapter forty-seven and forty-seventh Victoria, chapter nine, to be raised in the manner therein mentioned, for the relief of the Quebec Harbor Commissioners and the improvement of the said harbor, it shall be lawful for the Governor in Council to raise, by the issue of debentures bearing interest, payable half yearly, at a rate not exceeding four per cent. per annum, a further sum of seven hundred and fifty thousand dollars. Further sum may be raised for improvement of the harbor.

2. The sum so raised may be advanced, from time to time, to the said commissioners, to enable them to complete their wet and tidal docks, now in course of construction in the said harbor. Advance to commissioners

3. The repayment by the commissioners of the sum so advanced shall be provided for in the manner prescribed by the Act first above cited, as amended by the Act forty-sixth Victoria, chapter thirty-nine, for the repayment of the sums advanced to the commissioners under it, and subject to the provisions of the said Act in that behalf. As to repayment.

No. 140.

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

An Act respecting the Improvement of the Harbor of Quebec.

Received and read first time, Wednesday, 19th May, 1886.

Second reading, Thursday, 20th May, 1886.

Mr. McLELAN.

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.

1886.

No. 142J. **BILL.** [1886.

An Act to make further provision respecting grants of land to members of the Militia Force on active service in the North-West.

WHEREAS it is expedient to make further provision, as hereinafter set forth, respecting the grants of land authorized to members of the Militia Force by the Act passed in the session held in the forty-eighth and forty-ninth years of Her Majesty's reign, and chaptered seventy-three: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows:— Preamble.

1. In the Act hereinbefore cited the expression "member of the enrolled militia force actively engaged and bearing arms in the suppression of the Indian and Half-breed outbreak" shall be deemed to include, in addition to the members of the said force mentioned in the said Act: — Interpretation.

(*a.*) Every officer, non-commissioned officer and man of any irregular force raised by authority and actively engaged and bearing arms in the suppression of the said outbreak, other than as a home guard for the protection of property at or near their place of residence; Irregulars actively engaged.

(*b.*) Every scout actively engaged during the said outbreak, whose services have been certified to by competent authority; Scouts.

(*c.*) The master, pilot and every member of the crew of the steamer "Northcote" and every member of the crew of every other boat engaged in action during the said outbreak; Masters and crews of the Northcote or boats.

(*d.*) Every person regularly appointed to the medical staff and actively engaged during the said outbreak; Medical staff.

(*e*) Nurses and hospital dressers actively engaged, by authority, during the said outbreak, and reported for special meritorious service by the Major-General commanding; Nurses and dressers.

(*f.*) Every officer, non-commissioned officer and man of a corps of the enrolled Militia Force, which corps served in the suppression of the said outbreak west of Port Arthur, who, having started with the corps to which he belonged for service as aforesaid, was incapacitated through accident and ordered to return home or was invalided, not through any fault of his own, before the corps to which he belonged reached Port Arthur; and if any such officer, non-commissioned Members of Militia Force invalided or ordered home before reaching Port Arthur.

officer or man so ordered to return home or invalided has since died, then his legal representative or representatives.

Privilege granted to members of Militia Force holding certificates of homestead and pre-emption entry:

2. Every member of the enrolled Militia Force, to whom the Act hereinbefore cited as hereby amended, applies, who, at the time he was called out for active service in suppressing the outbreak in the said Act mentioned, was the holder of a certificate of a homestead and pre-emption entry, under "*The Dominion Lands Act*, 1883," may tender the warrant mentioned in section three of the Act hereinbefore first cited in payment of all moneys due by him in respect of such pre-emption entry, and such warrant shall be received by the proper officer as a payment in cash to an equivalent amount; but no such warrant shall be receivable under the provisions of this section from any substitute of any such member of the enrolled Militia Force, under the said first cited Act.

Proviso:

And to certain members thereof serving under section 21, of Militia Act, 1883, and of schools of military instruction.

3. Any member of the several corps, enlisted and serving under the provisions of section twenty-one of "*The Consolidated Militia Act of* 1883," and of the Schools of Military Instruction constituted thereunder, who is entitled to participate in the advantages conferred by the Act hereinbefore first cited, may tender the warrant mentioned in section three of the said first cited Act, in payment *pro tanto* for any land he selects for settlement within six months from the expiry of his term of service under the said section twenty-one: Provided always, that such member shall, on or before the first day of August, one thousand eight hundred and eighty-six, notify the Minister of the Interior whether he will accept a warrant to be applied as in this section before mentioned, or scrip for eighty dollars, as in the said first cited Act provided.

Proviso.

No. 142.

4th Session, 5th Parliament, 49 Victoria,

BILL.

An Act to make further provisio
specting grants of lands to mer
of the Militia Force on active se
in the North-West.

Received and read first time, Friday,
May, 1886.
Second reading, Tuesday, 25th May, 188

Mr. WHITE.
(Cardw

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co

1886.

No 143.] **BILL.** [1886.

An Act to authorize the construction of a railway from the Straits of Canso, as a Public Work.

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

1. The Minister of Railways and Canals is hereby authorized to construct a railway from a point on the Straits of Canso to Louisburg or Sydney, as a public work; and "*The Government Railways Act*, 1881," shall apply to such Railway, and the location and all other incidents of the work shall be determined by the Governor in Council. To be made a public work under 44 V., c. 25.

No. 143.

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

An Act to authorize the construction of a railway from the Straits of Canso, as a Public Work.

Received and read first time, Wednesday, 26th May, 1885.
Second reading, Thursday, 27th May, 1886.

Sir HECTOR L. LANGEVIN.

OTTAWA:
PRINTED BY MACLEAN, ROGER & CO.
1886

No. 144.] **BILL.** [1886.

An Act respecting certain subsidies for a railway from Metapediac on the Intercolonial Railway to Paspebiac.

Preamble.

WHEREAS by the Act, forty-six Victoria, chapter twenty-five, the Governor in Council was authorized to grant to the Baie des Chaleurs Railway Company, incorporated by Act of the Legislature of the Province of Quebec, a subsidy not exceeding three thousand two hundred dollars per mile, nor exceeding in the whole three hundred and twenty thousand dollars, for one hundred miles of their railway from Metapediac on the Intercolonial Railway, to Paspebiac in the Province of Quebec, and by the Act forty-seven Victoria, chapter eight, further authority was given to the Governor in Council to grant a subsidy, not exceeding in the whole three hundred thousand dollars, for a branch of the Intercolonial Railway from Metapediac eastward towards Paspebiac, twenty miles in the Province of Quebec, subject in both cases to certain conditions mentioned in the said Acts respectively; And whereas, the said company, by two separate instruments designated as articles of agreement, made in duplicote, between Her Majesty Queen Victoria and the Company, both bearing date the seventh day of November, one thousand eight hundred and eighty-five, have undertaken to construct, in the manner and subject to the conditions set forth in the said instruments respectively, as well the said twenty miles as the remaining eighty miles of the railway from Metapediac to Paspebiac, and it was thereby further agreed that the Government should request Parliament, at the present Session, to authorize the arrangement hereinafter mentioned as to the application of the subsidies aforesaid to the several portions of the said one hundred miles of railway: Therefore Her Majesty, by and with the advice and consedt of the Senate and House of Commons, enacts as follows:—

How the subsidies heretofore granted shall be applicable.

1. The said subsidy of three hundred thousand dollars shall apply to the first section of twenty miles of the said railway, eastward from Metapediac; the subsidy of three thousand two hundred dollars per mile authorized for the said first section shall, with the three thousand two hundred dollars which alone would have been applicable to the second section of twenty miles eastward from Metapediac, be also applicable to it, making six thousand four hundred dollars per mile applicable to the said second section; and to the remaining sixty miles of the said one hundred miles of the railway the subsidy of three thousand two hundred dollars per mile shall apply.

Agreement confirmed.

2. The two instruments of agreement mentioned in the preamble to this Act, which were made subject to the approval of Parliament are hereby approved and confirmed.

Time for completion of work.

3. The company shall complete the railway hereinbefore mentioned by the first day of December, one thousand eight hundred and eighty-eight, and the provisions of the above cited Acts which are applicable thereto shall, except as hereby modified, continue to apply to the said railway and the said company.

No. 144.

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

An Act respecting certain subsidies for a railway from Metapediac on the Intercolonial Railway to Paspebiac.

Received and read first time, Wednesday, 20th May, 1886.
Second Reading, Thursday, 27th May, 1886.

Sir HECTOR L. LANGEVIN.

OTTAWA:
PRINTED BY MACLEAN, ROGER & Co.
1886.

No. 145.] **BILL.** [1886.

An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the public service, for the financial years ending respectively the 30th June, 1886, and the 30th June, 1887, and for other purposes relating to the public service.

MOST GRACIOUS SOVEREIGN,

Preamble. WHEREAS it appears by Messages from His Excellency the Most Honorable the Marquess of Lansdowne, Governor General of the Dominion of Canada, and the estimates accompanying the same, that the sums hereinafter mentioned are required to defray certain expenses of the public service of the Dominion, not otherwise provided for, for the financial years ending respectively the thirtieth day of June, one thousand eight hundred and eighty-six, and the thirtieth day of June, one thousand eight hundred and eighty-seven, and for other purposes connected with the public service: May it therefore please Your Majesty that it may be enacted, and be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, that :—

Sum granted for financial year 1885-'86, $3,501,921.23. 1. From and out of the Consolidated Revenue Fund of Canada there shall and may be paid and applied a sum not exceeding in the whole three million, five hundred and one thousand, nine hundred and twenty-one dollars and twenty-three cents, towards defraying the several charges and expenses of the public service of the Dominion, from the first day of July, in the year of Our Lord one thousand eight hundred and eighty-five, to the thirtieth day of June, in the year of Our Lord one thousand eight hundred and eighty-six, not otherwise provided for, and set forth in Schedule A to this Act, and also for the other purposes in the said schedule mentioned.

Sum granted for financial year 1886-'87, $21,562,021.41 2. From and out of the Consolidated Revenue Fund of Canada there shall and may be paid and applied a sum not exceeding in the whole twenty-one million, five hundred and sixty-two thousand and twenty-one dollars and forty-one cents, towards defraying the several charges and expenses of the public service of the Dominion, from the first day of July, in the year of Our Lord one thousand eight hundred and eighty-six, to the thirtieth day of June, in the year of Our Lord one thousand eight hundred and eighty-seven, not otherwise provided for, and set forth in Schedule B to this Act, and also for the other purposes in the said schedule mentioned.

Account to be rendered in detail.

3. A detailed account of the sums expended under the authority of this Act shall be laid before the House of Commons of Canada during the first fifteen days of the then next Session of Parliament.

Declaratory as to certain loans authorized but not raised.

4. And whereas there remained on the thirty-first day of December last, unborrowed and negotiable, of the loans authorized by Parliament for the several works hereinafter mentioned, and for general purposes, the sums opposite to each, respectively, that is to say :—

For Intercolonial Railway		$2,433,333 33	
For opening communication and administration of the Government in the North-West Territories		1,460,000 00	
For improvement of the River St Lawrence.		2,680,000 00	
do do Quebec Harbor		2,125,000 00	
For the Quebec Graving Dock		750,000 00	
For the Harbor of Three Rivers		82,000 00	
For the Pacific Railway and Canadian Canals		3,893,333 33	
For general purposes, balance 30th June, 1885	$36,144,890 70		
For Savings Bank withdrawals to 31st December, 1885	5,080,442 44		
For four per cent. funded debt redeemed to 31st December, 1885	696,308 55		
For Dominion stock redeemed to 31st December, 1885	332,596 85		
For sterling debentures redeemed to 31st December, 1885	10,706 66		
For currency debentures redeemed to 31st December, 1885	2,343 34		
	$42,267,378 54		
Deduct :—Savings Bank deposits to 31st December, 1885	$ 6,651,582 40		
Sterling bonds issued to 31st December, 1885	19,466,666 66		
Currency bonds issued to 31st December, 1885	292,000 00		
	26,410,249 06		
		15,857,129 48	
		$29,280,796 14	

Therefore it is declared and enacted, that the Governor in Council may authorize the raising of the several sums above mentioned, as they may be required for the purposes aforesaid, respectively, under the provisions of the Act passed in the thirty-fifth year of Her Majesty's reign, intituled "*An Act respecting the Public Debt, and the raising of Loans authorized by Parliament*," as amended by the Act passed in the thirty-eighth year of Her Majesty's reign, intituled "*An Act to amend the Act respecting the Public Debt, and the raising of Loans authorized by Parliament;*" and the sums so raised shall form part of the Consolidated Revenue Fund of Canada, out of which like sums shall be applicable to the several purposes aforesaid, under the Acts and provisions thereunto relating respectively.

Such sums may be raised under 35 V., c. 6, as amended by 38 V., c. 4.

Application of sums so raised.

SCHEDULE A.

SUMS granted to Her Majesty by this Act for the Financial Year ending 30th June, 1886, and the purposes for which they are granted.

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
CHARGES OF MANAGEMENT.			
To cover balance of expenses of removal of Assistant Receiver-General's Office, Halifax			260 35
CIVIL GOVERNMENT.			
SALARIES AND CONTINGENCIES.			
Office of the Queen's Privy Council for Canada:—Salary of one 2nd Class Clerk	$1,350 00		
Salary of Messenger, from 1st March to 30th June	100 00		
		1,450 00	
Department of the Secretary of State:—To pay Léonce Labelle allowance for optional subjects and extra work	$167 50		
To pay H. Roy, for extra work performed	73 00		
To pay D. D. McDonald, for extra work	50 00		
To pay salary of J. F. Waters, as 3rd Class Clerk, from 1st April to 30th June, at $1,000 per annum	250 00		
		540 50	
Department of Fisheries:—To pay S. P. Bauset the difference between $1,800 and $2,200, from 1st July, 1885, to 1st July, 1886		400 00	
Department of the Interior:—To provide for the increase of salary of one 3rd Class Clerk, George Bell, from $550 to $700, from 1st July, 1885, to 30th June, 1886		150 00	
Office of the Auditor-General:—To provide for the salary of W. J Reid, 3rd Class Clerk, from 1st July, 1885, to 30th June, 1886		800 00	
Department of Indian Affairs:—Allowance at the rate of $50 per annum to the undermentioned Clerks, for having passed in one optional subject—			
J. W. Shore, passed in November, 1884	$ 79 16		
W. A. Hunton, passed in May, 1885	54 16		
Increase of salary to D. C. F. Bliss, from 1st July, 1885	200 00		
		333 32	
Carried forward		3,673 82	260 35

SCHEDULE A—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward		3,673 82	260 35
CIVIL GOVERNMENT—*Concluded.*			
SALARIES AND CONTINGENCIES—*Concluded.*			
Department of Finance:—To pay the difference between $400 and $600, in allowance of the Minister's Private Secretary, from 10th December, 1885, to 30th June, 1886	$110 69		
To pay E. L. Brittain, allowance for optional subject, from 1st June, 1885	54 16		
		164 85	
Department of Agriculture:—For nine months' allowance to Minister's Private Secretary, from 1st October, 1885	$450 00		
For allowance to Mr. H. H. Bailey, Patent Examiner, from 1st December, 1885, to 30th June, 1886, at the rate of $100 per annum	58 33		
		508 33	
Inland Revenue Department:—To pay J. F. Shaw, R. Devlin, C. E. Chubbuck and J. A. Doyon, the usual annual increment, they having been provided for in the Estimates of 1885-86, at $1,100 only, while by a vote of last Session they were provided for in the Supplementary Estimates for 1884-85, at $1,100, dating from 1st July, 1884		200 00	
To provide for the payment to the undermentioned officers, allowances at the rate of $50 per annum, for having passed in one optional subject:—			
Public Works Department:—G. Hennessy, from 1st June, 1885		54 16	
Post Office Department:—J. S Stevenson, from 1st June, 1885		54 16	
			4,655 32
ADMINISTRATION OF JUSTICE.			
Miscellaneous Justice, including North-West Territories, and $40.00 to E. Coté, $28 50 to F. Colson, $13.00 to F. K. Bennetts, $187 60 to J. A. Coté, and $266 25 to H. Roy, for services, &c., in connection with the publication of the report of Riel's case		46,000 00	
To pay Sheriff Chapleau, at the rate of $800 per annum, for travelling expenses from 7th July, 1883, to 1st January, 1885		1,190 14	
			47,190 14
DOMINION POLICE.			
For salaries of extra constables during the year			750 00
LEGISLATION.			
ELECTIONS.			
To meet expenses connected with Franchise Act		200,000 00	
SENATE.			
To pay James Young, Government Stationer, for services in the purchase of stationery for the Senate		200 00	
Carried forward		200,200 00	52,855 81

SCHEDULE A—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward		200,200 00	52,855 81
LEGISLATION—*Continued.*			
HOUSE OF COMMONS.			
To meet salary of the Deputy Speaker	$2,000 00		
To recoup amount expended out of grant for the current year in completing the publication of the Debates, House of Commons, for Session of 1885. (The authority required by Section 51 of "*The Civil Service Act,*" is hereby given for paying out of this vote such sums as may be required to pay such employees of the Civil Service as it is necessary to employ to do duty as amanuenses to the Debates Staff of the House of Commons, for the present Session as well as for the Sessions of 1884 and 1885)	26,287 83		
To pay C. Medlow for engrossing and illuminating Address of House to Major-General Sir F. Middleton.	25 00		
To cover additional amount required for stationery	1,000 00		
		29,312 83	
SESSIONAL INDEMNITY.			
To pay members of the House of Commons, who were detained by storms while on their way to attend the Session, the balance of their indemnity :—			
Mr. Gagné	$ 64 00		
Mr. Burns	48 00		
Mr. Jenkins	48 00		
Mr. Stairs	48 00		
Mr. A. C. Macdonald	48 00		
Mr. Kinney	48 00		
		304 00	
MISCELLANEOUS.			
To pay to A. H. Todd, difference between the salary, $1,400, which he is at present receiving, and $1,600 from 1st July, 1885, to 30th June, 1886	$ 200 00		
To pay to James Fletcher, from 1st July to 27th November, 1885, difference between $1,150 and $1,400 per annum	102 06		
To pay to L. P. Sylvain, from 1st July to 27th November, 1885, difference between $1,000 and $1,100 per annum	40 82		
To pay John Smith difference between $750 and $1,000, from 1st January to 30th June, 1886	125 00		
To purchase 400 copies of the Dominion Annual Register and Review for 1885	1,200 00		
To pay Mr. Alphonse Desjardins the amount of his account for 40 copies of "Débats de la Législature de Québec," $323.90, for 1884, and 40 copies of a similar work for 1885, $320	643 90		
To pay for 150 copies of Mr. Faucher de St. Maurice's work on Parliamentary Procedure, to be purchased for the use of both Houses of Parliament, and of the several Departments, as well as for the Library of Parliament and its exchanges	750 00		
To purchase a complete set of the Statutes of Canada since 1841, for the use of the Library	135 00		
Carried forward	$3,196 78	229,816 83	52,855 81

SCHEDULE A—*Continued.*

SERVICE.		Amount.	Total.
		$ cts	$ cts.
Brought forward	$3,196 78	229,816 83	52,855 81
LEGISLATION—*Concluded.*			
MISCELLANEOUS—*Concluded.*			
To pay Messrs. Rowsell & Hutchison's account for volumes 5, 6 and 7 of the Ontario Law Reports, for Library exchanges	180 00		
To provide for the purchase of 100 copies of Mr. Augustin Coté's work, entitled "Jugements et Délibérations du Conseil Souverain," for Library Exchanges and Government Service	300 00		
		3,676 78	
			233,493 61
ARTS, AGRICULTURE AND STATISTICS.			
Further amount required for Colonial and Indian Exhibition in London		50,000 00	
To pay C. C. Chipman for special services in connection with Public Archives		400 00	
			50,400 00
QUARANTINE.			
For amount of fees collected for inspection of cattle in Manitoba and the North-West Territories, and deposited to the credit of the Receiver-General, required to pay the Inspectors		2,447 59	
For payments for Immigrant patients in the Winnipeg and St. Boniface Hospitals		15,000 00	
			17,447 59
PENSIONS.			
To pay a pension at the rate of $100 per annum from 1st April, 1885, to 30th June, 1886, to Mrs. Delaney, whose husband was murdered at Frog Lake		500 00	
To pay pensions to the injured, wounded and invalided militiamen, engaged in the suppression of the late rebellion in the North-West Territories		10,000 00	
			10,500 00
MILITIA.			
Repairs—Military Properties :— For drainage, &c., Citadel, Quebec		16,250 00	
Contingencies—To provide for payment of gratuity to Militia District Staff Officers on retirement, viz. :—			
1 Deputy Adjutant-General, 2 years' pay, at $1,700 per annum	$3,400 00		
1 Brigade Major, 2 years' pay at $1,200 per annum	2,400 00		
		5,800 00	
C. H. O'Meara, allowance as acting paymaster for Military District No. 4, 1885-86	$200 00		
Lt.-Col. D. A. Macdonald, pay as supply officer, Rebellion of 1885, sixty days' pay to 25th May, 1885, at $4.87	292 20	492 20	
			22,542 20
PUBLIC WORKS.			
(*Chargeable to Capital.*)			
Port Arthur Harbor and Kaministiquia River			16,000 00
Carried forward			403,239 21

SCHEDULE A—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward			403,239 21
RAILWAYS AND CANALS.			
(*Chargeable to Capital.*)			
CANADIAN PACIFIC RAILWAY.			
British Columbia	$200,000 00		
To pay Mr. H. M. Ball for his services as land valuator in British Columbia	730 00		
To settle claims, Stonewall Branch	263 84		
To cover payment of claims, Pembina Branch	583 49		
		201,577 33	
INTERCOLONIAL RAILWAY.			
Increased accommodation at St. John	$33,000 00		
Halifax Extension	11,000 00		
Dartmouth Branch	16,600 00		
Dalhousie Branch	3,500 00		
Rivière du Loup Town Branch	5,600 00		
Indiantown Branch	36,000 00		
Construction Account	4,300 00		
Rolling Stock	20,000 00		
To settle the claim for the purchase of land near Derby Station	2,178 45		
Furnishing Pullman cars	11,500 00		
		143,678 45	
SUNDRY RAILWAYS.			
Surveys of Cape Breton and other Railways		8,000 00	
Additional for settling unpaid claims of sub-contractors and others for labor, board, &c., in the construction of the Short Line Railway, between Oxford and New Glasgow, and for acquiring their rights in the Railway and in the said claims, the expenditure to be under Order in Council and to be a first charge on the subsidy for such Railway, under 45 Victoria, chapter 14		25,000 00	
CANALS.			
Carillon Canal		24,000 00	
			402,255 78
RAILWAYS AND CANALS.			
(*Chargeable to Income.*)			
Cornwall Canal—Construction of a drain between town and canal		5,022 47	
Chambly Canal—Raising banks, lowering bottom of canal, re building lock walls, &c		5,000 00	
Rideau Canal—To pay claims for land damages		980 00	
			11,002 47
PUBLIC WORKS.			
(*Chargeable to Income.*)			
PUBLIC BUILDINGS.			
Prince Edward Island.			
Charlottetown—New Dominion Building		13,000 00	
Carried forward		13,000 00	816,497 46

SCHEDULE A—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward		13,000 00	816,497 46
PUBLIC WORKS—*Continued.*			
(*Chargeable to Income.*)			
PUBLIC BUILDINGS—*Concluded.*			
Nova Scotia.			
Halifax Examining Warehouse	$5,000 00		
Halifax Dominion Building	3,600 00		
		8,600 00	
New Brunswick.			
Woodstock Post Office, Custom House, &c.		3,000 00	
Quebec.			
Montreal Drill Hall		20,000 00	
Ontario.			
Kingston Penitentiary	$11,616 00		
Port Hope Post Office, Custom House, &c.	2,000 00		
Guelph Post Office, Custom House, &c.—Alterations and Improvements	952 00		
Berlin Post Office, Custom House, &c.—Drainage	450 00		
Toronto Examining Warehouse	918 00		
Amherstburg Post Office, Custom House, &c.—Balance due	1,200 00		
Galt Post Office, Custom House, &c.	5,000 00		
St. Thomas Post Office, Custom House, &c.	2,225 17		
Clifton do do To complete	600 00		
London Custom House Extension	5,000 00		
		29,961 17	
Manitoba.			
Winnipeg Post Office	$30,000 00		
Winnipeg Powder Magazine	975 50		
		30,975 50	
North-West Territories.			
Regina Gaol and Lunatic Asylum	$11,500 00		
Additional barrack and stabling accommodation for Mounted Police Force	25,000 00		
Public Buildings, North-West Territories generally	6,500 00		
		43,000 00	
British Columbia.			
Victoria Immigrant Building		2,902 67	
REPAIRS, FURNITURE, HEATING, &c.			
Departmental Buildings, Eastern Block — Additional vault and safe accommodation, Finance Department	$3,400 00		
Carried forward	$3,400 00	151,439 34	816,497 46

SCHEDULE A—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward	$3,400 00	151,439 34	816,497 46
PUBLIC WORKS—*Continued.*			
(*Chargeable to Income.*)			
REPAIRS, FURNITURE, HEATING, &c.—*Concluded.*			
Lighting Commons Chamber and adjoining apartments, corridors, &c., by electricity in a permanent manner	7,500 00		
Parliament Buildings—Improvements, renewals, &c	9,500 00		
Departmental Buildings, Western Block—To make good damages by fire, February 22, 1886, including furniture and fittings	6,500 00		
Quebec Post Office—Repairs and renewals	4,000 00		
Quebec Inland Revenue Office—Fittings and furniture	175 00		
Quebec Marine Hospital—Repairs and renewals	4,500 00		
Gas, Public Buildings, Ottawa—To cover amount expended out of appropriation for 1885-86, in payment of extra quantity of gas used during quarter ending 30th June, 1885, owing to prolonged Session of Parliament	5,000 00		
		40,575 00	
HARBORS AND RIVERS.			
Nova Scotia.			
Digby Pier	$1,500 00		
Petite Rivière	250 00		
		1,750 00	
Prince Edward Island.			
Souris East—To pay James E. Poole in full and final settlement of all claims made by him in connection with his contract for the reconstruction of the breakwater at Souris East	$423 00		
Port Selkirk—Repairs to Pier	750 00		
		1,173 00	
New Brunswick.			
Hopewell Cape		1,167 50	
Quebec.			
River Nicolet—Harbor of Refuge	$5,000 00		
Berthier (*en bas*)	500 00		
River Yamaska	18,000 00		
River St. Lawrence—Removal of anchors, chains, boulders, &c	500 00		
Rivière du Loup Pier (*en bas*)—Repairs and improvements	2,400 00		
		26,400 00	
ROADS AND BRIDGES.			
Bridges, Ottawa City, over the Rideau Canal and approaches thereto, and Major's Hill Park	$8,000 00		
Aid to the Municipality of Russell, Manitoba, towards the construction of a Bridge across the Assiniboine, near the mouth of the Shell River	10,000 00		
Bridge at Des Joachims Rapids, River Ottawa—Balance due contractors on final estimate	1,174 50		
		19,174 50	
Carried forward		241,679 34	816,497 46

SCHEDULE A—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward		241,679 34	816,497 46
PUBLIC WORKS—*Concluded.*			
(*Chargeable to Income*)			
DREDGING.			
Dredging, Maritime Provinces—Additional amount required	$10,000 00		
Dredging, Ontario—Additional amount required	7,000 00		
		17,000 00	
SLIDES AND BOOMS.			
Carillon Slides and Booms		7,171 00	
TELEGRAPHS.			
Telegraph Lines, Manitoba and the North-West Territories—Telegraph lines between Dunmore and Fort McLeod, and between Moose Jaw and Wood Mountains—To complete		11,000 00	
MISCELLANEOUS.			
Miscellaneous works not otherwise provided for—Additional amount required	$5,000 00		
Surveys and Inspections	5,000 00		
		10,000 00	
			286,850 34
MAIL SUBSIDIES AND STEAMSHIP SUBVENTIONS.			
Winter Service between the terminus of the Eastern Extension Railway at Mulgrave, and the Ports of Hawkesbury, Hastings, Arichat, Canso and Guysboro', per S.S. "Rimouski," winter of 1884-85			2,000 00
OCEAN AND RIVER SERVICE.			
Repairs and alterations to buildings now occupied by the Montreal Water Police		2,000 00	
To provide for the payment to the Harbor Commissioners of Montreal the annual cost of maintaining the buoys and beacons in Montreal Harbor, for 1884-85 and 1885-86		14,000 00	
Winter communication between Prince Edward Island and the main land		2,000 00	
			18,000 00
LIGHTHOUSE AND COAST SERVICE.			
Construction of Lights		15,000 00	
To pay increase of Agent's salary, Quebec		200 00	
			15,200 00
FISHERIES.			
Further amount required to cover the cost of the Police Vessels to be employed in the protection of the fisheries		50,000 00	
Fish-breeding		5,000 00	
			55,000 00
GEOLOGICAL SURVEY.			
Further amount required for Geological Survey			18,400 00
Carried forward			1,211,947 80

SCHEDULE A—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward			1,211,947 80
DEPARTMENT OF INDIAN AFFAIRS.			
Surveys—To recoup the Indian Fund for an expenditure over the amount ($3,000) granted in 1881-82, for surveys in the older Provinces	$521 12		
Schools—To provide for an increase in the salary of the Indian School teacher, at Oka, for December, March and June quarters, 1885-86; at the rate of $27.50 per annum	20 62		
To provide for an increase in the salary of the Indian School teacher, at Cornwall Island, for December, March and June quarters, 1885-86; at the rate of $60 per annum	45 00		
		586 74	
BRITISH COLUMBIA.			
To enable the Department to satisfy a claim for dower, made on behalf of the widow of the late A. S. Bates, from whose estate were purchased certain lands for an Indian Reserve, at Williams' Lake, B.C.	$1,345 00		
To provide for the purchase, from the Department of Railways and Canals, of a building hitherto used for railway purposes, and now required for an Indian office, at Kamloops, B.C.	700 00		
To enable the Department to bear one moiety of the salary of an assistant female Teacher in the Indian School, at Fort Simpson, B.C., from the date of her appointment on 1st September, 1885, to 30th June, 1886, at $200 a year, the other moiety to be supplied by the Methodist Church of Canada	166 67		
		2,211 67	
MANITOBA AND THE NORTH-WEST TERRITORIES.			
To provide, under the authority of an Order in Council, dated the 22nd January, 1886, for the following over-expenditure of the sums granted last Session on Indian Account, viz:—			
Destitute Indians	$300,000 00		
Seed grain	22,000 00		
Buildings	16,215 00		
Supplies	23,000 00		
Debit balances	37,402 00		
To provide, under the authority of an Order in Council, dated the 25th February, 1886, for the payment to the Rev. Father Lacombe of this sum, for and in consideration of the services specified therein, and for which His Excellency's Warrant was issued	1,000 00		
		399,617 00	
			402,415 41
NORTH-WEST MOUNTED POLICE.			
Further amount required to complete the service for the year		150,000 00	
To pay Lt.-Col. A. G. Irvine, a gratuity equal to 16 months' pay		3,466 66	
To pay gratuity on retirement to Inspector F. J. Dickens		1,000 00	
To pay C. Costin for examining arms		75 00	
			154,541 66
MISCELLANEOUS.			
Miscellaneous printing		16,000 00	
To pay for compilation, printing and publishing correspondence, petitions, and Orders in Council respecting Provincial Legislation		1,000 00	
Aid (in the form of a loan) to the distressed fishermen in the Counties of Gaspé and Bonaventure		2,000 00	
Carried forward		19,000 00	1,768,904 87

SCHEDULE A—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward		19,000 00	1,768,904 87
MISCELLANEOUS—*Continued.*			
Repairs to steamer "Bayfield," engaged in the service of the Georgian Bay Survey		4,000 00	
To re-pay the amount of a forged bond for £1,000, and one coupon attached thereto		4,988 32	
To pay the Bank of Montreal the amount now standing at the debit of the Receiver-General's advance account with the Halifax Agency		24,097 02	
To provide for losses, Post Office Savings Banks Funds, occurring through burglary :—			
Lachute	$ 87 86		
Markdale	48 63		
Peterboro'	205 00		
		341 49	
To authorize the transfer of an amount sufficient to cover the deficiency in the 5 per cent. stock		13,300 00	
To pay John Kerr, surviving executor of the late George Wilson, balance of amount deposited in the Savings Bank, Bathurst, and not credited by the Agent, $350; and interest from 11th April, 1878, to 11th April, 1886, $133.03		483 03	
To pay amount of interest from 10th October, 1884, to 23rd July, 1885, on the amount of the judgment of Privy Council, Queen *vs.* Doutre.		379 83	
To pay for seed grain for settlers in the Prince Albert District		46,884 02	
Losses arising out of rebellion in the North-West Territories	$67,595 68		
Salaries and expenses of Commissioners investigating claims connected with the late rebellion in the North-West	10,000 00		
Further amount required to meet expenses in connection with the late rebellion in the North-West Territories, including gratuities	760,000 00		
To meet expenditure on account of the Mounted Police for the recent troubles in the North-West Territories	175,000 00		
Extra services—			
L. Fortescue	125 00		
A. Fisher	108 33		
R. M. Gallwey	45 83		
L. DuPlessis	45 83		
To pay John McDonnell, who was wounded whilst repairing the pilot house of the steamer "Northcote," during the engagement at Batoche	217 00		
A. Benoit and F. E. Aldrich, pay for extra services during the pressure of work consequent upon the rebellion of 1885, $500 each	1,000 00		
W. L. Tilley, pay for extra services as Secretary to the Surgeon-General, rebellion of 1885	172 00		
		1,014,309 67	
To pay Dr. Robert Bell for services as medical officer during Hudson Bay expeditions of 1884 and 1885		400 00	
To pay Messrs. McLean, Roger & Co. interest from the date of the judgment of Mr. Justice Henry, 18th February, 1884, to 2nd October, 1884, on $69,781 43, the amount found to be due to them, $2,598.15; also of their costs of suit, $2,090.90, and interest thereon from the date of the certificate of taxation, 17th November, 1885, to the time when the money to be voted shall become available, say 1st June, 1886, $67.02, interest calculated at 6 per cent. per annum		4,756 07	
To indemnify the St. Catharines Milling and Lumbering Company for the costs of the suit of The Queen *vs.* the St. Catharines Milling and Lumbering Company		11,500 00	
To pay A. M. P. Drouin, for extra services in preparation of Return to Parliament of Incorporated Companies		48 50	
Carried forward		1,144,487 95	1,768,904 87

SCHEDULE A—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward		1,144,487 95	1,768,904 87
MISCELLANEOUS—*Concluded.*			
To pay the family of M. Hynes, who was killed whilst attending to his duties as Acting Assistant Gauger, in the Customs, at the Port of Montreal		200 00	
To pay Brown Chamberlin for services connected with the Commission respecting the Government Printing Office		105 00	
To pay W. E. Hodgins for compiling reports, Orders in Council, &c., respecting legislation, proof-reading, &c		500 00	
To pay Messrs. Wilson, Power, Ferguson and Creighton for incorporating with the draft Revised Statutes Acts of the Session of 1885; revising and making additions to schedules and tables, and preparing for publication a collection of Statute Law of public general nature not included in consolidation		4,000 00	
To pay W. Gliddon for reading the proof of the draft of the Revised Statutes		321 13	
To provide for other expenses connected with the publication of the Consolidated Statutes and a third volume of Public Law		30,000 00	
To pay Messrs. Bischoff, Dodgson & Coxe, for professional services *in re* Prevost *vs.* the "Compagnie de Fives-Lilles"		1,704 25	
To Alonzo Wright, M.P., for Ottawa County, on his application for aid to the sufferers by the Hull fire		7,000 00	
			1,188,318 33
COLLECTION OF REVENUES.			
CUSTOMS.			
To provide for a probable expenditure in connection with the polariscopic tests of sugars, including costs of instruments, apparatus and pay of officers	$ 2,300 00		
To pay S. W. McMichael differential salary whilst acting as Collector at the Ports of Sarnia and Clifton, from the 1st August to 30th November, 1885	216 66		
To pay A. L. Watters for extra services after hours, as stenographer and type-writer *in re* the Brousseau and Lisabelle investigation	47 00		
Allowance to Assistant Commissioner of Customs for services as Acting Chief Controller, at $400 per annum, from 20th August, 1885	344 45		
		2,908 11	
CHINESE IMMIGRATION.			
To meet payments by Customs Department in the administration of the Chinese Immigration Act, including salaries, pay of extra clerk, books, and other contingencies		1,600 00	
EXCISE.			
To provide increase of salary to J. H. Kenning, Collector of Inland Revenue, Winnipeg, to $1,800, from 1st December, 1885	$ 116 66		
Preventive Service	2,000 00		
Amount necessary to provide for some new appointments including Deputy Collector at Victoria, B.C.	1,677 83		
		3,794 49	
SLIDES AND BOOMS.			
To provide for the appointment of John Jackson, now Messenger, Crown Timber Office, Ottawa, as Caretaker in addition to duties as Messenger, and increase his salary from $500 to $600 per annum		58 33	
Carried forward		8,360 93	2,957,223 20

SCHEDULE A—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward		8,360 93	2,957,223 20
COLLECTION OF REVENUES—*Continued.*			
RAILWAYS AND CANALS.			
Lachine	$ 2,000 00		
Williamsburg	250 00		
Welland	3,450 00		
Trent	1,200 00		
Rideau	16,500 00		
St. Ours	1,500 00		
Dredge Vessels	900 00		
To pay the representatives of the late Charles Langelier as part of the cost of maintaining and operating a swing bridge over the Chambly Canal for six years	1,800 00		
To refund to Mr. John Heney the amount of canal tolls and wharfage paid by him on wood, delivered to the Government under contract	3,850 49		
To pay F. K. Blatch, for the preparation of a map of the canals of the Dominion	200 00		
To pay W. M. Kavanagh, Collector of Canal Tolls at St. Peter's, Cape Breton, from the 1st July, 1885, at the rate of $200 per annum	200 00		
		31,850 49	
Canadian Pacific Railway.			
To pay the amount of an outstanding claim for freight charges		89 02	
Eastern Extension Railway.			
Operating expenses	$30,000 00		
To pay six months' salary to Mr. F. D. Laurie, formerly Superintendent of the Eastern Extension Railway	1,200 00		
		31,200 00	
PUBLIC WORKS.			
Maintenance and Repairs.			
Slides and Booms—River Trent and Newcastle District		700 00	
Telegraphs.			
Telegraph Lines—Manitoba and the North-West Territories		4,000 00	
MINOR REVENUES.			
Ordnance Lands, including repairs to roads at Grand Falls		2,250 00	
POST OFFICE.			
To provide for the statutory increase of salary from the 1st January, 1885, instead of from the 1st April, 1885, to Mr. D. O'Donoghue, third class clerk in the Montreal Post Office	10 00		
Carried forward	$ 10 00	78,450 44	2,957,223 20

SCHEDULE A—*Concluded.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward	$10 00	78,450 44	2,957,223 20
COLLECTION OF REVENUES—*Concluded.*			
POST OFFICE—*Concluded.*			
To provide for payment to Mr. John J. Lally, Railway Mail Clerk in the Ottawa Postal Division, as compensation for the loss of his clothing, watch, &c., on the 4th December, 1885, he being at the time in charge of the Postal Car on the Canadian Pacific Railway, which was totally destroyed by fire near Missanabie	99 30		
To provide for payment to Mr. R. R. Brough, for performing the duties of Assistant Inspector of the Manitoba Postal Division, from the 1st November, 1883, to the 30th September, 1884, being the difference between his salary, $800, and that of an Assistant Inspector, $1,200	366 67		
To provide for payment to Mr. R. R. Brough, Assistant Postmaster at Winnipeg, of the 20 per cent. provisional allowance on the $150 he received as difference of salary estimated for and salary prescribed by the Civil Service Act	30 00		
Further amount required to complete the service of the year	105,000 00		
		105,505 97	
DOMINION LANDS.			
To provide for the expenses in connection with the Commission for the settlement of the Half-breed claims in the North-West Territories.		2,500 00	
			186,456 41
LIQUOR LICENSE ACT.			
To pay expenditure under the Liquor License Act :—			
Refund of fees collected from applicants for licenses		84,000 00	
Miscellaneous expenses of boards		41,000 00	
			125,000 00
UNPROVIDED ITEMS.			
Unprovided items, 1884-85 (See Auditor-General's report for 1884-85, pages 83 to 90)			233,241 62
Total			3,501,921 23

SCHEDULE B.

SUMS granted to Her Majesty by this Act, for the Financial Year ending 30th June, 1887, and the purposes for which they are granted.

SERVICE.	Amount.	Total.
	$ cts	$ cts.
CHARGES OF MANAGEMENT.		
Financial Inspector	2,600 00	
Assistant Financial Inspector	1,700 00	
Office of Assistant Receiver-General, Toronto	7,600 00	
do do Montreal	5,600 00	
Auditor and do Halifax	11,000 00	
do do St. John	11,000 00	
do do Winnipeg	6,000 00	
do do do board allowance	900 00	
do do Victoria	8,200 00	
do do Charlottetown	4,900 00	
Country Savings Banks: New Brunswick, Nova Scotia and British Columbia	16,000 00	
Commission on $6,877,726.37, for payment of interest on Public Debt.	34,315 63	
Brokerage on $295,952.37, Intercolonial Railway Loan Sinking Fund...	739 88	
Brokerage on $29,151.85, Rupert's Land Loan Sinking Fund	72 88	
Brokerage on $15,445.22, British Columbia Loan Sinking Fund	38 61	
Brokerage and commission on $641,095.14, Sinking Fund on Loans of 1874, 1875, 1876, 1878 and 1879	4,808 21	
Brokerage and commission on $130,269.80, Sinking Fund on Loan of 1883	977 02	
Commission and brokerage on $489,581.90, reduced 4 per cent. Loan..	3,671 86	
Estimated sum payable to Financial Commissioner in England	1,500 00	
English bill stamps, postages, telegrams, &c.	7,000 00	
Expenses in connection with the issue and redemption of Dominion notes, including one Extra Clerk	9,000 00	
Printing, advertising, inspection, expressage, miscellaneous charges, &c., including commutation of stamp duty and contingencies of country savings banks	20,000 00	
Printing Dominion Notes	25,000 00	
To cover expenses, including rent, in connection with the Assistant Receiver-General's Office, at Halifax	1,600 00	
		184,224 09
CIVIL GOVERNMENT.		
The Governor General's Secretary's Office	9,750 00	
The Office of the Queen's Privy Council for Canada	20,677 50	
The Department of Justice	17,845 00	
do do Penitentiaries Branch	5,350 00	
do Militia	41,200 00	
do Secretary of State	45,630 00	
do Interior	110,875 00	
North-West Mounted Police	7,800 00	
The Department of Indian Affairs	36,257 50	
The Office of the Auditor-General	21,100 00	
The Department of Finance and Treasury Board	53,067 50	
do Inland Revenue	37,760 00	
do Customs	33,100 00	
The Post Office Department	168,585 00	
The Department of Agriculture	47,705 00	
do Marine	23,912 50	
do Fisheries	13,100 00	
do Public Works	42,020 00	
do Railways and Canals	47,447 50	
Departmental contingencies	191,750 00	
Stationery Office, for stationery	10,000 00	
Carried forward	984,932 50	184,224 09

SCHEDULE B —*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward		984,932 50	184,224 09
CIVIL GOVERNMENT.			
Amount required to provide for the contingent expenses of the High Commissioner for Canada in London, and to provide $486.66 for the salary of the Secretary		2,500 00	
Post Office and Finance Departments—Contingencies—Amount required to make payment to those officers of the Savings Bank Branch, Post Office and Finance Departments, engaged in the balancing of and computing interest on depositors' accounts, to 30th June, 1886:—			
Post Office Department	$1,550 00		
Finance do	1,250 00		
		2,800 00	
Amount required for salaries of Board of Examiners, and other expenses in connection with the Civil Service Act		7,000 00	
Queen's Privy Council for Canada:—To provide for the salary and promotion of a second class clerk to a first class		1,400 00	
Auditor General's Office:—To provide for the salary of P. W. Sherwood, omitted in main Estimates	$500 00		
To provide for the payment of H. A. Baldwin, for two optional subjects, omitted in main Estimates	100 00		
		600 00	
Fisheries Department:—To provide for the salary of one second class clerk		1,100 00	
Post Office Department:—To provide for the payment to J. S. Stevenson, for one optional subject		50 00	
Marine Department:—To provide for the promotion of one third to a second class clerkship from 1st July, 1886		100 00	
Department of Indian Affairs:—To provide for the promotion from a third to a second class clerkship of H. C. Ross	$350 00		
To increase the salary of D. C. F. Bliss from $412 50 to $600.	187 50		
do H. McKay from $580 to $700	120 00		
		657 50	
Department of the Secretary of State:—To pay L. H. Roy the difference between the minimum of a third class clerk and his previous salary as a temporary clerk		350 00	
			1,001,490 00
ADMINISTRATION OF JUSTICE.			
Miscellaneous Justice, including North-West Territories		20,000 00	
Travelling expenses of Stipendiary Magistrates in the North-West Territories		4,000 00	
Circuit allowances, British Columbia		6,000 00	
Travelling allowances, Supreme and County Court Judges, Manitoba.		2,500 00	
Reporter of the Supreme Court of Canada and the Exchequer Court		2,200 00	
Assistant Reporter of the Supreme Court of Canada and the Exchequer Court, 2nd class clerk		1,100 00	
Clerk in the office of the Registrar of the Supreme Court of Canada and the Exchequer Court		950 00	
Second Clerk in the office of the Registrar of the Supreme Court of Canada and the Exchequer Court		750 00	
Senior Messenger of the Supreme Court of Canada and the Exchequer Court		500 00	
Second Messenger of the Supreme Court of Canada and the Exchequer Court		500 00	
Third messenger of the Supreme Court of Canada and the Exchequer Court		370 00	
Contingencies and disbursements; Judges' travelling expenses; also salaries of officers (Sheriff, Registrar as editor of reports, Usher, &c.,) in the Supreme and Exchequer Courts of Canada, and $150 for books for Judges		5,000 00	
Carried forward		43,870 00	1,185,714 09

SCHEDULE B—*Continued.*

SERVICE.	Amount.	Total.
	$ cts.	$ cts.
Brought forward	43,870 00	1,185,714 09
ADMINISTRATION OF JUSTICE—*Concluded.*		
Printing, binding and distributing the Supreme Court reports	2,000 00	
Sundry disbursements connected with the Maritime Court of Ontario, Judges' travelling expenses, &c	100 00	
Salary of Registrar of Vice-Admiralty Court, Quebec	666 66	
Salary of Marshal of Vice-Admiralty Court, Quebec	333 34	
To provide Vice-Admiralty Court Rooms, St. John, N. B	150 00	
do do Halifax	150 00	
For the purchase of law reports and text books for the Supreme Court Library	1,500 00	
For salaries and other expenses for the maintenance of the gaol and lunatic asylum at Regina	10,000 00	
		58,770 00
POLICE.		
Dominion Police		16,500 00
PENITENTIARIES.		
Kingston	107,935 38	
do Salary of fireman	600 00	
St. Vincent de Paul	80,949 51	
Dorchester	46,993 50	
Manitoba	52,654 64	
do To make provision for salary of hospital overseer and schoolmaster	350 00	
British Columbia	46,971 25	
		336,454 28
LEGISLATION.		
SENATE.		
Salaries and Contingent Expenses of the Senate	57,388 00	
HOUSE OF COMMONS.		
Salary of the Deputy Speaker	2,000 00	
Salaries, per Clerk's Estimate	64,075 00	
Expenses of Committees, Extra Sessional Clerks, &c	13,200 00	
Contingencies	24,000 00	
Publishing Debates, House of Commons	40,000 00	
Salaries and Contingencies, per Sergeant-at-Arms' Estimate	30,842 50	
To pay F. Rouleau an increase of salary	400 00	
MISCELLANEOUS.		
Salaries of Officers of the Library	16,350 00	
Grant to Parliamentary Library	10,000 00	
Purchase of Works on America	1,000 00	
Contingencies of the Library	2,500 00	
Binding newspapers, &c	2,000 00	
Printing, Binding and Distributing the Laws	12,000 00	
Printing, Printing Paper and Book-binding	80,000 00	
Miscellaneous Printing	2,000 00	
Salary of the Clerk of the Crown in Chancery	2,250 00	
Contingencies do do	1,200 00	
To pay Rowsell & Hutchison for 12 copies of vols. 8 and 9, Ontario Law Reports	120 00	
To meet expenses of Franchise Act, including $500 to R. Romaine for services	100,000 00	
		461,325 50
Carried forward		2,058,763 87

SCHEDULE B—*Continued.*

SERVICE.	Amount.	Total.
	$ cts.	$ cts.
Brought forward		2,058,763 87
ARTS, AGRICULTURE AND STATISTICS.		
To meet expenses in connection with care of Archives	6,000 00	
do do Patent Record	9,500 00	
do do preparation of Criminal Statistics	4,000 00	
do do Dominion Exhibition	10,000 00	
do do Health Statistics	10,000 00	
To meet expenses of the Indian and Colonial Exhibition, &c	60,000 00	
Towards expenses of establishing a Central Experimental Farm, and Experimental Farm Stations	30,000 00	
To meet expenses in connection with the Census in Manitoba	15,000 00	
		144,500 00
IMMIGRATION.		
Salaries of Immigration Agents and Employees, viz.:—		
Agent, Quebec	1,700 00	
Assistant do	1,100 00	
Clerk do	1,000 00	
Norwegian Interpreter	660 00	
Messenger	365 00	
Agent, Montreal	1,300 00	
do Ottawa	1,300 00	
do Kingston	1,300 00	
do Toronto	1,650 00	
do Hamilton	1,250 00	
do London, Ontario	1,000 00	
do Halifax	1,000 00	
do St. John	1,000 00	
do Winnipeg	1,400 00	
do Emerson	1,000 00	
do Brandon	1,400 00	
do Qu'Appelle	1,400 00	
do Medicine Hat	1,200 00	
do North-West Territories, Calgary	1,200 00	
do Port Arthur	1,000 00	
do Victoria, B.C.	1,000 00	
For Interpreter's salary, Winnipeg	800 00	
do do Qu'Appelle	800 00	
do do Brandon	800 00	
do do North-West Territories	800 00	
Salaries in London (England) Office	7,100 00	
do of Agents in Europe	7,100 00	
Travelling expenses of Agents in Europe	7,300 00	
Contingencies of Canadian and other Agencies (not European)	30,000 00	
Aid to Montreal Women's Protection Immigration Society	1,000 00	
Towards Immigration, and Immigration expenses	200,000 00	
		279 925 00
QUARANTINE.		
Medical Inspection, Quebec	1,600 00	
Quarantine, Grosse Isle	9,566 00	
do St. John, N. B	2,600 00	
do Pictou, N. S	800 00	
do Halifax, N. S	3,400 00	
do Charlottetown, P. E. I	1,000 00	
do Victoria, B. C.	1,900 00	
do Sydney, N. S	1,900 00	
Tracadie Lazaretto	3,200 00	
To meet expenses of precautionary measures for Public Health	15,000 00	
Carried forward	49,966 00	2,483,188 87

SCHEDULE B—*Continued.*

SERVICE.	Amount.	Total.
	$ cts.	$ cts.
Brought forward	40,966 00	2,483,188 87
QUARANTINE—*Concluded.*		
To meet expenses for Cattle Quarantines :—		
Province of Quebec	5,000 00	
do Ontario	3,000 00	
Maritime Provinces	3,000 00	
Province of Manitoba	2,000 00	
To meet possible expenses for sheep scab and cattle diseases	10,000 00	
For payment for immigrant patients in Winnipeg and St. Boniface Hospitals	14,000 00	
		77,966 00
PENSIONS.		
John Bright, Messenger, House of Assembly	80 00	
Lady Cartier	1,200 00	
Mrs. Delaney, wife of Indian Agent killed at Frog Lake	400 00	
Pensions payable on account of Fenian Raid	3,728 00	
To meet probable amount required for Veterans of War of 1812	9,840 00	
Compensation to Pensioners in lieu of land	4,000 00	
Pensions payable on account of Rebellion of 1885	20,000 00	
		39,248 00
MILITIA.		
Salaries, Military Branch and District Staff	17,500 00	
Brigade Majors, salaries, transport expenses, &c	12,700 00	
Ammunition, including artillery ammunition, and the manufacture of small-arms ammunition at the Cartridge Factory at Quebec $55,000 00		
Clothing and great coats 90,000 00		
Military stores 60,000 00		
	205,000 00	
Public armories and care of arms, including pay of Storekeepers, Caretakers, Storemen and Armorers	60,000 00	
Drill instruction $ 40,000 00		
Drill pay and other incidental expenses connected with the drill and training of the Militia 250,000 00		
	290,000 00	
Contingencies and general services not otherwise provided for, including grants to Artillery and Rifle Associations, and Bands of efficient corps	38 000 00	
Government grant to Dominion of Canada Rifle Association	10,000 00	
Dominion Artillery Association—Government grant towards Artillery competition to be held in Canada, or for sending a team of Dominion Militia Artillerymen to compete at Shoeburyness, England	2,000 00	
Royal Military College of Canada at Kingston	59,000 00	
Permanent Corps—Pay and maintenance of "A," "B" and "C" Batteries, Schools of Artillery, at Quebec, Kingston and Victoria B. C.; and Cavalry and Infantry Schools, at Quebec, Fredericton, Toronto and Winnipeg	435,700 00	
Improved rifled ordnance	3,000 00	
Drill sheds and rifle ranges	10,000 00	
Care and maintenance of military properties transferred from the Ordnance and Imperial Government	12,000 00	
Construction and repairs of military properties	75,000 00	
		1,229,900 00
Carried forward		3,830,302 87

SCHEDULE B—*Continued.*

SERVICE.	Amount.	Total.
	$ cts.	$ cts.
Brought forward		3,830,302 87
RAILWAYS AND CANALS.		
(Chargeable to Capital.)		
RAILWAYS.		
Canadian Pacific Railway.		
Subsidy, Canadian Pacific Railway Company	460,000 00	
Expenditure in British Columbia	350,000 00	
Port Arthur to Red River	72,000 00	
Salaries and expenses of Staff	30,000 00	
To pay L. K. Jones, for services as Private Secretary to the Chief Engineer of the Canadian Pacific Railway, from 1st July, 1886, to 30th June, 1887	100 00	
To settle land claims west of Winnipeg $5,000 00		
do do on the Pembina Branch 5,000 00	10,000 00	
Intercolonial Railway.		
Miscellaneous works not otherwise provided for	6,000 00	
St. Charles Branch	57,000 00	
To extend the Intercolonial Railway from a point at or near Stellarton to the Town of Pictou	60,000 00	
To pay claims arising out of the construction of this railway	20,000 00	
Cape Breton Railway.		
Construction of Railway in Cape Breton	500,000 00	
CANALS.		
Lachine	70,000 00	
Cornwall	70,000 00	
Williamsburgh—For the construction of an entrance and lock at head of Rapide Plat Canal	100,000 00	
Williamsburgh—Towards the enlargement of the upper entrance to Galops Canal	100,000 00	
St. Lawrence River and Canals	75,000 00	
Murray—Towards completing the present works	180,000 00	
Welland	235,000 00	
Welland—Towards deepening to 14 feet throughout $750,000 00		
Land and damages, Grand River 16,000 00	766,000 00	
Trent River Navigation—For construction of locks and the improvement of navigation between Lakefield and Balsam Lake	103,000 00	
Trent River Navigation—For construction of locks and the improvement of navigation between Lakefield and Balsam Lake, &c	160,000 00	
St. Anne	32,000 00	
Grenville	25,000 00	
Tay—For construction of works	44,000 00	
Culbute—To remove a shoal above the locks, land damages and works connected with the retaining dams	30,000 00	
		3,555,100 00
Carried forward		7,385,402 87

SCHEDULE B—*Continued.*

SERVICE.	Amount.	Total.
	$ cts.	$ cts.
Brought forward		7,385,402 87
RAILWAYS AND CANALS.		
(*Chargeable to Income.*)		
RAILWAYS.		
Surveys and inspections	10,000 00	
Railway statistics	1,200 00	
Surveys of Cape Breton and other railways	10,000 00	
CANALS.		
Lachine Canal.		
Forming and repairing roads, Montreal terminus of Canal, and for increased bridge accommodation	35,300 00	
Welland Canal.		
Cleaning out back ditches	4,700 00	
Construction of waste weir at Dunnville	25,000 00	
Towards filling a pond near St. Catharines	5,000 00	
Chambly Canal.		
Raising banks, lowering bottom of canal, rebuilding lock walls, &c...	13,000 00	
St. Anne's Canal.		
Renewal of dam at head of old lock	5,000 00	
Carillon Canal.		
Office for collecting canal tolls	1,200 00	
Rideau Canal.		
For works necessary to increase the supply of water to the canal and the Gananoque River	20,000 00	
Construction of a bridge at Hog's Back	3,000 00	
Removing obstruction in the bed of the canal at Lower Brewers	5,000 00	
Construction of a bridge at Brass Point	6,000 00	
Miscellaneous.		
Miscellaneous works not otherwise provided for	15,000 00	
Arbitrations and awards	5,000 00	
Surveys and inspections	10,000 00	
Reconstruction of steam dredge No. 1	10,000 00	
		184,400 00
Carried forward		7,569,802 87

SCHEDULE B—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward			7,569,802 87
PUBLIC WORKS.			
(*Chargeable to Capital.*)			
PUBLIC BUILDINGS.			
Ottawa.			
Additional Public Building, Wellington Street, Ottawa		110,000 00	
MILITARY WORKS AND BUILDINGS.			
Towards erecting and building military defences in British Columbia		25,000 00	
HARBORS.			
Esquimalt Graving Dock.			
Amount required to complete		45,000 00	
To provide for completion—To be repaid by the Imperial Government in 1887		250,000 00	
Port Arthur.			
Amount required for construction of Port Arthur Harbor and for Kaministiquia River		70,000 00	
New Brunswick.			
Cape Tormentine Harbor		130,000 00	630,000 00
PUBLIC WORKS.			
(*Chargeable to Income.*)			
PUBLIC BUILDINGS.			
Nova Scotia.			
Amherst Public Building	$ 4,600 00		
Baddeck Post Office, Custom House, &c	5,900 00		
New Glasgow Public Building	8,000 00		
North Sydney Post Office, Custom House, &c	15,000 00		
Sydney (South) Post Office, Custom House, &c	3,500 00		
Yarmouth Post Office, Custom House, &c	10,000 00		
Lunenburg Public Building	4,000 00		
Kentville Public Building	4,000 00		
Prince Edward Island.			
Charlottetown, New Dominion Building	$33,700 00		
Montague Post Office, Custom House, &c	4,800 00		
Summerside Public Building	3,000 00		
Carried forward	$96,500 00		8,199,802 87

SCHEDULE B—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward	$96,500 00		8,199,802 87
PUBLIC WORKS—*Continued.*			
(*Chargeable to Income.*)			
PUBLIC BUILDINGS—*Continued.*			
New Brunswick.			
Bathurst Post Office, Custom House, &c.	$ 9,000 00		
Newcastle Post Office, Custom House, &c.	10,450 00		
St. Stephen's Post Office, Custom House, &c.	10,000 00		
St. John Post Office—Improvements	1,400 00		
Fredericton Post Office, Custom House, &c.—Repairs	1,400 00		
Kingston Marine Hospital—Repairs and improvements	1,000 00		
Woodstock Post Office, Custom House, &c.—To complete.	5,500 00		
Dorchester Penitentiary	20,000 00		
St. John Dominion Buildings—Improvements	1,500 00		
St. John Custom House—Renewals, &c.	3,350 00		
Quebec.			
Hull Post Office and Inland Revenue Offices	$ 2,000 00		
Montreal Post Office—Renewals	3,250 00		
Quebec Drill Hall	15,000 00		
Quebec Dominion Buildings—Improvements, &c.	1,500 00		
Sorel Public Building	11,500 00		
St. Vincent de Paul Penitentiary—Materials and tools for use of convicts in construction, &c.	19,500 00		
Montreal Armories	45,000 00		
Sherbrooke Custom House, Post Office, &c.—Furniture, grading, &c.	3,500 00		
Quebec Immigration Building	5,500 00		
Immigration Buildings, Quebec	10,000 00		
Grosse Isle Quarantine Station	8,000 00		
Quebec Custom House	1,500 00		
Quebec Drill Hall	7,000 00		
Three Rivers Dominion Buildings—Improvements, &c.	1,475 00		
Montreal Dominion Buildings—Improvements and repairs	1,500 00		
Montreal Post Office—Electric lighting	2,250 00		
Ste. Anne de Restigouche—Repairs to buildings on Indian Reserve	750 00		
Coaticook Post Office and Inland Revenue Office	4,000 00		
Dundee Custom House—Repairs, &c.	500 00		
Hull Post Office and Inland Revenue Offices	20,000 00		
St. Jérôme Public Building	4,000 00		
Rivière du Loup (Fraserville) Post Office, Custom House, &c.	4,000 00		
Ontario.			
Amherstburg Post Office, Custom House, &c.	$ 1,500 00		
Berlin Post Office, Custom House, &c.	3,000 00		
Barrie Post Office, &c.	4 500 00		
Chatham Post Office—To complete	1,500 00		
Galt Post Office, Custom House, &c.	12,000 00		
Hamilton Post Office and Custom House	28,000 00		
Kingston Penitentiary	17,000 00		
Orangeville Post Office, &c.	5,500 00		
Peterborough Post Office, Custom House, &c.	10,000 00		
Prescott Post Office, Custom House, &c.	8,000 00		
Carried forward	$122,825 00		8,199,802 87

SCHEDULE B—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward	$422,825 00		8,199,802 87
PUBLIC WORKS—*Continued.*			
(*Chargeable to Income.*)			
PUBLIC BUILDINGS—*Continued.*			
Ontario—Concluded.			
Toronto Examining Warehouse	$12,000 00		
Toronto Dominion Buildings—Improvements, &c	1,500 00		
To pay Messrs. Langley and Burke, architects, balance due for professional services in connection with the old Post Office building, Toronto	417 43		
Toronto Inland Revenue and Assistant Receiver-General's offices—Improvements and repairs	3,300 00		
Toronto Post Office	8,000 00		
Brantford Post Office, &c.—Improvements, &c	1,000 00		
Ottawa Post Office, Custom House, &c	5,100 00		
Ottawa Examining Warehouse	10,000 00		
Public Buildings, Ottawa—Pump-house repairs	1,000 00		
Pembroke Post Office, Custom House, &c	4,000 00		
To complete electric lighting of Senate and Commons Chambers, main corridors, reading rooms, post offices, Speakers' quarters, &c	13,000 00		
London Custom House	34,000 00		
St. Thomas Post Office, Custom House, &c	2,400 00		
London Infantry School	30,000 00		
Belleville Post Office	700 00		
Lindsay Post Office, Custom House, &c	4,000 00		
Windsor Post Office, Custom House, &c.—Grading, &c	2,960 00		
Berlin Post Office, Custom House, &c	400 00		
Napanee Post Office and Custom House	4,000 00		
Galt Post Office, &c.—To complete	4,000 00		
Trenton Public Building	4,000 00		
Port Hope Post Office	2,200 00		
Manitoba.			
Manitoba Penitentiary	$50,000 00		
Winnipeg Post Office	40,000 00		
Manitoba Penitentiary	25,000 00		
Winnipeg temporary Post Office—Alterations and additions to render building fit for occupation by officers of Department of Interior and Indian Affairs—and heating by steam	6,000 00		
Winnipeg Dominion Lands Office	8,500 00		
Winnipeg Custom House—Alterations, fittings, &c	3,000 00		
North-West Territories.			
Public Buildings, North-West Territories generally	$ 5,000 00		
Regina Gaol and Lunatic Asylum	7,000 00		
Regina Post Office and Custom-House	3,500 00		
Prince Albert Court House and Gaol	15,500 00		
North-West Mounted Police Barracks	75,000 00		
Qu'Appelle Indian Industrial School—Extension, &c	4,000 00		
Regina Court House—Outbuildings	350 00		
North-West Council Building	500 00		
Carried forward	$814,152 43		8,199,802 87

SCHEDULE B—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward	$814,152 43		8,199,802 87
PUBLIC WORKS—*Continued.*			
(*Chargeable to Income.*)			
PUBLIC BUILDINGS—*Concluded.*			
British Columbia.			
British Columbia Penitentiary	$50,000 00		
Vancouver Quarantine Station and outbuildings	5,500 00		
New Westminster Post Office, Custom House, &c.—Grounds	1,000 00		
Public Buildings Generally.			
Public Buildings generally	15,000 00		
		885,652 43	
REPAIRS, FURNITURE, HEATING, &c.			
Repairs, Furniture, Heating, &c	$175,000 00		
Grounds, Public Buildings, Ottawa, including Major's Hill Park	9,500 00		
Removal of snow, Public Buildings, Ottawa	2,000 00		
Heating Public Buildings, Ottawa	53,000 00		
Gas, Public Buildings, Ottawa	23,000 00		
Water, Public Buildings, Ottawa	14,000 00		
Allowance for Fuel and Light, Rideau Hall	8,000 00		
Telephonic service, Public Buildings, Ottawa	3,000 00		
Salaries of Engineers, Firemen, Caretakers, &c, of the Dominion Public Buildings	37,000 00		
Heating Dominion Public Buildings—Fuel, &c	50,000 00		
Lighting Dominion Public Buildings—hitherto paid by the various Departments occupying the offices	25,000 00		
Water do do	8,500 00		
		408,000 00	
HARBORS AND RIVERS.			
Nova Scotia.			
Mabou	$2,000 00		
Breakwater, Economy	1,500 00		
Canada Creek repairs	700 00		
Repairs on Piers—Arisaig, Bayfield and McNair's Cove (Cape George)	19,000 00		
South Ingonish	2,000 00		
Boularderie	2,000 00		
Cow Bay	9,600 00		
Great Tancock Island	2,500 00		
Indian Islands	1,000 00		
West Pubnico	1,000 00		
Beaver Cove	1,000 00		
Cap la Ronde	500 00		
Surette's, or Far Point Island and Beaver River	1,000 00		
Petite Rivière Breakwater—To complete	600 00		
Sheet Harbor Ballast Wharf	5,000 00		
Bay St. Lawrence	2,000 00		
Great Village River	3,900 00		
White Point	1,000 00		
Fox Island or Lawrenceton	2,500 00		
Chipman's Brook	300 00		
Carried forward	$59,100 00	1,293,652 43	8,199,802 87

SCHEDULE B—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward	$59,100 00	1,293,652 43	8,199,802 87
PUBLIC WORKS—*Continued.*			
(*Chargeable to Income.*)			
HARBORS AND RIVERS—*Continued.*			
Nova Scotia—Concluded.			
Digby	$ 1,250 00		
Yarmouth	2,000 00		
Margaretville	8,500 00		
Harborville and Kingsport	4,050 00		
Lismore	2,500 00		
Port Greville	6,000 00		
Blue Rock	4,000 00		
Broad Cove	8,000 00		
Prince Edward Island.			
Repairs to breakwaters, piers, &c., acquired from Local Government, Prince Edward Island	$ 2,000 00		
New London—Breakwater	2,500 00		
Cascumpec—Removal of rock	5,000 00		
Souris Breakwater—Repairs	2,000 00		
Souris—Breakwater at Knight's Point, repairs, &c.	5,000 00		
New Brunswick.			
St. John Harbor—Negro Point Breakwater	$ 35,500 00		
River St. John—Bear Island to Fredericton	1,000 00		
River St John, above Grand Falls, and River Tobique	3,000 00		
River St. John—River des Chutes to Bear Island	2,000 00		
To pay Messrs. Reid & Co. for work done on Clifton Breakwater in 1883	582 11		
River St. Francis	500 00		
Upper Salmon River	3,000 00		
River St John—Improvement of channel between Fredericton and Woodstock	1,000 00		
Tynemouth, or Ten-Mile Creek	1,000 00		
Grande Anse	1,500 00		
Shippegan	1,200 00		
Dalhousie—Ballast wharf	5,000 00		
Grand Lake, Jemseg	1,000 00		
Maritime Provinces Generally.			
General repairs and improvements, Maritime Provinces	$ 12,000 00		
Quebec.			
New Carlisle—To complete	$ 12,000 00		
Etang du Nord	7,000 00		
Bic Pier—To complete	750 00		
Ste. Anne de la Pocatière—To complete	2,000 00		
Rivière Ouelle—Pointe aux Orignaux—To complete	3,000 00		
Chateau Richer—To complete	1,000 00		
River Nicolet	9,000 00		
Lanoraie—To complete	3,000 00		
River St. Lawrence—Removal of chains, anchors, boulders, &c.	5,000 00		
Matane—Completion of breakwater, east side of river	500 00		
Barachois de Malbaie and mouth of Newport River	1,300 00		
Carried forward	$224,732 11	1,293,652 43	8,199,802 87

SCHEDULE B—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward	$224,732 11	1,293,652 43	8,199,802 87
PUBLIC WORKS—*Continued.*			
(*Chargeable to Income.*)			
HARBORS AND RIVERS—*Continued.*			
Quebec—Concluded.			
St. François, Island of Orleans	$ 1,000 00		
River Yamaska	7,000 00		
Ste. Anne de Sorel—Ice pier	1,200 00		
General repairs and improvements, Harbors and Rivers, Quebec	10,000 00		
Lake Megantic Pier	1,200 00		
Port Daniel	6,000 00		
Grand Pabos	1,000 00		
Percé	7,000 00		
Montmagny	2,000 00		
Rivière Blanche—Repairs	2,000 00		
Rimouski River	1,000 00		
River Saguenay—Enlargement of La Grande Décharge from Lake St. John	5,000 00		
River Saguenay—Improvement of channel below Chicoutimi	5,000 00		
Chicoutimi, St. Alphonse and Anse St. Jean	3,425 00		
Rivière Verte	1,000 00		
St. Zotique—To complete	1,000 00		
Trois Pistoles do	4,000 00		
St. Laurent, St. Jean and Ste. Famille	3,000 00		
River Ste. Anne de Beaupré	2,000 00		
Beauport	500 00		
Doucet's Landing	2,000 00		
Berthier (*en haut*)	2,000 00		
Longueuil	10,000 00		
Ile Perrot	6,000 00		
Cascades	3,000 00		
Rivière du Lièvre	10,000 00		
Bay St. Paul	5,000 00		
Kamouraska	3,000 00		
Rivière Bras St. Nicholas	1,200 00		
St. Placide	5,000 00		
Ontario.			
Cobourg Harbor, Lake Ontario	$ 4,000 00		
Little Current, Lake Huron	2,000 00		
Port Hope Harbor, Lake Ontario	1,000 00		
Kingston Harbor, Lake Ontario	4,000 00		
Chantry Island—Protection of island and lighthouse	500 00		
Midland Harbor	10,000 00		
Toronto Harbor—To complete	10,000 00		
Sault Ste. Marie	4,000 00		
General repairs and improvements, Harbors and Rivers, Ontario	8,000 00		
Belleville Harbor—Local authorities contributing an equal amount	10,000 00		
Oakville Harbor	8,000 00		
Kincardine, repairs	3,000 00		
Saugeen River pier	7,000 00		
Summerstown	3,000 00		
Carried forward	$410,757 11	1,293,652 43	8,199,802 87

SCHEDULE B—*Continued.*

SERVICE.		Amount.	Total.
		$ cts	$ cts.
Brought forward	$410,757 11	1,293,652 43	8,199,802 87
PUBLIC WORKS—*Continued.*			
(*Chargeable to Income.*)			
HARBORS AND RIVERS—*Concluded.*			
Ontario—Concluded.			
Owen Sound, Lake Huron	$ 10,000 00		
Thornbury, Lake Huron	2,000 00		
Kingsville, Lake Erie	4,000 00		
Port Elgin, Lake Huron	2,500 00		
Hilton or Marksdale, Lake Huron	5,000 00		
Collingwood Harbor	5,000 00		
Manitoba.			
General repairs and improvements, Harbors and Rivers, Manitoba	$ 1,000 00		
North-West Territories.			
North Saskatchewan River	$ 15,000 00		
British Columbia.			
General repairs and improvements, Harbors and Rivers, British Columbia	$ 2,000 00		
Victoria Harbor—Removal of Dredger Rock	8,500 00		
Fraser River	8,000 00		
Cowichan River	1,000 00		
Harbors and Rivers Generally.			
Harbors and Rivers generally	$ 6,000 00		
		480,757 11	
DREDGING.			
New dredging plant	$17,000 00		
Dredge vessels—Repairs	32,000 00		
Dredging—Nova Scotia, do Prince Edward Island, do New Brunswick	30,000 00		
do Quebec	15,000 00		
do Ontario	15,000 00		
do Manitoba	10,000 00		
do British Columbia	15,000 00		
do General service	5,000 00		
		139,000 00	
SLIDES AND BOOMS.			
River Coulonge slide	$ 1,800 00		
Slides and booms	15,000 00		
Gatineau Booms	5,000 00		
River Coulonge and Black River, Ottawa District	9,500 00		
River Ottawa	8,400 00		
Rapides des Quinze—Upper Ottawa	2,500 00		
		42,200 00	
Carried forward		1,955,609 54	8,199,802 87

SCHEDULE B—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward		1,955,609 54	8,199,802 87
PUBLIC WORKS—*Concluded.*			
(*Chargeable to Income.*)			
ROADS AND BRIDGES.			
Bridges, Ottawa City, over the River Ottawa, the Slides, the Rideau Canal and approaches thereto	$11,500 00		
Aid towards the construction of a bridge across the Elbow River, near Calgary	2,000 00		
Portage du Fort Bridge	6,000 00		
Further aid to the municipality of New Edinburgh, towards the erection of an iron bridge over the Rideau River on the highway leading to Rideau Hall	2,000 00		
Bridge across the Bow River near Calgary	12,000 00		
Aid towards the construction of a free bridge over the Old Man's River at Fort Macleod, local authorities furnishing $2,500	2,500 00		
Further aid to the municipalities of Calumet and Bryson, towards the construction of a high level bridge over the Calumet Channel, River Ottawa, provided the municipalities contribute a further sum of $1,000 and the Quebec Government make an additional grant of $2,000	2,000 00		
		38,000 00	
TELEGRAPHS.			
Land and Cable Telegraph Lines for the Sea Coasts and Islands of the Lower Rivers and Gulf of St. Lawrence and Maritime Provinces :—			
Land Line on North Shore of St. Lawrence—Extension towards Pointe aux Esquimaux	$5,000 00		
Grosse Isle Quarantine extension	1,500 00		
Land Line from Mabou to Cheticamp	4,600 00		
Branch from main Government Line along the East Coast of Cape Breton Island to New Haven or Neill's Harbor	300 00		
Telegraph Lines—Manitoba and the North-West Territories :—			
Re-construction of line between Battleford and Edmonton *viâ* Fort Pitt	14,000 00		
Telegraph Lines—British Columbia :—			
Land line between Australian Ranche and Barkerville	1,500 00		
		26,900 00	
MISCELLANEOUS.			
Miscellaneous works, not otherwise provided for	$10,000 00		
Surveys and Inspections	20,000 00		
Arbitrations and Awards	5,000 00		
National Art Gallery	1,000 00		
Gratuity of two months' salary to the widow of the late Michael Scanlan, 2nd Assistant Engineer, Parliament Buildings	110 00		
Monument to Joseph Brant	5,000 00		
Examination in connection with spring floods at Montreal and vicinity	5,000 00		
		46,110 00	
			2,066,619 54
Carried forward			10,266,422 41

SCHEDULE B—*Continued.*

SERVICE.	Amount.	Total.
	$ cts.	$ cts.
Brought forward		10,266,422 41
MAIL SUBSIDIES AND STEAMSHIP SUBVENTIONS.		
Steam communication on Lakes Huron and Superior	12,000 00	
Steam service between the United States and Victoria, B.C	17,640 00	
Steam communication with the Magdalen Islands	7,800 00	
Steam communication between Grand Manan, N.B, and Mainland	4,000 00	
Steam communication between Halifax and St. John *viâ* Yarmouth	10,000 00	
For subsidy to a line of steamers to run fortnightly between France and Quebec	50,000 00	
For subsidy to a line of steamers to run between Liverpool or London, or both, and St. John, N.B, and Halifax, N.S., a port in the Dominion to be the terminal port	25,000 00	
Subsidy to steamer between Campbellton and Gaspé, and intermediate ports	12,500 00	
For steam communication from Port Mulgrave, at the terminus of the Eastern Extension Railway, to East Bay, Cape Breton	6,000 00	
For steam communication between Halifax and St. Pierre	2,000 00	
For steam communication from Halifax to Murray Harbor and Charlottetown, alternately	3,000 00	
For steam communication between Canada and Antwerp or Germany	24,000 00	
For steam communication between Port Mulgrave or Pictou Railway terminus and Cheticamp, touching at Port Hood, Mabou, Broad Cove, Margaree, and Cheticamp, the Local Government having granted a similar amount, conditionally on a Dominion vote for the same service	2,000 00	
For steam communication between Canso, Arichat, Guysboro', Port Hood and Mabou, and such other places between above limits as may be agreed upon, touching daily at Port Mulgrave, and also to provide for continuance of service during winter, on the Port Mulgrave and Canso section	5,000 00	
To provide for steam communication between Prince Edward Island and the Mainland	10,000 00	
For steam communication between St John and ports in Basin of Minas, Parrsboro', Maitland, Summerville, Hantsport, Avondale, Windsor, Kingsport, Wolfville, &c	2,000 00	
For steam communication between Canada and Germany	24,000 00	
To provide for a subsidy of $1,500 a voyage, for five voyages, of steamers from a port in New Brunswick and Prince Edward Island to Great Britain or Continental ports	7,500 00	
		224,440 00
OCEAN AND RIVER SERVICE.		
Maintenance and repairs of Government Steamers	130,000 00	
To provide for the examination of Masters and Mates	6,000 00	
Rewards for saving life and Life-Boat Service	8,000 00	
To provide for investigation into Wrecks and Casualties, and collection of information relating to Disasters to Shipping	1,500 00	
Expenses in connection with Canadian Registration to Shipping	500 00	
Montreal and Quebec River and Water Police	40,000 00	
Removal of obstructions in navigable rivers, including removal of wreck of SS. "Ottawa," in River St. Lawrence	14,000 00	
Winter communication, Prince Edward Island	5,000 00	
		205,000 00
LIGHTHOUSE AND COAST SERVICE.		
Salaries and allowances, &c., of Lighthouse-keepers, including Cape Race light and fog-whistles	175,000 00	
Agencies, rents and contingencies	19,960 00	
To pay increase of Agent's salary at Quebec	200 00	
Carried forward	195,160 00	10,695,862 41

SCHEDULE B—*Continued.*

SERVICE.	Amount.	Total.
	$ cts.	$ cts.
Brought forward	195,160 00	10,695,862 41
LIGHTHOUSE AND COAST SERVICE—*Concluded.*		
Maintenance and repairs to lights, fog-whistles, buoys and beacons, humane establishments, and provision depots	323,000 00	
Completion and construction of lighthouses and fog-alarms	40,000 00	
Signal service	7,500 00	
To provide for the payment to the Harbor Commissioners of Montreal of the annual cost of maintaining the buoys and beacons in the St. Lawrence River, below Montreal	7,000 00	
		572,660 00
SCIENTIFIC INSTITUTIONS.		
Observatory, Toronto	$5,250 00	
do Kingston	500 00	
do Montreal	500 00	
	6,250 00	
Grant for Meteorological Observatories, including instruments and cost of telegraphing weather warnings	50,000 00	
		56,250 00
MARINE HOSPITALS AND SICK AND DISTRESSED SEAMEN.		
Marine and Immigrant Hospital, Quebec	$20,000 00	
St. Catharine's Hospital, Ontario	500 00	
Kingston Hospital	500 00	
Marine Hospitals in the Provinces of Quebec, Nova Scotia, New Brunswick, Prince Edward Island and British Columbia	35,000 00	
	56,000 00	
Expenses of shipwrecked and disabled seamen	6,000 00	
		62,000 00
STEAMBOAT INSPECTION.		
To provide for expenses of Steamboat Inspection		25,000 00
FISHERIES.		
SALARIES AND DISBURSEMENTS OF FISHERY OVERSEERS AND WARDENS.		
Ontario	16,000 00	
Quebec	15,000 00	
Nova Scotia	17,500 00	
New Brunswick	13,000 00	
Prince Edward Island	3,500 00	
British Columbia	4,000 00	
Manitoba, Keewatin and North-West Territories	3,000 00	
Fish-breeding, building of fish-ways and clearing of rivers	35,000 00	
To provide for legal and incidental expenses	2,000 00	
Maintenance and repairs of fishery protection steamers and vessels	100,000 00	
Canadian Fisheries Exhibit	1,500 00	
To pay for services performed by persons in the Customs and Fisheries Departments, and other expenses in connection with the distribution of the fishing bounty and collection of statistics	5,000 00	
To provide for the cost of the police vessels to be employed in the protection of the fisheries	50,000 00	
To build fish-ways in La Have River	2,000 00	
To remove obstructions at Grand River Falls, to enable fish to ascend to breeding grounds	1,500 00	
For the encouragement of the production of cod liver oil and fish guano, the appropriation to be expended under regulations to be established by the Governor General in Council	4,000 00	
		273,000 00
Carried forward		11,684,772 41

SCHEDULE B—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward			11,684,772 41
SUPERINTENDENCE OF INSURANCE.			
To meet expenses in connection with superintendence of Insurance Companies			6,000 00
GEOLOGICAL SURVEY.			
Geological Survey		41,600 00	
Further amount required for Geological Survey		15,000 00	
To pay Messrs. C. E. McKiel and John Ackers, clerks in Export Section of Statistics Branch, Customs Department, for preparation of returns, by quarters, of mineral exports		100 00	
			56,700 00
DEPARTMENT OF INDIAN AFFAIRS.			
Ontario, Quebec and the Maritime Provinces.			
Grants required to supplement the Indian Fund:—			
Province of Quebec, for relief of distress	$ 4,200 00		
For purchase of blankets for Indians of Ontario and Quebec	1,600 00		
For Indian schools in Ontario, Quebec, Nova Scotia, and New Brunswick	13,450 00		
For payment of annuities under Robinson Treaty	15,588 00		
		34,838 00	
Schools.			
Aid towards the rebuilding of the Industrial Schools at Wikwemikong, Manitoulin Island	$ 4,000 00		
To provide a salary for the teacher of a girls' school at Caughnawaga	300 00		
To enable the Department to pay a portion of the salary of a teacher at Cornwall Island	60 00		
To enable the Department to pay a portion of the salary of a teacher at Oka	27 50		
To provide additional salary for a teacher at Golden Lake.	150 00		
To enable the Department to provide for the maintenance of 10 additional pupils at the Mount Elgin Institute, at $60 each	600 00		
To supplement grants made by the Church of England to the schools at Sucker Creek, Manitoulin Island, and at Kegwenouang, in the Lake Nepigon District, at $200 each	400 00		
To admit of an increase in the salaries of teachers of Indian day schools in Manitoba, Keewatin and North-West Territories	5,000 00		
		10,537 50	
Nova Scotia.			
Salaries	$ 900 00		
For the relief of distress and the purchase of seed grain	3,045 00		
For medical attendance and medicines	1,012 00		
Miscellaneous expenses, stationery, &c	75 00		
To complete the building of a school house at New Germany, Nova Scotia	90 00		
		5,122 00	
Carried forward		50,497 50	11,747,472 41

SCHEDULE B—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward		50,497 50	11,747,472 41
DEPARTMENT OF INDIAN AFFAIRS—*Concluded.*			
New Brunswick.			
Salaries	$ 1,870 00		
For the relief of distress and the purchase of seed grain	2,700 00		
For medical attendance and medicines	470 00		
Miscellaneous expenses, stationery, &c	50 00		
To provide a salary for the Rev. J. L. McDougall, Missionary to Indians in Restigouche County, N. B	25 00		
		5,115 00	
Prince Edward Island.			
For salaries	$ 500 00		
For relief of distress and purchase of seed grain	1,125 00		
For medical attendance and medicines	300 00		
For miscellaneous expenses, stationery, &c	75 00		
		2,000 00	
British Columbia.			
For Indians of British Columbia generally	$31,030 00		
For surveys	11,837 00		
Reserve Commission	9,500 00		
To increase the salary of Agent Meason from $1,000 to $1,200	200 00		
To provide prizes for an annual Indian Agricultural and Industrial Exhibition at Cowichan	200 00		
To provide towards the salary of a female teacher at Port Simpson	200 00		
		52,967 00	
Manitoba and North-West Territories.			
Annuities	$157,480 00		
Agricultural implements, tools and harness	38,630 00		
Cattle and pigs	12,414 00		
Seed grain	19,244 00		
Provisions for use at annuity payments	18,149 00		
Ammunition and twine	4,302 00		
Supplies for destitute Indians	323,590 00		
Clothing	4,000 00		
Schools, Day	41,836 00		
do Industrial	52,500 00		
Surveys	7,500 00		
Farm wages	28,938 00		
do maintenance	22,445 00		
Sioux	3,452 00		
General expenses	92,404 00		
Agency buildings	23,900 00		
		850,784 00	
Miscellaneous.			
To provide a salary for Chief Angus Cooke, of the Indian Reserve in Gibson	$ 50 00		
To provide for further surveys in Ontario and Quebec	1,500 00		
To aid in the purchase of cattle and agricultural implements for destitute bands of Indians	4,000 00		
The re-vote of the amount voted last Session, but not expended, for the removal of the residue of the Lake of Two Mountains Indians to the Township of Gibson	5,000 00		
		10,550 00	
			971,913 50
Carried forward			12,719,385 91

SCHEDULE B—*Continued.*

SERVICE.	Amount.	Total.
	$ cts.	$ cts.
Brought forward		12,719,385 91
NORTH-WEST MOUNTED POLICE.		
Pay of Force	320,000 00	
Subsistence	90,375 00	
Forage	82,000 00	
Fuel and light	30,000 00	
Clothing	70,000 00	
Repairs, renewals, replacement of horses, arms and ammunition	107,600 00	
Medicines, medical comforts and hospital expenses	7,000 00	
Books and stationery	5,000 00	
Scouts, guides, billeting charges, travelling allowances, transport of men and stores	60,000 00	
Contingencies	8,000 00	
		779,975 00
MISCELLANEOUS.		
Canada Gazette	4,500 00	
Miscellaneous printing	12,000 00	
Unforeseen expenses, expenditure thereof to be under Order in Council, and a detailed statement to be laid before Parliament within the first fifteen days of the next Session	25,000 00	
Commutation in lieu of remission of duties on articles imported for the use of the Army and Navy	3,000 00	
For the expenses of Government in the North-West Territories, including printing, roads, bridges, ferries, aid to schools, &c	74,400 00	
For the expenses of Government in the District of Keewatin	1,500 00	
To meet expenditure required to put in force the Canada Temperance Act, 1878	20,000 00	
To compensate members of the North-West Mounted Police for injuries received in the discharge of duty	2,000 00	
On account of expenditure in connection with surveys of Lakes Superior and Huron	18,000 00	
To provide for the payment of Mr. Fabre's salary and contingencies of his office	3,500 00	
To meet cost of litigated matters	5,000 00	
To provide the expenses of an expedition (by water) to Hudson's Bay, to test the practicability of the route for commercial purposes	10,000 00	
To cover expenses of taking evidence concerning the Public Accounts, and reporting the same to the Auditor-General of Canada, under authority of section 55 of the Audit Act (41 Victoria, chapter 7); and to pay for legal advice to the Auditor-General, and assistance to him in estimating the value of printing for Returning Officers and others	500 00	
Academy of Arts	2,000 00	
To meet payments to Extra Clerks for services rendered in preparation of Returns ordered by Parliament	10,000 00	
Commercial agencies	10,000 00	
For the establishment of a model farm	20,000 00	
Towards aiding in the publication of "Histoire Généalogique des Familles Françaises"	1,000 00	
To provide for the administration of the Chinese Immigration Act, including remuneration to Customs officers	4,000 00	
Miscellaneous printing	8,000 00	
To pay L. J Crowe for services in connection with the seizure of the premises and plant of the Acadia Steel Works	100 00	
To pay additional gratuity to Thomas Townsend on account of injuries received while working on Point Frederick Shoal	150 00	
To pay a gratuity to Mrs. Forrest, widow of the late keeper of the light-ship at Colchester Reef	200 00	
To provide for the publication of the proceedings of the Royal Society	5,000 00	
Additional assistance to Dr. Rand in publication of a Micmac Indian Dictionary	500 00	
		240,350 00
Carried forward		13,739,710 91

SCHEDULE B—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward			13,739,710 91
COLLECTION OF REVENUES.			
CUSTOMS.			
Salaries and Contingent Expenses of the several Ports.			
In the Province of Ontario	$260,525 00		
do Quebec	203,200 00		
do New Brunswick	87,215 00		
do Nova Scotia	106,465 00		
do Manitoba	34,000 00		
do North-West Territories	6,000 00		
do British Columbia	32,800 00		
do Prince Edward Island	21,160 00		
Provinces generally—To cover any unforeseen changes it may appear necessary to make in Staff	5,000 00		
Salaries and travelling expenses of Inspectors of Ports, and travelling expenses of other officers on inspection.	18,000 00		
Miscellaneous—Contingencies of head office, covering printing, stationery, advertising, telegraphing, &c., for the several ports of entry	15,000 00		
To meet expenditure in connection with the Board of Customs and Outside Detective Service, including $800 salary of the Commissioner of Customs as Chairman of the Board	15,000 00		
Account of Board of Customs and Outside Detective Service—To provide for the probable expenditure in connection with the polariscopic tests of sugars, including pay of officers appointed or employed for that service	5,000 00		
		809,365 00	
EXCISE.			
Salaries of officers and inspectors of Excise	$245,432 50		
To provide for increases dependent upon the result of Excise examinations	2,000 00		
To provide for increase of pay of chief officers at large distilleries and factories	2,000 00		
Travelling expenses, rent, fuel, stationery, &c., and to provide for the cost of obtaining stamps, and for the stamping of imported and Canadian tobacco, &c.	60,000 00		
To enable the Department to grant an allowance to Excise Officers in Manitoba, to compensate for increased cost of living as compared with the older Provinces	2,000 00		
To pay Collectors of Customs allowance on duties collected by them	3,500 00		
Preventive Service	7,000 00		
Commission to sellers of stamps for Canada twist tobacco	500 00		
Special.			
To enable the Department to purchase wood naphtha and similar articles for issue to bonded manufacturers, under provisions of 46 Victoria, chapter 15, section 224, the cost of which will be recouped by the manufacturers to whom they are supplied	$ 2,000 00		
		324,432 50	
Carried forward		1,133,797 50	13,739,710 91

SCHEDULE B—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward		1,133,797 50	13,739,710 91
COLLECTION OF REVENUES—*Continued.*			
CULLING TIMBER.			
Montreal.			
Deputy Supervisor	$ 900 00		
Bookkeeper and Clerk	600 00		
Quebec.			
Supervisor	$ 2,200 00		
Deputy Supervisor	1,600 00		
Cashier	1,500 00		
2 Specification Clerks	1,400 00		
1 Messenger and Caretaker	350 00		
8 Specification Clerks, &c., 8 months; 1 at $1,000, 2 at $700, 1 at $650, 2 at $600, 2 at $550	5,350 00		
1 Assistant Bookkeeper	1,100 00		
Pay of Cullers	30,000 00		
Contingencies	8,000 00		
Annuities to Superannuated Cullers	6,600 00		
		59,600 00	
WEIGHTS AND MEASURES AND GAS.			
Salaries of Inspectors and Assistant Inspectors of Weights and Measures	$45,950 00		
Salaries of Inspectors of Gas	11,700 00		
Salary of Commissioner of Standards	800 00		
Rent, fuel, travelling expenses, postage, stationery, &c., for Weights and Measures	17,000 00		
Rent, fuel, travelling expenses, postage, stationery, &c., for Gas	6,500 00		
Salary of the Chief Inspector of Standards	1,800 00		
		83,750 00	
INSPECTION OF STAPLES.			
For the purchase and distribution of standards of flour, &c., and other expenditures under the Act		2,500 00	
ADULTERATION OF FOOD.			
To meet expenses under the Act		21,500 00	
MINOR REVENUES.			
Minor Revenues	$ 3,000 00		
Ordnance Lands	2,000 00		
		5,000 00	
RAILWAYS.			
Repairs and Working Expenses.			
Intercolonial Railway	$2,400,000 00		
To pay a gratuity of one year's salary to T. M. Boggs on his retiring from the service owing to loss of eye sight	400 00		
Eastern Extension Railway	75,000 00		
Prince Edward Island Railway	210,000 00		
Windsor Branch Railway	20,000 00		
		2,705,400 00	
Carried forward		4,011,547 50	13,739,710 91

SCHEDULE B—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward		4,011,547 50	13,739,710 91
COLLECTION OF REVENUES—*Continued.*			
CANALS.			
Maintenance and Repairs.			
Repairs and working expenses	$460,000 00		
Salaries and contingencies of canal officers	37,024 00		
		497,024 00	
PUBLIC WORKS.			
Collection of Slide and Boom Dues	$21,650 00		
Repairs and working expenses, Harbors and Slides	82,800 00		
Telegraph Line between Prince Edward Island and the Mainland	2,000 00		
Land and Cable Telegraph Lines of the Sea Coasts and Islands of the Lower Rivers and Gulf of St. Lawrence, including $5,000 to meet cost of working steamer "Newfield" or other vessel when required for cable service	27,350 00		
Telegraph Lines, Manitoba and the North-West Territories	20,000 00		
Telegraph Lines, British Columbia	34,500 00		
Telegraph and Signal Service generally	10,000 00		
Agent and Contingencies, British Columbia	4,000 00		
		202,300 00	
POST OFFICE.			
Ontario	$1,307,600 00		
Quebec	625,600 00		
New Brunswick	236,360 00		
Nova Scotia	242,710 00		
Prince Edward Island	42,480 00		
British Columbia	120,926 00		
Manitoba and North-West Territories	266,270 00		
To provide for increase of salary to one 1st Class Clerk, Toronto Post Office	100 00		
To provide for three 3rd Class Clerks in the Toronto Post Office, one at $600, and two at $400 each	1,400 00		
To provide for the promotion of a 2nd Class Railway Mail Clerk in the Montreal Postal Division to the 1st Class.	260 00		
To provide for the salary of five Letter Carriers to be appointed to the Toronto Post Office, at $360 each	1,800 00		
To provide for one 1st Class Clerk in the office of the Post Office Inspector, at Halifax, N.S.	1,200 00		
To provide for one Chief Railway Mail Clerk, in the London Postal Division	1,500 00		
To provide for one Chief Railway Mail Clerk, in the Ottawa Postal Division	1,200 00		
To provide for one 3rd Class Clerk in the Charlottetown Post Office	400 00		
		2,849,806 00	
DOMINION LANDS—OUTSIDE SERVICE.			
Land Board at Winnipeg.			
Commissioner's salary	$ 5,000 00		
Superintendent of Mines' salary	3,200 00		
do travelling expenses	1,200 00		
Carried forward	$ 9,400 00	7,560,677 50	13,739,710 91

SCHEDULE B—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward	$9,400 00	7,560,677 50	13,739,710 91
COLLECTION OF REVENUE—*Continued.*			
DOMINION LANDS—OUTSIDE SERVICE—*Concluded.*			
Land Board at Winnipeg—Concluded.			
Inspector of Agencies' salary	$ 2 000 00		
do travelling expenses	1,200 00		
Secretary's salary	1,800 00		
Assistant Secretary's salary	1,400 00		
Clerks' salaries	12,000 00		
Contingencies, light, postage, telegrams, &c	2,400 00		
Caretaker and Messenger	600 00		
Inspector of Colonization Companies' salary	3,000 00		
do do travelling expenses.	1,000 00		
6 Homestead Inspectors' salaries	7,200 00		
do expenses	5,000 00		
Land Guide service	2,000 00		
Special services	5,000 00		
Dominion Lands Agencies.			
13 Dominion Lands Agents	$16,800 00		
17 Clerks	16,878 00		
Contingencies, including office rent, fuel, &c	8,000 00		
Crown Timber Agencies.			
Crown Timber Agent, Winnipeg, salary	$ 2,000 00		
Book-keeper, Winnipeg, salary	1,095 00		
Crown Timber Agent, Edmonton, salary	1,200 00		
do Calgary do	1,200 00		
do Prince Albert do	1,200 00		
6 Forest Rangers	4,200 00		
Contingencies	5,000 00		
Miscellaneous.			
Stationery and Printing for Outside Service	$ 4,000 00		
Board of Examiners of Dominion Land Surveyors	1,000 00		
Contingencies paid at Head Office for Outside Service	1,000 00		
Half-breeds' Claims.			
To provide for the expenses in connection with the Commission for the settlement of the Half-breed Claims in the North-West Territories	$ 2,500 00		
British Columbia.			
Agent	$ 2,500 00		
5 Clerks	6,940 00		
Caretaker	120 00		
Contingencies	2,000 00		
		131,633 00	
Carried forward		7,692,310 50	13,739,710 91

SCHEDULE B—*Concluded.*

SERVICE.	Amount.	Total.
	$ cts.	$ cts.
Brought forward	7,692,310 50	13,739,710 91
COLLECTION OF REVENUES—*Concluded.*		
DOMINION LANDS—INSIDE SERVICE.		
Extra Clerks at Head Office, Ottawa, advertising and other similar expenses	30,000 00	7,722,310 50
DOMINION LANDS.		
(*Chargeable to Capital.*)		
Amount required for surveys, examination of survey returns, printing of plans, &c		100,000 00
Total		21,562,021 41

OTTAWA: Printed by BROWN CHAMBERLIN, Law Printer to the Queen's Most Excellent Majesty.

No. 145.

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL

An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the public service, for the financial years ending respectively the 30th June, 1886, and the 30th June, 1887, and for other purposes relating to the public service.

Received and read first, second and third times and passed, Wednesday, 2nd June, 1886.

Mr. MCLELAN.

OTTAWA:
PRINTED BY MACLEAN, ROGER & CO.
1886.

No. 146.] **BILL.** [1886

An Act to authorize the granting of certain subsidies for and in aid of the construction of the lines of railway herein mentioned.

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

1. The Governor in Council may grant the subsidies hereinafter mentioned to the railway companies, and towards the construction of the railways also hereinafter mentioned, that is to say:— Subsidies authorized.

For a railway from a point at or near Moncton, to Buctouche, in the Province of New Brunswick, thirty miles, a subsidy not exceeding $3,200 per mile, nor exceeding in the whole.....	$ 96,000
For a railway from Ingersoll *via* London to Chatham, in the Province of Ontario, eighty miles, a subsidy not exceeding $3,200 per mile, nor exceeding in the whole.....	256,000
To the Northern and Western Railway Company, for ten miles of their railway, intervening between the termini of the portions of their railway for which subsidies are already granted, the one from Fredericton and the other from Indiantown, and an extension of two miles down to deep water at Chatham, in the Province of New Brunswick, a subsidy not exceeding $3,200 per mile nor exceeding in the whole.....	32,000
To the Caraquet Railway Company, for ten miles of their railway from the end of the present subsidized portion at Lower Caraquet to Shippegan, in the Province of New Brunswick, a subsidy not exceeding $3,200 per mile, nor exceeding in the whole.....	32,000
To the Lake Erie, Essex and Detroit River Railway Company, for thirty-seven miles of their railway, from Windsor to Leamington, in the Province of Ontario, a subsidy not exceeding $3,200 per mile, nor exceeding in the whole....	118,400
To the Thunder Bay Colonization Railway Company, for fifty-six miles of their railway, from the end of the present subsidized section to a point near Crooked Lake, in the Province of Ontario, a subsidy not exceeding $3,200 per mile, nor exceeding in the whole.....	179,200

To the Parry Sound Colonization Railway Company, for forty miles of their railway, from the Village of Parry Sound to the Village of Sandridge, on the line of the Northern Pacific Junction Railway, in the Province of Ontario, a subsidy not exceeding $3,200 per mile, nor exceeding in the whole... 128,000

For a railway from a point at or near New Glasgow or St. Lin, to or near to Montcalm, in the Province of Quebec, eighteen miles, a subsidy not exceeding $3,200 per mile, nor exceeding in the whole..... 57,600

For a railway from Hereford to the International Railway, in the Township of Eaton, in the Province of Quebec, thirty-four miles, a subsidy not exceeding $3,200 per mile, nor exceeding in the whole..... 108,800

For a railway from St Felix to Lake Maskinongé, Parish of St Gabriel, in the Province of Quebec, ten miles, a subsidy not exceeding $3,200 per mile, nor exceeding in the whole..... 32,000

For a railway from Glenannan to Wingham, in the Province of Ontario, five miles, a subsidy not exceeding $3,200 per mile, nor exceeding in the whole 16,000

For a railway from a point at or near the McCann Station on the Intercolonial Railway, to the Joggins, on Cumberland Basin, in the Province of Nova Scotia, twelve miles, a subsidy not exceeding $3,200 per mile, nor exceeding in the whole..... 38,400

For a railway from L'Assomption to l'Epiphanie, in the Province of Quebec, three miles and a half, a subsidy not exceeding $3,200 per mile, nor exceeding in the whole 11,200

To the Montreal and Western Railway Company, for seventy miles of their railway from St. Jérôme, north-westerly towards Desert, in the Province of Quebec, a subsidy of $5,161 per mile, in lieu of the subsidies granted by 46 Victoria, chapter 25, and 47 Victoria, chapter 8, not exceeding in the whole..... 361,270

For a railway from St. Andrews to the Canadian Pacific Railway at, or at any point east of the Town of Lachute, in the County of Argenteuil, in the Province of Quebec, seven miles, in lieu of the subsidy granted by 47 Victoria, chapter 8, a subsidy not exceeding $3,200 per mile, nor exceeding in the whole..... 22,400

To the Canada Atlantic Railway Company, for twelve miles of their railway from Clark's Island to Valleyfield and from Lacolle, in the Province of Quebec, to the International Boundary, a subsidy not exceeding $3,200 per mile, nor exceeding in the whole..... 38,400

For a railway from Truro to Newport, in the Province of Nova Scotia, forty-nine miles, a subsidy not exceeding $3,200 per mile, nor exceeding in the whole..... 156,800

To the Quebec and Lake St. John Railway Company, for ninety-five miles of their railway, from a point fifty miles north of St. Raymond to Lake St. John, in the Province of Quebec, a subsidy not exceeding $1,961 per mile, nor exceeding in the whole (in addition to the subsidy granted by 45 Victoria, chapter 14, and 46 Victoria, chapter 25, of $3,200 per mile) 186,295

To the Cap Rouge and St. Lawrence Railway Company, for twelve miles of their railway from Lorette *viâ* Cap Rouge to Quebec, in the Province of Quebec, a subsidy not exceeding $3,200 per mile, nor exceeding in the whole.... 38,400

For the construction of wharves and landing stages on the line of the railway from Long Sault to the foot of Lake Temiscamingue, a subsidy of.. 6,000

To the Gananoque, Perth and James' Bay Railway Company, seventeen miles, a subsidy not exceeding $3,200 per mile, nor exceeding in the whole 54,400

For a railway from St. Eustache to St. Placide, County of Two Mountains, eighteen miles, a subsidy not exceeding $3,200 per mile, nor exceeding in the whole 57,600

For a railway from a point on the Intercolonial Railway through the Stewiacke Valley, on a line which will afford facilities of communication with the Iron Mines, Spring Side, Upper Stewiacke, and Musquodoboit settlements, twenty-five miles, a subsidy not exceeding $3,200 per mile, nor exceeding in the whole.... 80,000

For a railway from Yamaska to the River St. Francis, in the Province of Quebec, ten miles, a subsidy not exceeding $3,200 per mile, nor exceeding in the whole 32,000

For a railway from Perth Centre Station on the New Brunswick Railway, to a point near Plaister Rock Island, in the Province of New Brunswick, twenty-eight miles, a subsidy not exceeding $3,200 per mile, nor exceeding in the whole 89,600

For a railway from Fredericton to the Village of Prince William, in the Province of New Brunswick, twenty-two miles, a subsidy not exceeding $3,200 per mile, nor exceeding in the whole. 70,400

For a railway from a point on the Intercolonial Railway near Newcastle or *via* Douglastown, to a point on the River Miramichi, opposite the Town of Chatham, in the Province of New Brunswick, six miles, a subsidy not exceeding $3,200 per mile, nor exceeding in the whole.... 19,200

For a railway from a point of the Canadian Pacific Railway to Eganville, in the Province of Ontario, twenty-two miles, a subsidy not exceeding $3,200 per mile, nor exceeding in the whole..... 70,400

To the Belleville and North Hastings Railway Company, for seven miles of their railway from the Village of Madoc to the Junction with the Central Ontario Railway at Eldorado, in the Province of Ontario, a subsidy (in addition to the subsidy of $1,500 per mile granted by 48-49 Victoria, chapter 59) not exceeding $1,700 per mile, nor exceeding in the whole 11,900

To the Napanee, Tamworth and Quebec Railway Company, for eighteen miles of their railway from Tamworth to Tweed, in lieu of the subsidy granted by 48-49 Victoria, chapter 59, a subsidy of 70,000

To the Albert Railway Company, for their railway from Salisbury to Hopewell, in the Province of New Brunswick, which is a feeder to the Intercolonial Railway, in the form of a loan, repayable at such time and secured in such manner as the Governor in Council determines, a subsidy of 15,000

To whom and for what purposes and on what conditions the subsidies may be granted.

2. The subsidies hereinbefore mentioned as to be granted to companies named for that purpose, shall be granted to such companies, respectively: The other subsidies shall be granted to such companies as shall be approved by the Governor in Council as having established to his satisfaction their ability to construct and complete the said railways respectively. All the lines for the construction of which subsidies are granted shall be commenced within two years from the first day of August next and completed within a reasonable time, not to exceed four years, to be fixed by Order in Council, and shall also be constructed according to descriptions and specifications and upon conditions to be approved by the Governor in Council, on the report of the Minister of Railways and Canals, and specified in an agreement to be made in each case by the company with the Government, and which the Government is hereby empowered to make; the location, also, of every such line of railway shall be subject to the approval of the Governor in Council, and all the said subsidies, respectively, shall be payable out of the Consolidated Revenue Fund of Canada, by instalments on the completion of each section of the railway of not less than ten miles, proportionate to the value of the portion so completed, in comparison with that of the whole work undertaken, to be established by the report of the said Minister: Provided, always, that the granting of such subsidies to the companies mentioned, respectively, shall be subject to such conditions for securing such running powers or traffic arrangements and other rights, as will afford all reasonable facilities and equal mileage rates to all railways connecting with those so subsidized, as the Governor in Council may determine.

How payable

Proviso: as to running powers, &c.

No. 146.

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

An Act to authorize the granting of the subsidies therein mentioned for and in aid of the construction of certain railways.

Received and read first time, Saturday, 29th May, 1886.
Second reading, Monday, 31st May, 1886.

Mr. Pope.

OTTAWA:
PRINTED BY MACLEAN, ROGER & CO
1886.

No. 147.] **BILL.** [1886.

An Act to authorize the grant of certain subsidies in land for the construction of the railways therein mentioned.

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

Grant to Manitoba and N.-W. Railway Co.

1. The Governor in Council may grant to the Manitoba and North-Western Railway Company, Dominion lands to the extent of six thousand four hundred acres per mile for each mile of the company's branch railway running from a point on the main line of that railway, at or near Todburn, in a north-westerly direction through the county of Russell to the Assiniboine River, near the town of Shellmouth, about twenty-six miles.

To the N.-W. Central Railway Co.

2. The Governor in Council may grant to the North-West Central Railway Company, or to such other company as may undertake the construction of the railway, Dominion lands to the extent of six thousand four hundred acres for each mile of the company's railway, for the whole distance from Brandon Station, on the Canadian Pacific Railway, to Battleford, in the Provisional District of Saskatchewan, about four hundred and fifty miles.

To the Wood Mountain and Qu'Appelle Railway Co.

3. The Governor in Council may grant to the Wood Mountain and Qu'Appelle Railway Company, Dominion lands to the extent of six thousand four hundred acres for each mile of the company's railway for the whole distance commencing at a point in Township number four, in Range number thirty, west of the second meridian, in the Dominion Lands System of Survey, passing through the Town of Fort Qu'Appelle, to join the Manitoba and North-Western Railway at a point to be fixed for that purpose by the Governor in Council, about two hundred and forty miles.

Grants to be subject to certain conditions.

4. The said grants, and each of them may be so made in aid of the construction of the said railways respectively, in the proportions and upon the conditions fixed by the Orders in Council made in respect thereof,—each of the said enterprises being respectively subject to any modification thereof which may hereafter be made by the Governor in Council; and, except as to such conditions, the said grants shall be free grants, subject only to the payment by the grantees respectively of the cost of survey of the lands and incidental expenses at the rate of ten cents per acre in cash on the issue of the patents therefor.

No. 147

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

An Act to authorize the grant of certain subsidies in land for the construction of the railways therein mentioned.

Received and read first time, Saturday, 29th May, 1886.
Second reading, Monday, 31st May, 1886.

Mr. WHITE,
(Cardwell.)

OTTAWA:
PRINTED BY MACLEAN, ROGER & CO.
1886.

No. 148.] **BILL.** [1886.

An Act further to amend the Acts relating to duties of Customs, and the importation or exportation of goods into or from Canada.

IN amendment of the several Acts imposing or relating to duties of Customs on the importation or exportation of certain goods, the importation of goods free of duty, the prohibition of the importation of certain others, and matters connected therewith: Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. The duties of Customs, if any, imposed by any Act now in force on the articles mentioned in this section respectively, are hereby repealed, except in so far as they are the same as those hereinafter mentioned, and the rates of duty hereinafter mentioned are substituted for them respectively, or, if any such article is now free of duty, the duty herein mentioned and set opposite to it is hereby imposed on it:— Present duties repealed and new substituted.

Subsection A, 31st March.

1. Almonds, shelled, a specific duty of five cents per pound	5 cts. per lb.
2. Almonds, not shelled, and nuts of all kinds, not elsewhere specified, a specific duty of three cents per pound	3 cts. per lb.
3. Baking powder, a specific duty of six cents per pound, the weight of the package to be included in the weight for duty	6 cts. per lb.
4. Boxes, cases and writing desks, fancy and ornamental, and fancy manufactures of bone, shell, horn and ivory, also dolls and toys of all kinds and materials, ornaments of alabaster, spar, terra cotta or composition, statuettes, beads and bead ornaments, thirty per cent. *ad valorem*	30 per cent.
5. Bolts, nuts, washers and rivets of iron or steel, not elsewhere specified, a specific duty of one cent per pound and fifteen per cent. *ad valorem*	1 ct. per lb. & 15 per ct.
6. Blueing—Laundry blueing of all kinds, twenty-five per cent. *ad valorem*	25 per cent.
7. Cider, clarified or refined, a specific duty of ten cents per Imperial gallon	10 cents.
8. Cider not clarified or refined, a specific duty of five cents per Imperial gallon	5 cents.

9.	Cordage of all kinds, a specific duty of one and a quarter cent per pound and ten per cent. *ad valorem*	1¼ ct. per lb. & 10 p. c.	
10.	Desiccated cocoanut, sweetened or not, a specific duty of eight cents per pound	8 cts. per lb.	5
11.	Feathers, Ostrich and Vulture, undressed, twenty per cent. *ad valorem*	20 per cent.	
12.	Feathers, Ostrich and Vulture, dressed, thirty per cent. *ad valorem*	30 per cent.	
13.	Fruit, dried, viz.:—Raisins, a specific duty of one cent per pound and ten per cent. *ad valorem*	1 ct. p. lb. and 10 per cent.	10
14.	Fruit, dried, viz.:—Currants, dates, figs, prunes, and all other dried fruits not elsewhere specified, a specific duty of one cent per pound	1 ct. per lb.	15
15.	Fruit, green, viz.:—Blackberries, gooseberries, raspberries, and strawberries, a specific duty of four cents per pound, the weight of the package to be included in the weight for duty	4 cts. per lb.	20
16.	Peaches, a specific duty of one cent per pound, the weight of the package to be included in the weight for duty	1 ct. per lb.	
17.	Gas, water and soil pipes of cast iron, thirty per cent. *ad valorem*	30 per cent.	25
18.	Gloves and mitts of all kinds, thirty per cent. *ad valorem*	30 per cent.	
19.	Hair cloth of all kinds, thirty per cent. *ad valorem*	30 per cent.	30
20.	Harness and saddlery of every description, and parts of the same, thirty per cent. *ad valorem*	30 per cent.	
21.	Laces, braids, fringes, embroideries, cords, tassels and bracelets; also braids, chains or cords of hair, thirty per cent. *ad valorem*	30 per cent.	35
22.	Lead pipe and lead shot, a specific duty of one and a quarter cent per pound	1¼ ct. per lb.	
23.	Printed or dyed cotton fabrics, not elsewhere specified, twenty-seven and a half per cent. *ad valorem*	27½ per cent.	40
24.	Spirits and strong waters, not having been sweetened or mixed with any article so that the degree of strength thereof cannot be ascertained by Sykes' hydrometer, for every Imperial gallon of the strength of proof by such hydrometer, and so in proportion for any greater or less strength than the strength of proof, and for every greater or less quantity than a gallon, viz.; Geneva gin, rum, whiskey, alcohol or spirits of wine, and unenumerated, unmixed and not sweetened spirits, by whatever name called, a specific duty of one dollar and seventy-five cents per Imperial gallon	$1.75 per Imp. gall.	45 50 55

25. Old Tom gin, a specific duty of one dollar and seventy-five cents per Imperial gallon	$1.75 per Imp. gal.
26. Spirits and strong waters, mixed with any ingredient or ingredients, and although thereby coming under the denomination of proprietary medicines, tinctures, essences, extracts, or any other denomination, including medicinal elixirs and fluid extracts, whether in bulk or bottle, not elsewhere specified, shall be nevertheless deemed to be spirits or strong waters, and subject to duty as such, a specific duty of two dollars per Imperial gallon and thirty per cent. *ad valorem*	$2 per Imp. gal. and 30 per ct.
27. Cologne water and perfumed spirits in bottles or flasks, not weighing more than four ounces each, fifty per cent. *ad valorem*	50 per ct.
28. Cologne water and perfumed spirits in bottles, flasks or other packages, weighing more than four ounces each, a specific duty of two dollars per Imperial gallon and forty per cent. *ad valorem*	$2 per Imp. gal. and 40 per ct.
29. Tubing, wrought iron, plain, two inches in diameter or under, coupled and threaded, or not, thirty per cent. *ad valorem*	30 per ct.
30. Whips of all kinds, thirty per cent. *ad valorem*	30 per ct.
31. Wire, iron or steel, galvanized or not, fifteen gauge and coarser, not elsewhere specified, twenty per cent. *ad valorem*	20 per ct.
32. Barbed wire fencing of iron or steel, a specific duty of one and a half cent per pound	1½ ct. per lb.
33. Buckthorn, and strip fencing of iron or steel, a specific duty of one and one eighth cents per pound	1⅛ c. p. lb.
34. Yeast cakes and compressed yeast in packages or bulk, of one pound and over, a specific duty of six cents per pound	6 cts. p. lb.
35. Yeast cakes in packages of less than one pound, a specific duty of eight cents per pound	8 cts. p. lb.
36. Portland and Roman cement, shall be classed with all other cement at specific rates as now provided.	
37. On sugar, melado, concentrated melado, concentrated cane-juice, concentrated molasses, concentrated beet root juice and concrete, when imported direct from the country of growth and production, for refining purposes only, not over number fourteen Dutch Standard in color, and not testing over seventy degrees by the polariscope test, a specific duty of one cent per pound, and for every additional degree, shown by polariscope test, three and one-third cents per one hundred pounds additional	1 ct. per lb. 70 deg. test and 3⅓ cts. per 100 lbs. for each deg. above 70.

38. On sugar not for refining purposes, not over number fourteen Dutch Standard in color, when imported direct from the country of growth and production, a specific duty of one cent per pound and thirty per cent. *ad valorem* on the value thereof, free on board at the last port of shipment.....	1 ct. per lb. and 30 p. c.
39. On all sugars above number fourteen Dutch Standard in color, and on refined sugar of all kinds, grades or standards, one and one-half cents per pound, and thirty-five per cent. *ad valorem* on the value thereof free on board at the last port of shipment.....	1½ cts. p. lb. and 35 p. c.
40. On all sugars not imported direct without transhipment from the country of growth and production, there shall be levied and collected an additional duty of seven and one-half per cent of the whole duty so otherwise payable thereon.....	7½ per cent. of duty additional.
Provided that when any cargo of sugar imported for refining purposes is found to grade, in part, above number fourteen Dutch Standard in color, such part to the extent of not exceeding fifteen per cent. of the whole of the cargo may be admitted to enter by polariscopic test.	
41. Syrups, cane juice, refined syrup, sugar house syrup or sugar house molasses, syrup of sugar, syrup of molasses or sorghum, whether imported direct or not—a specific duty of one cent per pound and thirty per cent. *ad valorem*.....	1 ct. p.lb. and 30 per cent.
42 Molasses, other, when imported direct without transhipment and from the country of growth and production—fifteen per cent. *ad valorem*.....	15 per cent.
43. Molasses, when not so imported—twenty per cent. *ad valorem*	20 per cent.
The value upon which the *ad valorem* duty shall be levied and collected upon all the above-named syrups and molasses shall be the value thereof free on board at the last port of shipment.	
44. Provided that molasses, when imported for or received into any Refinery or sugar factory, or to be used for any other purpose than actual consumption, shall be subject to, and there shall be levied and collected thereon, an additional duty of five cents per Imperial gallon.....	5 cents per Imp. gall.
Provided that the change in the rates of duty on sugars and molasses shall apply only to importations arriving in Canada on and after the thirty-first day of March, 1886, and not to such articles warehoused prior to that date.	

45. Sugar candy, brown or white, and confectionery, a specific duty of one and a quarter cents per pound and thirty-five per cent *ad valorem* .. .. 1¼ cts. per lb. and 35 p. c.

Sub-section B, 28th May.

46. Oilcloth, in the piece, cut or shaped, oiled, enamelled, stamped, painted or printed, India rubbered, flocked or coated, not otherwise provided for, a specific duty of five cents per square yard and ten per cent. *ad valorem*..... 5 cts. p. sq. yard and 10 per cent.

47. Floor oilcloth, thirty per cent. *ad valorem*... 30 per cent.

48. Straw board, in sheets or rolls, plain or tarred, a specific duty of forty cents per one hundred pounds..... .....40 c. p. 100 lbs.

49. Earthenware and stoneware, viz. :—Demijohns or jugs, churns and crocks, a specific duty of two cents per gallon of holding capacity..... 2 c. p. gall.

50. Rubber belting, hose, packing, matts and matting, a specific duty of five cents per pound and fifteen per cent. *ad valorem*.....and 15 per ct.

51. Carriage hardware, thirty-five per cent. *ad valorem*..... 35 per ct.

52. Soap, perfumed and toilet, a specific duty of ten cents per pound, the weight of the inside packages and wrappers to be included in the weight for duty, and ten per cent. *ad valorem*..... 10 cts. p. lb. and 10 p. ct.

53. Union collar cloth paper, in rolls or sheets, not glossed or finished, five per cent. *ad valorem*..... 5 per cent.

54. Union collar cloth paper, glossed or finished, in rolls or sheets, twenty per cent. *ad valorem*..... 20 per cent.

55. Paper hangings or wall paper, in rolls, costing eight cents or under per roll of eight yards in length and eighteen inches wide, a specific duty of two cents per roll of said length..... 2 cts. p. roll.

56. Felt, pressed, of all kinds, not filled or covered by or with any woven fabric, seventeen and a half per cent. *ad valorem*... 17½ per cent.

57. Stereotypes and electrotypes and bases for same made wholly or in part of type metal, not elsewhere specified, a specific duty of five cents per pound..... 5 cts. p. lb.

58. Scythes, a specific duty of two dollars and forty cents per dozen..... $2.40 p. doz.

59. Wire covered with cotton, linen, silk or other material, twenty-five per cent. *ad valorem*..... 25 per ct.

60. Stove bolts and nuts, and all bolts and rivets of one quarter inch diameter and less, thirty-five per cent *ad valorem*..... 35 per ct.

61. Handkerchiefs, cotton or linen, plain or printed, in the piece or otherwise, twenty-five per cent. *ad valorem*..... 25 per ct.

62. Nail plate, iron or steel, sixteen guage and thicker, twenty-five per cent. *ad valorem*.... 25 per ct.

63. Colors, dry, viz.: Blue-black, Chinese blue, Prussian blue and raw umber. In pulp, viz : Carmine, cologne and rose lakes, scarlet and maroon, satin and fine-washed white, twenty per cent. *ad valorem*..... 20 per cent.

Articles free of duty.

2. The duties of Customs, if any, imposed by any Act now in force on the articles mentioned in this section, are hereby repealed, and they may be imported into Canada, or taken out of warehouse for consumption, free of duty :—

Sub-section A, 31st March.

1. Articles for the personal use of Consuls General who are natives or citizens of the country they represent and who are not engaged in any other business or profession.

2. Grease, the refuse of animal fat, for the use of soap stock not otherwise provided for.

3. Iron and steel, old and scrap ; but nothing shall be deemed scrap iron or steel except waste or refuse iron or steel that has been in actual use and fit only to be re-manufactured, and bloom ends and crop ends of steel rails for re-melting.

4. Jute cloth as taken from the loom, neither pressed, mangled, calendered, nor in any way finished, and not less than forty inches wide, when imported by manufacturers of jute bags for use in their own factories.

The provisions hereby made being substituted for those now in force with respect to the free admission of any of the said articles.

Sub-section B, 28th May.

5. Jute yarn, plain, dyed or colored, when imported by manufacturers of carpets, rugs and mats, for use in their own factories.

6. Such philosophical instruments and apparatus as are not manufactured in the Dominion, when imported by and for use in universities, colleges, schools and scientific societies.

Articles taken out of free list.

3. The articles mentioned in this section are hereby taken out of the list of goods which may be imported into Canada free of duty, and shall be subject respectively to a duty of twenty per cent *ad valorem* :—

1. Iron sand or globules, and dry putty for polishing granite.

4. The rates of export duty now imposed on the following articles are hereby repealed, and the export duties hereinafter mentioned are substituted for them, and there shall be levied and collected on,— Export duties on certain articles altered.

Shingle bolts, a specific export duty of one and a half dollars per cord of 128 cubic feet.	$1.50 p 128 cub feet.
Spruce logs, a specific export duty of one dollar per thousand feet, board measure.....	$1 per M.
Pine logs, a specific export duty of two dollars per thousand feet, board measure.	$2 per M

Provided that the powers vested in the Governor in Council by the Act forty-second Victoria, chapter fifteen, section six, shall be extended to and apply in all respects to the above-named articles, and that the Governor in Council may increase the export duty on pine logs to three dollars per thousand feet, board measure.

5. Schedule D of the Act forty-second Victoria, chapter fifteen, relating to articles the importation of which is prohibited, as amended by the Act forty-fourth Victoria, chapter ten, is hereby amended,— List of prohibited articles amended.

Sub-section A, 31st March.

1. By striking out the item relating to copyright works, and substituting the following item therefor : Certain reprints.

Reprints of Canadian copyright works, and reprints of British copyright works which have been also copyrighted in Canada.

Sub-section B, 28th May.

2. And by adding the following item thereto :

The importation of oleomargarine, butterine, and all such substitutes for butter, is hereby prohibited, under a penalty of not less than two hundred nor more than four hundred dollars for each offence, and the forfeiture of such goods, and of all packages in which they are contained. Oleomargarine and imitations of butter.

6. The foregoing sections and sub-sections of this Act shall be held to have come into and to have been in force respectively, on and after the days hereinafter mentioned as to each of them respectively (except that the change in the rates of duty on sugar and molasses shall, as therein provided, apply only to importations arriving in Canada on and after the said day, and not to such articles warehoused prior to that date) ; that is to say :— When the foregoing provisions shall be held to have come into force, respectievly.

Sub-section A of section one, on and after the thirty-first day of March in the present year, one thousand eight hundred and eighty-six ; Sub-section B of section one, on and after the twenty-eighth day of May in the said year ; Sub-section A of section two, on and after the thirty-first day of March in the said year ; Sub-section B of section two, on and after the twenty-eighth day of May in the said year ;

Section three, on and after the thirty-first day of March in the said year; Section four, on and after the twenty-eighth day of May in the said year; Sub-section A of Section five, on and after the thirty-first day of March in the said year; and Sub-section B of Section five, on and after the twenty-eighth day of May, in the said year;

Effect thereof from the day named for that purpose.

And on and after the day on which each said section or sub-section respectively is to be held to have come into force, the alterations thereby made in the duties of Customs, on the importation or exportation, or as to the admission of any article free of duty, or the prohibition of the importation of any article, or otherwise howsoever, shall be held to have taken effect and applied, and the duties thereby imposed to have been and to be payable on all goods imported or exported, or taken out of warehouse for consumption, on or after the said day; subject to the exception aforesaid, as to sugars and molasses warehoused before such day.

Certain enactments to apply to this Act.

7. The Acts now in force respecting Customs, and the importation or exportation or prohibition of importation of goods, and all regulations lawfully made or to be made under them, and the meanings assigned to words and expressions used in them, shall apply to the duties imposed and to the provisions made by this Act, in so far as they are consistent with it; and all Acts or parts of Acts inconsistent with this Act are hereby repealed.

No. 148.

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

An Act further to amend the Acts relating to duties of Customs, and the importation or exportation of goods into or from Canada.

Received and read first time, Tuesday, 1st June, 1886.
Second reading, Tuesday, 1st June, 1886.

Mr. BOWELL.

OTTAWA:
PRINTED BY MACLEAN, ROGER & CO.
1886.

No. 149.] **BILL.** [1886.

An Act to prohibit the Manufacture and Sale of certain substitutes for Butter.

WHEREAS the use of certain substitutes for butter, heretofore manufactured and exposed for sale in Canada, is injurious to health, and it is expedient to prohibit the manufacture and sale thereof: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. No oleomargarine, butterine or other substitute for butter, manufactured from any animal substance other than milk, shall be manufactured in Canada, or sold therein, and every person who contravenes the provisions of this Act in any manner whatsoever shall incur a penalty not exceeding four hundred dollars and not less than two 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. Manufacture and sale of certain substitutes for butter prohibited.

No. 149.

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

An Act to prohibit the Importation, Manufacture and Sale of substitutes for Butter.

Received and read the first, second and third times and passed, Tuesday, 1st June, 1886.

Mr. McLELAN.

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.

1886.

No. 150.] **BILL.** [1886.

An Act respecting the bounty on Pig Iron manufactured in Canada from Canadian Ore.

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

1. The Governor in Council may, until the thirtieth day of June, one thousand eight hundred and eighty-nine, continue to grant the bounty of one dollar and fifty cents per ton on pig iron manufactured in Canada from Canadian ore, authorized to be granted until the thirtieth day of June, one thousand eight hundred and eighty-six, by the Act forty-sixth Victoria, chapter fourteen. Continuation of bounty authorized for three years.

2. The Governor in Council may, in the manner by the said Act provided, grant a bounty of one dollar per ton on pig iron so manufactured, from the first day of July, one thousand eight hundred and eighty-nine to the thirtieth day of June, one thousand eight hundred and ninety-two. And of reduced bounty for three further years.

3. The provisions of the Act above cited shall apply to the bounties which the Governor in Council is hereby empowered to grant. 46 V., c. 14, to apply.

No. 150.

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

An Act respecting the bounty on Pig Iron manufactured in Canada from Canadian Ore.

Received and read first, second and third times and passed, Wednesday, 2nd June, 1886.

Mr. McLELAN.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.

1886.

BILL.

An Act to make further provision respecting Summary Proceedings before Justices and other Magistrates.

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

1. In this Act the expression "justice" or "justice of the peace" includes any two or more justices of the peace, and also a police magistrate and a stipendiary magistrate, and any person having the power and authority of two or more justices of the peace. "Justice."

2. No conviction or order made by any justice of the peace and no warrant for enforcing the same, shall be held invalid for any irregularity, informality or insufficiency therein; Provided, that the court or judge before which or whom the question is raised is, upon perusal of the depositions, satisfied that an offence of the nature described in the conviction, order or warrant, has been committed over which such justice has jurisdiction, and that the punishment imposed is not in excess of that which might have been lawfully imposed for the said offence; and any statement which, under this Act or otherwise, would be sufficient if contained in a conviction, shall also be sufficient if contained in an information, summons, order or warrant. Convictions, &c., not to be invalid for informalities. Proviso.

3. The following matters shall be held to be within the provisions of the next preceding section:— Matters within preceding section.

(*a.*) The statement of the adjudication, or of any other matter or thing, in the past tense instead of in the present; Statement.

(*b.*) The punishment imposed being less than the punishment by law assigned to the offence stated in the conviction or order, or to the offence which appears by the depositions to have been committed; Punishment.

(*c.*) The omission to negative circumstances, the existence of which would make the act complained of lawful, whether such circumstances are stated by way of exception or otherwise in the section under which the offence is laid, or are stated in another section; but nothing herein contained shall be construed to restrict the generality of the wording of the next preceding section. Omission to negative exception or provise.

4. No information, summons, conviction, order or other proceeding shall be held to charge two offences, or shall be Offences may be laid conjunctively or disjunctively.

held to be uncertain on account of its stating the offence to have been committed in different modes, or in respect of one or other of several articles, either conjunctively or disjunctively; for example, in charging an offence under the twenty-sixth section of the Act passed in the Session held in the thirty-second and thirty-third year of Her Majesty's reign, intituled: "*An Act respecting Malicious Injuries to Property*," it may be alleged that "the defendant unlawfully and maliciously did cut, break, root up and otherwise destroy or damage a tree, sapling or shrub;" and it shall not be necessary to define more particularly the nature of the act done, or to state whether such act was done in respect of a tree, or a sapling, or a shrub.

Example.

Protection of justices.

5. If an application is made to quash a conviction or order made by a justice of the peace, the court or judge to which or whom the application is made may, as a condition of quashing the same, if the court or judge thinks fit so to do, provide that no action shall be brought against the justice of the peace who made the conviction, or against any officer acting under any warrant issued to enforce such conviction or order.

Security to be given for prosecution of *certiorari*.

6. No motion to quash any conviction, order or other proceeding by or before a justice of the peace, and brought before any court by *certiorari*, shall be entertained unless the defendant is shown to have entered into a recognizance with one or more sufficient sureties, before a justice or justices of the county or place within which such conviction or order has been made, or before a judge of a court of record, in a sum to be fixed by general order of the court having authority to quash any such conviction, order, or other proceeding, or to have made a deposit of a sum to be fixed in like manner, with a condition to prosecute such writ of *certiorari* at his own costs and charges, with effect, without any wilful or affected delay, and, if ordered so to do, to pay the person in whose favor the conviction, order or other proceeding is confirmed, his full costs and charges to be taxed according to the course of the court where such conviction, order or proceeding is confirmed.

No *certiorari* when appeal is had.

7. No writ of *certiorari* shall be allowed to remove any conviction or order had or made before any justice of the peace if the defendant has appealed from such conviction or order to any court to which an appeal from such conviction or order is authorized by law, or shall be allowed to remove any conviction or order made upon such appeal.

5 Geo. 2nd cap. 19, s. 2, not to apply.

8. The second section of the Imperial Act, passed in the fifth year of the reign of His Majesty King George the Second, and chaptered nineteen, shall no longer apply to any conviction, order or other proceeding by or before a justice of the peace in Canada, but the sixth section of this Act shall be substituted therefor, and the like proceedings may be had for enforcing the condition of a recognizance taken under this Act as might be had for enforcing the condition of a recognizance taken under the said Imperial Act.

9. Whenever any provision of a statute is in force in Canada, or is in force in any locality, by virtue of a proclamation or order of the Governor General in Council, and upon an application to quash a conviction, order or other proceeding, or to discharge a defendant, the objection is taken that evidence of such proclamation or order was not given, the court or judge shall allow evidence of the issue of such proclamation or the making of such order to be supplied by affidavit in answer to the application.

On application to quash, court to allow evidence of Act being in force by proclamation.

10. If a motion or rule to quash a conviction, order or other proceeding is refused or discharged, it shall not be necessary to issue a writ of *procedendo*, but the order of the court refusing or discharging the application shall be a sufficient authority for the registrar or other officer of the court to return the conviction, order and proceedings to the court or justice from which or whom they were removed, and for proceedings to be taken thereon for the enforcement thereof, as if a *procedendo* had issued.

Procedendo not necessary to return proceedings not quashed.

11. The section substituted for the sixty-fifth section of the Act passed in the Session of Parliament held in the thirty-second and thirty-third years of Her Majesty's reign, chaptered thirty-one, intituled "*An Act respecting the duties of Justices of the Peace, out of sessions, in relation to summary convictions and orders*," by the first section of the Act passed in the thirty-third year of Her Majesty's reign, chaptered twenty-seven, intituled, "*An Act to amend the Act respecting the duties of Justices of the Peace, out of sessions, in relation to summary convictions and orders*," as amended by the Act passed in the fortieth year of Her Majesty's reign, chaptered twenty-seven, intituled, "*An Act to amend the law respecting Appeals from convictions before, or orders by Justices of the Peace*," is hereby further amended by striking out the word "twelve" in the first and fourth lines of the sub-section numbered one, and by substituting therefor in each case the word "fourteen;" also by striking out the word "four" in the third line of the sub-section numbered two and by substituting therefor the word "ten."

33 V., c. 27, s. 1 and 40 V., c. 27, amended.

12. The sixth section of the Act passed in the fortieth year of Her Majesty's reign, chaptered four, intituled, "*An Act to extend to the Province of Prince Edward Island certain criminal laws now in force in the other Provinces of Canada*," is hereby amended by striking out the word "twelve" in the twelfth line thereof and substituting therefor the word "fourteen."

40 V., c. 4, s. 6, amended.

13. The seventh section of the Act last mentioned is hereby amended by striking out the word "twelfth" in the sixth line thereof and substituting therefor the word "fourteenth."

40 V., c. 4, s. 7, amended.

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

A

An Act to make further provision respecting Summary Proceedings before Justices and Magistrates.

Received and read a first time, Tuesday, March 2nd, 1886.
Second reading, Tuesday, March 9th, 1886.

The Honorable
Mr. GOWAN.

OTTAWA:
PRINTED BY MACLEAN, ROGER & CO.
1886.

BILL.

An Act to make further provision respecting Pawnbrokers.

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

1. Every pawnbroker who charges, in respect to any goods pawned, any higher rate than is authorized by law, shall, on summary conviction, be liable to a penalty not exceeding fifty dollars, and in default of payment to imprisonment for a period not exceeding thirty days. Penalty for charging illegal rate of interest.

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL

B

An Act to make further provision respecting Pawnbrokers.

Received and read a first time, Tuesday, 2nd March, 1886.

Second reading, Tuesday, 9th March, 1886.

The Honorable Mr. GOWAN.

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.

1886.

BILL.

An Act further to amend "The Interpretation Act."

Preamble.

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

31 V., c. 1, s. 7, paragraph 28 repealed and new provision made.

1. The twenty-eighth paragraph of the seventh section of "*The Interpretation Act*" is hereby repealed, and the following is enacted in lieu thereof:—

Directions to, or empowerment of, a Minister to include the case of an acting Minister, and to apply to his successors and deputy.

"*Twenty-eighthly.*—Words directing or empowering a "minister of the Crown to do any act or thing, or otherwise "applying to him by his name of office, shall include a "minister acting for, or, if the office is vacant, in the place "of such minister, and also his successors in such office, and "his or their lawful deputy; and any other words directing "or empowering a public officer or functionary to do "any act or thing, or otherwise applying to him by his "name of office, include his successors in such office, and "his or their lawful deputy."

Directions to a public officer to include his successors and deputy. Ratification of past Acts.

2. All acts hitherto done by any minister of the Crown, acting for another minister, or, where such office was vacant, in the place of such minister, are hereby ratified, confirmed and made valid.

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL

C

An Act further to amend "*The Interpretation Act.*"

Received and read a first time, Tuesday, 2nd March, 1886.
Second reading, Thursday, 4th March, 1886.

The Honorable
Sir ALEXANDER CAMPBELL.

OTTAWA:
PRINTED BY MACLEAN, ROGER & CO.

BILL.

An Act further to amend "The Post Office Act, 1875."

Preamble.

WHEREAS, in view of the extension of the Post Office Savings Bank system to the Province of British Columbia and the North-West Territories, the term at present fixed by "*The Post Office Act*, 1875," as that during which the entry by the proper officer in the depositor's book shall be conclusive evidence of title to a deposit is, in consequence of the remote situation of certain post offices in the said Province and Territories, insufficient to allow of the receipt of an acknowledgment from the Postmaster General of such deposit within such term; and whereas it is expedient to make further provision in the premises; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

38 V., c. 7, s. 61, repealed and new section substituted.

1. Section sixty-one of the Act above cited is hereby repealed, and the following substituted therefor:—

Deposits to be entered in depositor's book and entry to be attested.

"**61.** Every deposit received by any postmaster appointed for that purpose shall be entered by him at the time in the depositor's book, and the entry shall be attested by him and by the dated stamp of his office; and the amount of such deposit shall, upon the day of such receipt, be reported by such postmaster to the Postmaster General, and the acknowledgment of the Postmaster General, signified by the officer whom he appoints for the purpose, shall be forthwith transmitted to the depositor:

Acknowledgement of Postmaster General to be transmitted.

And to be conclusive evidence of depositor's right.

"2. Such acknowledgment shall be conclusive evidence of the claim of the depositor to the repayment of the deposit, with the interest thereon, upon demand made by him on the Postmaster General; and, in order to allow a reasonable time for the receipt of the acknowledgment, the entry by the proper officer in the depositor's book shall also be conclusive evidence of the title, as respects a deposit made in any part of Canada other than the Province of British Columbia or the North-West Territories, for ten days from the making of the deposit, and as respects a deposit made in the Province of British Columbia or the North-West Territories for eighteen days from the making of the deposit; and if such acknowledgment has not been received by the depositor through the post within such ten or such eighteen days respectively, and before or upon the expiry thereof he demands such acknowledgment from the Postmaster Gene-

Time for which entry in depositor's book is conclusive evidence.

ral, then the entry in his book shall be conclusive evidence of title during another term of ten or eighteen days respectively, and *toties quoties :*

Deposits to be integral nnmbers of dollars.

"3. No deposit shall be received of less amount than one dollar, or of any sum not a multiple thereof:

Deposits exempted from seizure.

"4. No sum of money deposited under this Act, shall, while in the hands of any postmaster, or while in course of transmission to or from the Postmaster General, at any time be liable to demand, seizure or detention, under legal process against the depositor thereof."

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL

D

An Act further to amend "The Post Office Act, 1875."

Received and read a first time, Tuesday, 2nd March, 1886.
Second reading, Thursday, 4th March, 1886.

The Honorable
Sir ALEXANDER CAMPBELL.

OTTAWA:
PRINTED BY MACLEAN, ROGER & Co.
1886.

BILL.

An Act to amend the several Acts relating to the Board of Trade of the City of Toronto.

Preamble.

WHEREAS the Board of Trade of the city of Toronto have petitioned for certain amendments to the several Acts whereby they are incorporated, constituted and empowered, viz., an Act of the Legislature of the late Province of Canada, passed in the eighth year of Her Majesty's reign, chaptered twenty-four, and intituled: "*An Act to incorporate the Board of Trade of the City of Toronto*," and an Act of the Parliament of Canada, passed in the thirty-fifth year of Her Majesty's reign, chaptered forty-five, and intituled: "*An Act to incorporate the Toronto Corn Exchange Association*," and an Act of the Parliament of Canada, passed in the forty-seventh year of Her Majesty's reign, chaptered forty-six, and intituled: "*An Act to amalgamate the Board of Trade of the City of Toronto and the Toronto Corn Exchange Association*," and have also petitioned for further powers, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

8 V., c. 24, s. 21, repealed in part.

1. So much of section twenty-one of the said Act eighth Victoria, chapter twenty-four, as enacts that no member of the Council of the Board of Trade shall be appointed a member of a board of examiners constituted and appointed under the provisions of the said section, is hereby repealed, and it is enacted that any member of the said council may be appointed a member of any such board of examiners and continue to be a member of the said council, or any member of any such board of examiners being otherwise qualified to be a member of the said council may be elected a member thereof.

Members of Council may be Members of Board of Examiners and *vice versâ*.

47 V., c. 46, s. 9, proviso, and 35 V., c. 45, s. 1 repealed.

2. The proviso to section nine of the said Act forty-seventh Victoria, chapter forty-six, and so much of the first section of the said Act thirty-fifth Victoria, chapter forty-five, as fixes a limit to the value of the real estate which may be held by the said corporation, are hereby repealed, and in lieu thereof it is hereby enacted that the said corporation shall have power to hold lands for the purposes authorized by the said several Acts to a value not greater in the whole than five hundred thousand dollars.

Corporation may hold lands to value of $500,000.

Borrowing powers.

3. The said corporation shall have power to borrow money, not exceeding three hundred and fifty thousand

dollars in the whole, by mortgage or by debenture, or partly by one of such methods and partly by the other, at such rates of interest and upon such terms as they agree upon with any person advancing such money upon mortgage or purchasing such debentures.

Debentures.

4. Such debentures may be payable to any person named, or to bearer, and may be transferable by delivery or endorsement as the said corporation provides.

Debentures a first charge on property after prior charges.

Ranking of debentures of same issue.

5. In case of issue of such debentures the same shall be, without registration, a first mortgage and charge upon the real and personal estate of the said corporation next after any mortgage or other charge thereon previously created; and all such debentures of any one issue shall be (irrespective of the actual time of issue) equal in priority each one with all others of the same issue.

Gratuity fund authorized.

6. The said corporation shall have power to create a gratuity fund, whereby a gratuity may be provided for the representatives of a deceased member, and may 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; Provided however, that no person who is a member of the corporation at the time of the passing of this Act shall be liable to be so assessed unless and until he becomes a subscriber to the said gratuity fund.

Members not liable to assessment therefor unless subscribers.

Power for managing gratuity fund.

7. The said corporation shall have power to pass by-laws from time to time to regulate such assessments, and the control and management of the said gratuity fund, and the disposition thereof or payment therefrom to the representatives of deceased members, and for defining the meaning and extent of the term "representatives" therein, and designating the persons and proportions in favor of whom and in which such gratuity shall be payable upon the death of any member, and such by-laws from time to time to repeal, alter or amend as they see fit; Provided, that after such gratuity fund is established no by-law shall be repealed, altered or amended, and no new by-law shall be passed, except with the consent of at least two thirds of the members assessable for such gratuity fund present or voting by proxy at a meeting of such members called to consider the same, power to vote by proxy being hereby given and to be used only by a member.

Proviso.

Extent of liability of interest in gratuity fund.

8. The interest of any member in such gratuity fund shall not be liable for his debts or liabilities, excepting only that in case of any such member being indebted to the said corporation they may, if they see fit, apply the gratuity which would be payable to his representatives, or a competent part thereof, in or toward payment of such indebtedness; but it shall not be obligatory upon them to do so, nor shall their power to do so alter or prejudice their rights or remedies for the recovery of such indebtedness by suit or otherwise.

9. The said corporation may invest money of the said gratuity fund in Government securities of Canada or of any Province thereof, or in municipal debentures, or in loans upon mortgages of real estate, including leaseholds in the Province of Ontario, or in the purchase of such mortgages, or in debentures or bonds of corporations formed for the purpose of investing moneys on mortgage, and shall have all the rights and powers respecting such securities incident to the nature thereof respectively. Investments of gratuity fund.

10. The provisions of the twelfth section of the Act forty-eighth and forty-ninth Victoria, chapter forty-nine, intituled : "*An Act to modify the application of the Consolidated Insurance Act*," shall apply and relate to the said corporation in respect of the said gratuity fund, in the same manner as they apply and relate to the societies or associations mentioned in the said section. 48-49 V., c. 49, s. 12, to apply.

4th Session, 5th Parliament, 49 Victoria, 1886.

E

BILL.

An Act to amend the Several Acts relating to the Board of Trade of the City of Toronto.

Received and read a first time, Monday, 8th March, 1885.

Second reading, Tuesday, 9th March, 1886.

The Honorable
MR. ALLAN.

OTTAWA:
PRINTED BY MACLEAN, ROGER & CO.
1886.

BILL.

An Act respecting the London and Ontario Investment Company (Limited).

Preamble.

WHEREAS the London and Ontario Investment Company (limited) have petitioned for an Act to extend the rights and powers of the company and of the holders of shares and debentures and other securities in Canada, Great Britain and Ireland, as to the transferring thereof and other matters connected therewith, and to facilitate proof of title to shares, debentures and other securities by persons claiming otherwise than by transfer, and also for power to issue stock in Great Britain and Ireland, with transfer books therein, and to issue shares in sterling or currency, 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:

Proof of transmission of interest in stock, &c., how made in certain cases

1. If the interest of any person in any share in the capital stock, or in any bond, debenture or obligation of the said company (if such bond, debenture or obligation be payable otherwise than to bearer) has been transmitted in consequence of the death or bankruptcy or insolvency of any such holder, or in consequence of the marriage of a female holder, or by any other lawful means other than a transfer upon the books of the company, the directors shall not be bound to allow any transfer pursuant to such transmission to be entered upon the books of the company, or to recognize such transmission in any manner, until a declaration in writing, showing the nature of such transmission, and signed and executed by the person claiming by virtue of such transmission, has been fyled with the manager of the company, and approved by the directors, and if such declaration, purporting to be signed and executed, also purports to be made or acknowledged in the presence of a notary public or of a judge of a court of record, or of a mayor of any city, town or borough, or other place, or of a British consul or vice-consul, or other accredited representative of the British Government in any foreign country, and if the same be further verified by any documentary or other evidence which the directors deem requisite, the directors may, in the absence of direct actual notice of a contrary claim, give full credit to such declaration, and (unless the directors are not satisfied with the responsibility of the proposed transferree in the case of stock, or other conditions of the Acts relating to the said company are not complied with) shall allow the name of the person claiming by virtue of such transmission to be entered in the books of the company.

Directors duties thereon.

Proof of transmission by will or succession.

2. If such transmission has taken place by virtue of any testamentary act or instrument, or in consequence of an intestacy, then the probate of the will or letters of administration, or other judicial or official document, or act of a similar nature or purpose, under which the title, whether beneficial or as trustee, or the administration or control of the personal estate of any deceased person, purports to be granted by any court or judicial or official authority in the Dominion of Canada, or in Great Britain or Ireland, or any of Her Majesty's dominions, or in any foreign country, or an authenticated copy thereof or official extract therefrom, shall, together with the said declaration, be produced and deposited with the said company, and the same shall be sufficient justification and authority to the directors for paying the amount or value of any dividend, coupon, bond, debenture or obligation, or for transferring, or consenting to the transfer of, any bond, debenture or obligation or share, in pursuance of and in conformity to such probate, letters of administration, or other such document or act as aforesaid.

Procedure in case of doubts as to legality of claims upon transmitted interests.

3. Whenever the directors entertain reasonable doubts as to the legality of any claim to or upon such share or shares, bonds, debentures, obligations, dividends, coupons or the proceeds thereof, the company may file in the High Court of Justice for Ontario a petition stating such doubts, and praying for an order or judgment adjudicating and awarding the said shares, bonds, debentures or obligations, dividends, coupons or proceeds, to the person legally entitled to the same, and such court shall have authority to restrain any action, suit or proceeding against the company, the directors, or officers thereof, for the same subject matter, pending the determination of the said petition, and the company and the directors and officers thereof shall be fully protected and indemnified by obedience to such order or judgment against all actions, suits, claims and demands in respect of the matters in question in such petitions and the proceedings thereupon: Provided always, that if the court adjudges that such doubts were reasonable the costs, charges and expenses of the company in and about such petition and proceedings shall form a lien upon such shares, bonds, debentures or obligations, dividends, coupons or proceeds, and shall be paid to the said company before the company shall be obliged to transfer, or assent to the transfer of, or to pay such bonds, debentures or obligations, dividends, coupons or proceeds, to the person found entitled thereto.

Proviso. Cost to be a lien on shares, &c.

Agencies may be established in Great Britain in Ireland.

4. The directors of the company may, whensoever they deem expedient, establish an office or agency of the company in and for Great Britain and Ireland, and may open stock books thereat, and may (within the limit as to amount and the powers and authorities of the said company now existing) issue shares in Great Britain and Ireland in currency of Canada or in sterling, as they see fit, and in the case of issue of shares in sterling each share shall be of the amount of value of twenty pounds eleven shillings, sterling.

Value of shares in sterling currency.

Incidental powers.

5. For such purpose the directors of the company are hereby authorized to take all such proceedings and to do all such acts as may be requisite under the laws of Great Britain and Ireland for carrying the said purposes into effect.

Registry of shares.

6. In the event of stock books being so opened in Great Britain and Ireland, the shares now held by persons residing, or appearing on the books of the company to reside, in Great Britain or Ireland, may be transferred to and entered in such stock books, excepting in the case of such shareholders as desires to continue registered in the books of the company at the head office thereof in Toronto only, and thereafter from time to time, upon the request in writing of the holder of any share, and if the directors for the time being consent thereto, such share may be transferred from the stock books in Canada to the stock books in Great Britain and Ireland at the amount or value of twenty pounds eleven shillings, sterling, as the equivalent of one hundred dollars, or from the stock books in Great Britain and Ireland to the stock books in Canada at the amount or value of one hundred dollars, as the equivalent of twenty pounds eleven shillings, sterling.

Exchange value of shares.

Transfer books at agency abroad.

7. In the event of stock books being so opened in Great Britain and Ireland, transfer books shall be kept at the said office or agency for and in respect of the said stock books and shares registered therein.

Apointment of agents.

8. In the event of such office or agency being established and stock books being opened in Great Britain and Ireland, the said company shall, from time to time, appoint one or more person or persons to be the agent or agents or representatives of the company, with all necessary powers and authority for the control and management of the said stock books and the transfer of shares, and generally the conduct and management of the business and affairs of the company in Great Britain and Ireland, and the directors may empower such agent or agents to consider the responsibility of persons to whom shares are proposed to be transferred and to give or refuse consent to such transfer as he or they deem advisable.

Agent may refuse to allow transfer.

4th Session, 5th Parliament, 49 Victoria, 1886.

F

BILL

An Act respecting the London and Ontario Investment Company (Limited).

Received and read a first time, Wednesday, 23rd March, 1886.
Second reading, Monday, 29th March, 1886.

The Honorable
Mr. McKINDSEY.

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.

1886.

BILL.

An Act respecting Insurance.

[NOTE.—*The clauses in italics are printed to make the measure intelligable. They will be stricken out at the Third Reading and will be offered for acceptance of the House of Commons when the Bill is in Committee in that House.*]

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 Insurance Act.*" 40 V., c. 42, s. 1, *part.* Short title.

INTERPRETATION.

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

(*a*) The expression "Minister," means the Minister of Finance and Receiver General; "Minister."

(*b*) The expression "Superintendent," means the Superintendent of Insurance; "Superintendent."

(*c*) The expression "company" means and includes any corporation or any society or association, incorporated or unincorporated, or any partnership carrying on the business of insurance; "Company."

(*d*) The expression "Canadian company" means a company incorporated or legally formed in Canada, for the purpose of carrying on the business of insurance in Canada, and which has its head office therein; "Canadian company."

(*e*) The expression "agent" means the chief agent of the company in Canada, named as such in the power of attorney hereinafter referred to, by whatever name he is designated; "Agent."

(*f*) The expression "chief agency" means the principal office or place of business of the company in Canada; "Chief Agency."

(*g*) The expression "inland marine insurance," means marine insurance in respect to subjects of insurance at risk upon the waters of Canada above the harbor of Montreal; "Inland Marine Insurance."

(*h*) The expression "Canadian policy" or "policy in Canada," as regards life insurance, means a policy issued by any company licensed under this Act to transact the business of life insurance in Canada, in favor of any person or persons resident in Canada at the time when such policy was issued, Canadian policy."

and "policy holder in Canada" means any such person as aforesaid;

The same:

(*t*) The expression "Canadian policy" or "policy in Canada," as regards fire and inland marine insurance, means a policy of insurance on any property within Canada, issued by any company licensed under this Act to transact the business of fire or inland marine insurance. 38 V., c. 42, s. 1, *part*, *and* s. 3, *part*;—40 V., c. 42, s. 1, *part*.

APPLICATION OF ACT.

To what companies this Act shall not apply.

3. The provisions of this Act shall not apply—

(*a*) To any company transacting, in Canada, ocean marine insurance exclusively; or—

(*b*) To any policy of life insurance in Canada, issued previously to the twenty-second day of May, in the year one thousand eight hundred and sixty-eight, by any company which has not subsequently received a license; or—

(*c*) To any company incorporated by an Act of the legislature of the late Province of Canada, or by an Act of the legislature of any Province now forming part of Canada which carries on the business of insurance, wholly within the the limits of that Province by the legislature of which it was incorporated, and which is within the exclusive control of the legislature of such Province; but any such company carrying on the business of life insurance may, by leave of the Governor in Council, avail itself of the provisions of this Act, and if it so avails itself, the provisions of this Act shall thereafter apply to it and such company shall have the power of transacting its business of insurance throughout Canada. 38 V., c. 20, ss. 2, *part*, *and* 3 *part*;—40 V., c. 42, s. 2, *part*, *and* s. 28.

LICENSES.

What companies only may transact life, fire or inland marine insurance business in Canada.

4. No company, except as hereinafter provided, shall accept any risk or issue any policy of fire or inland marine insurance or policy of life insurance, or grant any annuity on a life or lives, or receive any premium, or transact any business of life, fire or inland marine insurance, in Canada,—or prosecute or maintain any suit, action or proceeding, either at law or in equity, or file any claim in insolvency relating to such business, without first obtaining a license from the minister to carry on such business in Canada. 38 V., c. 20, s. 2, *part*, *and* s. 3;—40 V., c. 42, s. 2, *part*.

Form and duration of license.

5. The license shall be in such form as is, from time to time, determined by the minister, and shall specify the business to be carried on by the company; and it shall expire on the thirty-first day of March in each year, but shall be renewable from year to year. 38 V., c. 20, s. 4;—40 V., c. 42, s. 3.

License to issue on cer-

6. The Minister, as soon as the company applying for the same has deposited in his hands the securities hereinafter

mentioned, and has otherwise conformed to the requirements of this Act, shall issue such license as aforesaid. 38 V., c. 20, s. 5;—40 V., c 42, s. 4. tain conditions.

DEPOSITS TO BE MADE BEFORE THE ISSUE OF LICENSE.

7. Every company carrying on the business of life insurance, and every Canadian company carrying on the business of fire or of inland marine insurance, or of both combined, shall, before the issue of such license, deposit with the minister, in such securities as are hereinafter mentioned, the sum of fifty thousand dollars; and every company incorporated or legally formed out of Canada, carrying on the business of fire or of inland marine insurance, or of both combined, shall, before the issue of such license, deposit with the minister, in such securities as are hereinafter mentioned, the sum of one hundred thousand dollars. 38 V., c. 20, s. 6, *part*;—40 V., c. 42, s. 5, *part*. Deposit of securities with the Minister.

8. All such deposits may be made by any company in securities of the Dominion of Canada, or in securities issued by any of the Provinces of Canada; and by any company incorporated in the United Kingdom in securities of the United Kingdom; and by any company incorporated in the United States, in securities of the United States; and the value of such securities shall be estimated at their market value at the time when they are so deposited: Nature of securities. Companies in U. K. Companies in U. S. Valuation of securities.

2. If any securities other than those above mentioned are offered as a deposit, they may be accepted, at such valuation and on such conditions as the Treasury Board directs: Valuation of other securities.

3. If the market value of any of the securities which have been deposited by any company declines below that at which they were deposited, the minister may notify the company to make a further deposit, so that the market value of all the securities deposited by the company shall be equal to the amount which it is required by this Act to deposit; and on failure by the company to make such further deposit within sixty days after being called upon so to do, the minister may withdraw its license: If the value declines, further deposit. Penalty for failure.

4. Any company licensed under this Act may, at any time, deposit in the hands of the minister any further sums of money or securities beyond the sum herein required to be deposited; and any such further sums of money, or securities therefor, so deposited in the hands of the minister, shall be held by him and be dealt with according to the provisions of this Act in respect to the original sum required to be deposited by such company, and as if the same had been part of such original deposit, and no part of such additional deposit shall be withdrawn, unless with the sanction of the Governor in Council, on the report of the Treasury Board. 38 V., c. 20, s. 6, *part, and* s. 7;—40 V., c. 42, s. 5, *part, and* s. 6. Company may deposit further security. How to be dealt with.

9. If it appears from the annual statements, or from an examination of the affairs and condition of any company Any deficiency of security to be

made good by fire and inland marine companies.

carrying on the business of fire or inland marine insurance, that the re-insurance value of all its risks outstanding in Canada, together with other liabilities in Canada, exceeds its assets in Canada, including the deposit in the hands of the minister, the company shall be notified by the minister to make good the deficiency; and on its failure so to do, within sixty days after being so notified, he shall withdraw its license. 38 V., c. 20, s. 8.

Penalty for default.

Any deficiency of security to be made good by other companies.

10. If it appears from the annual statements, or from an examination, as provided for by this Act, of the affairs and conditions of any company carrying on the business of life insurance, that its liabilities to policy-holders in Canada, including matured claims, and the full reserve or re-insurance value for outstanding policies, as hereinafter described, after deducting any claim the company has against such policies, exceed its assets in Canada, including the deposit in the hands of the minister, the company shall be called upon by the minister to make good the deficiency; and on its failure so to do within sixty days, he shall withdraw its license:

Penalty for default.

As to company incorporated elsewhere than in Canada.

2. If any such company as is mentioned in this and the next preceding section is incorporated elsewhere than within Canada, the assets in Canada as aforesaid shall be taken to consist of all deposits which the company has made with the minister under the foregoing provisions of this Act, and of such assets as have been vested in trust for the company for the purposes of this Act, in two or more persons resident in Canada, appointed by the company and approved by the minister:

Assets vested in trust.

3. The trust deed shall first be approved of by the minister, and the trustees may deal with such assets in any manner provided by the deed of trust appointing them, but so that the value of the assets held by them shall not fall below the value required by this section:

Proviso; as to companies which gave notice before 31st March, 1878.

4. In the case of any such life insurance company, which gave written notice to the minister before the thirty-first day of March, in the year one thousand eight hundred and seventy-eight, of its intention to avail itself of the proviso contained in section seven of "*The Consolidated Insurance Act*, 1877," the foregoing requirements of this section shall not apply to policies issued previously to that date; and the deposit of such company, which was in the hands of the minister, on the twenty-eighth day of April, in the year one thousand eight hundred and seventy-seven, shall be dealt with in regard to such policies, in conformity with the fourth and fifth sections of an Act passed by the Parliament of Canada in the thirty-fourth year of her Majesty's reign, intituled "*An Act to amend the Act respecting Insurance Companies:*" and whenever the full liability under such policies falls below the amount so held by the minister, he may, with the concurrence of the Treasury Board, direct that the whole or such portion of the difference as he deems advisable, shall be released and handed over to the company, and so on, from

Release of surplus securities to such company.

time to time, until the total deposit with the minister is reduced to the amount of fifty thousand dollars required by this Act. 40 V., c. 42, s. 7.

Interest on securities—when to be payable to company.

11. So long as any company's deposit is unimpaired, and the conditions of this Act are satisfied, and no notice of any final judgment against the company, or order made by the proper court in that behalf for the winding up of the company or the distribution of its assets, is served upon the minister, the interest upon the securities forming the deposit shall be handed over to the company as it falls due. 38 V., c. 20, s. 9;—40 V., c. 42, s. 8.

DOCUMENTS TO BE FILED.

Certain documents to be filed.

12. Every company shall, before the issue of a license to it, file in the department of Finance,—

Copy of Charter.

(*a*) A copy of the charter, Act of incorporation, or articles of association of the company, certified by the proper officer in charge of the original thereof:

Power of attorney to agent in Canada.

(*b*) A power of attorney from the company to its agent in Canada, under the seal of the company, if it has a seal, and signed by the president and secretary or other proper officers thereof, in presence of a witness, who shall make oath or affirmation as to the due execution thereof; and the official positions in the company held by the officers signing such power of attorney shall be sworn to or affirmed by some person cognizant of the facts necessary in that behalf; and—

Statement of affairs of company.

(*c*) A statement, in such form as is required by the minister, of the condition and affairs of such company on the thirty-first day of December then next preceding, or up to the usual balancing day of the company, if such day is not more than twelve months before the filing of the statement 38 V., c. 20, s. 10, *part*;—40 V., c. 42, s. 9, *part*.

What the power of attorney shall contain.

13. Such power of attorney shall declare at what place in Canada the head office, or chief agency of such company is, or is to be established,—and shall expressly authorize such attorney to receive service of process in all suits and proceedings against such company in any Province of Canada, in respect of any liabilities incurred by the company therein, and also to receive from the minister and the superintendent, all notices which the law requires to be given, or which it is thought advisable to give,—and shall declare that service of process for or in respect of such liabilities, and receipt of such notices, at such office or chief agency, or personally on or by such attorney at the place where such head office or chief agency is established, shall be legal and binding on the company to all intents and purposes whatsoever. 38 V., c. 20, s. 10, *part*;—40 V., c. 42, s. 9, *part*.

Provision to be made for service of process.

If changes are made in a chief agency.

14. Whenever any such company changes its chief agent or chief agency in Canada, such company shall file a

power of attorney, as hereinbefore mentioned, containing any such change or changes in such respect, and containing a similar declaration as to service of process and notices as hereinbefore mentioned; and every company shall, at the time of making the annual statement hereinafter provided for, declare that no change or amendment has been made in the charter, Act of incorporation or articles of association of the company, and that no change has been made in the chief agency or chief agent, without such amendment or change having been duly notified to the superintendent. 38 V., c. 20, s. 10, *part*;—40 V., c. 42, s. 9, *part*.

Declaration of no change to be made in the annual statement.

Duplicates of such documents to be filed in court.

15. Duplicates of all such documents, duly verified as aforesaid, shall be filed in the office of one of the superior courts in the Province in which the head office or chief agency of the company is situated or if the chief agency is in the Province of Quebec, with the prothonotary of the Superior Court of the district wherein such chief agency is established. 38 V., c. 20, s. 10, *part*; 40 V., c. 42, s. 9, *part*.

SERVICE OF COMPANIES WITH PROCESS

Service of process on company:

16. After such power of attorney and certified copies are filed as aforesaid, any process in any suit or proceeding against any such company, in respect of any liabilities incurred in any Province of Canada, may be validly served on the company at its chief agency; and such service shall be deemed to be service on the company. 38 V., c 20, s. 11, *part*;—40 V., c. 42, s. 10.

Constructive service of process.

2. If such power of attorney becomes invalid or ineffective from any reason whatsoever, or if other service cannot be effected, the court or a judge may order constructive service of any process or proceeding to be made, by such publication as is deemed requisite to be made in the premises, for at least one month in at least one newspaper; and such publication shall be held to be due service upon the company of such process or proceeding.

NOTICE OF LICENSE.

Company to give notice of license.

17. Every company on first obtaining such license shall forthwith give due notice thereof in the *Canada Gazette*, and in at least one newspaper in the county, city or place where the head office or chief agency is established, and shall continue the publication thereof for the space of four weeks:

And of ceasing business.

2. The like notice shall be given, for the space of three calendar months, when a company ceases, or gives notice that it intends to cease, to carry on business in Canada. 38 V., c 20, s. 12;—40 V., c. 42, s. 11.

PUBLICATION OF LICENSED COMPANIES.

Notices by minister of companies licensed.

18. The minister shall cause to be published quarterly in the *Canada Gazette* a list of the companies licensed under this Act, with the amount of deposits made by each com-

pany; and upon any new company being licensed, or upon the license of any company being withdrawn in the interval between two such quarterly statements, he shall publish a notice thereof in the *Canada Gazette* for the space of four weeks. 38 V., c. 20, s. 13;—40 V., c. 42, s. 12.

ANNUAL RETURNS BY COMPANIES.

Statement to be prepared yearly and sent to Minister of Finance.

19. The president, vice-president, or managing director, and the secretary or manager of every Canadian company licensed under this Act, shall prepare annually, under their own oath, and cause to be deposited at the Department of Finance, a statement of the condition and affairs of such company at the usual balancing day of the company in the preceding year—which statement shall exhibit the assets and liabilities of the company, and its income and expenditure during the previous year, and such other information as is deemed necessary by the minister:

What it must show.

Form of statement and time for deposit by life companies.

2. In the case of companies carrying on the business of life insurance, such statement shall be deposited as aforesaid on the first day of January in each year or within three months thereafter, and shall be made in the form and manner set forth in the form A in the schedule to this Act:

And by fire and marine companies.

3. In the case of companies carrying on the business of fire or inland marine insurance, such statement shall be deposited as aforesaid on the first day of February in each year, or within one month thereafter, and shall be made in the form and manner set forth in the form B in the schedule to this Act:

To be sworn to.

4. Such statements shall be sworn to before some person duly authorized to administer oaths in any legal proceeding, in the form C in the schedule to this Act:

Minister may alter form of statement.

5. The minister may, from time to time, make such changes in the form of such statements as seem to him best adapted to elicit from the companies a true exhibit of their condition in respect to the several points hereinbefore enumerated. 38 V., c. 20, s. 20;—40 V., c. 42, ss. 20 *and* 27.

Yearly statements by companies incorporated elsewhere than in Canada.

20. Every company incorporated elsewhere than in Canada, and at present licensed or hereafter licensed under this Act, and every company which is subject to the provisions of this Act, shall make annual statements of its condition and affairs under the oath of its chief agent, and shall furnish the same to the minister at the same time as Canadian companies; and the form and manner of making of such statements shall, as to the Canada business of such company, be the same (so far as applicable) as is required of Canadian companies,—and as to its general business, shall be in such form and to such date as such company is required by law to furnish to the Government of the country in which its head office is situate, in a separate schedule attached. The blank forms of the statements of the Canada business shall be furnished in duplicate by the Superintendent.

Blank forms.

PENALTIES AND FORFEITURES.

Penalty for violation of two next preceding sections.

21. Every company which violates any provision of either of the two sections next preceding shall incur a penalty of five hundred dollars for each violation, and an additional penalty of one hundred dollars for each month during which any such company neglects to make such publication or to file such affidavits and statements as are therein required:

Withdrawal or license for non-payment of penalty.

2. If such penalties are not paid, the minister, with the concurrence of the Treasury Board, may order the license of such company to be suspended or withdrawn, as is deemed expedient. 38 V., c. 20, s. 22; 40 V., c. 42, s. 22.

Penalty for issuing any policy in contravention of this Act.

22. Every person who delivers any policy of insurance, or who collects any premium (except only on policies of life insurance issued to persons not resident in Canada at the time of issue) or transacts any business of insurance on behalf of any life, fire or inland marine insurance company, without such license as aforesaid, shall *on summary conviction thereof, before any two justices of the peace or any magistrate having the powers of two justices of the peace, for a first offence, incur a penalty of not less than twenty dollars and costs and not more than fifty dollars and costs, and in default of payment the offender shall be liable to imprisonment with or without hard labor for a term of not less than one month nor more than three months;*

First offence.

Second or subsequent offence.

and for a second or any subsequent offence such offender shall be imprisoned with hard labor for a term not less than three months nor more than six months;

How penalty applied.

2. *One half of any such penalty when recovered shall belong to Her Majesty and the other half thereof to the informer.*

Limitation of time for prosecution.

23. All informations or complaints for the prosecution of offences under the provisions of sections twenty-two, twenty-seven and forty-two of this Act shall be laid or made in writing within one year after the commission of the offence.

Limitation of time for prosecution.

24. Unless otherwise provided in the special Act incorporating any insurance company, passed by the Parliament of Canada after the twenty-eighth day of April, one thousand eight hundred and seventy-seven, or hereafter to be passed, such special Act and all Acts amending the same shall expire and cease to be in force at the expiration of two years from the passing thereof, unless within such two years the company thereby incorporated obtains a license from the minister under the provisions of this Act. 40 V., c. 42, s. 26.

SUPERINTENDENT AND HIS DUTIES.

Superintendent of insurance; appointment, &c

25. The Governor in Council may appoint an officer, to be called the superintendent of insurance, who shall act under the instructions of the minister, and shall examine and report to the minister, from time to time, upon all matters connected with insurance, as carried on by the several companies licensed to do business in Canada, or required by this Act to make returns of their affairs:

Salary.

2. *Such superintendent may be appointed at a salary not exceeding four thousand dollars per annum:*

Officers and clerks.

3. The Governor in Council may, from time to time, appoint such officers and clerks under the superintendent, as are necessary for the purposes of this Act:

Duties of superintendent.

4. The superintendent shall keep a record of the several documents required to be filed by each company in the superior courts of Canada, under this Act; and shall,—

Entry of securities deposited.

(*a*) Enter in a book, under the heading of each company, the securities deposited on its account with the minister, naming in detail the several securities, their par value, and value at which they are received as deposit:

Report before issue of license.

(*b*) In each case, before the issue of any new license, or the renewal of any license, make a report to the minister that the requirements of the law have been complied with, and that from the statement of the affairs of the company it is in a condition to meet its liabilities:

Record of licenses.

(*c*) Keep a record of the licenses as they are issued:

Inspection of affairs.

(*d* Visit the head office of each company in Canada, at least once in every year, and examine carefully the statements of the condition and affairs of each company, as required under this Act, and report thereon to the minister as to all matters requiring his attention and decision:

Report to Minister of Finance, for Parliament.

(*e*) Prepare for the minister, from the said statements, an annual report, showing the full particulars of each company's business, together with an analysis of each branch of insurance, with each company's name; giving items, classified from the statements made by each company:

Provisions if superintendent considers further inquiry necessary.

5. If the superintendent, after a careful examination into the condition and affairs and business of any company licensed to transact business in Canada, from the annual or other statements furnished by such company to the minister or for any other cause, deems it necessary and expedient to make a further examination into the affairs of such company and so reports to the minister, the minister may, in his discretion, instruct the superintendent to visit the office of such company, to thoroughly inspect and examine into all its affairs, and to make all such further inquiries as are necessary to ascertain its condition and ability to meet its engagements, and whether it has complied with all the provisions of this Act applicable to its tranactions:

Books to be open to inspection.

6. The officers or agents of such company shall cause their books to be open for the inspection of the superintendent, and shall otherwise facilitate such examination so far as it is in their power; and for that purpose the superintendent may examine under oath the officers or agents of such company relative to its business:

Record of inspection and report.

7. A report of all companies so visited by the superintendent shall be entered in a book kept for that purpose, with notes and memoranda showing the condition of each company after such investigation; and a special report shall be communicated in writing to the minister, stating the

superintendent's opinion as to its standing and financial position, and all other matters desirable to be made known to the minister;

Special report of the company appears unsafe.

8. If it appears to the superintendent that the assets of any company are insufficient to justify its continuance of business under the requirements of sections seven, eight nine and ten, or that it is unsafe for the public to effect insurance with it, he shall make a special report on the affairs of such company to the minister; and if the minister, after full consideration of the report, and after a reasonable time has been given to the company to be heard by him, and upon such further inquiry and investigation as he sees proper to make, reports to the Governor in Council that he agrees with the superintendent in the opinion so expressed in his report, the Governor in Council may, if he also concurs in such opinion, suspend or cancel the license of such company, and such company shall, during such suspension or cancellation, be held to be unlicensed:

Proceedings thereon.

Suspension or cancellation of license.

Penalty for carrying on business in such case.

9. Every person who, after notification of the suspension or cancelling of such license in the *Canada Gazette*, delivers any policy of insurance, collects any premium or transacts any business of insurance, on behalf of such company, shall be liable to the penalties provided for in the twenty-second section of this Act:

Valuation of Canadian policies every five years.

10. Once in every five years, or oftener, at the discretion of the minister, the superintendent shall himself value, or procure to be valued under his supervision, the Canadian policies of life insurance of all companies licensed under this Act to transact the business of life insurance in Canada; and such valuation shall be based on the mortality table of the Institute of Actuaries of Great Britain, and on a rate of interest at four and one half per centum per annum, except in the case of bonus additions or profits accrued or declared before the twenty-eighth day of April, one thousand eight hundred and seventy-seven, and then valued on the basis of a rate of interest other than that above mentioned, which, in any such valuation, shall continue to be valued on such other basis:

Examination of affairs of a company out of Canada.

11. The minister may, from time to time, instruct the superintendent to visit the head office of any company licensed under this Act and incorporated elsewhere than in Canada, and to examine into the general condition and affairs of such company; and if such company declines to permit such examination, or refuses to give any information necessary for such purpose, in its possession or control, its license shall be withdrawn:

Payments by companies towards expenses of office of superintendent.

12. *Every company now licensed, and every company hereafter licensed under this Act, and every company transacting life insurance business under the thirty-second section of this Act, shall annually contribute a sum in proportion to the gross premiums received by it in Canada during the previous year, towards defraying the expenses of the office of the superintendent,*

—which sum shall be paid upon the demand of the superintendent :

13. *The sum to be contributed annually by companies carrying on the business of fire or inland marine insurance in respect exclusively of such business carried on by them shall not exceed in all eight thousand dollars :* Contribution by fire and marine companies limited.

14. The superintendent, or any officer or clerk under him, shall not, directly or indirectly, be interested as a shareholder in any insurance company doing business in Canada, or licensed under this Act : Superintendent not to be interested in any company.

15. The minister shall lay the superintendent's annual report before Parliament within thirty days after the commencement of each session thereof. 38 V., c. 20, s. 23 ;— 40 V., c. 42, s 24. Annual report for Parliament.

Re-drafted.

PROVISIONS RELATING TO LIFE INSURANCE.

26. The provisions of section twenty-seven to forty-three inclusive apply only to life insurance companies and to other insurance companies carrying on life and other insurance, in so far as relates to the life insurance business of such companies. Provisions applicable to life companies.

New.

CONDITIONS ON POLICIES.

27. No condition, stipulation or proviso modifying or impairing the effect of any policy of life insurance issued after the first day of January, one thousand eight hundred and eighty-six, by any company doing business within Canada under the authority of the Parliament of Canada shall be good or valid unless such condition, stipulation or proviso is set out in full on the face or back of the policy. 48 and 49 V., c 49, s. 7. Conditions not set out in full on the policy, to be void.

28. No policy or certificate shall contain or have endorsed upon it any condition providing that such policy or certificate shall be avoided by reason of any statement contained in the application therefor being untrue, unless such condition is limited to cases in which such statement is material to the contract. 48-49 V., c. 49, s. 8. As to statements in application.

Forfeiture and Renewal of Licenses.

29. Whenever satisfactory proof has been furnished to the minister of any undisputed claim upon a company, arising on any policy of life insurance in Canada, remaining unpaid for the space of sixty days after becoming due, or of a disputed claim remaining unpaid after final judgment in a regular course of law and tender of a legal valid discharge made to the agent of such company, the minister may withdraw the license of such company. 40 V., c. 42, s. 14, *part.* Withdrawal of license for non-payment of claims.

Renewal if claim is satisfied.

30. Such license may be renewed if within thirty days after such withdrawal such undisputed claims or final judgments upon or against the company are paid and satisfied. 40 V., c. 42, s. 14, *part.*

Renewal of license.

31. When the license of a company carrying on the business of life insurance has been withdrawn by the minister under any of the foregoing sections of this Act, such license may be renewed if, within thirty days after such withdrawal, such company complies with the requirements of this Act to the satisfaction of the minister. 40 V., c. 42, s. 14, *part.*

Companies Ceasing to do Business and Release of Deposits.

Provision for case of certain companies which have ceased business, notice to minister.

32. In the case of any company which, previously to the twenty-eighth day of April, in the year one thousand eight hundred and seventy-seven, was licensed to transact the business of life insurance in Canada, and which ceased to transact such business before the thirty-first day of March, one thousand eight hundred and seventy-eight, having before that date given written notice to that effect to the minister, the premiums due or to become due on policies actually issued before the last mentioned date, may continue to be collected, and the claims arising thereon may be paid, and all business appertaining thereto may be transacted, and all proceedings appertaining thereto, either at law or in equity, may be continued or commenced and prosecuted; and the deposit at present in the hands of the minister shall be dealt with under the law as it existed previously to the first mentioned date, as if this Act had not been passed. 40 V., c. 42, s. 17.

How deposit shall be dealt with in such case.

Lists of policy holders to be filed.

33. When any company licensed under this Act desires to discontinue business and to have its assets in Canada released, and gives written notice to that effect to the minister, it may, with the consent of the policy holders, procure the transfer of its outstanding policies in Canada to some company or companies licensed under this Act in Canada, or may obtain the surrender of the policies, as far as is practicable:

Power and proceedings of company ceasing business.

2. The trustees may employ any portion of the assets vested in them for the purpose of effecting such transfer or surrender:

Use of assets in such case.

3. The company shall file with the minister a list of all Canadian policy holders whose policies have been so transferred or have been surrendered, and also a list of those which have not been transferred or surrendered:

Notice to be published.

4. The company shall, at the same time, publish in the *Canada Gazette* a notice that it will apply to the minister for the release of its assets and securities on a certain day not less than three months after the date of the notice, and calling upon its Canadian policy holders opposing such

release to file their opposition with the minister on or before the day so named:

Action thereafter of minister as to disposal of assets or securities.

5. After that day, upon the application for release being made, if the minister, with the concurrence of the Treasury Board, is satisfied that such transfer or surrender has been effected, he may direct that a portion of the assets held by the trustees, or securities held by the minister, shall be retained, sufficient in amount to cover the full equitable net surrender value of such policies (including bonus additions and accrued profits), as have not been transferred or surrendered, or in respect to which opposition has been filed, and may order the remaining assets or securities aforesaid to be released and transferred or paid over to the company:

Tenders to policy holders

6. The portion retained shall be tendered in the manner hereinafter described to the aforesaid policy holders *pro ratâ*, according to the aforesaid values of their respective policies; and on the acceptance of the amount so tendered, such policies shall thereby be deemed to be cancelled; but if such tender is refused by any policy holder, the amount so tendered may be paid over to the company, and the policy shall continue in force, and such policy holder shall not be barred from any recourse he has, either in law or in equity, against the company to compel the fulfilment of its contract under such policy:

Policy holders refusing the tenders.

Surrender values, how determined.

7. The surrender values above mentioned shall be determined by the superintendent on the basis stated in the twenty-fifth section of this Act, and he shall collect from the company the expenses of such valuation at the rate of three cents for each policy or bonus addition, and shall pay the same to the minister before the latter shall hand over the securities:

Special arrangements may be made.

8. Nothing herein contained shall prevent any policy holder from making special arrangements with the company whereby his policy may be continued in force; and, on proof being given of such arrangement, such policy may be omitted or removed from the above mentioned lists of policies, and this Act shall thereafter not apply in respect of such policy. 40 V., c. 42, s. 18.

How the tender shall be made.

34. The tender referred to in the next preceding section shall be made in the following manner:—

List and notice to be published in *Canada Gazette*.

(*a*) A list and notice in the form D in the schedule to this Act, or to the like effect, shall be published in the *Canada Gazette* for at least thirty days previously to the day named in such notice:

And in other papers.

(*b*) The company shall also cause the said list and notice to be published in such newspapers in Canada and for such length of time as the minister determines:

Notice to be sent to each policy holder.

(*c*) A notice in the form E in the schedule to this Act, or to the like, effect shall be sent by mail (postpaid or franked) from the office of the superintendent to each of the policy holders named in the said list, whose address is known to him, and such notice shall be deposited in some post office in Canada at least thirty days previously to the day named therein, which shall be the same day as that named in the list and notice above mentioned :

Policy holders not signifying acceptance deemed to have refused.

(*d*) Any policy holder who does not signify in writing to the superintendent his acceptance of the amount so tendered, on or before the day named in the said notice, shall be deemed to have refused the same ; but the minister may, at any time prior to the payment over to the company of the amount so refused, allow any policy holder to signify his acceptance of such amount,—which acceptance, so allowed, shall have the same effect as if made on or before the day named in the said notice. 40 V., c. 42. s. 19.

How reserve for covering liabilities to Canadian policy holders shall be calculated.

35. In computing or estimating the reserve necessary to be held in order to cover its liability to policy holders in Canada, each company may employ any of the standard tables of mortality as used by it in the construction of its tables, and any rate of interest not exceeding four and one half per centum per annum ; but if it appears to the superintendent that such reserve falls below that computed on the basis stated in the twenty-fifth section of this Act, he shall report the same to the minister, who may thereupon direct the superintendent to compute, or to procure to be computed under his supervision, the reserve on the basis therein mentioned, and the amount so computed, if it differs materially from the return made by the company, may be substituted in the annual statement of assets and liabilities ; and in such case the company shall furnish to the superintendent, on application, the full particulars of each of its policies necessary for such computation, and shall pay to the superintendent an amount at the rate of three cents for each policy or bonus addition so computed, which amount he shall pay over to the minister :

Minister may order re-computation.

Costs.

Company may require computation by superintendent.

2. Any company instead of itself computing or estimating the reserve above mentioned, may require the same to be computed by the superintendent on the basis stated in the twenty-fifth section of this Act, on payment of a like amount as is mentioned in the next proceding sub-section :

Proviso; as to bonus addition or profits on policies.

3. Provided always, that in the case of any bonus additions or other profits on the policies of any company, accrued or declared before the twenty-eighth day of April, one thousand eight hundred and seventy-seven, and which have been heretofore valued on the basis of a rate of interest other than that above mentioned, such company may compute or have the same computed on such other basis ; and provided also, that in the case of any company which has heretofore based its computation or estimate of its reserve necessary to cover its liability to policy holders in Canada (other

And during ten years as to companies having heretofore computed the re-

than the reserve to cover the bonus additions or other profits inthe last proviso mentioned) on a rate of interest of five per centum per annum, the basis of computation or estimates mentioned in the twenty-fifth section and in this section, shall not apply until the twenty-eighth day of April, one thousand eight hundred and eighty-seven, but such company may, until such date, compute such reserve, or have the same computed, at a rate of interest not exceeding five per centum per annum. 40 V., c. 42, s. 23.

Reserve on 5 per cent. interest.

MUTUAL OR ASSESSMENT LIFE INSURANCE COMPANIES.

36. No company shall carry on within Canada any business of life insurance by promising to pay on the death of a member of such company, a sum of money solely from the proceeds of assessments or dues collected or to be collected from the members thereof for that purpose without being licensed or registered under this Act except that, in the case of any contract entered into, or any certificate of membership or policy of insurance issued before the twentieth day of July, one thousand eight hundred and eighty-five, by any company carrying on such business, assessments may be made and collected, and claims paid, and all business connected therewith transacted without any penalty being incurred. 48-49 V., c. 49, ss. 2 and 9 *part* and s. 10.

Proviso: as to contracts prior to this Act.

37. Any company incorporated within Canada which transacts business of the nature described in the next preceding section may, at the discretion of the minister, on report of the superintendent approved by the Treasury Board be exempted from the operation of the foregoing provisions of this Act, except those of sections twenty-seven and twenty-eight and be permitted to transact the business of life insurance on the conditions specified in the five sections next following. 48-49 V., c. 49, s. 2.

Certain companies may be conditionally exempted from the operation of the Act.

38. Companies to be so exempted shall register their titles or corporate names in the office of the superintendent; they shall also make attested returns of their condition and affairs at such times and in such form, and attested in such manner, as are prescribed by the minister, and the superintendent shall include such returns in his annual report; and any failure to make such returns, when called for by the superintendent, shall subject such company, and any officer thereof, to the penalties mentioned in the twenty-first section of this Act: 48-49 V., c. 49, s. 3.

Conditions of such exemption, as to attested returns.

Penalty for non-compliance therewith.

2. The registration of any such company shall cease to be valid on the thirty-first day of March in each year, but shall be renewable from year to year, in the discretion of the minister. 48-49 V., c. 49, s. 4.

Yearly renewal of registration.

39. The provisions of this section shall apply to corporations or associations incorporated elsewhere than in Canada for the purpose of carrying on the business of life insurance upon the co-operative or assessment plan:

Application of this section.

License may be issued on deposit of $50,000.

2. *Any such corporation or association may be licensed by the Minister, under the provisions of this Act, to transact business in Canada upon depositing with him fifty thousand dollars, and thereafter shall have the right to transact business so long as it continues to pay its losses to the full limit named in its certificates or policies, and has complied with all the requirements of this Act and of the Superintendent of Insurance :*

Duration of license.

Further deposits may be required.

3. *In addition to such deposit of fifty thousand dollars, the Minister, upon the report of the superintendent, 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 such companies or deposited with trustees to be named by the Minister, upon such trusts as are determined by the Governor in Council :*

Death claims to be a first charge.

4. Death claims shall be a first charge on all moneys realized from assessments, and no deduction shall be made from any such death claims on any account whatsoever:

Application of moneys.

5. No portion of any moneys received from assessments for death claims shall be used for any expense whatever and every notice of any assessments shall truly specify the cause and purpose thereof:

Notice to be printed on policy, &c.

6. Every application, policy and certificate, issued or used by any such company 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 association is not required by law to maintain the reserve which is required of ordinary life insurance companies" :

Promise to pay out of certain funds to be contained in policy, &c.

7. Every certificate and policy shall contain a promise to pay the whole amount therein mentinued, out of the death fund of the association and out of any moneys realized from assessments to be made for that purpose, and every such association 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 any such certificate or policy without deduction or abatement :

In every policy issued in Canada.

8. The condition embodied in the next preceding subsection shall be inserted in every policy or certificate issued or delivered by any such company to any person insured in Canada. 48-49 V., c. 49, s. 5.

Clause required in policies in favor of residents in Canada.

9. In every policy issued by a company licensed in accordance with the fifth section of this Act in favor of a resident of Canada, a clause shall be either embodied therein or endorsed thereon, to the effect that an action to enforce the obligation of such policy may be validly taken into any court of competent jurisdiction in the Province wherein the policy-holder resides or last resided before his decease. 48-49 V., c. 49, s. 11.

40. The provisions contained in sub-sections four, five, six, seven and eight of the next preceding section shall also apply to any company (not being such a company, society or association, as is referred to in section forty-five of this Act) incorporated in Canada and carrying on the business of life insurance upon the co-operetive or assessment plan. 48-49 V., c. 49, s. 6. Certain provisions of section 5 to apply to companies not referred to in section 12.

41. 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 a company to which any of the provisions of the five sections next preceding apply. 48-49 V, c. 49, s. 9, *part*. Penalty for doing business or using forms of policies, &c., in contravention of this Act.

42 Every director, manager, agent or other officer of any such company as is hereinbefore lastly mentioned, which carries on business without being licensed or registered; and

(*b*) Every person who transacts any business of insurance on behalf of any such company which so carries on business, without being registered or licensed; and

(*c*) Every such company which neglects to print the words 'assessment system" as provided by the next preceding section; and

(*d*) Every director, manager, agent or other officer of such company and every other person who transacts business on behalf of any such company and who circulates or uses any application, policy, certificate, circular or advertisement on which the words "assessment system" are not printed as hereinbefore provided, shall be liable to the penalties mentioned in the twenty-second section of this Act. 48-49 V., c. 49, s 9, *part*.

43. Nothing contained in this Act shall apply to any society or association of persons for fraternal, benevolent, industrial or religious purposes, among which purposes is the insurance of the lives of the members thereof exclusively; or to any association for the purpose of life insurance formed in connection with such society or organization and exclusively from its members, and which insures the lives of such members exclusively: Certain societies exempted from this Act and 40 V., c. 42.

2. Any society or association which is declared by this section to be exempt from the application of this Act, may, nevertheless, apply to the Minister to be allowed to avail itself of the provisions of the seven sections next preceding, and upon such application being assented to, such society or association shall cease to be so exempt by virtue of this section. 48-49 V., c. 49, s. 12. But such societies may avail themselves of this Act.

PROVISIONS RELATING TO FIRE AND INLAND MARINE INSURANCE.

44. The provisions of sections forty-five to forty-eight inclusive, apply only to fire and inland marine insurance companies and to other insurance companies carrying on Provisions applicable to fire and inland

com- fire and other insurance or inland marine and other insurance, in so far as relates to the fire or inland marine insurance business of such companies.

New.

Forfeiture and Renewal of Licenses.

Licenses forfeited by failure to make deposit or non-payment of claims.

45. Whenever any company fails to make the deposits under this Act at the time required, or whenever written notice has been served on the minister of any undisputed claim arising from loss insured against in Canada remaining unpaid for the space of sixty days after it becomes due, or of a disputed claim remaining unpaid after final judgment in a regular course of law and tender of a legal valid discharge, the license of such company shall *ipso facto* be null and void, and shall be deemed to be withdrawn. 38 V., c. 20, s. 15, *part.*

Renewal on certain conditions.

46. Such license may be renewed, and the company may again transact business, if, within sixty days after notice to the minister of the failure of the company to pay any undisputed claim, or the amount of any final judgment as provided in the next preceding section, undisputed claims or final judgments upon or against the company in Canada are paid and satisfied. 38 V., c. 20, s. 15, *part.*

Companies Ceasing to do Business and Release of Deposits.

Duty of company ceasing business.

47. When any company has ceased to transac business in Canada, and has given written notice to that effect to the minister, it shall insure, on behalf of its Canadian policy holders, all its outstanding risks, in some company or companies licensed in Canada, or obtain the surrender of the policies; and its securities shall not be delivered to the company until the same is done to the satisfaction of the minister:

Conditions on which deposits may be released.

2. Upon making application for its securities, the company shall file with the minister a list of all Canadian policy holders who have not been so re-insured or who have not surrendered their policies; and it shall, at the same time, publish in the *Canada Gazette* a notice that it has applied to the minister for the release of its securities on a certain day, not less than three months after the date of the notice, and calling upon its Canadian policy holders opposing such release to file their opposition with the minister on or before the day so named; and after that day, if the minister, with the concurrence of the Treasury Board, is satisfied that the company has ample assets to meet its liabilities to Canadian policy holders, all the securities may be released to it by the Governor in Council, or a sufficient amount of them may be retained to cover the value of all risks outstanding or respecting which opposition has been filed, and the remainder may be released; and thereafter, from time to time, as such risks lapse, or proof is adduced that they have been satisfied, further amounts may be released on the authority aforesaid:

3. When a company has ceased to transact business in Canada after the notice hereby required, and its license has in consequence been withdrawn, such company may, nevertheless, pay the losses arising upon policies not re-insured or surrendered, as if such license had not been withdrawn. 38 V., c. 20, s. 18.

Company may make payments, after license has been withdrawn, liable in certain cases.

FIRE POLICIES.

18. No fire policy shall be issued for or extend over a longer period than three years. 38 V., c 20, s. 19.

INSURANCE OTHER THAN LIFE, FIRE OR INLAND MARINE.

19. No company shall issue any policy other than a life, fire or inland marine insurance policy, or receive any premium in respect thereto, or transact any business of insurance other than life, fire or inland marine insurance, without permission obtained from the minister, who, with the approval of the Governor in Council, shall determine in each case, whether such permission shall be granted, and whether a license is proper or necessary to be issued, and whether any and what deposit shall be required to be made with the minister, and the sections of this Act which shall apply to such company:

Duration of fire policies.

No company except those specified to transact business without permission.

2. The minister may require annual statements under oath of such business, in such form and manner as he deems expedient, may revoke the permission or license granted if he sees cause therefor, and may grant to the superintendent the same powers with regard to such company as are conferred on him by this Act with regard to other insurance companies, and may require such company to contribute towards the expenses of the office of the superintendent such sum as he deems equitable:

Powers of the minister as respects companies receiving permission.

3. Every company which transacts any such business without obtaining such permission or license, or after such permission or license is revoked, or which neglects or refuses to make the statements required,—and every person who delivers any policy of insurance, or collects any premium on behalf of such company, shall respectively incur the penalties mentioned in the twenty-first and twenty-second sections of this Act.

Penalty for contravention

4. This section shall not apply to companies carrying on, in Canada, ocean marine insurance business exclusively. 40 V., c. 42, s. 25.

Ocean marine companies exempted.

50. The Act passed in the thirty-eighth year of Her Majesty's reign, chaptered twenty, intituled "*An Act to amend and consolidate the several Acts respecting Insurance, in so far as regards Fire and Inland Marine business*," except sections sixteen and seventeen thereof, the Act passed in the fortieth year of Her Majesty's reign, chaptered forty-two, intituled "*An Act to amend and consolidate certain Acts respecting Insurance*," except sections fifteen and sixteen thereof,

Repeal 38 V., c. 20. 40 V., c. 42. 48-49 V., c. 49.

and the Act passed in the Session held in the forty-eighth and forty-ninth years of Her Majesty's reign, chaptered forty-nine, intituled "*An Act to modify the application of* '*The Consolidated Insurance Act*, 1877," are hereby repealed.

This Act to be construed as a consolidation.

2. This Act shall not be construed as new law, but as a consolidation and continuation of the Acts hereby repealed.

SCHEDULE.

Form A.

DETAILS OF YEARLY STATEMENT—LIFE INSURANCE.

A list of the stockholders, with the amount subscribed for, the amount paid thereon, and the residence of each stockholder.

Property or Assets held by the Company, specifying Assets as per Ledger Accounts.

The value (as nearly as may be) of the real estate held by the company.

The amount secured by way of loan on real estate, whether by mortgages, bonds or any other security, distinguishing between those having first or second lien on such real estate.

The amount of loans secured by bonds or stock or other collaterals.

The amount of loans, as above, on which interest has not been paid within one year previous to such statement, with a schedule thereof.

The amount of loans made in cash to policy-holders on the company's policies assigned as collaterals.

Premium notes, loans or liens on policies in force, the reserve on each policy being in excess of all indebtedness thereon.

Par and market values of Canadian and other stocks and securities owned by the company, specifying in detail the amount, number of shares, and the par and market value of each kind.

Amount of cash at head office.

Amount of cash in banks, with details.

Bills receivable.

Agents' ledger balances.

Other Assets.

Interest due and accrued.

Rents due and accrued.

Due from other companies for losses or claims on policies of the company re-insured.

Net amount of uncollected and deferred premiums.

Commuted commissions.

All other property owned by the company, with details.

Liabilities.

Net present value of all outstanding policies in force, with mode of computation or estimation, deducting those re-insured.

Premium obligations in excess of net values of their policies.

Claims for death losses and matured endowments, and annuity claims, due and unpaid, or in process of adjustment, or adjusted but not due, or resisted.

Dividends to stockholders, and dividends of surplus or other profits to policy holders, due and unpaid.

Amount due on account of office expenses.

Amount of loans.

Amount of all other claims against the company.

Income.

Amount of cash premiums received, less re-insurance. Premium notes, loans or liens taken in part payment for premiums; and premiums paid by dividends, including re-converted additions, and by surrendered policies.

Cash received for annuities.

Amount of interest received.

Amount received for rents.

Net amount received for profits on bonds, stocks and other property actually sold.

All other income in detail.

Premium Note Account.

Premium notes, loans or liens on hand at date of last previous statement.

Additions and deductions in detail during the year.

Balance, net assets at date.

Expenditure.

Total amount actually paid for losses and matured endowments.

Cash paid to annuitants and for surrendered policies.

Premium notes, loans or liens used in purchase of surrendered policies.

The same voided by lapse.

Cash surrender values, including re-converted additions applied in payment of premiums.

Dividends paid to policy-holders, or applied in payment of premiums.

Premium notes, loans or liens used in payment of dividends to policy holders,

Cash paid stockholders for interest or dividends.

Cash paid for commissions, salaries and other expenses of officials.

Cash paid for taxes, licenses, fees or fines.

All other expenditures in detail.

Exhibit of Policies.

Number and amount of policies and additions in full at the end of the previous year.

New policies and changes.

Policies terminated, and the manner of termination.

Number and amount of policies in force at date of statement.

Re-insurances. 40 V., c. 42, Sch. A.

FORM B.

DETAILS OF ANNUAL STATEMENTS—FIRE AND INLAND MARINE INSURANCE.

A list of the stockholders, with the amount subscribed for, the amount paid thereon, and the residence of each stockholder.

The Property or Assets held by the Company, specifying,—
The value (as nearly as may be) of the real estate held by such company ;

The amount of cash on hand and deposited in banks to the credit of the company—specifying in what banks the same are deposited, with amounts separately ;

The amount of cash in the hands of agents ;

The amount of loans secured by bonds and mortgages constituting either a first or second lien on real estate, in separate schedules ;

The amount of loans on which interest has not been paid within one year previous to such statement, with a schedule thereof ;

The amounts due the company for which judgments have been obtained ;

The amount of Canadian stocks held by the company, and of any other stocks owned by the company, specifying in detail the amount, number of shares, and par and market value of each kind of stock owned by the company absolutely ;

The amount of stocks held as collateral security for loans, with the amount loaned on each kind of stock, its par and market value ;

The amount of assessments on stock and premium notes, paid and unpaid ;

The amount of interest actually due and unpaid ; also the amount of interest accrued and unpaid ;

The amount of premium notes on hand on which policies are issued, with amount paid thereon ; also, bills receivable held by the company and considered good, the amounts of each class separately, and the amounts on each class overdue ;

The amount of all other property belonging to the company, with a detail thereof.

The Liabilities of the Company, specifying,—

The amount of losses due and yet unpaid ;

Amount of losses adjusted, but not due ;

Amount of losses incurred during the year, including those claimed, not yet adjusted, and of those reported to the company upon which no action has been taken—the amounts of each class separately, carrying out the totals in one sum ;

Amount of claims for losses resisted by the company, distinguishing those in suit ;

Amount of dividends declared and due, and remaining unpaid ;

Amount of dividends declared, but not yet due ;

Amount of money borrowed, and security given for payment thereof—stating each loan separately, and the interest paid therefor ;

The amount of unearned fire premiums ;

Amount of unearned inland marine premiums ;

Amount received for marine (ocean) premiums, not marked off;

Amount of all other claims against the company, with a detailed statement thereof;

Aggregate amount of all unpaid losses, claims and liabilities whatsoever, except capital stock.

Income of the Company, specifying,—

Amount of cash premiums received, less re-insurance;

Amount of notes received for premiums, less re-insurance;

Amount of interest money received;

Amount of income received from all other sources;

Expenditure of the Company, specifying,—

Amount paid for losses which occurred prior to the first day of January last, deducting savings and salvage, which losses were estimated in the last statement at $;

Amount paid for losses which occurred during the year, deducting savings and salvage;

Total amount actually paid during the year for losses in each branch, in separate columns;

Amount and rate of dividends paid during the year;

Amount of expenses paid during the year, including commissions and fees to agents and officers of the company;

Amount of all other payments and expenditures, with details thereof.

Miscellaneous.

Gross amount of risks taken during the year, original and renewal, in each branch of the company's business separately—deducting amount of re-insurance effected thereon in each branch separately;

And amount of risks in force at end of the year in each branch of the company's business, deducting re-insurance; and showing at foot, in separate columns, the net amount of risks then in force 38 V., c. 20, s. 20.

FORM C.

Form of Declaration to accompany the Statement.

Province of
County of

President, and
Secretary of
Company being duly sworn, depose and say, and each for himself says, that they are the above described officers of the said company, and that on the day of last all the above described assets were the absolute property of the said company, free and clear from any liens or claims thereon, except as above stated and that the foregoing statement, with the schedules and explanations hereunto annexed and by them subscribed, are a full and correct exhibit of all the liabilities, and of the income and expenditure, and of the general condition and affairs of the said company, on the said day of last, and for the year ending on that day, according to the best of their information, knowledge and belief, respectively.

Signatures.

Subscribed and sworn to before me, this day of A.D. 18 . 38 V., c. 20, s 20;—40 V., c. 42, s. 20.

FORM D.

In the matter of the (*here insert name of the company*). Notice is hereby given that the Minister of Finance has, pursuant to the thirty-third and thirty-fourth sections of "*The Insurance Act*," directed assets to be retained, sufficient in amount to cover the full equitable net surrender value of the policies in the above company (including bonus additions and accrued profits) which have not been transferred or surrendered or in respect of which opposition has been filed as provided by the said thirty-third section; and the assets so retained are hereby tendered to the aforesaid policy holders *pro rata* according to the aforesaid values of their respective policies. A list of such policy holders and of the amounts tendered to them respectively is hereinunder given, and notice is hereby given that any policy holder not signifying in writing to the Superintendent of Insurance his acceptance of the amount hereby tendered to him on or before the day of , A.D. 18 , shall be deemed to have refused the same, and the amount tendered, may, pursuant to the said Act, be paid over to the company.

List of policy-holders and amounts tendered :

Name.	Address so far as known.	Amount and number of policies.	Amount tendered.

Dated at Ottawa, this day of A.D. 18 .

(Signed,)
Minister of Finance,
Canada.

(Signed,)

Superintendent of Insurance.

40 V , c. 42, Sch. B.

FORM E.

OFFICE OF THE SUPERINTENDENT OF INSURANCE,
DEPARTMENT OF FINANCE,

Ottawa, , 18 .

In the matter of the (*here insert the name of the company.*)

You are hereby notified that the Minister of Finance has, pursuant to the thirty-thrid section of "*The Insurance Act*," directed assets to be retained sufficient in amount to cover the full equitable net surrender value of the policies in the above company, including bonus additions and accrued profits which have not been transferred or surrendered or in respect to which opposition has been filed as provided by the said thirty-third section. The assets so retained are tendered to the aforesaid policy-holders *pro ratâ* according to the aforesaid values of their respective policies.

The amount hereby tendered to you, and the policy or policies in respect of which the same is tendered, are given below, and you are hereby notified that unless on or before the day of A. D., 18 , you signify in writing to the Superintendent of Insurance your acceptance of the amount hereby tendered, you shall be deemed to have refused the same, and the amount tendered may, pursuant to the said Act, be paid over to the company.

Yours, &c.,

(Signed,)

Superintendent of Insurance.

Name.	Number and Amount of Policy.	Amount Tendered.

40 V., c. 42, Sch. C.

4th Session, 5th Parliament, 49 Victoria, 1886.

G

BILL.

An Act respecting Insurance.

Received and read a first time, Wednesday, March 24th, 1886.
Second reading, Wednesday, March 31st, 1886.

The Honorable
Sir ALEXANDER CAMPBELL

OTTAWA:
PRINTED BY MACLEAN, ROGER & CO.
1886.

BILL.

An Act to consolidate the borrowing powers of the Canada Permanent Loan and Savings Company, and to authorize the said Company to issue Debenture Stock.

Preamble.

WHEREAS the Canada Permanent Loan and Savings Company have, by their petition, represented that said company are duly incorporated by the laws of the Province of Ontario, and are empowered by the Parliament of Canada to borrow money by way of debentures and to receive money deposits as a savings bank, subject to restrictions imposed, that such debentures and money deposits shall be of certain amounts proportionate to the subscribed, fixed and permanent share capital of the company, and that said company desire to have the power to create a debenture stock as hereinafter mentioned, and further desire that the extent of their powers of borrowing and receiving money deposits and creating debts of every kind should be made to appear in one and the same Act, and the said company 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 conset of the Senate and House of Commons of Canada, enacts as follows:—

Short title.

1. This Act may be cited as "*The Canada Permanent Loan and Savings Company's Act*, 1886."

Limitation of money deposits and debentures.

2. The aggregate amount of money deposits of such company, together with the amount of the debentures and debenture stock issued or to be issued, as hereinafter provided, and remaining unpaid, may be equal to, but shall not, at any time, exceed double the aggregate amount of the paid up, unimpaired, fixed and permanent share 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 share 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, or shares in such company, nor shall they at any time exceed the amount of principal remaining unpaid on the mortgages at such time held by the company: Provided, that in estimating the limitation of

Limitation of total liability to the public.

Proviso.

said liabilities the amount of all loans or advances made by the company to their shareholders upon the security of their stock shall be deducted therefrom: Provided further, that the amount held by the company on money deposits shall not at any time exceed the amount of the paid up and unimpaired capital of the company.

Proviso.

Debentures may be issued.

3 The board of directors may issue debentures of the company for such sums, not less than one hundred dollars each, and in such currency as they deem advisable, and payable in the Dominion of Canada or elsewhere, not less than one year from the issue thereof, subject to the limitation hereinbefore mentioned; and such debentures may be in the form of Schedule A to this Act, or to the like effect.

Form.

Debenture stock may be issued.

4. The directors may also issue "Debenture Stock," which shall be treated and considered as a part of the regular debenture debt of the company, in such amounts and manner, on such terms and bearing such rate of interest, as the directors, from time to time, think proper, but subject to the limitations hereinbefore provided, so that the amount received as money deposits and borrowed on the security of debentures or debenture stock shall not in the whole exceed the aggregate amount fixed by this Act as the authorized limit of the borrowing powers of the company.

Limitation of amount of deposits and debenture or debenture stock.

Debenture stock shall be registered.

5. The debenture stock aforesaid shall be entered by the company in a register to be kept for that purpose, wherein they shall set forth the names and addresses of the several persons, from time to time entitled thereto, with the respective amounts of said stock to which they are respectively entitled, and such stock shall be transferable in such amounts and in such manner as the directors determine.

Holder entitle to certificate but to no greater rights than holders of debentures.

6. The company shall, on demand, deliver to every holder aforesaid a certificate stating the amount of debenture stock held by him, the rate of interest payable thereon, and the conditions to which the said stock is subject, but no other rights or privileges shall be conferred upon holders of debenture stock thereof than are held or enjoyed by holders of debentures of the company.

Transfers how registered, &c.

7. All transfers of the debenture stock of the company shall be registered at the head office of the company in Toronto, Ontario, and not elsewhere, but said transfers may be left with such agent or agents in Great Britain or any foreign country as the company appoint for that purpose, for transmission to the company's office in Toronto for registration.

Debentures may be exchanged for debenture stock.

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

Rank of such stock.

9. The debenture stock issued or to be issued under the authority of this Act shall rank equally with the debentures

issued or to issued by the company. The directors of said company may, at any time, in the interests of said company, buy up and cancel said debenture stock or any part thereof.

Directors to have power to buy up and cancel debenture stock or any part thereof of any time.

10. 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.

Reservation of power to amend.

SCHEDULE A.

The Canada Permanent Loan and Savings Company

Debenture No.

ransferable $

Under the authority of an Act of the Parliament of Canada Victoria, chapter , the president and directors of the Canada Permanent Loan and Savings Company promise to pay to the sum of on the day of in the year of Our Lord one thousand eight hundred and at with interest at the rate of per cent. per annum, to be paid half-yearly, on presentation of the proper coupon for the same as hereunto annexed ; say on the first day of and the first day of in each year.

Dated at the City of Toronto, in the Province of Ontario, the day of 188 , for the Canada Permanent Loan and Savings Company.

A. B.,
Manager.

C. D.,
President.

4th Session, 5th Parliament, 49 Victoria, 1886.

H

BILL.

An Act to consolidate the borrowing powers of the Canada Permanent Loan and Savings Company, and to authorize the said Company to issue Debenture Stock.

Received and read first time, Wednesday, 24th March, 1886.
Second reading, Tuesday, 30th March, 1886.

Honourable Mr. PLUMB.

OTTAWA:
PRINTED BY MACLEAN, ROGER & CO.
1886.

BILL.

An Act for the relief of Flora Birrell.

WHEREAS Flora Birrell, of the City of Hamilton, in the county of Wentworth, in the Province of Ontario, wife of William Henry Birrell, formerly of the city of London, in the county of Middlesex, in the Province of Ontario, but now of the city of Detroit, in the State of Michigan, one of the United States of America, hath, by her petition, humbly set forth that on the first day of November, one thousand eight hundred and sixty-five, she was lawfully married to the said William Henry Birrell; that they lived and cohabited together as husband and wife until about the twenty-eighth day of April, one thousand eight hundred and seventy-nine; that on or about the said twenty-eighth day of April, one thousand eight hundred and seventy-nine, owing to the said William Henry Birrell living in adultery with other women, it became impossible for the said Flora Birrell to continue to live with the said William Henry Birrell as his wife; that on the twenty-third day of August, one thousand eight hundred and eighty-four, the said William Henry Birrell, without the knowledge or consent of the said Flora Birrell, and without collusion or connivance on her part, obtained a decree of divorce in the Superior Court of Detroit in Chancery, and immediately thereafter, to wit, in the month of September, one thousand eight hundred and eighty-four, went through the form of marriage with one Adelaide Talbot; that the said William Henry Birrell, on the eleventh day of October, one thousand eight hundred and eighty-four, became a naturalized citizen of the United States of America; that the said William Henry Birrell, since his pretended marriage with the said Adelaide Talbot, has lived and cohabited with her at the said city of Detroit; and that there were born issue of the marriage between the said Flora Birrell and the said William Henry Birrell four children, all of whom are dead; and whereas the said Flora Birrell has humbly prayed that the said marriage may be dissolved, and be declared henceforth null and void to all intents and purposes whatsoever; and that it may be declared and enacted lawful for the said Flora Birrell, at any time hereafter, to marry any other man with whom she might lawfully have married in case said marriage had not been solemnized; and that it may be declared and enacted that in the event of the said Flora Birrell hereafter marrying she and the man she so marries, and the issue, if any, of any such marriage, shall have and possess the same rights in every respect as if the marriage with the said William Henry Birrell had never been solem- Preamble.

nized; and whereas it is expedient that the prayer of the said petition should be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Her marriage annulled.

1. The said marriage between the said Flora Birrell and the said William Henry Birrell, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

She may marry again.

2. It shall be lawful for the said Flora Birrell, at any time hereafter, to marry any other man whom she might lawfully have married in case the said marriage had not been solemnized.

Rights of herself, consort and children, in such case.

3. In the event of the said Flora Birrell hereafter marrying, she and the man whom she so marries, and the issue, if any, of any such marriage, shall have and possess the same rights in every respect as if her said marriage with the said William Henry Birrell had never been solemnized.

Her former husband not to marry during her life.

4. It shall not be lawful for the said William Henry Birrell to marry at any time hereafter during the lifetime of the said Flora Birrell.

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

An Act for the relief of Flora Birrell.

Received and read first time, Wednesday, 24th March, 1886.

Second reading, Thursday, 8th April, 1886.

Honorable Mr. PLUMB.

OTTAWA:

PRINTED BY MACLEAN, ROGER & Co.

1886.

BILL.

An Act relating to Druggists.

Preamble.

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

Druggists, &c., may deal in certain articles.

1. Nothing contained in any Act of the Parliament of Canada shall be held to interfere with the purchase or sale by legally qualified physicians, chemists or druggists of the following articles, that is to say:—

Preparations.

(1) The officinal preparations of authorized pharmacopæias when made of full medicinal strength and sold for medicinal purposes;

Prescriptions.

(2) Physicians' prescriptions consisting of or containing spirituous liquors, if sold in quantities of not more than eight ounces at any one time;

Patent medicine.

(3) Any patent medicine, unless such patent medicine is known to the vendor to be capable of being used as a beverage;

Perfumes, lotions, &c.

(4) Eau de cologne, bay rum, or other articles of perfumery, lotions, extracts, varnishes, tinctures or other pharmaceutical preparations containing alcohol, but not intended for use as beverages;

Certain spirits.

(5) Alcohol of sixty-five over proof by Sykes' hydrometer, or methylated spirits made in bonded factories, if sold for pharmaceutical, chemical or mechanical purposes only;

Short title.

2. This Act shall be known as "*The Druggists' Act*, 1886."

4th Session, 5th Parliament, 49 Victoria, 1886.

J

BILL.

An Act relating to Druggists.

Received and read first time, Friday, 26th March, 1886.
Second reading, Tuesday, 30th March, 1886.

The Honourable
Mr. McMILLAN.

OTTAWA:
PRINTED BY MACLEAN, ROGER & CO.
1886.

BILL.

An Act to incorporate the Northumberland Straits Tunnel Railway Company.

Preamble.

WHEREAS the construction of a tunnel or subway across Northumberland Straits from a point at or near Cape Tormentine, whereby communication may be rendered practicable at all seasons of the year between the Provinces of New Brunswick and Prince Edward Island for railway trains, freight and passengers, with power to the company authorized to construct the same to make, own and operate a railway through the said tunnel, and to make connections with existing railways, and to construct such line or lines of railway in either or both of the said Provinces, as may be found necessary for that purpose, would be a great boon to the people of Prince Edward Island and of general benefit to the Dominion; and whereas a petition has been presented for that purpose, and it is expedient to grant the prayer of such petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporators.

1. The Honorable George William Howlan, of Prince Edward Island, Senator of the Dominion; R. H. Bull and Hayden H. Hall, of the city of New York; Edward J. Dwyer, of Kingston, Ontario; the Honorable Thomas R. Jones, of St. John, New Brunswick; together with all such persons as become shareholders of the company hereby incorporated, are hereby constituted a body corporate, by the name of "The Northumberland Straits Tunnel Railway Company" (hereinafter called the company).

Tunnel and railway may be built from New Brunswick to P. E. Island.

2. The company may excavate, build, construct and complete a subway or tunnel under the waters of Northumberland Straits, from a point at or near Cape Tormentine, in the Province of New Brunswick, to the most convenient point on the opposite side of the Straits, in Prince Edward Island, of such form and dimensions, and of such material, as the company may deem suitable for their purpose; and may lay down, construct and operate therein a single or double line of railway of four feet eight and one-half inches gauge, or such other gauge as may be found suitable;

2. The location of the said subway or tunnel, and the gauge of the said railway, shall be subject to the approval of the Governor in Council.

Extension of lines, connection with

3. The company may lay out, construct and operate an extension of their said railway to any point in the Province

other railways, &c.

of New Brunswick, and to any point in Prince Edward Island, which, in the judgment of the directors, may be convenient or necessary to form a connection with existing railways in those Provinces, and may make traffic arrangements with any connecting line or lines, and may contract with any company or Government operating a railway in either of the said Provinces, to operate the railway of the company.

Amalgamation with other companies.

4. The company may unite or amalgamate with any other railway corporation having the necessary powers for that purpose, and may lease or sell their tunnel and railway to the Government of Canada, or to any other railway company or companies, for a term of years, upon such terms and conditions as to the directors of the company may seem proper, and may enter into any arrangement with the Government of Canada, or any other railway company or companies, for the effectual carrying out of the undertaking hereby authorized.

Provisional directors.

Powers.

5. The persons named in the first section of this Act shall be provisional directors of the company (of whom three shall be a quorum), and shall hold office as such until the first election of directors under this Act. The provisional directors shall have power forthwith to open stock books and procure subscriptions for the undertaking, and to receive payments on account of stock subscribed, and to deposit in any chartered bank of Canada all moneys received by them on account of stock subscribed, and to cause surveys and plans to be made and executed; and upon a sufficient subscription of stock being obtained as hereinafter provided, they shall call a meeting of the shareholders of the company for the election of directors.

Capital and shares.

6. The capital stock of the company shall be five millions of dollars, divided into shares of one hundred dollars each, and shall be applied, in the first place, to the payment of all fees, expenses and disbursements, for procuring the passing of this Act; secondly, for making or acquiring the surveys, plans and estimates connected with the works hereby authorized.

General meeting to elect directors.

Notice.

7. When, and so soon as shares to the amount of two hundred and fifty thousand dollars in the capital stock of the company have been subscribed, and ten per cent. paid thereon, the provisional directors shall call a general meeting of the subscribers to the said capital stock, at the city of Charlottetown, Prince Edward Island, for the purpose of electing directors of the company, giving at least four weeks notice by public advertisement in the *Canada Gazette*, and in a newspaper published in the City of Charlottetown, and in one published in the City of St. John, of the time, place and purpose of such meeting.

Directors.

8. There shall be five directors who shall manage the affairs of the company, and of whom three shall be a quorum;

and the said board of directors may employ one or more of their number as paid director or directors ; and no person shall be qualified to be a director, unless he be a shareholder holding at least twenty shares of the stock of the company absolutely in his own right and is not in arrears for any calls made thereon. Qualification.

9. At the first general meeting the shareholders who have paid ten per cent. on the capital stock subscribed by them, shall elect the directors, who shall hold office until the first annual general meeting thereafter. Who may elect directors.

10. The annual general meeting shall be holden on the first Wednesday of the month of August in each year, or such other day as the directors may by by-law from time to time enact, at the city of Charlottetown, notice of which and of the holding of any general meeting of shareholders (all of which meetings shall be holden at the said city of Charlottetown or as the directors may, from time to time by by-law, direct), shall be given by public advertisement inserted in the *Canada Gazette* and in a newspaper published in the city of Charlottetown, for at least four weeks before the day named for the holding of such meeting, and in the said notice shall be specified the particular place in the said city of Charlottetown where such meeting is to be held. Annual general meeting. Where to be held. Notice.

11. No call shall be made for more than ten per centum at any one time on the amount subscribed, nor shall more than fifty per centum of the stock be called up in any one year. Calls.

12. The directors may make and issue as paid-up stock shares in the company, whether subscribed for or not, and may allot and hand over such stock and the mortgage bonds of the company in payment of right of way, plant, rolling stock or materials of any kind, and also for the services of contractors, engineers, and other persons, whether directors or not, who have been, are or may be engaged in promoting the undertaking and interests of the company, and such issue and allotment of stock or bonds shall be binding on the company, and such paid-up stock shall not be assessable for calls. Paid up stock may be issued for certain purposes. Non-assessable.

13. A special general meeting of the shareholders of the company may be called at any time by the directors or. after refusal by the directors to call the same, by shareholders holding one fourth part in value of the stock of the company ; but notice thereof, stating the object for which the meeting is called, signed by the secretary of the company, or by the shareholders calling the same, shall be sent by post or otherwise to each shareholder, three weeks before the day on which the said meeting is to be held, and shall also be inserted once a week for four weeks previous to the said meeting, in some newspaper published in Charlottetown and St. John. Special general meetings. Notice.

Issue of bonds.

14. The directors of the company, under the authority of the shareholders, to them given by a resolution of a special general meeting called for that purpose—at which meeting shareholders representing at least one-half in value of the stock, are present or represented by proxy—may issue bonds under the seal of the company, signed by its president or other presiding officer, and countersigned by its secretary and treasurer; and such bonds may be made payable at such times, and in such manner, and at such place or places in Canada or elsewhere, and bearing such rate of interest, as the directors think proper; and the directors may issue and sell or pledge all or any of the said bonds at the best price and upon the best terms and conditions which at the time they may be able to obtain, for the purpose of raising money for prosecuting the said undertaking:

Bonds may be sold or pledged.

Bonds to be a first charge on the undertaking.

2. Such bonds shall be taken and considered to be the first and preferential claim and charge upon the undertaking and the tolls and property of the company, real and personal, then existing and at any time thereafter acquired, save and except as hereinafter provided for in this section; and each holder of the said bonds shall be held and deemed to be a mortgagee or incumbrancer upon the said undertaking, tolls and property *pro ratâ* with the other bondholders, and shall have priority as such; provided, that the amount of bonds so issued, sold or pledged, shall not exceed four millions of dollars; Provided also, that no such bonds shall be issued until at least two hundred and fifty thousand dollars have been subscribed to the capital stock and ten per centum of the same *bonâ fide* paid thereon:

Proviso.

Proviso.

Bonds may be secured by mortgage.

3. Notwithstanding anything in this Act contained, the company may secure the bonds issued by them by a mortgage deed, creating such charges and incumbrances upon the whole of such property, assets, rents and revenues of the company, present or future, or both, as are described in the said deed; but such rents and revenues shall be subject, in the first instance, to the payment of working expenses: and by the said deed the company may grant to the holders of such bonds, or to the trustee or trustees named in such deed, all and every the powers and remedies not inconsistent with this Act, or may restrict the bondholders in the exercise of any power, privilege or remedy granted by this Act, as the case may be; and all such powers, rights and remedies as are so contained in such mortgage deed shall be valid, binding and available to the bondholder in manner and form as therein provided.

Powers of trustees under mortgage deed.

Promissory notes.

15. The company may become party to promissory notes and bills of exchange, for sums not less than one hundred dollars, and any such note or bill made, drawn, accepted, or endorsed by the president or vice-president of the company, and countersigned by the secretary, shall be binding on the company; and every such promissory note or bill of exchange so made, drawn, accepted or endorsed, shall be presumed to have been made, drawn, accepted or endorsed, with proper authority, until the contrary be shown; and in no

case shall it be necessary to have the seal of the company affixed to such promissory note or bill of exchange, nor shall the president, or vice-president, or secretary, be individually responsible for the same, unless the said promissory note, or bill of exchange has been issued without proper authority : Provided, however, that nothing in this section shall be construed to authorize the company to issue any note or bill payable to bearer, or intended to be circulated as money, or as the note or bill of a bank.

Proviso : not be payable to bearer.

16. The company shall commence the construction of the works contemplated by this Act, and fully complete and finish the same within ten years from the passing of this Act ; otherwise this Act and all the powers and privileges hereby granted shall cease and become void.

Commencement and completion of undertaking.

17. The provisions of "*The Consolidated Railway Act*, 1879," and the several amendments thereof, shall apply to the company, except in so far as they are inconsistent with this Act or inapplicable to the undertaking of the company.

42 V., c. 9, to apply.

4th Session, 5th Parliament, 49 Victoria, 1886.

K

BILL

An Act to incorporate the Northumberland Straits Tunnel Railway Company.

Received and read first time, Wednesday, 31st March, 1886.
Second reading, Wednesday, 7th April, 1886.

The Honorable
Mr. HOWLAN.

OTTAWA:
PRINTED BY MACLEAN, ROGER & CO.
1886.

BILL.

An Act to consolidate the borrowing powers of the Freehold Loan and Savings Company, and to authorize the said Company to issue Debenture Stock.

WHEREAS the Freehold Loan and Savings Company have, by their petition, represented that said company are duly incorporated by the laws of the Province of Ontario, and are empowered by the Parliament of Canada to borrow money by way of debentures and to receive money deposits as a savings bank, subject to restrictions imposed, that such debentures and money deposits shall be of certain amounts proportionate to the subscribed, fixed and permanent share capital of the company, and that said company desire to have the power to create a debenture stock, as hereinafter mentioned, and further desire that the extent of their powers of borrowing and receiving money deposits and creating debts of every kind should be made to appear in one and the same Act; and the said company have shown that the declaring and setting forth in one Act of the said matters will aid and benefit their operations; and whereas it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. This Act may be cited as "*The Freehold Loan and Savings Company's Act*, 1886." Short title.

2. The aggregate amount of money deposits of such company, together with the amount of the debentures and debenture stock, issued, or to be issued, as hereinafter provided, and remaining unpaid, may be equal to, but shall not at any time exceed, double the aggregate amount of the paid up, unimpaired, fixed and permanent share 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 share 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 or shares in such company, or shall they at any time exceed the amount of principal remaining unpaid on the mortgages at such time held by the company; Provided, that in estimating the limitation of said liabilities the amount of all loans or advances made by the company to their shareholders upon the security of their stock shall be deducted therefrom; Provided further, that the amount held Limitation of money deposits debenture stock. Limitation of total liabilities to the public. Proviso.

Proviso.

by the company on deposit shall not at any time exceed the amount of the paid up and unimpaired capital of the company.

Debentures may be issued.

3. The board of directors may issue debentures of the company for such sums, not less than one hundred dollars each, and in such currency, as they deem advisable, and payable in the Dominion of Canada or elsewhere, not less than one year from the issue thereof, subject to the limitation hereinbefore mentioned; and such debentures may be in the form of Schedule A to this Act, or to the like affect.

Form.

Debenture stock may be issued

4. The directors may also issue "Debenture Stock," which shall be treated and considered as part of the regular debenture debts of the company, in such amounts and manner, on such terms, and bearing such rate of interest, as the directors from time to time think proper, but subject to the limitations hereinbefore provided, so that the amount received as money deposits and borrowed on the security of debentures or debenture stock shall not in the whole exceed the aggregate amounts fixed by this Act as the authorized limit of the borrowing powers of the company.

Limitations of amount of deposits and debentures or debenture stock.

Debenture stock shall be registered.

5. The debenture stock, aforesaid, shall be entered by the company in a register to be kept for that purpose, wherein they shall set forth the names and addresses of the several persons from time to time entitled thereto, with the respective amounts of said stock to which they are respectively entitled; and such stock shall be transferable in such amounts and in such manner as the directors determine.

Holder entitled to certificate but to no greater rights than holders of debentures.

6. The company shall on demand deliver to every holder, aforesaid, a certificate stating the amount of debenture stock held by him, the rate of interest payable thereon, and the conditions to which the said stock is subject; but no other rights or privileges shall be conferred upon holders of debenture stock in respect thereof than are enjoyed by holders of debentures of the company.

Transfers how registered, &c.

7. All transfers of the debenture stock of the company shall be registered at the head office of the company in Toronto, Ontario, and not elsewhere; but said transfers may be left with such agent or agents in Great Britain or any foreign country as the company appoint for that purpose, for transmission to the company's office in Toronto for registration.

Debentures may be exchanged for debenture stock.

8. The holders of the debentures of the company may with the consent of the directors, at any time exchange such debentures for debenture stock.

Rank of such stock.

Directors to have power buy up and cancel debenture stock or any part thereof.

9. The debenture stock issued, or to be issued, under the authority of this Act, shall rank equally with the debentures issued or to be issued by the company. The directors of said company may at any time, in the interest of said company, buy up and cancel said debenture stock, or any part thereof.

10. Nothing herein contained shall be considered 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.

The Freehold Loan and Savings Company
Debenture No.
Transferable $

Under the authority of an Act of the Parliament of Canada, Victoria, chapter the President and directors of the Freehold Loan and Savings Company promise to pay to the sum of , on the day of , in the year of our Lord one thousand eight hundred and , at with interest at the rate of per cent. per annum, to be paid half yearly on presentation of the proper coupon for the same as hereunto annexed, say on the first day of and the first day of in each year

Dated at the city of Toronto, in the Province of Ontario, the day of , 18 , for the Freehold Loan and Savings Company.

A. B.,
Manager.

C. D.,
President.

4th Session, 5th Parliament, 49 Victoria, 1886.

L

BILL.

An Act to consolidate the borrowing powers of the Freehold Loan and Savings Company and to authorize the said Company to issue Debenture Stock.

Received and read the first time, Thursday, 1st April, 1886.
Second reading, Friday, 2nd April, 1886.

The Honourable
Mr. ALLAN.

OTTAWA:
PRINTED BY MACLEAN, ROGER & CO.
1886.

BILL.

An Act to consolidate the borrowing powers of the Western Canada Loan and Savings Company, and to authorize the said Company to issue Debenture Stock.

Preamble.

WHEREAS the Western Canada Loan and Savings Company have, by their petition, represented that the said company are duly incorporated by the laws of the Province of Ontario, and are empowered, by the Parliament of Canada, to borrow money by way of debentures, and to receive money deposits as a savings bank, subject to restrictions imposed, that such debentures and money deposits shall be of certain amounts proportionate to the subscribed, fixed and permanent share capital of the company, and that the said company desire to have the power to create a debenture stock, as hereinafter mentioned, and further desire that the extent of their powers of borrowing and receiving money deposits, and creating debts of every kind, should be made to appear in one and the same Act; and the said company have shown that the declaring and setting forth in one Act of the said matters will aid and benefit their operations; and whereas it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Short title.

1. This Act may be cited as "*The Western Canada Loan and Savings Company's Act*, 1886."

Limitation of money deposits and debentures.

2. The aggregate amount of money deposits of such company, together with the amount of the debentures and debenture stock issued or to be issued, as hereinafter provided, and remaining unpaid, may be equal to, but shall not, at any time, exceed, double the aggregate amount of the paid up, unimpaired, fixed and permanent share 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 share 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 or shares in such company, nor shall they at any time exceed the amount of principal remaining unpaid on the mortgages at such time held by the company: Provided, that in estimating the limitation of said liabilities the amount of all loans or advances made by the company

Limitation of total liabilities to the public.

Proviso.

to their shareholders upon the security of their stock shall be deducted therefrom: Provided further, that the amount held by the company on money deposits shall not at any time exceed the amount of the paid up and unimpaired capital of the company.

Proviso.

Debentures may be issued.

3. The board of directors may issue debentures of the company for such sums not less than one hundred dollars each, and in such currency as they deem advisable, and payable in the Dominion of Canada or elsewhere, not less than one year from the issue thereof, subject to the limitation hereinbefore mentioned; and such debentures may be in the form of Schedule A to this Act, or to the like effect.

Form.

Debenture stock may be issued.

4. The directors may also issue "Debenture Stock," which shall be treated and considered as a part of the regular debenture debts of the company, in such amounts and manner, on such terms, and bearing such rate of interest as the directors, from time to time, think proper and convenient, but subject to the limitations hereinbefore provided; so that the amount received as money deposits and borrowed on the security of debentures or debenture stock shall not, in the whole, exceed the aggregate amounts fixed by this Act as the authorized limit of the borrowing powers of the company.

Limitation of amount of deposits and debentures or debenture stock.

Debenture stock shall be registered.

5. The debenture stock, aforesaid, shall be entered by the company in a register to be kept for that purpose, wherein they shall set forth the names and addresses of the several persons and corporations, from time to time entitled thereto, with the respective amounts of said stock to which they are respectively entitled; and such stock shall be transferable in such amounts and in such manner as the directors determine.

Holder entitled to certificate, but to no greater rights than holders of debentures.

6. The company shall, on demand, deliver to every holder aforesaid a certificate stating the amount of debenture stock held by him, and the rate of interest payable thereon, and the conditions to which the said stock is subject, but no other rights or privileges shall be conferred upon holders of debenture stock in respect thereof than are held or enjoyed by holders of debentures of the company.

Transfers, how registered, &c.

7. All transfers of the debenture stock of the company shall be registered at the office of the company in Toronto, Ontario, and not elsewhere, but said transfers may be left with such agent or agents in Great Britain, or any foreign country, as the company appoints for that purpose, for transmission to the company's office in Toronto for registration.

Debentures may be exchanged for debenture stock.

8. The holders of the debentures of the company may, with the consent of the directors, at any time, exchange such debentures for debenture stock.

Rank of such stock.

Directors to have power

9. The debenture stock issued or to be issued under the authority of this Act shall rank equally with the debentures issued or to be issued by the company. The directors of

said company may, at any time, in the interest of said company, buy up and cancel said debenture stock, or any part thereof.

to buy up and cancel debenture stock or any part thereof at any time.

10. 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.

Reservation of power to amend.

SCHEDULE A.

The Western Canada Loan and Savings Company
Debenture No.
Transferable $

Under the authority of an Act of the Parliament of Canada, Victoria, chapter The president and directors of the Western Canada Loan and Savings Company promise to pay to or bearer, the sum of , on the day of , A.D 18 , at , with interest at the rate of per cent. per annum, to be paid half-yearly, on presentation of the proper coupon for the same, as hereto annexed, say on the day of , and the day of , in each year.

Dated at the city of Toronto the day of A.D. 18 .

For the Western Canada Loan and Savings Company,—

A. B.,
Manager.

C. D.,
President.

4th Session, 5th Parliament, 49 Victoria, 1886.

M

BILL.

An Act to Consolidate the borrowing powers of the Western Canada Loan and Savings Company, and to authorize the said Company to issue Debenture Stock.

Received and read the first time, Thursday, 1st April, 1886.
Second reading, Friday, 2nd April, 1886.

The Honourable
Mr. ALLAN.

OTTAWA:
PRINTED BY MACLEAN, ROGER & Co.
1886.

BILL.

An Act to amend "An Act respecting Offences against the Person.

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

1. Section twenty-five of the Act passed in the Session held in the thirty-second and thirty-third years of Her Majesty's reign, intituled: "*An Act respecting Offences against the Person*," is hereby amended by adding thereto the words following: "and in any prosecution of any person under this section, for refusing or neglecting to provide necessary food, clothing or lodging for his wife or child, his wife shall be competent and compellable to give evidence as a witness, either for or against her husband, but such evidence shall not be sufficient to sustain a conviction unless it is corroborated by other evidence." 32-33 V., c. 20, s 25, amended. Wife to be witness against husband.

N—1

4th Session, 5th Parliament, 49 Victoria, 1886.

N

BILL.

An Act to amend "An Act respecting Offences against the Person."

Received and read first time, Friday, 2nd April, 1886.
Second reading, Friday, 9th April, 1886.

The Honorable
Mr. GOWAN.

OTTAWA:
PRINTED BY MACLEAN, ROGER & CO.
1886.

BILL.

An Act to amend An Act respecting a Reformatory for certain Juvenile Offenders in the County of Halifax, in the Province of Nova Scotia.

Preamble.

WHEREAS it is expedient to amend the Act forty-seventh Victoria, chapter forty-five, intituled: "*An Act respecting a Reformatory for certain Juvenile Offenders in the County of Halifax, in the Province of Nova Scotia*," 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:—

47 V., c. 45, s. 6, amended.

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

Ticket of leave may be granted by Minister of Justice.

"2. If any boy so sentenced and detained in the Home, has, in the opinion of the governing body of the Home, so conducted himself during a term of six consecutive months as by his good behaviour, diligence and industry, to warrant his being set at large and no longer detained in the Home, and if the police court or stipendiary magistrate of the city of Halifax concurs with the said governing body in recommending the issue of a license to such boy to be at large, then the Minister of Justice, or such person as he appoints to issue such licenses, may issue a license to such boy to be at large in the Province of Nova Scotia, or in such part thereof as is specified in such license.

And may be revoked, &c.

"3 Such license may be revoked or altered at pleasure by the Minister of Justice, or by such person as he appoints, as aforesaid.

Minister to make regulations.

"4. The Minister of Justice may make such regulations as he sees fit as to the form of such licenses, the conditions of enjoyment and forfeiture thereof, and for ascertaining that such conditions are duly complied with.

Contravention of conditions of ticket of leave how dealt with.

"5. Upon information on oath that the holder of any such license has contravened any of the conditions thereof, the police court or stipendiary magistrate of the city of Halifax may issue a warrant for his arrest, wherever in the Dominion of Canada he may be, and cause him to be brought before such court or magistrate, and upon conviction of such contravention, shall remand him to such Home, there to serve the remainder of his original sentence, with such additional term, not exceeding one year, as to such court or magistrate seems proper."

4th Session, 5th Parliament, 49 Victoria, 1886.

BILL.

O

An Act to amend "*An Act respecting a Reformatory for certain Juvenile Offenders in the County of Halifax, in the Province of Nova Scotia.*"

Received and read a first time, Monday, 3rd May, 1886.

Second reading, Wednesday, 5th May, 1886.

Hon. Mr. POWER.

OTTAWA:

PRINTED BY MACLEAN, ROGER & CO.

1886.

BILL.

An Act further to amend the law of evidence in certain cases.

Preamble.

WHEREAS it is expedient to amend the law of evidence : Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :

Provision in case of witness objecting to be sworn from conscientious motives.

1. If any person, called as a witness in any court of criminal jurisdiction or in any civil proceeding, in respect of which the Parliament of Canada has jurisdiction in this behalf, or required or desiring to make an affidavit or deposition in the course of any such proceeding, refuses or is unwilling from alleged conscientious motives, to be sworn, it shall be lawful for the court or judge or other presiding officer or person qualified to take affidavits or depositions, upon being satisfied of the sincerity of such objection, to permit such person, instead of being sworn, to make his or her solemn affirmation and declaration in the words following, that is to say:

Form of declaration or affirmation.

"I, A. B., do solemnly, sincerely, and truly affirm and declare, that the taking of an oath is according to my religious belief unlawful, and I do also solemnly, sincerely and truly affirm and declare that the evidence to be given by me shall be the truth, the whole truth and nothing but the truth."

Effect thereof.

Which solemn affirmation and declaration shall be of the same force and effect as if such person had taken an oath in the usual form.

Penalty for wilfully making and false statement therein.

2. If any person making such solemn affirmation and declaration wilfully, falsely and corruptly affirms and declares any matter or thing, which if the same had been sworn in the usual form, would have amounted to wilful and corrupt perjury, such person so offending shall incur the same penalties as by the laws and statutes of Canada are or may be enacted or provided against persons convicted of wilful and corrupt perjury.

Judicial notice of provincial statutes in criminal cases.

3. In any criminal proceeding or any civil proceeding in respect of which the Parliament of Canada has jurisdiction in this behalf, where it becomes necessary or expedient to prove or give in evidence any statute of any Province of the Dominion of Canada or of the late Province of Canada, passed either before or after the passing of "*The British North America Act*, 1867," the court or judge before which such proceeding is pending, or being heard or tried, shall take judicial notice of any such provincial statute, in like manner and way, as if such statute was a statute of the Province where such proceeding is being heard or tried ; and any copy of

Proof of any such statute.

any such statute purporting to be printed and published by the printer authorized to print and publish the same, shall be receivable and received in evidence to prove the contents thereof in every court having cognizance of any such proceeding.

Short title.

4. This Act may be cited for all purposes as "*The Evidence Amendment Act*, 1886."

4th Session, 5th Parliament, 49 Victoria, 1886.

P

BILL.

An Act further to amend the law of evidence in certain cases.

Received and read a first time, Wednesday, 12th May, 1886.
Second reading, Friday, 14th May, 1886.

The Hon. Mr. POWER.

OTTAWA:
PRINTED BY MACLEAN, ROGER & Co.
1886