LIBRARY OF PARLIAMENT

Canada. Laws, Statutes, etc.

Date Loaned

CAT. NO. 1138

No. 2.] **BILL.** [1904

An Act to amend the Railway Act, 1903.

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

1903, c. 58, s. 227 amended.

1. Section 227 of *The Railway Act*, 1903, is amended by striking out the word "or" in the third line and substituting therefor the word "and," and by adding after the word "expedient" at the end of the section the words, "and wherever in a city, town or incorporated village a railway crosses a highway at rail-level, the said speed of ten miles an hour shall in no event be exceeded, unless the railway company keeps a watchman at such crossing to warn all persons using the highway of approaching trains."

No. 2.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL.

An Act to amend the Railway Act, 1903.

First reading, March 14, 1904.

MR. LANCASTER.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1904

No. 3.] **BILL.** [1904.

An Act to amend the Criminal Code, 1892.

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

1892, c. 29, s. 786 amended.

1. Section 786 of *The Criminal Code*, 1892, is amended by adding thereto the following subsection:

Notice to parents or guardian, etc., if accused is a minor.

"2. Whenever the person charged appears to be about the age of twenty-one years or an infant under that age, and is not represented by counsel present at the time, the magistrate shall not proceed under this section without first asking the person charged what his age is; and if such person then states his age as being less than twenty-one years, the magistrate shall defer any further action, and shall at once cause notice to be given to the parents, living in the province (or if none, then to the guardian or householder with whom the person charged resided at the time of the alleged commission of the offence), of such person having been so charged, and of the time and place when such person will be called on to make his election as to whether he will be tried by the said magistrate,—which notice shall allow reasonable time for the said parents, guardian or householder to be present and advise the said person charged before he is called on to so elect."

No. 3.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL

An Act to amend the Criminal Code, 1892.

First reading, March 14, 1904.

MR. LANCASTER.

OTTAWA
Printed by S. E. DAWSON
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1904

No. 4.] **BILL.** [1904.

An Act to amend the Act respecting Certificates to Masters and Mates of Ships.

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

1. The section substituted for section 3 of the *Act respecting Certificates to Masters and Mates of Ships*, chapter 73 of the Revised Statutes, by section 4 of chapter 42 of the statutes of 1894, is amended by adding after the word "examinations" in the first line the words "upon oath," and by striking out the words "or for persons" in the second line. R.S.C., c. 73, s. 3: 1894, c. 42, s. 4 amended.

2. The said section 3 is further amended by adding the following subsections thereto :- - R.S.C., c. 73, s. 3 amended.

"2. No person shall be entitled to present himself for examination for master until he has obtained a certificate of competency as mate, and has served as such for at least twelve months, and furnishes a statutory declaration of the master under whom he served of such service. Qualifications of master.

"3. No person shall be entitled to present himself for examination as mate until he has served as wheelman for the period of twenty-four months, and furnishes to the examiner a statutory declaration of the master under whom he served of such service. Qualifications of mate.

3. Section 4 of the *Act respecting Certificates to Masters and Mates of Ships* is amended by adding after the word "examiners" in the sixth line the words "which shall be by salary, and not in any way affected by the number or results of the examinations," and also by adding after the word "effect" in the last line the words "but no person shall be appointed an examiner in respect to Masters and Mates of ships trading on the inland waters or on coasting voyages unless he himself is a competent lake navigator and has a certificate to that effect." Section 4 amended.

4. The section substituted for section 7 of the said Act by section 2 of chapter 41 of the statutes of 1891 is amended by adding after the word "boats" in the fourteenth line the words "such certificates to be conditioned to become void upon 'the holder thereof renouncing his allegiance to the British Crown.'" Section 7 amended.

5. Section 19 of the *Act respecting Certificates to Masters and Mates of Ships* is amended by adding after the word "suspended" in the second line the words "or becomes void." Section 19 amended.

No. 4.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL.

An Act to amend the Act respecting Certificates to Masters and Mates of Ships.

First reading, March 14, 1904.

Mr. LANCASTER.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1904

No. 5.] **BILL.** [1904.

An Act respecting the Militia of Canada.

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

SHORT TITLE.

1. This Act may be cited as *The Militia Act.* Short title.

INTERPRETATION.

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

(*a*). "Militia" means all the military forces of Canada; "Militia."

(*b*). "Corps" means a military body appearing in the list of establishments as a separate unit; "Corps."

(*c*). "Emergency" means war, invasion, riot or insurrection, real or apprehended; "Emergency."

(*d*). "On Active Service," as applied to a person subject to military service, means whenever he is enrolled, enlisted, drafted or warned for service or duty during an emergency, or when he is on duty, or has been warned for duty, in aid of the civil power; "On active service."

(*e*). "On service" means when called upon for the performance of any military duties other than those specified as active service; On service.

(*f*). "General Orders" means orders and instructions issued to the militia by the General Officer Commanding with the approval of the Minister of Militia; "General orders."

(*g*). "Man" includes a warrant officer and non-commissioned officer as well as a private; "Man."

(*h*). "Regulations" means regulations made by the Governor in Council under the authority of this Act; "Regulations."

(*i*.) "Prescribed" means prescribed by this Act or by regulations. "Prescribed."

3. *The Interpretation Act* shall apply to all regulations, orders and articles of engagement lawfully made or entered into under this Act. R.S.C., c. 1 to apply to regulations, etc.

COMMAND IN CHIEF.

4. The Command in chief of the Militia is vested in the King, and shall be exercised and administered by His Majesty or by the Governor General as His representative. Command in chief vested in His Majesty.

DEPARTMENT OF MILITIA.

Minister of Militia ; his duties.

5. There shall be a Minister of Militia, who shall be charged with and be responsible for the administration of Militia affairs and of the fortifications, ordnance, ammunition, arms, armouries, stores, munitions and habiliments of war belonging to Canada, including the initiative in all matters involving the expenditure of money.

Further duties.

2. The Governor in Council may, from time to time, make such orders as are necessary respecting the duties to be performed by the Minister of Militia.

Deputy and officers.

6. The Governor in Council may appoint a deputy of the Minister of Militia, and such other officers as are necessary for carrying on the business of the Department,—all of whom shall hold office during pleasure.

WORKS FOR DEFENCE.

Minister to have control of military buildings, etc.

7. The Minister of Militia shall have the control and management (including charge of the maintenance and repair) of all military buildings, and also of the construction, maintenance and repair of all forts and fortifications and other works for defence in Canada.

Certain works for defence declared public works.

8. Every work in any part of Canada, certified by the Commander of His Majesty's Regular Forces in Canada to be required for the defence of Canada, shall be held to be a public work within the meaning of *The Expropriation Act*, and, for the purposes of such work, the expression "Minister" in the said Act shall include His Majesty's Principal Secretary of State for War.

Sketching, etc., of military works without authority.

9. It shall not be lawful for any person, except an officer duly authorized in writing, to make any sketch, drawing, photograph, picture or painting, of any fort, battery, field-work, fortification, or other military work in Canada, under a penalty not exceeding five hundred dollars and imprisonment, with or without hard labour, for a period not exceeding six months; and all sketches, drawings, photographs, pictures and paintings, and all tools and materials, or apparatus for sketching, drawing, photographing or painting, found in the possession of any person violating this section, shall be confiscated and forfeited to the Crown, and may be seized and confiscated on view by any commissioned or non-commissioned officer, and shall be destroyed or otherwise dealt with, as the Minister directs.

Attempt to sketch, etc.

10. Any person who enters or approaches any fort, battery, field-work, fortification, or other military work, with sketching, drawing, photographing or painting materials, or apparatus in his possession, with the intention, or apparent intention, of committing any breach of this Act, shall be liable to a penalty not exceeding two hundred and fifty dollars; and all tools, materials, or apparatus, for sketching, drawing, photographing, or painting found in his possession shall be forfeited to the Crown, and may be seized and confiscated on view by any

commissioned or non-commissioned officer, and may be destroyed, or otherwise dealt with, as the Minister directs.

Trespassing on military work.

11. Any person found trespassing on any fort, battery, field work, fortification or other military work, or on any land reserved for or forming part of such military work, and whether any erection, fort, fortification, or work of any kind is thereon or not, may be arrested without warrant, and removed therefrom, by any officer or soldier of the Militia, or any peace officer, and shall be liable to a penalty not exceeding one hundred dollars.

Unauthorized disclosure of information.

12. Any officer or man of the Militia, or officer or clerk in the public service, who communicates to any person, otherwise than in the course of his official duty, any plans, documents, or other information, relating to any fort, battery, field-work, fortification, or other military work in Canada, or discloses any military information, whether confidential or otherwise, without the express permission of the official head of his Department or Corps, shall be guilty of an indictable offence, and shall be liable to imprisonment for a period not exceeding five years and to a penalty not exceeding five thousand dollars and not less than five hundred dollars.

Conversion of property on emergency.

13. Whenever an emergency exists, the General Officer Commanding, or any officer duly authorized by him, may, subject to the regulations, enter upon and occupy with troops, or other persons, any buildings or land for defence purposes, and may dig trenches and throw up field-works on any such lands, and may fortify any buildings, and may, for the purposes aforesaid, destroy or desolate and lay waste any such buildings or lands, and destroy food, crops, fodder, stores, or other things, and slaughter live stock, or may take or cause to be taken any such food, crops, fodder, stores or other things; and may drive or cause to be driven, any live stock to some place of safety; and may also impress any horses, mules, oxen or other animals required for military purposes.

Compensation.

2. Any person injured by the exercise of any of the provisions of this section shall be compensated from the Consolidated Revenue Fund of Canada.

LIABILITY TO MILITARY SERVICE.

Constitution of militia.

14. All the male inhabitants of Canada, of the age of eighteen years and upwards, and under sixty, not exempt or disqualified by law, and being British subjects, shall be liable to service in the Militia; but the Governor General may require all the male inhabitants of Canada, capable of bearing arms, to serve in the case of a *Levée en Masse*.

Proviso.

Buglers, etc.

2. Nothing in this section shall prevent any male inhabitant of Canada, under the age of eighteen years, enlisting or being enrolled as a bugler, trumpeter, or drummer.

Exemption from service.

15. The following persons only shall be exempt from liability to service in the Militia, and such exemption shall terminate in the case of a *Levée en Masse*:—

Members of the King's Privy Council for Canada;

Judges of all Courts of Justice;
Members of the Senate and House of Commons;
Members of the Executive Councils of Provinces;
Members of the Provincial Legislatures;
Deputy Ministers of the Federal and Provincial Governments;
Clergy and ministers of all religious denominations;
Telegraph clerks in actual employment;
Officers and clerks regularly employed in the collection of the revenue;
Wardens and keepers of all public prisons and lunatic asylums;
Professors in colleges and universities, and teachers in religious orders;
Persons disabled by bodily or mental infirmity;
The only son of a widow, being her only support;
Pilots and apprentice pilots during the season of navigation;
Persons who, from the doctrines of their religion, are averse to bearing arms or rendering personal military service,—under such conditions as are prescribed.

As to retired officers.

2. Half-pay and retired officers of the Regular Forces shall not be required to serve in the Forces in a lower grade than that of their rank in such forces.

Affidavit of person claiming exemption

3. No person shall be entitled to exemption unless he has, at least one month before he claims such exemption, filed with the commanding officer within the limits whereof he resides, his affidavit, made before some justice of the peace, of the facts on which he rests his claim.

Proof of exemption.

16. When exemption is claimed on any ground, the burden of proof shall always rest on the person claiming it.

Exemption not to prevent volunteering.

17. Exemption shall not prevent any person from serving in the Militia if he desires to serve and is not disabled by bodily or mental infirmity.

Constitution of cadet corps.

18. All the male inhabitants of Canada, of the age of twelve years and upwards, and under eighteen, not disqualified by bodily or mental infirmity, and being British subjects, shall be liable to drill and training as Cadets, in the manner prescribed.

Liability to service.

19. Cadets, or Cadet Corps, shall not be liable to service in the Militia in any emergency, save only in the case of a *Levée en Masse*.

Classes of militiamen.

20. The male population liable to serve in the Militia shall be divided into four classes:—

First class.

The first class shall comprise all those of the age of eighteen years and upwards, but under thirty years, who are unmarried or widowers without children;

Second class.

The second class shall comprise all those of the age of thirty years and upwards, but under forty-five years, who are unmarried or widowers without children;

Third class.

The third class shall comprise all those of the age of eighteen years and upwards, but under forty-five years, who are married or widowers with children;

The fourth class shall comprise all those of the age of forty-five years and upwards, but under sixty years; Fourth class.

And the above shall be the order in which the male population shall be called upon to serve. Order for service.

DIVISION OF MILITIA.

21. The Militia of Canada shall be divided into Active and Reserve Militia. Division of militia into Active and Reserve.

2. The Active Militia shall consist of—

(*a*) Corps raised by voluntary enlistment;

(*b*) Corps raised by ballot.

3. The Reserve Militia shall be raised and maintained under regulations prescribed by the Governor in Council.

PERIOD OF SERVICE.

22. The period of service in time of peace shall be as follows :— Period of service.

For the Active Militia, three years;

For the Reserve Militia, such period as is prescribed.

23. Every Corps duly authorized previously to, and existing on, the day on which this Act comes into force, including the officers commissioned thereto, shall, for the purposes of this Act, be held to be existing, and shall be continued as such, subject to the provisions of this Act. Present corps continued.

24. The Governor in Council may dispense with the services of any officer or man of the Militia at any time; and any officer or man may be permitted in time of peace to retire from any corps on giving to his commanding officer six months notice of his intention so to do. Compulsory retirement. Voluntary.

25. Any person who has voluntarily enlisted, or been called upon to serve in the Militia, shall be entitled to be discharged at the expiration of the term of service for which he engaged, unless such expiration occurs in time of emergency, in which case he shall be liable to serve for a further period of not more than twelve months. Discharge on completion of service.

MILITARY DIVISIONS.

26. The Governor General may direct that any portion of Canada shall be a Military District for the purposes of this Act, and may divide any Military District into such sub-districts, brigade, regimental and company divisions as appear expedient. Military districts and subdivisions.

ACTIVE MILITIA.

27. The Active Militia shall consist of such Corps as are from time to time named by the Governor in Council; and the Governor in Council may, at any time, disband any corps or portion of a corps, if he considers it advisable so to do. Constitution of active militia.

Oath of militiaman.

28. The following oath shall be taken and subscribed before such commissioned officers of the Militia as are authorized for that purpose by any general order or by regulation, or before a Justice of the Peace, by every person upon engaging to serve therein; and every oath of engagement or enlistment shall have the effect at law of a written engagement with the King, binding the person subscribing it to serve in the Militia until he is legally discharged, dismissed, or removed, or until his resignation is accepted :—

I.....swear that I will well and truly serve Our Sovereign Lord the King, his Heirs and successors in the.... .....for the term of.....years or until lawfully discharged, dismissed or removed, and that I will resist His Majesty's enemies and cause His Majesty's peace to be kept and maintained, and that I will in all matters appertaining to my service faithfully discharge my duty according to law. So help me God.

PERMANENT FORCE.

Constitution of permanent force.

29. The Permanent Force shall consist of such permanently embodied Corps, not exceeding two thousand men, as are, from time to time, authorized by the Governor in Council.

Its purposes.

30. The Permanent Force shall furnish schools of instruction for the Militia, and provide instructors therefor; and it shall also be available, at all times, for general service.

ENROLMENT.

Regulatjons for enrolment.

31. The Governor in Council shall, from time to time, make all regulations necessary for the enrolment of persons liable to military service, and of persons liable to drill and training as Cadets and for all procedure in connection therewith, as well as for determining, subject to the provisions of this Act, the order in which the persons in the classes fixed by this Act shall serve; and such regulations shall have the same force and effect as if they formed part of this Act.

ENROLMENT BY BALLOT.

Ballot when enough men do not volunteer.

32. When men are required to organize or complete a corps at any time, either for training or for an emergency, and enough men do not volunteer to complete the quota required, the men liable to serve shall be drafted by ballot.

Regulations for ballot, enrolment, etc.

33. The Governor in Council may, from time to time, make regulations for fixing the day on which the taking of the enrolment shall be commenced in each of the several military districts respectively, for notifying the men liable to be taken, or those balloted for service in any quota, for finally deciding claims of applicants for exemption, and for the administration of oaths before a commissioned officer of a corps, to ascertain any facts in reference to such claim of exemption, for medical examinations, and for the discharge of such men as are unfit to serve, and relating to every other matter and thing not in-

consistent with this Act, and necessary to be done, in the enrolling, balloting, warning and bringing into service, of such number of men as are required at any time : but any man balloted and notified for service, may, at any time, be exempt, until again required in his turn to serve, by furnishing an acceptable substitute, on or before the day fixed for his appearance ; but, if, during any period of service, any man who is serving in the Active Militia as a substitute for another, becomes liable to service in his own person, he shall be taken for such service, and his place as substitute shall be supplied by the man in whose stead he was serving.

Service men attaining 30 or 45 years of age.

34. Every man of the Active Militia who, during any period of service, attains the age of thirty years or forty-five years, according to his class, shall be required to complete the full period for which he volunteered or was balloted to serve.

AID OF THE CIVIL POWER.

Militia may be called out to suppress riot.

35. The Active Militia, or any corps thereof, shall be liable to be called out for active service with their arms and ammunition, in aid of the civil power in any case in which a riot or disturbance of the peace requiring such service occurs, or is, in the opinion of the civil authorities hereinafter mentioned, anticipated as likely to occur, and, in either case, beyond the powers of the civil authorities to suppress, or to prevent or deal with, whether such riot or disturbance occurs, or is so anticipated, within or without the municipality in which such corps is raised or organized.

Duty of senior officer in locality, on requisition of civil authorities.

Proviso.

36. The District Officer Commanding or the senior officer of the Active Militia present at any locality shall call out the same or any portion thereof as he considers necessary for the purpose of preventing or suppressing any such actual or anticipated riot or disturbance, when thereunto required in writing by the chairman or custos of the Quarter Sessions of the Peace, or by any three Justices of the Peace, or by any two Justices of the Peace and the Warden, Mayor, or any other head of the municipality or county in which such riot or disturbance occurs or is anticipated as aforesaid ; provided always that the permanent force is not available and in sufficient numbers for the purpose.

What requisition must show.

37. In every such requisition in writing, as aforesaid, it shall be stated that a riot, or disturbance, has occurred, or is anticipated, and that the service of the Active Militia is required in aid of the civil power.

Duty of officers and men, who shall be special constables.

38. Every officer and man of such Active Militia or any portion thereof, shall, on every such occasion, obey the orders of his superior officer ; and the officers and men, when so called out, shall, without any further or other appointment, and without taking any oath of office, be special constables, and shall be held to act as such as long as they remain so called out ; but they shall act only as a military body, and shall be individually liable to obey the orders of their Militia superior officer only.

Payment by municipality for such service.

39. When any of the Militia are so called out in aid of the civil power, the municipalty in which their services are required shall pay them, when so employed, the rates authorized to be paid for active service to such officers and men, and one dollar and fifty cents per diem for each horse actually and necessarily used by them, together with an allowance of one dollar to each officer, and fifty cents to each man per diem in lieu of subsistence, and fifty cents per diem in lieu of forage for each horse, and, in addition, shall pay the cost of transport and provide them with proper lodging, and with stabling for their horses; and the said pay and allowances for subsistence and forage and the cost of transport, as also the cost or value of lodging and stabling, unless furnished in kind by the municipality, may be recovered from it by the officer commanding the corps, in his own name, and when so recovered, shall be paid over to the persons entitled thereto.

Providing lodging and stabling.

Recovery of pay and allowances.

As to advances by Government.

40. Such pay and allowances of such of the Militia as are called out, together with the reasonable cost of transport, shall, pending payment by the municipality, be advanced in the first instance out of the Consolidated Revenue Fund of Canada, by authority of the Governor in Council; but such advance shall not interfere with the liability of the municipality, and the commanding officer shall at once, in his own name, proceed against the municipality for the recovery of such pay, allowances and cost of transport, and shall, on receipt thereof, pay over the amount to His Majesty.

OFFICERS COMMANDING THE MILITIA.

Appointment of General Officer commanding.

41. There shall be appointed an officer of rank not lower than that of Colonel to be the General Officer Commanding the Militia, and such officer shall have the rank of Major General in the Militia and shall, subject to the regulations, be charged with the Military command thereof, and shall be paid at the rate of six thousand dollars per annum in full of all pay and allowances.

Rank and pay.

Temporary command in his absence.

2. In the event of a vacancy in the office of General Officer Commanding, or in the absence of that officer from Canada, the command of the Militia shall devolve upon the next senior combatant Officer on the Headquarters Staff.

Adjutant General at head-quarters.

42. There shall be an Adjutant General of Militia at Headquarters who shall have the rank of Colonel in the Militia, and shall be paid at the rate of three thousand two hundred dollars per annum.

Quarter-master General.

43. There shall be a Quarter-Master General at Headquarters who shall have the rank of Colonel in the Militia, and shall be paid at the rate of three thousand two hundred dollars per annum.

Headquarters staff.

Duties G.O.C., and other officers.

44. Appointments to the Headquarters Staff of the Militia shall be made by the Governor in Council, who shall also define the duties of the General Officer Commanding and of the other officers, who are, from time to time, under the Minister, charged with the administration of the several Military Branches of the service.

DISTRICT STAFF.

Appointment of district officers.

45. In and for each of the Military Districts there shall be appointed by the Governor in Council an officer, of rank not lower than that of Lieutenant Colonel, who shall, subject to the regulations, command the Militia in his District, and there shall also be appointed such other officers as are from time to time deemed expedient.

OFFICERS.

Commissioned, warrant and non-commissioned officers.

46. Commissions of officers in the Militia shall be granted by His Majesty during pleasure, and all warrant and non-commissioned officers shall be appointed and shall hold such rank as is prescribed by the regulations.

Governor's signature to commission.

47. The Governor General may cause his signature to be affixed to any commission granted or issued under this Act, by stamping the same on such commission with a stamp approved by him, and used for the purpose by his authority; and the signature so affixed shall be, to all intents and purposes, as valid and effectual as if in the handwriting of the Governor General; and neither the authenticity of any such stamped signature, nor the authority of the person by whom it has been affixed to any commission, shall be called in question except on behalf of the Crown; and the forging or counterfeiting of any such stamped signature, or the uttering thereof, knowing it to be forged or counterfeited, shall be an indictable offence punishable in like manner as the forgery of the Privy Seal or Seal-at-arms of the Governor General.

Officers on retired list.

Reappointments.

48. Officers of the Militia may be appointed to corps, and may be transferred to an unattached list, or may be retired with or without honorary rank, and may be reappointed from the retired list, under such regulations as are made from time to time; but no officer shall be bound to serve in the Militia in a lower grade than that of the rank with which he has been retired.

As to existing appointments.

49. All commissions and appointments in the Militia of Canada existing when this Act comes into force shall be deemed to have been issued and made in the Militia under this Act.

Rank in time of peace.

50. In time of peace no officer of the Militia shall be appointed to a higher permanent rank than that of Colonel, except for the purpose of assuming the command of the Militia; but the temporary rank of Brigadier General may be conferred upon an officer of the rank of Lieutenant-Colonel or Colonel while holding any command or appointment for which such rank is authorized by regulations.

Rank when called out.

51. Whenever the Militia is called out on active service during an emergency, the Governor in Council may appoint officers to a rank superior to that of Colonel.

Honorary rank on retirement.

52. The honorary rank of Major General may be conferred on retirement upon Colonels who have held the higher executive appointments on the headquarters staff or in the department for valuable services rendered to the conntry.

Staff officers.

53. The Governor in Council may appoint officers to the staff of the Militia as is, from time to time, deemed necessary for the efficiency of the Militia; and the duties and the authority of such officers shall be fixed by the regulations.

Relative rank of officers.

54. The relative rank and authority of officers in the Militia of Canada shall be as prescribed.

ARMS, CLOTHING AND EQUIPMENT.

Arms and equipment of militia.

55. The uniform, arms, clothing and equipment of the Militia shall be of such pattern and design as is from time to time prescribed and shall be issued under regulations.

Uniform and equipment of officers.

56. Officers of the Militia shall provide their own uniform and equipment, with the exception of mounted corps, to whom saddlery may be issued as prescribed.

Importation free of duty.

57. All military clothing, saddlery, arms and equipment, imported into Canada for the bona fide use of the Militia or any part thereof, shall, on the certificate in writing of the District Officer Commanding that they have been imported for such purpose, be admitted free of customs duty.

Responsibility for damages.

58. The value of all such articles of public property as have become deficient or damaged, while in possession of any corps, otherwise than through fair wear and tear or unavoidable accident, may be recovered by the Minister of Militia, or by any other person authorized by him, from the officer in command of such corps; and the officer commanding any corps may recover the value of such articles of public property, or property of the corps, as have become deficient or damaged while in possession of his corps, otherwise than through fair wear and tear or unavoidable accident, from the officer, man or men who is or are responsible therefor.

Men leaving Canada to return clothing, etc.

Penalty for default.

Proof.

59. Every man serving in the Militia about to leave Canada, shall first return to the captain or senior officer of his company all articles of public or corps property which he has in his possession, and shall obtain a written discharge from such officer, which discharge shall also be recorded in the books of the corps; and any person who leaves Canada with any articles of public clothing or other public or corps property in his possession, is guilty of embezzlement, and may be tried therefor at any time; and a record in the books of a corps of his having so received and not having returned any articles of public clothing or other public or corps property, shall be evidence of possession.

When only men may appear in uniform.

60. No corps and no non-commissioned officer or man shall, at any time, appear in uniform or armed or accoutred, except when actually on duty or at parade or drill or at target practice,

or at reviews or on field days or inspections, or by permission of the commanding officer of the corps.

Unlawfully wearing uniform.

61. Any person who, not being at the time an officer or man of the Militia, wears any uniform of the Militia or any colourable imitation thereof, shall be liable to a penalty not exceeding twenty-five dollars: provided that this shall not prevent any person from wearing any uniform or dress in the course of a stage play in a place duly licensed or authorized for the public performance of stage plays, or in the course of a music hall or circus performance, or of a ball, or in the course of any bona fide military representation. Prosecutions under this section shall only be brought by a District Officer Commanding, or by any officer authorized by a District Officer Commanding so to do.

Disgracing uniform.

62. Any person who wears any uniform of the Militia or any colourable imitation thereof, or any dress bearing any of the regimental or other distinctive marks of any such uniform, in such a manner or under such circumstances as to be likely to bring contempt upon such uniform or regimental distinctive marks, shall be liable to a penalty not exceeding one hundred dollars. Prosecutions under this section shall only be brought by a District Officer Commanding, or by an officer authorized by a District Officer Commanding so to do.

DRILL AND TRAINING.

Annual drill.

63. His Majesty may order the Militia, or any portion thereof, to drill or train for a period of not less than twelve days nor more than thirty days in each year.

PAY AND ALLOWANCES.

Pay of Permanent Force.

64. Officers, warrant officers and non-commissioned officers of the Permanent Force shall be entitled to daily pay and allowances at rates to be prescribed.

2. The Governor in Council may, from time to time, fix the fix the sums to be paid to privates of the Permanent Force, regard being had to length of service, good conduct and efficiency; but such sums shall not exceed the amounts following that is to say:—

For Privates, per diem	75 cents.
" Buglers under 18 years of age, per diem.	40 "

Pay of Active Militia.

65. When on active service, during the period of annual drill and training, and when otherwise on duty, the pay and allowances of officers and men of the Active Militia, other than the Permanent Force, shall be:—

(*a.*) For officers, warrant officers and non-commissioned officers, such rates as may be prescribed;

(*b.*) For privates, on enlistment, at the rate of 50 cents per diem, which rate may, by regulation, be increased for good conduct and efficiency, until the third year of service, during which a maximum rate not exceeding $1.00 per diem may be paid, and such payment continued on reenlistment during the continuance of such good conduct and efficiency.

Pay for drill.

66. Payments for the drill and training of the Militia shall only be made upon proof of compliance with the regulations concerning the same.

Provisions as to drill.

67. When corps of the Militia are ordered to assemble in a camp of exercise for drill and training they shall be considered to be on service during the whole of the period for which they were called out, and when so assembled all ranks shall receive rations and shelter at the public expense in addition to their daily pay.

RIFLE RANGES AND DRILL SHEDS.

Rifle ranges.

68. At, or as near as possible to, the headquarters of every regimental division, there may be provided a rifle range with suitable butts, targets and other necessary appliances; and

Regulations.

the Governor in Council may stop, at such time as is necessary during the target practice of the Militia, the traffic on any roads, not being mail roads, that cross the line of fire, and may make such other regulations for conducting target practice and registering the results thereof, and for the safety of the public, as are necessary, and may impose penalties for wil-

Inspection.

ful damage to any such butts, targets and appliances; and all such ranges shall be subject to inspection and approval before

Compensation of proprietors

being used; and the owners of private property shall be compensated for any damage that accrues to their respective properties from the use of any such rifle range.

Shooting privileges.

69. For the purpose of erecting works of defence, artillery ranges, or rifle ranges, shooting privileges only may be acquired on land adjoining such works of defence or ranges; and compensation therefor shall be subject to the provisions of *The Expropriation Act.*

Militia lands not required may be disposed of.

70. Any land now held or hereafter acquired by His Majesty for militia purposes, in connection with drill sheds, rifle ranges, armouries or such like uses, and found unnecessary to be retained therefor, may be sold or disposed of by direction of the Governor in Council; and if any portion of the

Application of proceeds.

cost of such lands, or of any building thereon, has been defrayed by the municipality in which the land is situate, a fair proportion of the proceeds, to be determined by the Governor in Council, may be returned to such municipality or expended therein for other Militia purposes of a permanent nature.

RIFLE ASSOCIATIONS AND CLUBS.

Regulation of rifle associations.

71. The Governor in Council may make regulations for the management of existing rifle associations and clubs, and those hereafter formed; for prescribing the constitution, objects and duties of such associations and clubs, and the conducting of their business and rifle meetings; and for furnishing rifles and ammunition for the training and practice of persons, whether they are, or are not, members of the Militia;

Application of military law.

and, in the case of officers, whenever exercising any of the powers, functions, command or privileges of their military rank,

the commanding officer for the time being and also the adjutant or acting adjutant shall at all times be subject to military law.

On emergency, members become militiamen.

72. In case of emergency the members of rifle associations and clubs shall become members of the Militia and shall be under the direction and instructions of the District Officer Commanding; and so long as the emergency exists, and until lawfully discharged all members of such associations and clubs shall remain members of the Militia, and shall be subject to drill, training and discipline to the same extent as other members thereof.

CADET CORPS.

Cadet corps.

73. The Minister may—

(*a*) Authorize boys over twelve years of age, who are attending school, to be formed into school cadet corps;

(*b*) Authorize boys over fourteen years of age, and under eighteen years of age, to be formed into senior cadet corps;

(*c*) Authorize senior cadet corps, or any portion thereof, to be attached to any portion of the Active Militia for the purposes of drill and training.

Under orders of D. O. C.

74. All cadet corps shall be subject to the authority and under the orders of the District Officer Commanding.

Drill and equipment.

75. Cadet corps shall be drilled and trained as prescribed, and may be furnished with arms, ammunition and equipment, under the conditions prescribed.

CALLING OUT OF THE MILITIA FOR DUTY.

Regulations for calling out militia.

76. The Militia or any part thereof, or any officer or man thereof, may be called out for any military purpose other than drill or training, at such times and in such manner as are prescribed.

ACTIVE SERVICE.

Calling out for defence of Canada.

77. The Governor in Council may place the Militia, or any part thereof, on active service anywhere in Canada and also beyond Canada, for the defence thereof, at any time when it appears advisable so to do by reason of emergency.

Period of service in time of war.

78. In time of war no man shall be required to serve in the field continuously for a longer period than one year; but any man who volunteers to serve for the war, or for any longer period than one year, shall be compelled to fulfil his engagement; the Governor in Council may, in cases of unavoidable necessity (of which necessity the Governor in Council shall be the sole judge), call upon any militiaman to continue to serve beyond his one year's service in the field for any period not exceeding six months.

Army Act, etc., to apply to active service.

79. The Army Act for the time being in force in the United Kingdom, and all other laws applicable to His Majesty's troops in Canada and not inconsistent with this Act or the

regulations made thereunder, shall have force and effect as if they had been enacted by the Parliament of Canada for the government of the Militia, and every officer and man of the Militia shall be subject thereto from the time of being called out for active service, and also during the period of annual drill or training under the provisions of this Act, and also while upon or within any rifle range or any armoury, or other place where arms, guns, ammunition or other military stores are kept, or any drill shed or other building or place used for militia purposes, and also during any drill or parade of his corps at which he is present in the ranks, or as a spectator, and also when going to or from the place of drill or parade, and also at any other time while in the uniform of his corps.

Trial by court martial after discharge of relief.

80. Any officer or man charged with any offence committed while serving in the Militia, shall be liable to be tried by court martial, and if convicted to be punished therefor, within six months after his discharge from the Militia, or after the corps to which he belongs or belonged is relieved from active service, notwithstanding that he has been so discharged therefrom, or that the corps to which he belonged has been so relieved from active service; and any officer or man of the Militia may be tried for the crime of desertion at any time, without reference to the length of time which has elapsed since his desertion.

Trial for desertion.

Attendance at rendezvous.

81. Every member of the Militia called out for active service shall attend at such time and place as are required by the officer commanding him, with any arms, accoutrements, ammunition and equipment he has received, and with such provisions as such officer directs.

Absence over seven days; trial as deserter.

82. Every member of the Militia called out for active service who absents himself without leave from his corps, for a longer period than seven days, may be tried by court martial as a deserter.

Provision for families of men killed, etc.

83. When any officer or soldier is killed or dies from wounds or disease contracted on active service, drill or training, or on duty, provision shall be made for his wife and family out of the public funds at the prescribed rates.

And for men permanently disabled.

84. Every case of permanent disability, arising from injuries received or illness contracted on active service, shall be reported on by a medical board and compensation awarded, under such regulations as are made, from to time, by the Governor in Council; and any medical practitioner who signs a false certificate in any such case shall incur a penalty of four hundred dollars.

Penalty for false certificate.

BILLETTING OF THE MILITIA.

Regulations for billetting.

85. The Governor in Council may make regulations for the quartering, billetting, and cantoning of the Militia, and may, by such regulations, impose penalties, not exceeding fifty dollars, for any breach thereof.

86. Nothing in this Act or the regulations shall authorize the quartering or billetting of the Militia, or any part thereof, in any house occupied solely by females, or oblige the occupiers of any such house to receive the Militia, or any part thereof, or to furnish them with lodging or house room. Militia not to be quartered in convents.

TRANSPORT.

87. The Governor in Council may make regulations requiring any person in whom any railway, tramway, boat, barge, scow, or steamship or other vessel is vested, or any employee of any such person, to convey to and from any point or place, any portion of the Militia, together with their horses, guns, ammunition, forage, baggage and stores, as may be required to be carried or conveyed; and such person or employee shall thereupon provide the necessary engines, carriages, trucks and rolling stock, boat, barge, scow, steamship, or other vessel, together with the persons and materials necessary for their use, within a reasonable time before the time when such order is to be complied with. Requisitions for transport.

88. Any person lawfully required under this Act, or the regulations, to furnish a car, engine, boat, barge, scow, steamship, or other vessel, waggon, carriage, or pack animal, for the conveyance or use of any portion of the Militia, who refuses or neglects to furnish it, shall be liable to a penalty not exceeding five hundred dollars, and in default of payment to imprisonment for a term not exceeding one year, with or without hard labour, or to both the penalty and imprisonment, at the discretion of the court. Penalty for refusal to furnish transport.

89. The rates of hire or recompense for the transport of the Militia, or any portion thereof, and their horses, guns, ammunition, forage, baggage and stores, shall be fixed by the Governor in Council. Payment of transport.

90. When the Governor in Council declares that an emergency has arisen in which it is expedient for the public service that the Government should have control of the railways in Canada, or any of them, the Minister of Militia may, by warrant under his hand, empower any person or persons named in such warrant to take possession in the name or on behalf of His Majesty of any railway in Canada, and of the plant belonging thereto, or of any part thereof, and may take possession of any plant without taking possession of the railway itself, and to use it for His Majesty's service at such times and in such manner as the Minister of Militia directs; and the directors, officers and servants of such railway shall obey the directions of the Minister of Militia as to the use of the railway or plant as aforesaid for His Majesty's service. Government may take possession of railways on emergency.

2. Any such warrant granted by the Minister of Militia shall remain in force so long as, in the opinion of the said Minister, the emergency exists. Duration of control.

91. There shall be paid to any person whose railway or plant is taken possession of in pursuance of this Act, out of Compensation to owners.

moneys to be provided by Parliament, such full compensation for any loss or injury he sustains by the exercise of the powers of the Minister of Militia under the next preceeding section as are agreed upon between the Minister of Militia and the said person, or, in case of difference, as is fixed upon reference to the Exchequer Court of Canada.

Saving, as to existing contracts.

92. Where any railway or plant is taken possession of in the name or on behalf of His Majesty in pursuance of this Act, all contracts and engagements between the person whose railway is so taken possession of and the directors, officers and servants of such person, or between such person and any other person, in relation to the working or maintenance of the railway, or in relation to the supply or working of the plant of the railway, which would, if such possession had not been taken, have been enforceable by or against the said person, shall, during the continuance of such possession, be enforceable by or against the Government of Canada.

Interpretation.

"Railway."

"Plant."

93. For the purposes of the six sections next preceding,—

(*a.*) "Railway" shall include any tramway, whether worked by animal or mechanical power, and any stations, works or accommodation belonging to or required for the working of such railway or tramway;

(*b.*) "Plant" shall include any engines, rolling stock, horses, or other animal or mechanical power, and all things necessary for the proper working of a railway or tramway which are not included in the word "railway."

COURTS OF INQUIRY AND COURTS MARTIAL.

Courts of inquiry may be convened.

Courts martial.

94. The Governor in Council may convene courts of inquiry, and appoint officers of the Militia to constitute such courts, for the purpose of investigating and reporting on any matter connected with the government or discipline of the Militia and with the conduct of any officer or man of the force; and may, at any time, convene courts martial and delegate power to convene such courts, and to appoint officers to constitute them for the purpose of trying any officer or man of the Militia for any offence under this Act, and may also delegate power to approve, confirm, mitigate or remit any sentence of any such court.

Constitution of courts.

Remuneration.

95. The regulations for the composition of courts of inquiry and courts martial, and the modes of procedure and powers thereof, shall be the same as the regulations which are at the time in force for the composition, modes of procedure and powers of courts of inquiry and courts martial for His Majesty's regular army, and which are not inconsistent with this Act or the regulations made thereunder; and the remuneration of persons attending such courts may be fixed by the Governor in Council.

Attendance of witnesses.

96. Every person required to give evidence before a court martial may be summoned, or ordered to attend.

Refusing to attend or give evidence, etc.

97. If any person who is not enrolled in the Militia is summoned as a witness before a court martial, and, after payment or tender of the reasonable expenses of his attendance, makes default in attending, or being in attendance as a witness—

(*a*) Refuses to take an oath or affirmation lawfully required by a court martial to be taken, or—

(*b*) Refuses to produce any document in his power or control lawfully required by a court martial to be produced by him, or—

(*c*) Refuses to answer any question to which a court martial lawfully requires an answer, or—

(*d*) Is guilty of any contempt of the court martial by causing any interruption or disturbance in its proceedings.,—

Offence to be certified to court of justice and punished.

The president of the court martial shall certify the default, refusal or contempt of such person under his hand to a judge of any court of justice in the locality having power to punish persons guilty of like offences in that court; and such court may thereupon inquire thereinto, and, if the person is found guilty, punish him in like manner as he would be punishable in a proceeding in such court for any such default, refusal or contempt.

Sentence subject to approval of Governor in Council.

98. No sentence of any general court martial shall be carried into effect until approved by the Governor in Council.

OFFENCES AND PENALTIES.

Claimieg pay for drill not performed; returning men not duly enrolled; claiming for drill with another corps.

99. Any officer who knowingly claims pay on account of any drills performed with his corps for any man belonging to any other corps, or claims pay for officers or men not present, or knowingly includes in any parade state, or other return, the name of any person not duly enlisted, and any man who claims, or has received pay on account of any drill performed in the ranks of any other than his own proper corps, or in more than one corps in any one year, is guilty of an indictable offence.

Unlawfully retaining pay of others.

100. Any officer or man who obtains by means of any false pretence, or who unlawfully retains or keeps in his possession, any of the pay or moneys belonging to any other officer or man, is guilty of an indictable offence.

False returns.

101. Any officer or man who knowingly signs a false parade state, roll or pay-list, or any false return whatsoever, is guilty of an indictable offence.

Refusing required information, or giving false.

102. Every person of whom information is required by any officer making any roll, in order to enable him to comply with the provisions of this Act, who refuses to give such information or gives false information, shall incur a penalty not exceeding twenty dollars for each item of information demanded of him and falsely stated, and the like sum for each individual name refused, concealed or falsely stated; and every person who refuses to give his own name and proper information, when applied to as aforesaid, or gives a false name or false information, shall incur a penalty not exceeding twenty dollars.

Refusing to make enrolment, ballot, etc.

103. Every officer and every man of the Militia who refuses or neglects to make any enrolment or ballot, or to make or transmit, as herein prescribed, any roll or return or copy thereof, required by this Act or by the regulations, shall incur a penalty, if an officer, not exceeding fifty dollars, and if a man, not exceeding twenty-five dollars, for each offence.

Men drafted refusing to be sworn, etc.

104. Every man drafted for service in the Militia, who refuses or neglects to take the oath or to make the declaration hereinbefore prescribed, when tendered to him by a justice of the peace or by any commissioned officer duly authorized for that purpose, shall be liable to imprisonment for a term not exceediug six months, and for every subsequent neglect or refusal to take such oath shall be liable to a further imprisonment not exceeding twelve months; and he may, on due proof in either case, be summarily committed upon the warrant of any two justices of the peace.

Personation on parade.

105. Every officer and man of the Militia, and every person whatsoever, who falsely personates another at any parade thereof, or on any other occasion, for any of the purposes required by this Act, is guilty of an indictable offence, and shall be liable to a fine not exceeding one hundred dollars.

Refusing to assist in making rolls,

106. Every officer and man of the Militia who refuses or neglects to assist his commanding officer in making any roll or return, or refuses or neglects to obtain or to assist him in obtaining any information which he requires in order to make or correct any roll or return, shall incur a penalty, if an officer not exceeding fifty dollars, and if a mau not exceeding twenty-five dollars, for each offence.

Or to give information for making them.

107. Every person who refuses or neglects to give any notice or information necessary for making or correcting the roll of any company, which he is required by this Act to give to the commanding officer of such company or to any officer or non-commissioned officer thereof demanding it, at any reasonable hour and place, shall incur a penalty of ten dollars for each offence.

Refusing to attend drill.

108. Every officer and man of the Militia who, without lawful excuse, neglects or refuses to attend any parade or drill or training at the place and hour appointed therefor, or who refuses or neglects to obey any lawful order at or concerning such parade, drill or training, shall incur a penalty, if an officer of ten dollars, and if a man in the Militia of five dollars for each offence; and absence for each day shall be held to be a separate offence.

Hindering militia at drill.

109. Every person who interrupts or hinders any portion of the Militia at drill, or trespasses on the bounds set out by the proper officer for such drill, shall incur a penalty of five dollars for each offence, and may be taken into custody and detained by any person by the order of the commanding officer until such drill is over for the day.

Disobedience or disorderly behaviour.

110. Every man of the Militia who disobeys any lawful order of his superior officer, or is guilty of any insolent or disorderly behaviour towards such officer, shall incur a penalty of ten dollars for each offence.

Not keeping arms in proper order.

111. Every man who fails to keep in proper order any arms or accoutrements delivered or enstrusted to him, or who appears at drill, parade or on any other occasion, with his arms or accoutrements out of proper order, or unserviceable, or deficient in any respect, shall incur a penalty of four dollars for each such offence.

Unlawfully disposing of arms.

112. Every person who unlawfully disposes of or removes any arms, accoutrements or other articles belonging to the Crown or corps, or who refuses to deliver them up when lawfully required, or has them in his possession, except for lawful cause, the proof of which shall lie upon him, shall incur a penalty of twenty dollars for each offence; but nothing in this section shall prevent such offender from being indicted and punished for any greater offence, if the facts amount to such greater offence: and such offender may be arrested by order of the justice of the peace before whom the complaint is made, upon affidavit showing that there is reason to believe that such offender is about to leave Canada, carrying with him any such arms, accoutrements or articles.

Proviso.

Arrest.

Refusing to aid the civil power.

113. Every officer and man of the Militia who, when his corps is lawfully called upon to act in aid of the civil power, refuses or neglects to go out with such corps, or to obey any lawful order of his superior officer, shall incur a penalty not exceeding twenty dollars for each offence.

Resisting calling out, etc.

114. Any person who resists any calling out of any man enlisted or drafted under the regulations, or any process prescribed for enforcing enrolment by ballot; or counsels or aids any person to resist any calling out or process as aforesaid, or the performance of any service in relation thereto, or counsels or aids any man enlisted or liable to military service, not to appear at the place of rendezvous; or dissuades any man enlisted or liable to military service, from the performance of any duty he is required by law or regulation to perform; or does any act to the detriment of any man enlisted or liable to military service, in consequence of his having performed any such duty; or interferes with the drill or training of any corps or portion thereof; or obstructs any corps or portion thereof, on the march or elsewhere,—shall incur a penalty not exceeding one hundred dollars.

Violaeion of this Act in any other way.

115. Every person who wilfully violates any provision of this Act, shall, when no other penalty is imposed for such violation, incur a penalty not exceeding twenty dollars for each offence; but nothing in this section shall prevent his being indicted and punished for any greater offence if the facts amount to such greater offence.

Recovery of penalties.

116. Every penalty incurred under this Act shall be recoverable, with costs, by summary conviction, on the evidence of one credible witness, on complaint or information before one justice of the peace; and in case of non-payment of the penalty immediately after conviction, the convicting justice may commit the person so convicted and making default in payment of such penalty and costs, to the common jail of the territorial division for which the said justice is then acting, or to some lock-up house situate therein, for a term not exceeding forty days when the penalty does not exceed twenty dollars, and for a term not exceeding sixty days when it exceeds that sum.

Imprisonment if not paid.

Prosecution against officer,

117. No prosecution against an officer of the Militia for any penalty under this Act or under any regulation shall be brought, except on the complaint of the officer for the time being commanding the Militia.

Prosecution against man.

2. No prosecution against any man in the Militia for any penalty under this Act or under any regulation made under the authority thereof, shall be brought except on the complaint of the Commanding Officer or Adjutant of the corps or Captain of the company or corps to which such man belonged; but the officer for the time being commanding the said corps or company may authorize any officer of Militia to make such complaint in his name, and the authority of any such officer alleging himself to have been so authorized to make any complaint, shall not be controverted or called in question except by the officer commanding the said corps or company; and no such prosecution shall be commenced after the expiration of six months from the commission of the offence charged unless it is for unlawfully buying, selling or having in possession arms, accoutrements or other articles belonging to the Crown or corps, or for desertion.

Proviso.

Within what time.

Recovery of sums payable to Crown.

118. Every sum of money which any person or corporation is, under this Act, liable to pay or repay to the Crown, or which is equivalent to the damages done to any arms or any other property of the Crown used for military purposes, shall be a debt due to the Crown, and may be recovered as such.

Where actions may be brought.

119. Every action and prosecution against any officer or person, for anything done in violation of this Act or of any regulation made under the authority thereof, shall be laid and tried in Quebec in the district, and in the other provinces in the county, where the act complained of was done, and shall not be commenced after the end of six months from the violation, except as hereinbefore provided: and in any such action the defendant may plead the general issue and give this Act and the special matter in evidence at the trial; and no plaintiff shall recover in any such action if a tender of sufficient amends was made before the action was brought, or if a sufficient sum of money has been paid into court by the defendant after the action was brought; provided, that in the latter case, the plaintiff may in the discretion of the court receive his costs of action down to the time of such payment into court.

General issue.

Tender of amends.

Proviso, as to costs.

Notice of actions for things purporting to be done under this Act.

120. No action or prosecution shall be brought against any officer or person for anything purporting to be done under the authority of this Act, until at least one month after notice in writing of such action or prosecution has been served upon him, or left at his usual place of abode,—in which notice the cause of action, and the court in which it is to be brought, shall be stated, and the name and place of abode of the claimant and his solicitor indorsed thereon.

EXECUTION OF WARRANTS AND SENTENCES.

Duty of jailer, etc.,

121. The governor, keeper or warden of every jail, prison or penitentiary in Canada, shall receive and detain, according to the exigency of any warrant under the hand of any District Officer Commanding, or other person authorized under the regulations to issue a warrant, any person mentioned in such warrant and delivered into his custody, and shall confine such prisoner until discharged or delivered over in due course of law; and every such governor, keeper or warden shall take cognizance of any warrant purporting to be signed by any such officer as aforesaid.

Place of imprisonment.

122. Any officer or man of the Militia sentenced to be imprisoned may, if the Governor in Council by regulation or otherwise directs, be imprisoned in any place specially appointed therefor, instead of in a jail, prison or penitentiary.

REGULATIONS.

Regulations by Governor in Council.

123. The Governor in Council may make regulations for carrying this Act into effect, for the organization, discipline, efficiency and good government generally of the Militia, and for anything requiring to be done in connection with the military defence of Canada.

To be published.

124. Such regulations shall be published in the *Canada Gazette;* and, upon being so published, they shall have the same force of law as if they formed part of this Act.

To be laid before Parliament.

125. The regulations shall be laid before both Houses of Parliament within ten days after the publication thereof in *The Canada Gazette*, if Parliament is then sitting; and if Parliament is not then sitting, then within ten days after the next meeting thereof.

GENERAL PROVISIONS.

Property of corps vested in commanding officer.

126. For the purpose of legal proceedings, all moneys subscribed by or for, or otherwise appropriated to the use of, any corps, and all arms, ammunition, clothing, equipment, musical instruments, or other things belonging to, or used by, any corps, shall be deemed to be the property of the commanding officer of the corps; and no gift, sale or other alienation, or attempted alienation, of any such thing by any person shall be effectual to pass the property therein without the consent of the said commanding officer.

Notices, etc., need not be in writing unless herein so required.

127. It shall not be necessary that any order or notice under this Act be in writing, unless herein required to be so, provided it is communicated to the person who is to obey or be bound by it, either directly by the officer or person making or giving it, or by some other person by his order.

Notice of general orders.

128. All General Orders issued to the Militia shall be held sufficiently notified to all persons whom they concern by their insertion in *The Canada Gazette*; and a copy of the said Gazette purporting to contain them shall be evidence of such orders.

Notifying other orders.

129. Every order made by the commanding officer of any corps of the Militia shall be held to be sufficiently notified to all persons whom it concerns, by insertion in some newspaper published in the regimental division in which such corps is situated, or, if there is no such newspaper, then by posting a copy thereof on the door of every place of public worship, or of some other public place, in each company division affected by such order.

Proof of commissions, etc.

130. The production of a commission or appointment, warrant or order in writing, purporting to be granted or made according to the provisions of this Act, shall be prima facie evidence of such commission or appointment, warrant or order, without proving the signature or seal thereto, or the authority of the person granting or making it.

Bonds under this Act valid.

131. Every bond to the Crown entered into before any judge or justice of the peace, or officer of the Militia authorized to take it, by any person under the authority of this Act, or according to any general order or regulation made under it, for the purpose of securing the payment of any sum of money, or the performance of any duty or act hereby required or authorized, shall be valid and may be enforced accordingly.

Remission of penalties.

132. Every penalty when recovered shall be paid over to the Minister of Finance and Receiver General; but the Governor in Council may remit any penalty incurred under the provisions of this Act.

Payments to be made by Governor's warrant.

133. All sums of money required to defray any expense authorized by this Act may be paid out of the Consolidated Revenue Fund, upon warrant directed by the Governor General to the Minister of Finance and Receiver General; but no sum of money shall be so paid unless it is included in some appropriation made by Parliament; and a detailed account of moneys so expended shall be laid before Parliament during the then next session thereof.

Account to Parliament.

134. In any case in which a person might otherwise be sworn under this Act, a solemn affirmation or solemn declaration may be substituted, under like penalty for wilful falsehood, if such person would be entitled to a like substitution in a civil case.

REPEAL.

135. The following Acts of the Parliament of Canada are repealed :—Chapter 41 of the Revised Statutes, intituled *An Act respecting the Militia and Defence of Canada;* chapter 19 of the statutes of 1898, intituled *An Act further to amend the Militia Act;* and chapter 18 of the statutes of 1900, intituled *An Act to amend the Militia Act.* R.S.C., c. 41, 1898, c. 19, and 1900, c. 18 repealed.

No. 5.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL.

An Act respecting the Militia of Canada.

First reading, March 17, 1904.

SIR FREDERICK BORDEN.

OTTAWA
Printed by S. E. DAWSON
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1904

No. 6.] **BILL.** [1904.

An Act to amend the Railway Act, 1903.

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

1903, c. 58, s. 3 amended.

1. Section 3 of *The Railway Act*, 1903, is hereby amended by inserting after the word "persons" in the first line the words "and express companies."

Section 10 amended.

2. Section 10 of the said Act is amended by striking out the words "and his opinion upon any question, which in the opinion of the Commissioners is a question of law, shall prevail."

Section 193 amended.

3. Section 193 of the said Act is amended by adding the following words: "and such compensation shall be limited to the direct and immediate local damages actually suffered by reason of such construction, operation and maintenance by the railway company at such station or premises and not from any cause, matter or business extending beyond the same."

Section 264 amended.

4. Section 264 of the said Act is amended by adding thereto the following subsection:—

Passenger rates.

4. "The maximum passenger rate shall not exceed two cents a mile."

No. 6.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL.

An Act to amend the Railway Act, 1903.

First reading, March 23, 1904.

Mr. Maclean.

OTTAWA
Printed by S. E. Dawson
Printer to the King's most Excellent Majesty
1904

No. 7.] **BILL.** [1904.

An Act to amend the Steamboat Inspection Act, 1898.

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

1898, c. 46, s. 3 amended.

1. Subsection 1 of section 3 of *The Steamboat Inspection Act*, 1898, is amended by striking out the first seven lines down to and including the word "Act" and substituting therefor the following words:—"No steam yacht used exclusively for pleasure or private use without hire or remuneration of any kind, and no steamboat having an engine under five nominal horse power, shall be subject to the requirements of this Act."

Section 33 amended.

2. Subsection 12 of section 33 of the said Act is amended by striking out the words "an applicant" in the third line thereof and substituting therefor the following words:—"any fourth-class engineer."

Section 35 amended.

3. Subsection 1 of section 35 of the said Act is amended by striking out the words "or any freight steamboat of over one hundred and fifty tons gross" in the third and fourth lines thereof, and substituting therefor the following words:—"or on any steamboat having an engine of more than five nominal horse power other than a steam yacht used exclusively for pleasure or private use without hire or remuneration of any kind."

No. 7.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL.

An Act to amend the Steamboat Inspection Act, 1898.

First reading March 23, 1904.

MR. MCCARTHY.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1904

No. 8.] **BILL.** [1904.

An Act respecting the Nova Scotia Permanent Benefit Building Society and Savings Fund.

WHEREAS a petition has been presented praying that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. 1887, c. 114; 1892, c. 86.

1. The Nova Scotia Permanent Benefit Building Society and Savings Fund, a society formed and established under the provisions of chapter 42 of the statutes of the province of Nova Scotia of 1849, intituled "An Act for the regulation of Benefit Building Societies," and all persons and bodies corporate, whether resident or being in the said province or not, who now are or hereafter become members of the said Society, and the trustees, directors and officers thereof, for the time being, shall hereafter have the rights, powers and privileges in the provinces of New Brunswick, Prince Edward Island and Nova Scotia, which the said Society and the members, trustees, directors and officers thereof immediately before the passing of this Act had in the province of Nova Scotia, under the above mentioned Act of that province, or any amendments thereto, except as otherwise provided in chapter 114 of the statutes of Canada of 1887, as amended by this Act, and, except as aforesaid, may carry on the operations and business of the said Society in the said three provinces as fully as they now may in the province of Nova Scotia. Extension of powers. N.S., 1849, c. 42.

2. The rules of the said Society may be altered, rescinded, or repealed as provided by chapter of the statutes of the province of Nova Scotia of 1904, intituled "An Act to further amend chapter 42, Acts of 1849, entitled 'An Act for the regulation of Benefit Building Societies,' and Acts in amendment thereof." Alteration of rules.

2. Section 3 of chapter 114 of the statutes of 1887 is repealed. 1887, c. 114, s. 3 repealed.

3. Section 4 of the said chapter 114 of the statutes of 1887 is repealed, and the following section is substituted therefor:— 1887, c. 114, new s. 4.

"**4.** The Society, or the directors thereof, may lend money or any part of the funds of the Society to any person at such rates of interest and for such time as may be agreed upon, without requiring such borrower to become a subscriber to, or a member of, the society, and without reference to or submitting the said funds or loan to the acceptance or approval of the Lending powers.

members thereof, and may take and receive from such borrower such mortgage bond, obligation, lien, charge or other security for the repayment of such loan and interest thereon and in such form as the Society or the directors thereof may require.

Extension of lending powers.

"2. Any such loan may be made as well to any person outside the province of Nova Scotia as to any person within the said province, and may be made to any body corporate whether incorporated or having its head office or principal place of business within or without the said province; and any mortgage, lien, charge or other security for repayment of any such loan and interest thereon may include and cover any property, whether situate within the said province of Nova Scotia, or in the province of New Brunswick or of Prince Edward Island."

1887, c. 114, s. 5 amended.

4. Section 5 of the said chapter 114 of the statutes of 1887 is amended by striking out all the words after "being" in the fourteenth line and by substituting therefor the following:—

Amount limited.

"Provided always that the aggregate of money deposits in the hands of the said Society, together with the amount of debentures issued or remaining unpaid, shall not at any time exceed one half of the amount for the time being secured by mortgage and owing to the Society added to the net value of such property then owned by the Society as shall have come into its hands from defaulting members or mortgagors."

1887, c. 114, s. 11 repealed.

5. Section 11 of the said chapter 114 of the statutes of 1887, as amended by chapter 86 of the statutes of 1893, is repealed and the following is substituted therefor:—

Powers as to real property.

"11. The Society may, subject to the laws of any province in that behalf, for the purposes of its business, acquire real estate and sell and dispose thereof; but no parcel of land or interest therein at any time acquired by the Society, and not required for its actual use and occupation, or held by way of security, shall be held by the Society, or by any trustee on its behalf, for a longer period than seven years after the acquisition thereof, but shall be absolutely sold and disposed of, so that the Society shall no longer retain any interest therein, unless by way of security; and any such parcel of land, or any interest therein not within the exceptions hereinbefore mentioned, which has been held by the Society for a longer period than seven years, without being disposed of, shall be forfeited to His Majesty: Provided that the Governor in Council may extend the said period from time to time, not exceeding in the whole twelve years: Provided further that no such forfeiture shall take effect or be enforced until the expiration of at least six calendar months after notice in writing to the Society of the intention of His Majesty to claim such forfeiture; and it shall be the duty of the Society to give the Minister of Finance and the Receiver General, when required, a full and correct statement of all lands at the date of such statement held by the Society, or in trust for the Society, and subject to these provisoes.

Provisoes.

"2. The duty to sell within seven years real estate acquired in satisfaction of any debt shall not apply to real estate acquired or owned by the Society on or before the twenty-third day of June, 1887." Restriction.

6. The members of the said Society, or the Board of Directors thereof, may change the name of the said Society to "The Nova Scotia Savings, Loan and Building Society." Change of name.

No. 8.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL.

An Act respecting the Nova Scotia Permanent Benefit Building Society and Savings Fund.

First reading, March 24, 1904.

(PRIVATE BILL.)

MR. BORDEN,
(Halifax.)

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1904

No. 9.] **BILL.** [1904.

An Act to revive and amend the Acts respecting the St. Clair and Erie Ship Canal Company.

Preamble.

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

1899, c. 128, and 1900, c. 119, revived.

Extension of time.

1. Subject to the provisions of this Act, the Act to incorporate the St. Clair and Erie Ship Canal Company, being chapter 128 of the statutes of 1899, and the Act respecting the St. Clair and Erie Ship Canal Company, being chapter 119 of the statutes of 1900, are revived and declared to be in force; and the time limited for the *bona fide* commencement of the construction of the canal thereby authorized is extended for two years, and the time for the completion of the said canal shall be five years from the passing of this Act; and if the construction of the said canal is not commenced and completed within the times herein specified, then the powers granted by the said Acts and this Act for authorizing the construction of the said canal, shall cease and be null and void as respects so much of the said canal as then remains uncompleted.

1899, c. 128, s. 28 repealed

2. Section 28 of chapter 128 of the statutes of 1899 is repealed.

No. 9.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL

An Act to revive and amend the Acts respecting the St. Clair and Erie Ship Canal Company.

First reading, March 24, 1904.

(PRIVATE BILL.)

Mr. Tisdale.

OTTAWA
Printed by S. E. Dawson
Printer to the King's most Excellent Majesty
1904

No. 10.] **BILL.** [1904.

An Act to incorporate the Campbellford, Lake Ontario and Western Railway Company.

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

1. John Berry Ferris, Henry J. Walker, William J. Crossen, William Herbert Floyd, George Matthew Ferris, Harold Barrett, John James Mason, Frederick L. Fowke and Ezekiel Richard Blow, together with such persons as become shareholders in the company, are incorporated under the name of "The Campbellford, Lake Ontario and Western Railway Company," hereinafter called "the Company." Incorporation. Corporate name.

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

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

4. The capital stock of the Company shall be five hundred thousand dollars. No one call thereon shall exceed ten per cent on the shares subscribed. Capital stock.

5. The head office of the Company shall be in the town of Cobourg, in the county of Northumberland and Province of Ontario. Head office.

6. The annual meeting of the shareholders shall be held on the first Wednesday in September. Annual meeting.

7. The number of directors shall be five, one or more of whom may be paid directors. Election of directors.

8. The Company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches from a point in or near the Canadian Pacific Railway between the stations of Blairton and Ivanhoe, and thence in a south-westerly direction through the counties of Peterborough, Hastings and Northumberland to the town of Cobourg and thence in a westerly and north-westerly direction through the counties of Northumberland, Durham, Ontario and York to a point on or near the Canadian Pacific Railway between the Line of railway described.

stations of Locust Hill and Leaside Junction, passing through or near the villages and towns of Campbellford, Warkworth, Cobourg, Port Hope, Newcastle, Bowmanville, Oshawa and Whitby.

Issue of securities.

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

Agreement with another company.

10. Any agreement provided for in section 281 of *The Railway Act*, 1903, may be entered into between the Company and The Grand Trunk Railway Company of Canada, The Central Ontario Railway, The Canadian Pacific Railway Company, The Canada Atlantic Railway Company or The Marmora Railway Company.

No. 10.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL

An Act to incorporate the Campbellford, Lake Ontario and Western Railway Company.

First reading, March 24, 1904.

(PRIVATE BILL.)

MR. ROSS, (Ontario).

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1904

No. 11.] **BILL.** [1904.

An Act respecting the British Columbia Southern Railway Company.

Preamble.

WHEREAS the British Columbia Southern Railway Company has by its petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— 1899, c. 55; 1900, c. 52; 1901, c. 49.

Time for construction of eastern and western sections extended.

1. The British Columbia Southern Railway Company, hereinafter called "the Company," may complete the eastern section of its railway, as described in chapter 55 of the statutes of 1899, and the western section of its railway and the branch to Martin Creek, as described in chapter 52 of the statutes of 1900, within five years after the passing of this Act.

Time for construction of connecting and branch lines.

2. The lines of railway and each of the branch lines which the Company is authorized, by section 2 of chapter 55 of the statutes of 1899, and by section 2 of chapter 49 of the statutes of 1901, to construct, acquire and operate, may be commenced within three years and completed within five years after the passing of this Act.

Time limited.

3. If the Company fails to commence and complete the sections of its railways and the railways and branches mentioned in this Act, within the times limited, the powers granted for their construction shall cease and determine as to so much thereof as then remains uncompleted.

No. 11.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL.

An Act respecting the British Columbia Southern Railway Company.

First reading, March 24, 1904.

(PRIVATE BILL.)

MR. GALLIHER.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1904

No. 12.] **BILL.** [1904.

An Act respecting the Montreal, Ottawa and Georgian Bay Canal Company.

Preamble.

1894, c. 103; 1896 (2nd Sess) c. 11; 1898, c. 109; 1900, c. 106; 1902, c. 79.

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

1902, c. 79, s. 1 repealed.

1. Section 1 of chapter 79 of the statutes of 1902, is repealed, and in lieu thereof it is enacted that if the construction of the Montreal, Ottawa and Georgian Bay Canal Company's canals, or some of them, is not commenced, and fifty thousand dollars are not expended thereon, on or before the first day of May, one thousand nine hundred and six, or if the said canals are not finished and put in operation by the first day of May one thousand nine hundred and twelve, then the powers granted by the Acts relating to the said company shall cease and shall be null and void as respects so much of the canals and works of the said company as then remains uncompleted.

Extension of time for construction.

No. 12.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL

An Act respecting the Montreal, Ottawa and Georgian Bay Canal Company.

First reading, March 24, 1904.

(PRIVATE BILL.)

Mr. Mackie.

OTTAWA
Printed by S. E. Dawson
Printer to the King's most Excellent Majesty
1904

No. 13.] **BILL.** [1904.

An Act respecting the Canadian Pacific Railway Company.

Preamble. 1900, c. 55; 1902, c. 52.

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

Time for construction extended.

1. The Canadian Pacific Railway Company, hereinafter called "the Company," may commence within two years and complete within five years after the passing of this Act, the railway which it was authorized by chapter 55 of the statutes of 1900 to construct from a point on the Company's railway at or near New Westminster, thence to Vancouver by such route as may be found most direct and feasible, and the railway which it was authorized by chapter 52 of the statutes of 1902 to construct in the province of Quebec from a point at or near Piles Junction on the North Shore Railway, or from a point on the Piles Branch of that railway, thence in a north-westerly direction to Shawenegan Falls, and thence in a north-easterly direction to Grand-Mère.

Time for construction limited.

2. If the Company fails to commence and complete the railways mentioned in this Act within the times limited, the powers granted for their construction shall cease and determine as to so much thereof as then remains uncompleted.

No. 13.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL.

An Act respecting the Canadian Pacific Railway Company.

First reading, March 24, 1904.

(PRIVATE BILL.)

MR. THOMSON,
Haldimand and Monck.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1904

No. 14.] **BILL.** [1904.

An Act respecting the Atlantic and North-west Railway Company.

WHEREAS the Atlantic and North-west Railway Company has, by its petition, prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. 1879, c. 65.

1. The Atlantic and North-west Railway Company may complete the railway which by its Act of incorporation it was authorized to construct, or any portion thereof, within five years after the passing of this Act; provided that as to so much thereof as is not completed within that period, the powers of the Company shall cease and determine. Time for construction extended.

No. 14.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL.

An Act respecting the Atlantic and North-west Railway Company.

First reading, March 24, 1904.

(PRIVATE BILL.)

Mr. THOMPSON,
(Haldimand and Monck.)

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1904

No. 15.] **BILL.** [1904.

An Act respecting the Ottawa, Northern and Western Railway Company.

WHEREAS the Ottawa, Northern and Western Railway Company has by its petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition : Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :— Preamble. 1894, c. 87.

1. The Ottawa, Northern and Western Railway Company may construct and complete the extensions and branches of its railway authorized by section 11 of chapter 87 of the statutes of 1894, within five years after the passing of this Act ; provided that as to so much thereof as is not completed within that period the powers of the Company shall cease and determine. Time for construction extended. Proviso.

No. 15.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL.

An Act respecting the Ottawa, Northern and Western Railway Company.

First reading, March 24, 1904.

(PRIVATE BILL.)

MR. CHAMPAGNE.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1904

No. 16.] **BILL.** [1904.

An Act respecting the French River Boom Company, Limited.

Preamble.

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

1894, c. 107.

Capital stock reduced.

1. The capital stock of the French River Boom Company, Limited, is reduced from fifty thousand to twenty-five thousand dollars, divided into shares of fifty dollars each.

Liabilities of shareholders unaltered.

2. Nothing in this Act shall be construed to lessen the liability of the shareholders of the said company to the present creditors thereof.

1894, c. 107, s. 17 amended.

3. Section 17 of chapter 107 of the statutes of 1894, incorporating the said company, is amend by striking out the word "ten" in the second line thereof and substituting therefor the words "thirty-one."

No. 16.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL

An Act respecting the French River Boom Company, Limited.

First reading, March 24, 1904.

(PRIVATE BILL.)

Mr. Grant.

OTTAWA
Printed by S. E. Dawson
Printer to the King's most Excellent Majesty
1904

[CORRECTED COPY.]

No. 17.] **BILL.** [1904.

An Act to confer on the Commissioner of Patents certain powers for the relief of the Honourable Charles Algernon Parsons.

Preamble.

WHEREAS the Honourable Charles Algernon Parsons, of Newcastle on Tyne, county of Northumberland, England, has, by his petition, represented that on and prior to the third day of August, one thousand nine hundred and three, he was the proprietor of letters patent issued under the seal of the Patent Office, dated the third day of August, one thousand eight hundred and ninety seven, for improvements in propelling vessels by steam turbines, being patent number fifty-six thousand eight hundred and sixty-four; and that he is the proprietor of the following letters patent issued under the seal of the Patent Office, viz: patent number fifty-five thousand one hundred and fifty-six, dated the fourth day of March, one thousand eight hundred and ninety-seven, for the manufacture and fastening of steam turbine blades; patent number fifty-five thousand one hundred and sixty-eight, dated the fifth day of March, one thousand eight hundred and ninety-seven, for steam turbine blades; and patent number sixty-one thousand three hundred and fifty-three, dated the seventh day of October, one thousand eight hundred and ninety-eight, for marine steam turbines; and whereas the said Honourable Charles Algernon Parsons has prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Commissioner of Patents may extend duration of letters patent, etc.

1. Notwithstanding anything to the contrary in *The Patent Act*, or in the letters patent number fifty-six thousand eight hundred and sixty-four mentioned in the preamble, the Commissioner of Patents may receive from the Honourable Charles Algernon Parsons an application for a certificate of payment, and the usual fees upon the said letters patent for the remainder of the term of eighteen years from the date thereof, and may grant and issue to the said Parsons the certificate of payment of fees provided by *The Patent Act*, and an extension of the duration of the said letters patent to the full term of eighteen years; and notwithstanding anything contained in chapter 46 of the statutes of 1903, being an Act to amend *The Patent Act*, the Commissioner of Patents may order that the said letters patent be subject to the conditions set out in section 7 of the said Act to amend *The Patent Act*.

R.S.C., c. 61.

1903, c. 46.

Rights of third persons saved.

2. Any person who has, within the period between the third day of August, one thousand nine hundred and three, and the extension hereby authorized of the letters patent numbered fifty-six thousand eight hundred and sixty-four, commenced to manufacture, use and sell, in Canada, the invention covered by the said letters patent, may continue to manufacture, use and sell such invention, in as full and ample a manner as if this Act had not been passed.

Commissioner of Patents may extend time to import.

1903, c. 46.

3. Notwithstanding anything in chapter 46 of the statutes of 1903, being an Act to amend *The Patent Act*, or in the letters patent mentioned in the preamble, the Commissioner of Patents may grant to the said the Honourable Charles Algernon Parsons, or his legal representatives, an extension of time up to the end of one year from the passing of this Act, and beyond the period limited by sections 4 and 6 of the said Act to amend *The Patent Act*, during which he may import, or cause to be imported, into Canada the turbine machinery covered by the said letters patent, or any of them, and that any importation of the said patented turbine machinery, during the extended period granted by this Act, shall in no wise cause forfeiture of any rights acquired under the said letters patent.

No. 17.

4th Session, 9th Parliament, 4 Edward VII, 1904.

[CORRECTED COPY.]

An Act to confer on the Commissioner of Patents certain powers for the relief of the Hon. C. A. Parsons.

First reading, March 24, 1904.

(PRIVATE BILL.)

MR. CLARKE.

OTTAWA
Printed by S. E. Dawson
Printer to the King's most Excellent Majesty
1904

No. 18.] **BILL.** [1904.

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

Preamble.

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

Power to construct or acquire branch lines.

1. The Manitoba and North-western Railway Company of Canada, hereinafter called "the Company," may construct or acquire and operate a branch line of railway about one hundred miles in length from a point on its main line near Sheho westerly and north-westerly southward of Quill Lakes to a point in township thirty-three or thirty-four in range twenty-three west of the second principal meridian; also a branch line of railway from a point at or near Churchbridge on the Company's main line southerly to a junction with the Pheasant Hills branch of the Canadian Pacific Railway at or near Cutarm Creek; also branch lines, not exceeding in any one case thirty miles in length, from the branch first above described and from the Company's main line.

Bond issue limited.

2. The securities issued by the Company in respect of the said branches shall not exceed twenty thousand dollars per mile of the said branches, and may be issued only in proportion to the length of the branches constructed or under contract to be constructed.

Time for construction limited.

3. Each of the said branch lines shall be commenced within two years and completed within five years from the passing of this Act, otherwise the powers hereby granted for its construction shall cease as to so much thereof as is not commenced and completed within such periods respectively.

No. 18.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL.

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

First reading, March 24, 1904.

(PRIVATE BILL.)

Mr. McCreary.

OTTAWA
Printed by S. E. Dawson
Printer to the King's most Excellent Majesty
1904

No. 19.] **BILL.** [1904.

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

WHEREAS the Atlantic, Quebec and Western Railway Company has, by its petition, prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. 1903, c. 81,

1. Subsection 2 of section 4 of chapter 81 of the statutes of 1903, intituled *An Act respecting the Atlantic, Quebec and Western Railway Company*, is amended by striking out the words "one year" in the fifth line and substituting therefor the words "two years." Section 4 amended.

No. 19.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL

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

First reading, March 25, 1904.

(PRIVATE BILL.)

Mr. Marcil,
(Bonaventure.)

OTTAWA
Printed by S. E. Dawson
Printer to the King's most Excellent Majesty
1904

No 20.] **BILL.** [1904

An Act to incorporate the Cascapedia Manufacturing and Trading Company.

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

1. Angus McLean and Hugh McLean, both of the City of Buffalo, in the State of New York, A. J. H. Eckardt, of the City of Toronto, in the Province of Ontario, the Honourable William Cameron Edwards and John Archibald Cameron, of Rockland, in the Province of Ontario, and Gordon Cameron Edwards, of the City of Ottawa, in the Province of Ontario, together with such persons as become shareholders in the company, are incorporated under the name of "The Cascapedia Manufacturing and Trading Company," hereinafter called "the Company." Incorporation. Corporate name.

2. The said Angus McLean, Hugh McLean, A. J. H. Eckardt, Honourable William Cameron Edwards, John Archibald Cameron and Gordon Cameron Edwards, shall be the first or provisional directors of the Company, a majority of whom shall form a quorum, and shall hold office as such until replaced by others duly elected in their stead; and, until otherwise provided under the by-laws of the Company, they shall possess all the powers which are conferred upon directors by *The Companies Act*, 1902, and by this Act. Provisional directors.

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

2. After the whole of the capital stock of the Company has been subscribed or issued and fifty per cent thereof has been paid up, the capital stock may be increased, from time to time, to an amount not exceeding five million dollars by the directors of the Company, under the authority of the shareholders to them given at a general or special meeting duly called to consider the by-law to increase the capital stock,—at which meeting, shareholders representing at least two-thirds in value of the subscribed or issued capital stock of the Company, who have paid all calls due thereon, are present or represent- Increase of capital.

ed by proxy; and such increased capital stock shall be issued, and may be held subject to the same conditions and dealt with in the same manner, as the original capital stock of the Company.

Annual meeting.

4. The annual meeting shall be held on the first Wednesday in February, or on such date as the by-laws of the Company name.

Head office.

5. The head office of the Company shall be in the city of Ottawa, in the County of Carleton and Province of Ontario, or at such other place as the directors by by-law appoint, and all meetings of the shareholders shall be held at the head office; but the directors may, from time to time, when duly called, meet elsewhere, as provided by the by-laws of the Company. Every place in Canada at which the Company has an office or place of business shall be deemed to be a domicile of the Company, provided that the domicile of the Company in Ontario shall be at the City of Ottawa.

Domicile.

Directors may act notwithstanding vacancies.

6. The provisional directors and the directors of the Company may act notwithstanding any vacancy in their number; provided that if the number at any time falls below three the directors shall not, except for the purpose of filling vacancies, have power to act so long as the number is below three.

General powers of Company.

7. The Company may carry on throughout Canada and elsewhere the business of lumberers, timber merchants and manufacturers of timber and lumber in all its branches, including the manufacture of doors, sashes, blinds and furniture, pulp, wood pulp, paper and other products from wood, and any other articles of which wood forms a component part, also the business of wharfingers, shippers and vessel owners, and may purchase, hold, lease or otherwise acquire, any timber berths, limits, or licenses to cut timber, lands, buildings, works, boats, vessels, vehicles, goods, wares and merchandise, and may extend, improve, lease, mortgage, exchange, sell, dispose of and otherwise deal in and with the same and any part thereof, and may establish and maintain stores on the said lands, or any of them, and purchase and sell general merchandise, and do all other things incidental or conducive to the attainment of the objects of the Company.

2. The Company may construct, or aid by subscription in the construction of, maintain and improve roads, tramways, docks, piers, wharfs, viaducts, aqueducts, flumes, ditches, mills, buildings, structures, works, and river and stream improvements for the floating and driving of logs and timber, necessary or convenient for the purposes of the Company, and may construct, acquire, charter and employ vessels for the purpose of transporting the products of their works, or any of them, to any place in Canada or elsewhere, and may purchase and otherwise acquire and operate any business within the objects of the Company, as well as any lands, property, privileges, rights, contracts and liabilities appertaining thereto, and may let or sublet any property of the Company and sell or otherwise dispose of the business, property and undertaking

and of any part thereof for such considerations as the Company thinks fit, and may take in payment or in exchange therefor shares, debentures or other securities of any other company having objects altogether or in part similar to those of the Company.

Limitation as to real estate.

3. Nothing in this section shall be construed as enabling the Company to acquire real estate beyond what is deemed necessary for the carrying on or satisfying the requirements of the business undertakings of the Company.

Holding of shares of other companies.

8. The Company may acquire, hold, deal with and dispose of shares in any boom or river or stream improvement company and in any other company whose powers include the power to carry on any of the businesses of generating, producing, supplying, selling or otherwise disposing of light, heat or power, and any other company whose powers are within the scope of those of the Company: provided always, that the powers hereby granted shall not in any case be exercised unless and until the directors have been first authorized, under a by-law to that effect, passed by them for that purpose and sanctioned by the shareholders, as provided in subsection 2 of section 3 hereof.

Proviso.

Construction of railway sidings, tramways, switches.

9. The Company may, for the purpose of any of its undertakings, or for the promotion thereof, construct and operate all such railway sidings, tramways, switches or spur lines, not exceeding ten miles in length, as are necessary to connect any property of the Company with its factories and mills, or with the line of any railway company incorporated by, or under the control of, Parliament.

Issue of paid-up stock.

10. The directors may, from time to time, issue as paid-up stock, shares of the capital stock of the Company and deliver it in payment for all or any of the businesses, franchises, undertakings, rights, powers, privileges, letters patent, inventions, real estate, stocks, assets and other properties which the Company may lawfully acquire, and may, for such considerations, allot and hand over such shares to any person or corporation, including its shareholders or its directors; and any such issue or allotment of stock shall be binding upon the Company and such stock shall not be assessable for calls nor shall the holder thereof be liable in any way thereon; or the Company may pay therefor wholly or partly in paid-up shares, or wholly or partly in debentures, as agreed upon; provided that the powers hereby granted shall not be exercised unless and until the directors have been first authorized under a by-law to that effect passed by them for the purpose and sanctioned by the shareholders as provided by subsection 2 of section 3 hereof.

Negotiable instruments.

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

Borrowing powers.

12. The directors of the Company may, from time to time, at their discretion borrow moneys for the purposes of the Company, and secure the repayment of any of the moneys so borrowed or any other moneys owing by the Company in such manner and upon such terms and conditions as they see fit, and in particular by the mortgage, pledge, hypothecation or charge of or on all or any of the assets of the Company.

Bond issue.

13. The directors of the Company, under the authority of the shareholders to them given at any general or special meeting, as provided in subsection 2 of section 3 hereof, may, from time to time, create and issue debentures, bearing such rate of interest as is agreed upon, for sums of not less than one hundred dollars each, signed by the president, or other presiding officer, and countersigned by the secretary, and payable to bearer or order; and the directors may use the debentures for carrying out any of the objects and purposes of the Company; and the directors may sell or pledge the debentures for the purpose of borrowing money, or of paying or securing the indebtedness of the Company; provided that the total amount of debentures at any time outstanding does not exceed seventy-five per cent of the paid-up capital of the Company; and the due payment of the said debentures and interest thereon may be secured by mortgage upon any of the property and assets of the Company as described in the mortgage deed, and such mortgage deed may give to the holders of the said debentures, or the trustees for such holders named in such mortgage deed, the covenants, powers, powers of sale, rights and remedies specified in such mortgage deed.

Acquisition of property of other companies.

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

R.S.C., c. 118,

15. Section 18 of *The Companies Clauses Act* shall not apply to the Company.

No. 20.

4th Session, 9th Parliament, 4 Edwar

BILL.

An Act to incorporate the
Manufacturing and Trading

First reading, March 25,

(PRIVATE BILL.)

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OTTAWA
Printed by S. E. Dawson
Printer to the King's most Excellent
1904

No. 21.] **BILL.** [1904.

An Act to incorporate the Pontiac and Interprovincial Railway Company.

Preamble.

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

Incorporation.

1. The Honourable George Bryson, of Fort Coulonge, in the county of Pontiac, David Gillies, of the town of Carleton Place, in the county of Lanark, William Joseph Poupore, of the city of Montreal, Charles Arthur McCool, of the city of Ottawa, Thomas Murray, of the town of Pembroke, in the county of Renfrew, and Michael James Gorman, of the said city of Ottawa, together with such persons as become shareholders in the company, are incorporated under the name of "The Pontiac and Interprovincial Railway Company," hereinafter called "the Company."

Corporate name.

Provisional directors.

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

Capital stock.

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

Head office.

4. The head office of the Company shall be in the city of Ottawa.

Annual meeting.

5. The annual meeting of the shareholders shall be held on the second Monday in September.

Directors.

6. The number of directors shall be six, one or more of whom may be paid directors.

Line of railway described.

7. The Company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches from the terminus of the Ottawa, Northern and Western Railway at Waltham, in the county of Pontiac, to Ferguson's Point in the said county, and thence across the Ottawa River to a point on the Canadian Pacific Railway between Petewawa and Chalk River, in the county of Renfrew, and also a branch line from a point opposite Chapeau in the said county of Pontiac, to a point at or near Desjardinsville in the said county, opposite Pembroke

in the county of Renfrew, and may build and operate tramways in connection therewith, and use the Government bridge at Chapeau for such tramways.

Bond issue limited.

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

Agreements with another company.

9. Any agreement provided for in section 281 of *The Railway Act*, 1903, may be entered into between the Company and the Ottawa, Northern and Western Railway Company or the Canadian Pacific Railway Company.

No. 21.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL

An Act to incorporate the Pontiac and Interprovincial Railway Company.

First reading, March 29, 1904.

(PRIVATE BILL.)

Mr. McCool.

OTTAWA
Printed by S. E. Dawson
Printer to the King's most Excellent Majesty
1904

No. 22.] **BILL.** [1904

An Act to incorporate the Brantford and Hamilton Railway Company.

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

1. Samuel Riter Ickes, Walter Renwick Turnbull, Charles Waterous and Henry Hedley Powell, all of the city of Brantford, in the county of Brant, and James Gamble Wallace, of the city of Woodstock, in the county of Oxford, together with such persons as become shareholders in the company, are incorporated under the name of "The Brantford and Hamilton Railway Company," hereinafter called "the Company." Incorporation. Corporate name.

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

3. The capital stock of the Company shall be five hundred thousand dollars. No one call thereon shall exceed ten per cent of the shares subscribed. Capital stock. Calls thereon.

4. The head office of the Company shall be in the city of Brantford, in the Province of Ontario. Head office.

5. The annual meeting of the shareholders shall be held on the first Wednesday in September. Annual meeting.

6. The number of directors shall be five, one or more of whom may be paid directors. Directors.

7. The Company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches from a point in or near the city of Brantford, in the county of Brant, through the township of East Brantford, in the said county, and the township and village of Ancaster, and the township of Barton, in the county of Wentworth, to some point in or near the city of Hamilton, in the county of Wentworth, in the Province of Ontario. Line of railway described.

2. Steam may be used for the purpose of constructing the said railway, but shall not be used as motive power for its operation. Motive power.

Declaratory.

3. The works authorized by this section are declared to be for the general advantage of Canada.

Issue of securities.

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

Agreements with other companies.

9. Any agreement provided for in section 281 of *The Railway Act*, 1903, may be entered into between the Company and the Hamilton Radial Electric Railway Company, the Hamilton Street Railway Company, the Hamilton and Dundas Street Railway Company, and the Brantford Street Railway Company.

Telegraphs and telephones.

10. The Company may construct and operate telegraph and telephone lines upon its railway; and, for the purpose of operating such lines or exchanging and transmitting messages, may enter into contracts with any companies having telegraph or telephone powers, and may connect its own lines with the lines of, or may lease its own lines to, any such companies.

Rates and charges.

2. The Company may transmit messages for the public and collect rates or charges therefor; but no rate or charge shall be demanded or taken for the transmission of any message, or for leasing or using the telegraphs or telephones of the Company, until it has been approved of by the Governor in Council, who may also revise such rates and charges from time to time.

Approval of rates.

R.S.C., c. 132.

3. *The Electric Telegraph Companies Act* shall apply to the telegraphic business of the Company.

Water and steam power.

11. The Company may, for the purposes of its undertaking, acquire and utilize water and steam power for the purpose of compressing air or generating electricity for lighting, heating or motor purposes, and may dispose of surplus power generated by the Company's works and not required for the undertaking of the Company.

Electricity and other power.

12. The Company may acquire, construct, maintain and operate works for the development, production, transmission, transformation, sale and distribution of electricity and power for any purpose for which such electricity or power can be used, including heat and light, and construct, maintain and operate lines of wire, poles (or use the poles erected for the use of the railway) tunnels, conduits and other works in the manner and to the extent required for such purposes, and conduct, store, sell and supply electricity and other power, and with such lines of wire, poles, conduits, motors or other conductors or devices conduct, convey, furnish or receive such electricity to or from any person at any place, through, over, along, or across any highway or street along its right of way.

Acquisition and transmission of power.

13. The Company may acquire electric or other power or energy, which may be transmitted and delivered to any place in the municipalities through which the railway is authorized to be built, and may receive, transform, transmit, distribute, supply and dispose of such power or energy in any form.

No. 22.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL.

An Act respecting the Brantford and Hamilton Railway Company.

First reading, March 29, 1904.

(PRIVATE BILL.)

MR. CALVERT.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1904

No23.] **BILL.** [1904.

An Act respecting the Collingwood General and Marine Hospital.

Preamble.

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

1887, c. 126.

Section added.

1. Chapter 126 of the statutes of 1887 is amended by inserting the following section immediately after section 3 :—

Power to borrow money on mortgage.

"**3A.** The said Corporation may, from time to time, under its corporate seal, authenticated by the signature of the chairman of the board of trustees, borrow, by way of mortgage on its real property, such sums of money as are required for the purposes of the said Hospital, and on such terms as are agreed upon."

No. 23.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL.

An Act respecting the Collingwood General and Marine Hospital.

First reading, March 29, 1904.

(PRIVATE BILL.)

MR. MCCARTHY.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1904

No. 24.] **BILL.** [1904.

An Act respecting the Canadian Fire Insurance Company.

Preamble.

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

1897, c. 76.

Capital reduced.

Par value of shares reduced.

1. The subscribed capital stock of the said company is reduced from five hundred thousand dollars, divided into shares of one hundred dollars each, to two hundred and fifty thousand dollars, divided into shares of fifty dollars each, and the amounts paid on the one hundred dollar shares of the said subscribed capital stock shall be credited on the fifty dollar shares created by this Act.

Creditors rights not affected.

2. Nothing in this Act shall be construed so as to lessen the liability of the shareholders of the said company to the present creditors thereof.

Calls on shares.

3. The directors shall, from time to time, make calls on the unpaid portion of the said fifty dollar shares, and such shares shall be paid up in full within three years after the passing of this Act.

1897, c. 76, s. 3, amended.

4. Subsection 2 of section 3 of chapter 76 of the statutes of 1897 is repealed.

Power to increase capital.

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

No. 24.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL.

An Act respecting the Canadian Fire Insurance Company.

First reading, March 29, 1904.

(PRIVATE BILL.)

MR. MCCREARY.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1904

No. 25.] **BILL.** [1904

An Act to incorporate the White Horse and Alsek Railway Company.

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

1. Benjamin B. Johnston, Samuel L. Howe, William L. Newsom, Thomas McCaffry and Alexander E. Garrett, all of the city of Vancouver, in the Province of British Columbia, together with such persons as become shareholders in the company, are incorporated under the name of "The White Horse and Alsek Railway Company," hereinafter called "the Company." Incorporation. Corporate name.

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

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

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

5. The annual meeting of the shareholders shall be held on the first Monday in January. Annual meeting.

6. The number of directors shall be seven, one or more of whom may be paid directors. Directors.

7. The Company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches, or of such other gauge as may be adopted by the Company, from a point at or near the town of White Horse, in the Yukon Territory, and proceeding therefrom in a westerly direction through the intervening country by the most feasible route to the international boundary line, thence northerly by way of the White River Valley, or by the most feasible route, to the city of Dawson; and the Company may, for the purpose of building its line of railway, divide it into two sections, the first section to extend from a point at or near the town of White Horse to a point at or near the international boundary line and the second section to extend from the last mentioned point to the city of Dawson. Line of railway described.

Branch lines.

8. The Company may, for the purposes of its undertaking, construct, maintain and operate branch lines, not exceeding in any one case, thirty miles in length, from the main line of the railway or from any branch thereof, and all the provisions of section 175 of *The Railway Act*, 1903, shall apply to such branch lines.

Powers of Company.

9. The Company may, for the purposes of its business and in connection with its railway,

Vessels.

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

Transportation.

Wharfs and warehouses.

(*b.*) construct, purchase, lease or otherwise acquire and hold wharfs, docks, elevators and warehouses on the line of the said railway as from time to time constructed, or at such other places as may be deemed necessary or convenient;

Electricity.

(*c.*) acquire and utilize water and steam power, or any other power for the purpose of generating electricity for lighting and motor purposes or for any other purpose in connection with its railway, and may operate the said railway by any kind of motive power;

Hotels.

(*d.*) build, acquire or lease any buildings for hotels, restaurants or houses of entertainment at such points or places along its line of railway as it deems advisable, and may carry on all such business in connection therewith as is necessary or expedient for the comfort or convenience of travellers, and may lease any part of any such building for any of such purposes;

Patent rights.

(*e.*) acquire by lease, purchase or otherwise any exclusive rights such as letters patent, franchise, or patent rights for the purpose of the works hereby authorized and again dispose of them;

Forwarding agents.

(*f.*) carry on the business of expressmen, forwarding agents, wharfingers and warehousemen.

Telegraphs and telephones.

10. The Company may construct and operate telegraph and telephone lines upon its railway and also beyond the said railway to any point on the International boundary line; and for the purpose of operating such lines or exchanging or transmitting messages, may enter into contracts with any companies having telegraph or telephone powers, and may connect its own lines with the lines of, or may lease its own lines to any such companies.

R.S.C., c. 132.

2. *The Electric Telegraph Companies Act* shall apply to the telegraphic business of the Company.

Issue of securities on railway.

11. The securities issued by the Company shall not exceed thirty thousand dollars per mile of the railway, and ten thousand dollars per mile additional of debentures for each mile double tracked, and such securities may be issued only in proportion to the length of railway constructed or under contract to be constructed.

Bond issue on vessels.

12. The Company, being first authorized by a resolution passed at a special meeting of its shareholders duly called for the purpose, may from time to time issue additional bonds in aid of the acquisition or construction of any steamer or other vessel which by this Act it is authorized to acquire or construct, not exceeding in amount the cost of such vessel; and the proceeds of such bonds shall be applied exclusively in aid of the acquisition by purchase or construction of such vessels according to the terms and intention of such resolution; and each such resolution shall indicate by some general description the vessel or vessels with respect to which it authorizes bonds to be so issued as aforesaid and whether such vessels are then acquired or are to be hereafter acquired by the Company.

Mortgage to secure bonds.

13. For the purpose of securing the issue of such bonds, the Company shall execute a deed of mortgage not inconsistent with the law or with the provisions of this Act, in such form and containing such provisions as are approved by a resolution of such general meeting of shareholders as aforesaid, each of which deeds shall be made to trustees to be appointed at such special general meeting for that purpose and may contain provisions establishing the amount secured upon the vessel or class of vessels to which it relates, the rank and privilege to appertain to the bonds intended to be secured by it, the rights and remedies to be enjoyed by the respective holders of such bonds, the mode of assuring the application of the proceeds of such bonds to the purposes for which they are to be issued, the rate of interest payable upon them, and the place and time of payment of such interest and of the capital thereof, the creation of a sinking fund for the redemption of such bonds, and all the conditions, provisions and restrictions requisite for the effectual carrying out of the terms thereof, and for the protection of the holders of such bonds; and it may charge and bind the tolls and revenues of the vessel or vessels, or class of vessels to which it relates, and the whole or any part of any subsidy to be earned in connection therewith, but not the railway or the tolls and revenues thereof, in the manner and to the extent therein specified; and each such deed of mortgage shall create absolutely and exclusively a first lien and encumbrance on the vessel, or class of vessels therein described, as well as on their tolls, revenues and subsidy therein hypothecated, the whole for the benefit of the holders of the bonds with respect to which it is made.

Ranking of bonds.

14. Each issue of bonds intended to be secured by any one of the deeds of mortgage referred to in the next preceding section shall entitle the respective holders thereof to rank with each other *pari passu*, and a duplicate of such bond shall be deposited and kept in the office of the Secretary of State of Canada.

Building upon Company's lands.

15. The Company may grant or lease to any person the right to erect on the grounds belonging to the Company, warehouses, elevators or other buildings or works, for the purpose of giving greater facilities to the public in doing business with the Company; and the buildings or works so erected shall not

be bound by or subject to any mortgage or lien on the property of the Company, without the consent of the owner of such buildings or works.

Agreements with other companies.

16. Any agreement provided for in section 281 of *The Railway Act*, 1903, may be entered into between the Company and any other railway or other company.

No. 25.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL

An Act to incorporate the White Horse and Alsek Railway Company.

First reading, March 29, 1904.

(PRIVATE BILL.)

MR. MACPHERSON.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1904

No. 26] **BILL.** [1904.

An Act to incorporate the Edmonton, Athabasca and Mackenzie Railway Company

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

1. Hon. Hugh John Macdonald, Douglas C. Cameron, David W. Bole, R. Ross Sutherland, William C. P. Heathcote, all of the city of Winnipeg, and James K. Cornwall, of Lesser Slave Lake, North-west Territories, together with such persons as become shareholders in the company, are incorporated under the name of "The Edmonton, Athabasca and Mackenzie Railway Company," hereinafter called "the Company." Incorporation. Corporate name.

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

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

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

5. The head office of the Company shall be at the city of Winnipeg, in the province of Manitoba. Head office.

6. The annual meeting of the shareholders shall be held on the first Wednesday in December. Annual meeting.

7. The number of directors shall be not less than five or more than nine, one or more of whom may be paid directors. Directors.

8. The Company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches from a point at or near the town of Edmonton, in the North-west Territories; thence northerly, passing between Lac la Biche and the Athabasca River; thence northerly, crossing the Athabasca River at a point between Fort McMurray and Point la Biche; thence north-westerly to a point at or near Fort Vermillion on the Peace River; thence crossing the Peace River and going north-westerly to a point on or near the Hay River; thence north-easterly, parallel to the Hay Line of railway described.

Branch lines.

River, to a point on the south-west shore of Great Slave Lake or on Slave River, with power to build and operate branch lines.

Powers of Company.

9. The Company may, in connection with its railway and for the purposes of its business,—

Transportation.

(*a.*) construct, acquire and navigate vessels upon and across any lakes and rivers in connection with or adjacent to the proposed line of railway ; and may carry on a general business of transportation in connection with the said railway and vessels.

Buildings, tramways, etc.

(*b.*) construct, acquire, lease and sell hotels, docks, wharfs, elevators, warehouses, tramways and other works for the transportation of passengers or freight upon or across the said railway or tramways, and the said rivers, lakes and streams ; and may separately mortgage and hypothecate any branch lines, hotels, elevators, warehouses, wharfs, tramways and vessels for the cost thereof; and may pledge the revenue thereof for the payment of interest upon the bonds issued in respect of each thereof;

Patent rights.

(*c.*) acquire any rights in letters patent, franchises or patent rights for the purposes of the works and undertakings hereby authorized, and again dispose of such rights ;

Electricity.

(*d.*) acquire lands, and erect, use and manage works, and manufacture machinery and plants for the generation, transmission and distribution of electric power and energy ;

Power houses.

(*e.*) build and maintain power houses and stations for the development of electric force and energy ;

Fisheries.

(*f.*) establish and carry on fisheries and fishing industries, and operations and business incidental thereto, including cold storage, in or along any of the rivers or lakes traversed by the said railway ;

Lumbering.

(*g.*) carry on a general lumber and fuel business, and for such purpose may acquire timber limits, erect and operate saw mills and pulp mills, chop and saw timber and manufacture it into lumber, pulp or wood suitable for fuel, enter into contracts to sell and supply such wood, pulp and timber, acquire, purchase, lease and hold lands for mill sites, lumber, pulp or wood yards, and transact and carry on all matters usually connected with such business.

Expropriation of lands.

10. If the Company requires land for hotels, wharfs, docks, elevators, tramways, warehouses or other works authorized by this Act, and cannot agree with the owner of such land for the purchase thereof, it may cause a map or plan and book of reference to be made of such land, and all of the provisions of section 139 of *The Railway Act*, 1903, shall apply to the subject matter of this section, and to the obtaining of such lands and determining the compensation therefor.

Aid to Company.

11. The Company may receive from any person or government in aid of the construction, equipment or maintainance of the said railway, and of any line of steamships or tramways in connection therewith, or otherwise, grants of land, bonuses, loans, gifts of money or securities for money, and may also lease from any government or person any lands, rights or privileges ; and the lands, leases or 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 or privileges, and all moneys arising from the sale or other disposition of such lands, leases and privileges shall be applied in trust for the purposes following, that is to say: First, in payment of the expenses in connection with the acquisition, purchase, survey, management and sale of the said lands; secondly, in payment of the dividends and interest on, and principal of, bonds issued upon the land grant or any portion thereof, or upon the railway from time to time, payable in cash by the Company; provided such dividends, interest and principal have been made a charge upon such lands; thirdly, for the general purposes of the Company.

Issue of securities.

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

Water powers.

13. The Company may, for the purposes of its business, acquire and utilize water powers and dispose of surplus power either directly or by converting it into electricity.

Telegraphs and telephones.

14. The Company may, in the North-west Territories, construct and operate telegraph and telephone lines upon its railway; and for the purpose of operating such lines or exchanging and transmitting messages, may enter into contracts with any companies having telegraph or telephone powers, and may connect its own lines with the lines of, or may lease its own lines to, any such company.

Rates and charges.

2. The Company may transmit messages for the public and collect rates or charges therefor, but no rate or charge shall be demanded or taken for the transmission of any message, or for leasing or using the telegraphs or telephones of the Company, until it has been approved of by the Governor in Council, who may also revise such rates and charges from time to time.

R.S.C., c. 132.

3. *The Electric Telegraph Companies Act* shall apply to the telegraphic business of the Company.

Issue of paid-up stock.

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

Time for construction of railway limited.

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

No. 26.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL.

An Act to incorporate the Edmonton, Athabasca and Mackenzie Railway Company.

First reading, March 29, 1904.

(PRIVATE BILL.)

MR. OLIVER.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1904

No. 27] **BILL.** [1904.

An Act respecting the Real Estate Title Guarantee and Trust Company.

Preamble.

WHEREAS by chapter 102 of the statutes of 1903, of Quebec, The Real Estate Title Guarantee and Trust Company, hereinafter called "the Company," was incorporated for the purposes and with the powers in the said Act mentioned, and especially for the purpose of guaranteeing owners, mortgagees, and others interested in real estate, from loss by reason of defective titles, liens and encumbrances, of executing trusts and administering estates, of guaranteeing the fidelity of persons, and as a safety deposit company and general financial agent; and whereas, a petition has been presented by the Company praying that it be granted express authority to carry on its business as authorized by its charter throughout the various provinces and territories of Canada, and elsewhere: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows:—

Que., 1903, c. 102.

Power to carry on business throughout Canada.

1. The Company is declared to have the capacity to carry on its said business in and through Canada and elsewhere, and as trustee or otherwise, to take, receive, hold and convey any real estate that may become vested in it in the due carrying out of its said business; provided that such capacity hereby granted to the Company shall be exercised in the province of Quebec, subject to the said Act of Quebec respecting the Company, and in the several other provinces and territories of Canada, subject to all the general laws of the respective provinces and territories respectively applicable to the Company.

License to be obtained for guarantee insurance.

2. The Company shall not carry on the business of guarantee insurance or any other form of insurance coming within the provisions of *The Insurance Act* until it has obtained a license so to do in accordance with the provisions of the said Act.

No. 27.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL

An Act respecting the Real Estate Title Guarantee and Trust Company.

First reading, March 29, 1904.

(PRIVATE BILL.)

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

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1904

No. 28.] **BILL.** [1904.

An Act respecting the Temiscouata Railway Company.

WHEREAS the Temiscouata Railway Company has, by its petition, represented that under the provisions of its charter, bonds were issued to the amount of £324,000 sterling, known as main line bonds, secured by a deed of mortgage duly executed and bearing date the 3rd day of August, 1888; that under the provisions of its charter other bonds were issued to the amount of £140,000 sterling, known as St. Francis Branch Bonds, secured by a deed of mortgage duly executed, bearing date the 3rd day of July, 1890; that default was made by the Company in the payment of interest due on the main line bonds, on the 1st day of July, 1898, and in the payment of interest due on the St. Francis Branch Bonds on the 1st day of September, 1900, and that such defaults have continued, no interest having been since paid on any of such bonds; that the trustees of the respective deeds of mortgage have claims against the Company, for their services, and for their disbursements and expenditure in connection with their proceedings and in certain litigation carried on by them in England, in the interest of the shareholders and bondholders, which it is expedient to repay; that consequent upon such defaults large expenditure was occasioned some of the bondholders, in the first instance as an unincorporated committee and subsequently as an incorporated body, in the formation of an association to protect and in protecting the interests of the bondholders generally and in the registration of their bonds, which ought to be borne by the Company; that doubts exist as to the respective rights of the two sets of bondholders whose bonds are secured by the deeds aforesaid, which it is advisable to remove; that it is desirable to raise further funds for the purpose of liquidating outstanding obligations and improving and developing the Company's line of road and business, and for the purchase of additional rolling stock and equipment; and whereas the Company has prayed that for these and other objects its charter be modified and amended, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. 1887, c. 71; 1893, c. 61; 1895, c. 65; 1897, c. 63; 1899, c. 91.

1. The charter of the Temiscouata Railway Company is hereby amended, and the directors of the Company may make a new issue of bonds, to be called "Prior Lien Bonds of the Temiscouata Railway Company" (hereinafter called the "Prior Lien Bonds"), consisting of five hundred bonds of £100 sterling each, repayable at the expiration of twenty years, bearing Prior lien bonds.

interest at a rate not exceeding five per cent per annum, and payable, both principal and interest, either in Great Britain or Canada, or partly in either, as the directors deem best; and the bonds, when duly executed in accordance with the terms of this Act shall be a first mortgage, charge, privilege, and lien upon the whole undertaking, lands, equipments, tolls and revenues and franchises of the Company, presently or hereafter in operation, and in priority to all other existing charges, privileges, liens or encumbrances of any nature or kind whatsoever.

Bonds to be a first charge.

Disposal of prior lien bonds.

2. The directors may from time to time dispose of such bonds upon such terms as to discount the payment as to them seems best; but no portion of the proceeds thereof shall be available or used in payment or partial payment of any existing liability for capital or interest upon the bonds of the Company, heretofore issued and outstanding, or bonds to be issued in exchange therefor, or in the purchase of the shares of the Company. The said prior lien bonds shall be valid without registration.

Registration.

Appointment of trustees.

2. In connection with the issue of the prior lien bonds the directors may name and appoint one or more trustees, to whom they may, if in their discretion they think fit, in advance or subsequently, execute a trust deed and conveyance of the Temiscouata Railway, its tolls, franchises and property, real and personal, then existing and at any time thereafter acquired, as security for and for the benefit and protection of the holders for the time being of the prior lien bonds, and conferring on the trustees such powers of sale and for the appointment of receivers, and containing such conditions and restrictions as to the directors seem best, not being inconsistant with *The Railway Act*, 1903.

Validity of trust deed.

2. The said trust deed shall, without registration in the several counties through which such railway passes, be valid and effectual; but the omission to exercise this power shall not in any way diminish or otherwise affect the first mortgage charge or lien hereinbefore conferred upon the prior lien bonds; but a certified copy of the said deed shall be deposited in the office of the Secretary of State for Canada.

Redemption of prior lien bonds.

3. The Company may at any time call in and redeem such prior lien bonds, upon one month's notice in the London *Times* and upon payment of a premium of ten per cent advance on the par value.

Powers of directors as to expenses, charges, etc.

3. The directors may, out of the proceeds of the prior lien bonds, or out of any funds of the Company in hand, after due payment of and provision for working and current expenses, discharge and acquit the claims of the present trustees for services, outlay and costs, charges and expenses in connection with the said litigation or otherwise incurred in the administration of or in connection with the trusts, as also all expenses of and in connection with this Act, the expenses incurred in connection with the deposit and registration of bonds and the obtaining possession and control of the line or otherwise incident thereto, and also all costs, charges and expenses of the said bondholders' committee while unincorporated and as an incorporated body including the expenses of and incident to incorporation and the winding up of the affairs and dissolution

of the corporation, The Temiscouata Railway Bondholders Committee, Limited.

Consolidated mortgage income bonds.

4. The directors of the Company shall make a new issue of bonds, to be distinguished as Consolidated Mortgage Income Bonds or by some other appropriate title (hereinafter referred to as Consolidated Mortgage Income Bonds), for the amount in the aggregate of £589,200, consisting of five thousand eight hundred and ninety-two bonds of £100 each, transferable by delivery but capable of registration in the books of the Company.

Redemption of consolidated mortgage income bonds.

2. The said consolidated mortgage income bonds shall, except in so far as previously redeemed under the subsequent provisions hereof, be paid off on the 1st of July, 1950, and shall bear interest, payable as hereinafter provided but not otherwise, at the rate of 5 per cent per annum, non-cumulative, as from the 1st of July, 1904, to be paid by equal half-yearly payments on the 1st of January and the 1st of July in each year. Any consolidated mortgage income bond may be redeemed by the Company at par upon three months' previous notice in the London *Times*, interest being payable in gold in the city of London, England.

Disposal of consolidated mortgage income bonds.

5. Consolidated mortgage income bonds, to the aggregate amount of the main line bonds, with interest thereon (including arrears) up to the 1st of July, 1904, shall be delivered to the holders of the main line bonds at par upon delivery up and in exchange for main line bonds, with all unpaid coupons, including that due on the 1st of July, 1904; and consolidated mortgage income bonds to the aggregate amount of the St. Francis Branch bonds, and interest thereon (including arrears) to the 1st of July, 1904, shall be delivered to the holders of the St. Francis Branch bonds at par upon delivery up and in exchange for St. Francis Branch bonds, of like amounts, with all coupons unpaid. The Company may issue fractional certificates, in such form as the directors think proper, for the nominal amount of any coupons which, owing to the fact of the consolidated mortgage income bonds being of the denomination of £100, cannot be satisfied, and shall issue a bond against delivery up of such coupons aggregating one hundred pounds within such time as the directors fix.

Fractional certificates.

Disposal limited.

2. No consolidated mortgage income bonds shall be disposed of otherwise than in accordance with this section.

Registration.

3. The said consolidated mortgage income bonds shall be valid without registration.

Publication of notice of exchange.

6. Upon the passing of this Act, or so soon thereafter as the consolidated mortgage income bonds and the deed to secure them can be completed, the directors shall cause to be inserted in the *Canada Gazette* and London *Times* an advertisement to the effect that they are prepared to carry out the said exchange; and as from the passing of this Act all rights of the holders of main line bonds or of St. Francis Branch bonds, or of coupons thereof respectively, whether in respect of principal or overdue interest or future interest or other rights whatever, excepting only the right to receive consolidated mortgage income bonds in accordance with the provi-

sions of this Act, shall be at an end, and all main line bonds and St. Francis Branch bonds and coupons as delivered shall be cancelled.

Rank of consolidated mortgage income bonds.

7. The consolidated mortgage income bonds when duly executed shall constitute pari passu as between the several holders thereof a mortgage charge or lien upon the whole undertaking, land, equipment, tolls, revenues and franchises of the Company presently or hereafter in operation, subject nevertheless to the prior lien bonds, but in priority to all charges, liens or incumbrances of any nature or kind whatsoever.

Powers with regard to consolidated mortgage income bonds.

8. All the powers other than the power to redeem given by section 2 of this Act in the case of prior lien bonds may, without prejudice to the next preceding section, be exercised with regard to the consolidated mortgage income bonds, except that any trust deed or conveyance executed in pursuance of this section shall be expressed to be subject to any trust deed or conveyance executed under section 2. Every deed executed under this power shall, without registration in the several counties through which the railway passes, be valid and effective.

Regulations in trust deeds binding bondholders.

9. The trust deeds to be executed under the provisions of this Act, or either of them, or the bonds of both issues, or either of them, may contain regulations for holding meetings of the holders of the bonds thereby respectively secured, and provisions enabling the holders present in person or by proxy at such meetings by extraordinary resolution to agree to any compromise or arrangement with the Company or other class of bondholders, so as to bind all the holders of bonds of the same class. Such meetings shall be convened and held so nearly as may be in accordance with the regulations for the convening and holding of general meetings of the Company.

"Extraordinary resolution" defined.

10. The expression "extraordinary resolution" in this Act means a resolution passed at a meeting of the bondholders only convened and held in accordance with the provisions contained either in the bonds or the trust deed securing them, at which a clear majority in value of the bondholders are present in person or by proxy, and carried by a majority consisting of not less than three-fourths of the persons voting thereat upon a show of hands, and if a poll is demanded then by a majority consisting of not less than three-fourths in value of the votes given on such poll.

Powers of trustees.

11. The trustees of the existing trust deeds are authorized to execute such instruments and do such things as are necessary to give effect to any deed of trust or conveyance authorized by this Act, and to concur in the cancellation of the existing deeds.

Head office.

12. The head office of the Company may be at London, England, or in Canada, as the Company determines. The general meetings of the Company shall be held in the country where the head office is unless otherwise determined by the

Company in general meeting, and the annual general meeting shall be held on the first Tuesday in December in each year, or such other date as the directors appoint, not being later than the 31st of December in each year. Notice of the day, place and hour of such meetings shall be given by advertisement published for at least one month in the *Canada Gazette* and in the London *Times*; and at all such meetings bondholders who have, one month previous to the day of meeting, registered their bonds or transfers thereof (save and except holders of prior lien bonds) shall have, while the bonds remain registered, the same rights, privileges and qualifications for voting and being elected directors as they would have had if the bonds registered in their names or in respect of which transfers to them shall have been registered had been shares. The directors may from time to time make such arrangement as they deem fit, by the deposit of bonds in England or in Canada, or otherwise, to facilitate voting on the consolidated mortgage income bonds, without requiring their production at the meetings.

Annual meeting.

Notice of meeting.

13. All profits and earnings of the said railway as ascertained at the close of each financial year, after payment of current and running expenses and other sums properly chargeable to revenue, and making all necessary provisions for repairs and renewals, and after payment of all interest accrued on the prior lien bonds, and after setting aside thereout such sum as the directors think proper to a sinking fund for the redemption of prior lien bonds, shall be from time to time applied in or towards payment of interest at the rate of five per cent for the year, but not any arrears from any then past year, and, subject thereto, shall be applied in payment of the capital of the consolidated mortgage income bonds, either by purchasing bonds in the market at or under par or by redeeming bonds to be selected by drawings or (if in the discretion of the directors the bonds so provide) by rateable payments over all such bonds as and when the Company thinks fit: Provided that the consolidated mortgage income bondholders may, by extraordinary resolution authorize the employment of the whole or part of such surplus profits for such other purposes as they deem expedient: Provided also that the directors of the Company may, during the currency of any financial year, if the estimated profits appear to them to justify such payment, make any interim payment or payments of interest on the consolidated mortgage income bonds on account of the interest for such year.

Application of profits and earnings.

Proviso.

Proviso.

14. The directors may, instead of creating and issuing prior lien and consolidated mortgage income bonds for the amounts in this Act mentioned, or either of them, create and issue prior lien and registered consolidated mortgage income debenture stock, or either of them, for the same amounts, bearing the same rate of interest, secured and payable in the same way as herein provided in the case of prior lien and consolidated mortgage income bonds, or either of them, and in that case all the provisions of this Act relating to prior lien and consolidated mortgage income bonds, or either of them shall, as the case may be, so far as applicable, apply to such registered

Prior lien and registered consolidated mortgage income debenture stock.

debenture stock, except that money applied in redemption shall be applied in redemption of stock as between the several holders in proportion to the amount of debenture stock held by them respectively.

Transfer of registered debenture stock.

2. Registered debenture stock shall be transferable in sums which are multiples of £1, by instrument in writing, subject to such regulations as the directors think fit, to be endorsed on the certificates relating thereto.

Power to dispose of railway, capital stock, etc.

15. The Company may sell, and any railway company or corporation legally competent to operate them may purchase, the Company's railway, works, capital stock, properties and franchises, upon such terms and conditions as are agreed upon by the directors of the respective companies.

Ratification of sale.

2. Any such agreement for the sale of the Company's undertaking to any other company shall not be valid until it has first been ratified by a majority of the votes of the shareholders and holders of general mortgage bonds entitled to vote and present or represented by proxy at a special general meeting duly called for the purpose of considering it, and also by a majority in value of three-fourths of such holders of general mortgage bonds present in person or by proxy at such meeting.

Sanction of Governor in Council.

3. Such agreement shall also receive the sanction of the Governor in Council.

Notice of sanction.

4. Such sanction shall not be signified until after notice of the proposed application therefor has been published for two months in the *Canada Gazette*.

Effect of ratification.

5. When thus duly ratified, approved and sanctioned, the terms of the said agreement shall be binding upon all shareholders and holders of general mortgage bonds, whether they have been or have not been registered.

Holders of prior lien bonds protected.

6. Nothing in the said agreement contained, shall in any manner impair or diminish the rights, privileges and claims of the holders of prior lien bonds of the Company and of their trustees, all which shall remain as valid and binding as if such an agreement had never been passed. The purchaser may, however, exercise the right of redemption of such bonds as hereinbefore provided.

No. 28.

4th Session, 9th Parliament, 4 Edwa

BILL.

An Act respecting the Te
Railway Company

First reading, April 6,

MR.

OTTAWA
Printed by S. E. Dawson
Printer to the King's most Excellent
1904

No. 29.] **BILL.** [1904.

An Act to incorporate the Canadian Credit Indemnity and Guaranty Company.

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

1. James Joseph Kenny, John Woodburn Langmuir, John Fitzallen Ellis, William Stone, Alexander Archibald Allan, Phineas Hophni Burton, Peleg Howland, William Kirkpatrick McNaught, and Robert Bryson Osborne, all of the city of Toronto, John Roaf Barber of Georgetown, in the county of Halton, and Charles Berkeley Powell, of the city of Ottawa; together with such persons as become shareholders in the company, are incorporated under the name of "The Canadian Credit Indemnity and Guaranty Company," hereinafter called "the Company." Incorporation. Corporate name.

2. The persons named in section 1 of this Act are constituted provisional directors of the Company, of whom four shall be a quorum, and they may forthwith open stock books, procure subscriptions of stock for the undertaking, make calls on stock subscribed and receive payments thereon, and they shall deposit in a chartered bank in Canada all moneys received by them on account of stock subscribed, or otherwise received by them on account of the Company and may withdraw the same for the purposes of the Company only, and may do generally whatever is necessary to organize the Company. Provisional directors. Powers.

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

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

4. The head office of the Company shall be in the city of Toronto, in the province of Ontario, but branches, sub-boards or agencies may be established and maintained either within Head office. Agencies.

Canada or elsewhere, in such manner as the directors from time to time determine.

First general meeting.

5. As soon as one hundred thousand dollars of the capital stock have been subscribed, and ten per cent of the amount subscribed paid into some chartered bank in Canada, the provisional directors shall call a general meeting of the shareholders at some place to be named in the said city of Toronto, giving at least ten days' notice of such meeting by registered letter sent postpaid to the last known address of each shareholder.

Election of directors.

2. At such meeting, and at each annual meeting, the shareholders present or represented by proxy who have paid not less than ten per cent on the amount of shares subscribed for by them, shall elect a board of directors which shall consist of not less than seven nor more than twenty members, a majority of whom shall be a quorum.

Qualification.

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

Limit to amount of holding of stock.

6. The largest amount of stock which any person shall hold in the Company, at any one time, shall be two hundred shares; provided that the directors may, at any time, by by-law, provide that any person may hold such greater number of shares of the capital stock as is provided in such by-law; but such by-law shall have no effect until it has been submitted to and confirmed by two-thirds in value of the shareholders present or represented by proxy at a special general meeting of the shareholders duly called for that purpose.

Payment of stock subscriptions.

7. The shares of the capital stock subscribed for shall be paid as follows: ten per cent on subscription; ten per cent on the allotment of the stock and the balance by such calls or instalments and at such times and places as the directors appoint, the first of which calls or instalments shall not exceed twenty per cent, and no subsequent instalment shall exceed ten per cent, and not less than thirty days' notice of the calling of any subsequent instalment shall be given, and such notice shall be given by registered letter mailed post-paid to the last known address of each shareholder.

Credit insurance, etc.

8. The Company may make contracts of insurance with any person against any loss which such person may incur or be put to in the carrying on of any business or manufacture of the assured, by reason of the granting of credits to persons dealing with the assured and also by reason of the non-payment or non-performance of any pecuniary obligation or promise the benefit of which the assured may acquire or be entitled to, and for this purpose may endorse cheques, bills of exchange and promissory notes and negotiable obligations generally, and may guarantee the payment thereof, and also the payment of bonds, mortgages and other securities for payment of money, and also by reason of any claims or demands of the workmen or employees of such person, or of the legal representatives of such workmen or employees, arising out of

accidents or casualties of whatsoever nature, or from whatsoever cause, whereby the insured suffers or may suffer pecuniary loss, or incurs or may incur costs and expenses, and also by reason of loss in the transmission by mail or otherwise of securities, moneys, valuables or letters.

2. The Company may also,— Fidelity insurance.

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

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

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

3. The Company shall be entitled to a license from the Minister of Finance and Receiver General to carry on the business of insurance specified in subsections 1 and 2 of this section notwithstanding anything in *The Insurance Act.* License may be granted to Company.

4. The Company may cause itself to be insured against any risk it may have undertaken in the course of its business. Re-insurance.

5. The Company shall not engage in the business of insurance under subsection 1 of this section until at least forty thousand dollars of capital stock have been paid into the funds of the Company, to be appropriated only for the purposes of the Company under this Act; and the Company shall not commence the business of insurance under subsection 2 of this section until its subscribed capital has been increased to at least two hundred thousand dollars, and an additional amount of fifty thousand dollars has been paid thereon into the funds of the Company under this Act : provided that the amount so paid in by any shareholder shall not be less than ten per cent upon the amount subscribed by such shareholder. When insurance business may be commenced.

9. The Company may invest any of its funds in accordance with the terms of subsections 7, 8, 9 and 10 of section 50, and also with the terms of section 51, of *The Insurance Act*, and the Company may call in the said investments as occasion may require. Investment of funds.

10. The Company may invest or deposit such portion of its funds in foreign securities as is necessary for the maintenance of any foreign branch. Investment in foreign securities.

11. The Company may acquire and hold such real property as, in the discretion of the directors, is required for the use and accommodation of the Company and for the carrying out of the purposes for which the Company is incorporated, and may sell or mortgage such property ; but the annual value thereof in any province of Canada shall not exceed two thousand dollars, except in the Province of Ontario, where it shall not exceed five thousand dollars. Real property.

R.S.C., c. 118.

12. Notwitstanding anything contained therein, *The Companies Clauses Act*, except sections 7, 18 and 39 thereof, shall apply to the Company in so far as the said Act is not inconsistent with any of the provisions of *The Insurance Act* or of this Act.

No. 29.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL.

An Act to incorporate the Canadian Credit Indemnity and Guaranty Company.

First reading, April 6, 1904.

(PRIVATE BILL.)

MR. GUTHRIE.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1904

No. 30.] **BILL.** [1904.

An Act respecting the Guelph Junction Railway Company.

Preamble.

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

1887, c. 59.

Extension authorized.

1. The Guelph Junction Railway Company, hereinafter called "the Company," may construct, equip and operate a branch line from a point on the extension of the Guelph Junction Railway, authorized by chapter 59 of the statutes of 1887, hereinafter called "the Goderich extension," in one of the townships of Woolwich, Peel or Wellesley to the town of Listowel, in the County of Perth, and a branch line from the same point in one of the said townships to the towns of St. Mary's and Clinton, via Stratford, in the counties of Perth and Huron respectively.

Bond issue limited.

2. The securities issued by the Company on the Goderich extension and branches shall not exceed twenty-five thousand dollars per mile of the said line and branches, and may be issued only in proportion to the length of railway constructed or under contract to be constructed.

Secured by mortgage.

2. Such securities may be secured by mortgage pursuant to section 112 of *The Railway Act*, 1903, upon the Goderich extension and branches, or either of them, or any sections or portions thereof.

Exemptions from mortgage.

3. No such securities, or any mortgage, deed or charge or encumbrance given as a security therefor, and whether such exemption is mentioned therein or not, shall include, charge, or affect the Guelph Junction Railway as already constructed from its junction with the Credit Valley Railway (now operated by the Canadian Pacific Railway Company) in the township of Nassagaweya, in the county of Halton, to Goldie's Mill, in the city of Guelph, nor any of the present assets, property, rents or revenues of the Company.

Powers of security-holders limited.

4. No voting or other power given to any holder of any of the said securities, or to any trustee under any such mortgage or other charge or encumbrance, or by *The Railway Act*, 1903, or by any other Act, shall give or shall be held to give any power to vote at any meeting upon or in any matter affecting the said railway already constructed or the lease thereof to the Canadian Pacific Railway Company, or any of the present assets, property, rents or revenue of the Company.

Agreements with other companies.

3. The Company may enter into any agreement with the Canadian Pacific Railway Company or the Guelph and Goderich Railway Company for the the construction by one of the said companies of the said Goderich extension and branches, and for selling, conveying or leasing to one of the said companies the railway and undertaking of the Company so far as relates to the said Goderich extension and branches, and for the sale, transfer or assignment of the franchises, rights, bonuses, rights of way or other assets relating to the said Goderich extension or branches, upon such terms as are agreed upon between the Companies, and may sell, convey, transfer and assign the same accordingly.

Declaratory.

4. The Goderich extension and branches are declared to be works for the general advantage of Canada.

Time for construction limited.

5. If the construction of the Goderich extension and branches is not commenced within two years after the passing of this Act, or if they are not finished and put in operation within five years from the passing of this Act, then the powers granted by this Act or by *The Railway Act*, 1903, shall cease and be null and void as respects so much of the said Goderich extension and branches as then remains uncompleted.

No. 30.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL.

An Act respecting the Guelph Junction Railway Company.

First reading, April 6, 1904.

(PRIVATE BILL.)

MR. GUTHRIE.

OTTAWA
Printed by S. E. DAWSON
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1904

No. 31.] **BILL.** [1904.

An Act to incorporate the Guelph and Goderich Railway Company.

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

1. William Bell, John H. Hamilton, John Martin Bond, John Crowe, Robert L. Torrance, John A. Scott, Archibald Henry Macdonald, Christian Kloepfer and Lincoln Goldie, of the city of Guelph, David McCrae, of the township of Guelph and E. N. Lewis of the town of Goderich, together with such persons as become shareholders in the Company, are incorporated under the name of "The Guelph and Goderich Railway Company," hereinafter called "the Company." Incorporation. Corporate name.

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

3. The capital stock of the Company shall be five hundred thousand dollars. No one call thereon shall exceed ten per cent of the shares subscribed. Capital stock.

4. The head office of the Company shall be in the city of Guelph. Head office.

5. The annual meeting of the shareholders shall be held on the first Wednesday in March. Annual meeting.

6. The number of directors shall be nine, one or more of whom may be paid directors. Directors.

7. The Company may lay out, construct and operate a railway, of a gauge of four feet eight and one half inches, from a point at or near the present terminus of the Guelph Junction Railway in the city of Guelph, and in extension of the Guelph Junction Railway, to a point on Lake Huron in or near the town of Goderich or to such convenient point on any railway constructed to the said town as will give convenient access thereto; with power to construct a branch line from a point on the said proposed line either in the township of Woolwich, Peel or Wellesley to the town of Listowel, and a branch line from a point on the said proposed line in some one of the said townships to the towns of St. Mary's and Clinton, via Stratford; and for the said purposes may take over, lease, purchase or Line of railway described.

acquire all or any of the franchises, rights, bonuses, rights of way or other assets granted to, secured for, or acquired by the Guelph Junction Railway Company, upon such terms as are agreed upon between the Company and the Guelph Junction Railway Company so far as they relate to the extension of the Guelph Junction Railway to Goderich heretofore authorized by chapter 59 of the statutes of 1887, and any other enactment in respect thereof or in amendment thereto, or to any branch authorized to be constructed by the Guelph Junction Railway Company.

Issue of securities.

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

Agreement with C.P.R. Company

9. The Company may, subject to the provisions of section 281 of *The Railway Act*, 1903, enter into any agreement with the Canadian Pacific Railway Company for any of the purposes mentioned in the said section 281.

Agreement with Guelph Junction Railway Company.

10. The Company may enter into an agreement with the Guelph Junction Railway Company (which that Company is hereby empowered to make) to lay out and construct the said extension and branches under the powers and authorities possessed by and in the name of the Guelph Junction Railway Company, or for the construction of the said extension and branches by the Guelph Junction Railway Company, and may lay out and construct the said extension and branches accordingly.

Declaratory.

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

No. 31.

4th Session, 9th Parliament, 4 Edward V

BILL.

An Act to incorporate the Gue
Goderich Railway Compan

First reading, April 6, 190

(PRIVATE BILL.)

Mr. Ho

OTTAWA
Printed by S. E. Dawson
Printer to the King's most Excellent Ma
19 4

No. 32.] **BILL.** [1904

An Act to incorporate the Walkerton and Lucknow Railway Company.

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

1. Alexander Shaw, Lucius Croydon Benton and James Henderson Scott, all of the town of Walkerton; Daniel Knechtel and R. J. Ball, both of the village of Hanover; and Archibald Henry Macdonald and John J. Drew of the city of Guelph, together with such persons as become shareholders in the company, are incorporated under the name of "The Walkerton and Lucknow Railway Company" hereinafter called "the Company." Incorporation. Corporate name.

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

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

4. The capital stock of the Company shall be seventy-five thousand dollars. No one call thereon shall exceed ten per cent of the shares subscribed. Capital stock.

5. The head office of the Company shall be in the town of Walkerton. Head office.

6. The annual meeting of the shareholders shall be held on the first Thursday in February. Annual meeting.

7. The number of directors shall be five, one or more of whom may be paid directors. Directors.

8. The Company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches from a point at or near the town of Walkerton by the most feasible route to a point at or near the village of Lucknow, viâ Teeswater, all in the county of Bruce, and may extend the said railway from Walkerton aforesaid to a point at or near the village of Hanover, in the county of Grey, all in the province of Ontario. Line of railway described.

Issue of securities.

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

Agreements with other companies.

10. Any agreement provided for in section 281 of *The Railway Act*, 1903, may be entered into between the Company and the Canadian Pacific Railway Company and the Huron and Ontario Railway Company, or either of them.

No. 32.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL.

An Act to incorporate the Walkerton and Lucknow Railway Company.

First reading, April 6, 1904.

(PRIVATE BILL.)

MR. HENDERSON.

OTTAWA
Printed by S. E. Dawson
Printer to the King's most Excellent Majesty
1904

No. 33.] **BILL.** [1904.

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

Preamble.

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

1902, c. 111 repealed.

1. Chapter 111 of the statutes of 1902 is repealed.

Time for construction extended.

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

No. 33.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL.

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

First reading, April 6, 1904.

(PRIVATE BILL.)

MR. MORRISON.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1904

No. 34.] **BILL.** [1904.

An Act respecting the Grand Trunk Pacific Railway Company.

Preamble.

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

Confirmation of two agreements.

1. The agreement bearing date the twenty-ninth day of July, one thousand nine hundred and three, a copy of which forms the schedule to the National Transcontinental Railway Act, and the supplemental agreement between His Majesty, represented by the Honourable H. R. Emmerson, Minister of Railways and Canals, and the Grand Trunk Pacific Railway Company (hereinafter called "the Company"), bearing date the eighteenth day of February, one thousand nine hundred and four, a copy of which forms the schedule to the Act of the Parliament of Canada, passed at the present session thereof and intituled "An Act to amend the National Transcontinental Railway Act," and the execution of the said two agreements respectively, is hereby confirmed and declared to be valid, subject to the provisions of the said Acts.

1903, c. 122, s. 6 amended.

2. Section 6 of chapter 122 of the statutes of 1903 is amended by striking out the words "two millions" in the first line thereof and substituting therefor the words "one million."

New section 11.

3. Section 11 of the said chapter is repealed, and the following is substituted therefor:—

Issue of paid-up stock.

"**11.** The directors of the Company elected by the shareholders may make and issue as paid-up stock, shares of the common stock of the Company, whether subscribed for or not, and may allot and hand over in payment for plant, rolling stock, docks, elevators, wharfs, warehouses, vessels, or materials of any kind, or as consideration for rights, powers, guarantees and privileges acquired, or services rendered, other than promotion services, and also for the bona fide claims of contractors and engineers, such an amount of such common stock as is a fair and bona fide value for the property purchased, or for the rights, powers, guarantees and privileges acquired, or services rendered as aforesaid, due regard being had to the then market value of the stock; and such issue and allotment of stock shall be binding on the Company, and such stock shall not be assessable for calls."

Powers to carry out agreements.

4. The Company shall have all the powers necessary to take over and assume and carry into effect the agreements referred to in section 1 of this Act, and in connection therewith may enter into any lease, agreement, mortgage or other contract or deed, and execute and perform all the terms and provisions of the said agreements; and the directors of the Company may also enter into any other agreement with the Government of Canada which the said Government is or may hereafter be authorized to enter into with the Company, and from time to time, and as often as they deem it necessary or expedient, may also enter into any agreement with the Grand Trunk Railway Company of Canada for the purpose of carrying into effect the provisions of the said agreements mentioned in section 1 of this Act, or for any other purpose in connection therewith.

Section 30 repealed.

5. Section 30 of the said chapter is repealed.

New section 35.

6. Section 35 of the said chapter is repealed, and the following is substituted therefor:—

Time for construction limited.

"**35.** If the construction of the railway is not commenced within two years after the passing of this Act, or if the railway is not finished and put in operation on or before the first day of December, one thousand nine hundred and eleven, the powers conferred upon the Company by Parliament shall cease and be null and void as respects so much of the railway as then remains uncompleted."

No. 34.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL.

An Act respecting the Grand Trunk Pacific Railway Company.

First reading, April 6, 1904.

(PRIVATE BILL.)

MR. MCCARTHY.

OTTAWA
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1904

No. 35.] **BILL.** [1904.

An Act respecting Labour Union Labels.

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

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

(*a.*) The expression "labour union" means any and every association of workingmen or of workingwomen, or of workingmen and workingwomen. "Labour union."

(*b.*) The expression "label" means a label, trade mark, term, design, word, letter, emblem, figure, sign, seal, stamp, diagram, ticket, device or form of advertisement registered in accordance with the provisions of this Act. "Label."

(*c.*) The expression "Minister" means the Minister of Agriculture. "Minister."

2. Every labour union which before the passing of this Act, has adopted or used, or which hereafter adopts or uses a label to designate, make known or distinguish any goods, wares, merchandise or other product of labour as having been made, manufactured, produced, prepared, packed, handled or put on sale by such labour union, or by a member or members thereof, may register such label in the office of the Minister, by leaving two copies, counterparts or facsimiles thereof with the Minister, and by filing therewith a declaration made by the president, secretary or other officer of such labour union, specifying the name of the labour union on behalf of which such label is being registered, the class of merchandise and a description of the goods to which it has been or is intended to be appropriated, and stating that, to the best of his knowledge, information and belief, the labour union on behalf of which the application for registration is being made has the right to the use of the same, that no other person, firm, labour union, association or corporation has the right to such use, either in the identical form or in any such near resemblance thereto as may be calculated to deceive, and that the facsimiles or counterparts are true and correct; and, thereafter such labour union shall have the exclusive right to use such label for the purposes aforesaid. Registration of label. Declaration to be made. Exclusive right to use label.

2. The Minister shall deliver to the labour union so registering as aforesaid a certificate of such registration to the effect that such label has been duly registered in accordance with the provisions of this Act, and such certificate shall have attached to or incorporated with it a copy, counterpart or facsimile of such label, and shall also set forth the day, month and year of the entry thereof in the proper register, the name of the Certificate of registration. Contents.

labour union registering such label, the number of such label and the number or letter employed to denote or correspond to the registration; and such certificate in the absence of proof to the contrary, shall be sufficient proof in all Courts in Canada of the label, of its adoption by the labour union, of the name of the labour union, of the registration, of the commencement and term of registry, of the labour union named being the owner or proprietor of the label, and of compliance with the provisions of this Act; and, generally, the writing purporting to be so signed shall be received as *primâ facie* evidence of the facts therein stated without proof of the signature of the officer signing the same.

Effect as evidence.

Duplicate certificate to be supplied.

3. The Minister shall deliver to the labour union so registering or causing to be so registered as many duly attested certificates as such labour union may apply for on payment of the fees hereinafter provided for.

Misleading labels not to be registered.

4. The Minister shall not record for any person, firm, labour union, association or corporation any label that might, possibly, be mistaken for one already registered by or on behalf of any labour union.

Fees for registration.

3. Before any action is taken in relation to an application for registering a label, the following fees shall be paid to the Minister, that is to say:—

On every application to register a label, including certificate	$5 00
On every application for renewal of the registration, including certificate	3 00
For copy of each certificate of registration separate from the return of duplicate	1 00
For office copies of documents not above mentioned, for every hundred words or for a fraction thereof	0 50

Fee to be returned if label is not registered.

2. If the Minister refuses to register the label for which application is made the fee shall be returned to the applicant or his agent less the sum of two dollars which shall be retained as compensation for office expenses.

Minister may act by deputy.

3. The Minister may depute an officer to perform the duties imposed upon the Minister by this Act.

Appeal from deputy so acting.

4. Where the officer so appointed refuses to register a label under this Act, an appeal may, in such case, be taken by the labour union aggrieved to the Minister, whose decision shall be final.

Cancellation of label.

4. Any labour union that has registered a label may petition for the cancellation of the same, and the Minister on receiving such petition may cause the said label to be so cancelled, and the same shall be considered void and of no effect after such cancellation.

Transfer of right to label.

2. Every such labour union may, if at any time it becomes merged in or affiliated with any other labour union, serve the Minister with notice of the fact and of its desire to have the label which has been registered in its name transferred to the name of such other labour union, and such transfer shall be made accordingly and such transferee shall have all and the same rights as the labour union that first registered such label.

5. The exclusive right acquired for a label, when registered, shall be valid for the term of twenty-five years, but may be renewed before the expiration of the said term, by the labour union which has registered the same or by its transferee, for another term of twenty-five years, and so on from time to time; but every such renewal shall be registered before the expiration of the current term of twenty-five years. Duration of right to label. Renewal. Registration of renewal.

6. It shall be unlawful for any person, firm, labour union, association or corporation, other than the labour union registering such label, unless with the consent of such labour union,— Offences.

(*a.*) to mark any goods or any articles of any description whatever with any such label or with any part thereof, whether by applying such label or any part thereof to the article itself or to any package or thing containing such article or by using any package or thing so marked which has been used by the labour union which has registered such label; or Unauthorized use of label.

(*b.*) to knowingly sell, offer for sale or dispose of any article marked with such label or any part thereof; or Sale of goods labeled without authority.

(*c.*) to counterfeit or imitate any such label; or

(*d.*) to sell, offer for sale or dispose of, or in any way utter or circulate any counterfeit or imitation of any such label; or Counterfeiting.

(*e.*) to keep or have in his possession with intent that the same shall be sold or disposed of, any goods, wares, merchandise, or other product of labour to which or on which any such counterfeit or imitation is printed, painted, stamped, impressed, or otherwise displayed; or Selling, etc., counterfeit labels. Having possession of goods marked with counterfeit label.

(*f.*) to knowingly sell, offer for sale or dispose of any goods, wares, merchandise or other product of labour contained in any box, case, can or package to which or on which any such counterfeit or imitation is attached, fixed, painted, printed, stamped, impressed or displayed; or Selling, etc., goods in packages marked with counterfeit label.

(*g.*) to procure either for himself or on behalf of any other person, firm, labour union, association or corporation, the registering of any label under the provisions of this Act by making any false or fraudulent representation or declaration verbally or in writing or by any fraudulent means whatever; or Procuring registration by false representations, etc.

(*h.*) to use or display the genuine label of any such labour union which has registered the same as required by this Act in any manner not authorized by such labour union; or Using label in unauthorized way.

(*i.*) to use the name or seal of any such labour union or officer thereof in and about the sale of goods or otherwise not being authorized to so use the same by such labour union; or Using name of labour union, etc., without authority.

(*j.*) to make any die, block, machine or other instrument for the purpose of forging or being used for forging a label; or Making instruments for forging label.

(*k.*) to dispose of or have in his possession any die, block, machine or other instrument for the purpose of forging a label; or Disposal or possession of such instruments.

(*l.*) to cause any of such things to be done.

7. Every person, firm, labour union, association or corporation contravening the provisions or any of the provisions of the next preceding section shall be guilty of an offence and liable, for each such offence on summary conviction, to a fine not exceeding five hundred dollars or to imprisonment for a period not exceeding one year or to both fine and imprisonment; and Procuring above offences. Penalties. Recovery.

such fine may be levied by warrant of distress under the hand and seal of the magistrate and shall be paid to the labour union which has registered such label, together with the costs incurred in enforcing and recovering the same.

To be paid to labour union.

Who may be complainant.

2. Every complaint under this section may be made by a member of the labour union which has registered the label as in this Act provided.

Right to maintain civil action.

8. An action or suit may be maintained in any Court of Record having jurisdiction to the amount claimed, by any labour union, or by a member or members of such labour union, which has complied with the provisions of this Act as to registration, against any person, firm, labour union, association or corporation contravening the provisions or any of the provisions of this Act.

No action to lie against labour union except for purposes of Act.

9. Nothing in this Act contained shall enable any suit, action, garnishee, interpleader or other proceeding to be brought, had or maintained against a labour union, except for the purposes of this Act.

Procedure for issue of search warrant.

10. When complaint in writing, verified by affidavit, is made to any court or officer having authority to issue search warrants, showing that complainant has reason to believe that counterfeits or imitations of any label registered as in this Act provided, or tools, cuts, plates, dies, blocks, machinery or materials prepared or provided for the making of such counterfeits or imitations, are concealed in any building, receptacle or place (particularly describing the same), such court or officer shall, if satisfied that there is reasonable cause for such belief, issue a warrant to search such building, receptacle or place for the articles described in the complaint.

Form of search warrant.

1892, c. 29.

11. Search warrants issued under this Act shall be in the form prescribed by *The Criminal Code*, 1892, so far as such form is applicable, and shall be directed to and be served and returned by the same officers in the same manner as search warrants in other cases in the said Code provided for; and the proceedings and practice after such return shall conform as nearly as may be to the practice and proceedings in regard to search warrants in such other cases.

Label not to be attached without consent of owner of goods.

12. Notwithstanding anything in this Act contained no label shall be put or placed upon any goods, wares, merchandise or other product of labour without the consent of the owner or proprietor of such goods, wares, merchandise or other product of labour first had and obtained.

No. 35.

4th Session, 9th Parliament, 4 Edward

BILL.

An Act respecting Labour Unio

First reading, April 7, 19

Mr. Smith.
(Van

OTTAWA
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Printer to the King's most Excellent M
1904

No. 36.] **BILL.** [1904.

An Act respecting the Tobique Valley Railway Company.

Preamble.

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

1892, c. 60.

Time for construction.

1. Nothwithstanding anything in *The Railway Act*, 1903, or in any other Act, the undertaking of the Tobique Valley Railway Company may be finished and put in operation within five years from the passing of this Act; and if it is not finished and put in operation within that time, then the powers of construction granted by Parliament shall cease and be null and void as respects so much of the undertaking as then remains uncompleted.

No. 36.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL

An Act respecting the Tobique Valley Railway Company.

First reading, April 11, 1904.

(PRIVATE BILL.)

MR. COSTIGAN.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1904

No. 37.] **BILL.** [1904

An Act to amend the Exchequer Court Act.

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

1902, c. 8, new s. 4.

1. Section 4 of chapter 8 of the statutes of 1902 is repealed, and the following is substituted therefor:—

Appeal on behalf of the Crown.

"**4.** Notwithstanding anything contained in section 51 (as enacted by section 1 of chapter 35 of the statutes of 1890) or section 52 of *The Exchequer Court Act*, where the Crown is a party to any action, suit, cause, matter, or other judicial proceeding, an appeal shall lie on behalf of the Crown from any judgment, decree or order of the Exchequer Court or of any judge thereof."

No. 37.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL.

An Act to amend the Exchequer Court Act.

First reading, April 11, 1904.

Mr. Fitzpatrick.

OTTAWA
Printed by S. E. Dawson
Printer to the King's most Excellent Majesty
1904

No. 38.] **BILL.** [1904

An Act to amend the Petition of Right Act.

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

1. Section 4 of *The Petition of Right Act*, chapter 136 of the Revised Statutes, is amended by striking out the words "or upon receiving back" in the fifth line of the said section. R.S.C., c. 136, s. 4 amended.

2. Section 5 of the said Act is amended by striking out the words "petition and fiat shall" in the second line of the said section and substituting therefor the words: "suppliant shall pay to the Secretary of State the sum of two dollars, the amount of the court fee on filing the petition, and thereupon the Secretary of State shall cause the petition and fiat to". Section 5 amended.

No. 38.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL

An Act to amend the Petition of Right Act.

First reading, April 11, 1904.

MR. FITZPATRICK.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1904

No. 39.] **BILL.** [1904

An Act to amend the Yukon Territory Act.

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

Ordinances respecting election of members of Council.

1. Notwithstanding anything contained in *The Yukon Territory Act*, chapter 6 of the statutes of 1898, or in any Act in amendment thereof, the Commissioner in Council may make ordinances providing for the division of the Territory into electoral districts for the purposes of the election of the representative members of the Council of the Territory, each of such districts to be represented by one or more of such members, and ordinances prescribing, as a qualification necessary to entitle any person to vote at an election of a representative member for an electoral district, residence in the district at the time of the election or for any period not longer than twelve months prior thereto; and any ordinance heretofore made by the Commissioner in Council in so far as it did or does so provide or prescribe, is hereby declared to have been valid and effectual from the date when it was passed.

1898, c. 6; 1899, c. 11; 1900, c. 34; 1902, c. 34; 1903, c. 73.

No. 39.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL.

An Act to amend the Yukon Territory Act.

First reading, April 11, 1904.

MR. FITZPATRICK.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1904

No. 40.] **BILL.** [1904.

An Act respecting the Canada Southern Railway Company.

Preamble.

WHEREAS the Canada Southern Railway Company has, by agreement dated the 15th of August, 1903, approved of by the Governor in Council, leased its railway to the Michigan Central Railroad Company, a copy of which agreement is set forth in Schedule A to this Act; and whereas the Canada Southern Railway Company and Michigan Central Railroad Company have, by agreement dated the 29th of December, 1903, subject to the approval of the Governor in Council, granted to the Père Marquette Railroad Company the use of that portion of the railway of the Canada Southern Railway Company in the said agreement described, upon the terms, provisoes and conditions contained in the said agreement, a copy of which is set forth in Schedule B to this Act; and whereas the said agreement has been sanctioned by the Governor in Council by Order dated the day of 1904; and whereas the Canada Southern Railway Company, under the powers conferred by the Acts relating thereto, has become the owner of all the stock, property and assets of the Leamington and St. Clair Railway Company, and of the Sarnia, Chatham and Erie Railway Company, respectively, free and clear of all liens and encumbrances, except certain bonds of the Leamington and St. Clair Railway Company to the amount of one hundred and thirty thousand dollars, secured by a mortgage, bearing date the 1st of October, 1895, executed by the Leamington and St. Clair Railway Company to James Ross and Nicol Kingsmill, trustees; and whereas the said Canada Southern Railway Company, Michigan Central Railroad Company, Père Marquette Railroad Company, Leamington and St. Clair Railway Company, and Sarnia, Chatham and Erie Railway Company have prayed that it might be enacted, as regards their several interests, as hereinafter set forth; and whereas all the shareholders of the Leamington and St. Clair Railway Company and of the Sarnia, Chatham and Erie Railway Company have respectively petitioned that the said respective companies may become amalgamated with and merged in the Canada Southern Railway Company; and whereas it is expedient to grant the prayer of the said petitions; Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows:—

Short title.

1. This Act may be cited as "The Canada Southern Railway Company Act, 1904."

Agreement in schedule A confirmed.

2. The agreement, dated the 15th day of August, 1903, between the Canada Southern Railway Company and the Mi-

chigan Central Railroad Company, and set forth in Schedule A to this Act, is ratified and confirmed, and declared to be valid and binding upon the parties thereto; and each of the companies parties thereto may do whatever is necessary to carry out and give full effect to the said agreement to the full extent contemplated by the several provisions thereof, as therein set forth.

Agreement in schedule B confirmed.

3. The agreement, dated the 29th day of December, 1903, between the Canada Southern Railway Company and the Michigan Central Railroad Company, the first party thereto, and the Père Marquette Railroad Company, the second party thereto, and set forth in Schedule B to this Act, is ratified and confirmed, and declared to be valid and binding upon the parties thereto; and each of the companies parties thereto may do whatever is necessary to carry out and give full effect to the said agreement to the full extent contemplated by the several provisions thereof, as therein set forth.

Agreement for 99 years.

2. The said agreement set forth in Schedule B shall, subject to the provisions thereof, be and remain in force for the period of ninety-nine years from the taking effect thereof.

Declaratory.

4. The undertaking of the Leamington and St. Clair Railway Company is declared to be a work for the general advantage of Canada.

Amalgamation of Leamington and St. Clair Railway Co.

5. The Leamington and St. Clair Railway Company (hereinafter referred to as "the Leamington Company") shall be amalgamated with the Canada Southern Railway Company from and after the passing of this Act, and the franchises or charter of the Leamington Company, with all its powers, authorities, rights, privileges, and all its railways, plant and undertaking, and all its property, real and personal, are transferred to and vested in the Canada Southern Railway Company, to the intent that the Leamington Company and its undertaking shall be merged in and form part of the undertaking of the Canada Southern Railway Company.

Position of bondholders.

2. The bondholders of the Leamington Company shall retain their respective bonds, with the same charge on the undertaking, railways and property, belonging before the amalgamation to the Leamington Company, and with the same rights as if amalgamation had not taken place.

Transfer of debts and liabilities.

3. Upon the passing of this Act, all debts due by, and all liabilities of, the Leamington Company shall become debts due by, and liabilities of, the Canada Southern Railway Company, and all contracts subsisting with the Leamington Company shall become contracts subsisting with the Canada Southern Railway Company, and all rights of action and suits then accrued to or against the Leamington Company shall enure to and subsist for the benefit of and against the Canada Southern Railway Company, and there shall be no abatement of any action or suit then commenced by or against the Leamington Company, but any such action or suit may, upon suggestion of this amalgamation, be continued and prosecuted by or against the Canada Southern Railway Company, in the same way as it would be continued or prosecuted by or against the Leamington Company if this amalgamation were not effected.

Transfer of powers.

4. From and after the passing of this Act, the Canada Southern Railway Company shall possess, and may exercise and enjoy the franchises, powers, authorities, rights and privileges of the Leamington Company, as fully and effectually as the Leamington Company immediately before the amalgamation, and may exercise in respect of the railway and undertaking of the Leamington Company all the powers, authorities, rights and privileges possessed by the Canada Southern Railway Company under its special Acts.

Declaratory.

6. The undertaking of the Sarnia, Chatham and Erie Railway Company is declared to be a work for the general advantage of Canada.

Amalgamation of Sarnia, Chatham and Erie Railway Company.

7. The Sarnia, Chatham and Erie Railway Company (hereinafter referred to as "the Sarnia Company") shall be amalgamated with the Canada Southern Railway Company from and after the passing of this Act, and the franchises or charter of the Sarnia Company, with all its powers, authorities, rights, privileges, and all its railways, plant and undertaking, and all its property, real and personal, are transferred to and vested in the Canada Southern Railway Company, to the intent that the Sarnia Company and its undertaking shall be merged in and form part of the undertaking of the Canada Southern Railway Company.

Transfer of debts and liabilities.

2. Upon the passing of this Act all debts due by, and all liabilities of, the Sarnia Company shall become debts due by, and liabilities of, the Canada Southern Railway Company, and all contracts subsisting with the Sarnia Company shall become contracts subsisting with the Canada Southern Railway Company, and all rights of action and suits then accrued to or against the Sarnia Company shall enure to and subsist for the benefit of and against the Canada Southern Railway Company, and there shall be no abatement of any action or suit then commenced by or against the Sarnia Company, but any such action or suit may, upon suggestion of this amalgamation, be continued and prosecuted by or against the Canada Southern Railway Company in the same way as it would be continued or prosecuted by or against the Sarnia Company if this amalgamation were not effected.

Transfer of powers.

3. From and after the passing of this Act the Canada Southern Railway Company shall possess, and may exercise and enjoy the franchises, powers, authorities, rights and privileges of the Sarnia Company, as fully and effectually as the Sarnia Company immediately before the amalgamation, and may exercise in respect of the railway and undertaking of the Sarnia Company all the powers, authorities, rights and privileges possessed by the Canada Southern Railway Company under its special Acts.

Application of agreement with Michigan Central Railway Co.

8. The agreement, dated the 15th day of August, 1903, between the Canada Southern Railway Company and the Michigan Central Railroad Company, set forth in Schedule A to this Act, shall embrace and cover, and be construed as including the railways and undertakings of the Leamington Company and Sarnia Company hereby respectively transferred to the Canada Southern Railway Company, and the covenants,

provisoes and conditions of the said agreement shall apply to the undertakings and railways of the Leamington Company and Sarnia Company so transferred.

SCHEDULE A.

AN INDENTURE made the fifteenth day of August, one thousand nine hundred and three: between the Canada Southern Railway Company, a corporation existing under the laws of the Dominion of Canada, for itself and the several companies which it controls, as hereinafter recited, and hereinafter called "the Canada Company," of the first part: and the Michigan Central Railroad Company, a corporation existing under the laws of the State of Michigan, and hereinafter called "the Michigan Company," of the second part:

Whereas the Canada Company is the proprietary owner of a main line of railway between the Niagara River and the Detroit River, and of several branch lines of railway appurtenant to its main line, all within the Province of Ontario, in the Dominion of Canada, and is also the owner of all, or substantially all, of the capital stock and bonded indebtedness of the several companies referred to and set out in the schedule hereunto annexed, and through the ownership of such stock and bonds controls the several companies mentioned or referred to in said schedule;

And whereas, by an Act of the Parliament of the Dominion of Canada, duly made and passed in the year 1894, in the 57th and 58th year of Her Majesty's, the late Queen Victoria's reign, and chaptered 66, the Canada Company is authorized and empowered, among other things, to enter into an agreement with the Michigan Company for leasing to the Michigan Company the railway of the Canada Company in whole or in part, or any rights or powers possessed by the Canada Company, as also the surveys, plans, works, plant, material, machinery and other property to the Canada Company belonging on such terms and conditions as are agreed upon, and subject to such restrictions as to the directors seem fit, provided that such agreement has been first sanctioned by two-thirds of the votes at a special general meeting of the shareholders duly called for the purpose of considering the same, at which meeting shareholders, representing at least two-thirds in value of the stock, are present in person or represented by proxy, and that such agreement has also received the approval of the Governor in Council, as is in the said Act more particularly provided;

And whereas, at a special general meeting of the shareholders of the Canada Company, duly called and held at the Company's head office, in the City of St. Thomas, on the third day of June, 1903, at which meeting were present or represented more than two-thirds in value of the whole stock of the Company, and by more than two-thirds of the votes of the shareholders then present in person or by proxy, the same being more than a majority of the stock of said Canada Company, it was resolved that the Canada Company should lease to the Michigan Company, its said main railway line and branches and other appurtenances upon the terms and conditions in this indenture contained.

And whereas, at a special general meeting of the shareholders of the Michigan Company, duly called and held at the head office of the Company, in the City of Detroit, on the fifteenth day of July, 1903, at which meeting were present or represented more than ninety-three per centum of the whole capital stock of the Company, and by the votes of shareholders present in person or by proxy owning one hundred and seventy-five thousand eight hundred and nineteen shares out of a total capital stock of one hundred and eighty-seven thousand three hundred and eighty shares, being more than a majority of the stock of said Michigan Company, it was resolved that the Michigan Company should lease from the Canada Company its said main line of railway and branches and other appurtenances upon the terms and conditions in this indenture contained;

And whereas the terms and conditions of this Indenture were laid before the said meetings of shareholders respectively, were duly considered, and were approved of by more than two-thirds of the votes of the shareholders of the Canada Company, and by a majority of the votes of the shareholders of the Michigan Company as aforesaid, and this Indenture was then and there at said respective meetings sanctioned, approved of and ordered, by the votes of the respective shareholders as aforesaid, to be executed and accepted by the executive officers of the said respective Companies;

And whereas the Michigan Company represents that it has power and authority to enter into and accept a lease of the railway of the Canada Company, as in this Indenture provided, and to carry out the provisions, conditions and agreements in this Indenture contained;

And whereas the Canada Company and the Michigan Company, in pursuance of the laws of the Dominion of Canada, and of the State of Michigan, in such cases made and provided, and of every other power and authority them in that respect enabling, have agreed that the railway of the Canada Company with its equipment, buildings and appurtenances shall be leased to the Michigan Company, and shall be run, used and operated by the Michigan Company upon the terms and conditions of this Indenture;

Now therefore this Indenture witnesseth that for and in consideration of the covenants and agreements of the Michigan Company hereinafter contained, and of the sum of one dollar to it in hand paid by the Michigan Company, (the receipt whereof is hereby acknowledged) the Canada Company, in pursuance of all powers it thereunto enabling, doth hereby demise, and lease, to the Michigan Company, its successors and assigns, the entire railway of the Canada Company as now existing, and being composed chiefly of:

(*a*) Its main line of railway between the City of Windsor, on the Detroit River, and the Town of Niagara Falls, on the Niagara River;

(*b*) Its St. Clair branch between the City of St. Thomas and the Village of Courtright on the St. Clair River;

(*c*) Its Amherstburg branch between the Town of Essex and the Town of Amherstburg, on the Detroit River;

(*d*) Its Fort Erie branch between the Town of Welland and the Village of Bridgeburg on the Niagara River;

(*e*) Its Niagara branch between the said Village of Bridgeburg and the Town of Niagara at the mouth of the Niagara River;

Together with all other branches, extensions and sidings, and also all rights of way, lands, machinery, fixtures, stations, shops, buildings, structures, improvements, appurtenances, tenements and hereditaments of whatever kind or description and wherever situate, now held or owned by the Canada Company, or which may at any time hereafter during this Indenture be acquired by the Canada Company, provided that such after-acquired property be acquired for some purpose incident to or connected with the maintenance, operation, construction or extension of the aforesaid railway with its branches and appurtenances;

Also all the engines (stationary and locomotive), cars tenders, trucks and all other rolling stock, tools, implements, machines and personal property of every kind and description belonging to the Canada Company, and in use or adapted for use upon or about the railway and premises demised, or the business thereof;

Also all the rights, powers and privileges, tolls and revenues which may now or at any time hereafter during this Indenture be lawfully exercised, enjoyed or received in or about the use, operation, management, maintenance, renewal, extension, alteration or improvement of the railway, the equipment and the appurtenances above described;

Together with the right to use the line of telegraph now existing, or as the same may hereafter exist along the line of the said railway or its branches, or any extension thereof; in the manner and to the same extent and as now possessed by the Canada Company. All which above described railway, branches and appurtenances, rights, power and other property are hereinafter referred to as "the demised premises," but always excepting thereout and therefrom all lands of the Canada Company lying south of Wellington Street in the City of St. Thomas, commonly known as "the Canada Southern subdivision of lands," and the lands lying outside of the present yard at Montrose not necessary for the operation of the railway of the Canada Company.

To have and to hold the demised premises hereby leased unto the Michigan Company, its successors and assigns, from and including the first day of January, A.D. 1904, until the end of nine hundred and ninety-nine years, to be computed from the said first day of January A.D. 1904, together with all rights, advantages, privileges, claims and demands of the Canada Company under all deeds, contracts, agreements, by-laws, franchises, or other rights, so far as the same may be lawfully assignable.

I.

The Canada Company covenants and agrees with the Michigan Company, as follows:

First: That it will concurrently with the taking effect of this indenture deliver the possession and control of the demised premises, and will and does hereby give to the Michigan Company the right at the date hereinafter named to enter upon

and take possession of the demised premises, and thereafter during the continuance of this indenture to retain possession thereof, and to maintain, work and operate the said demised premises in the manner in which it, the Michigan Company, hereinafter covenants that it will maintain, work and operate the same.

Second : That it will also concurrently with the taking effect of this indenture cause to be transferred to the Michigan Company the control and management for the purpose of working and operating the several railways and works of the companies mentioned in the schedule hereto, and that during the continuance of this indenture it will by the use of the shares or stock of the said several companies owned or controlled by it continue the Michigan Company in the control and management of the said several railways and works, but nothing herein contained shall prevent the Canada Company and the companies mentioned in the schedule hereto, or some or any of them, amalgamating ; in which case such amalgamated company or companies shall be bound by and be subject to the terms of this indenture.

Third : That it will during the continuance of this indenture keep up its corporate organization, and the corporate organixations of the several companies mentioned in the schedule hereto, and will from time to time and in due time, but at the expense of the Michigan Company perform all acts which it is or may be by law in that behalf required to perform, and will neither do nor suffer to he done any act by which its corporate existence, rights or franchises, or those of any of the several companies mentioned in the schedule hereto, shall become subject to forfeiture or impairment, except in so far as the same may be caused or arise from the default or neglect of the Michigan Company, and that it will not, during the continuance of this indenture, part with the control of the said several companies mentioned in the schedule hereto, which control is now represented by its ownership of the shares or stock of said several companies.

Fourth : That its proprietary road, both main line and branches, and the property appertaining thereto and hereby demised, and each and every part thereof, is free and clear from all encumbrances except the hereinafter mentioned mortgages executed to Angustus Schell and Cornelius Vanderbilt, and that any bonded indebtedness of any of the companies mentioned in the schedule hereto is owned or possessed by the Canada Company, except the bonds secured by the hereinafter mentioned mortgage executed to James Ross and Nicol Kingsmill.

Fifth : That it will concurrently with the taking effect of this indenture, or as soon as practicable, cause to be executed its corporate negotiable bonds, in such denominations and made payable at such time and place as the Canada Company may determine, to an aggregate amount not exceeding forty million dollars, bearing interest at a rate not to exceed five per centum per annum, payable semi-annually, and secured by a mortgage or other sufficient charge upon the demised premises, executed to Chauncey M. Depew, of the City and State of New York, in the United States of America, and Nicol Kingsmill, of the City of Toronto, in the Province of

Ontario, as mortgagees, in trust, to provide for the payment of outstanding bonds or the retirement substitution or renewal thereof, and for the purpose of making additions and improvements hereinafter specified, and said bonds or the net proceeds of the sale of such said bonds as may be sold, as also the bonds or the net proceeds of the sale of any bonds of the several companies mentioned in the schedule hereto, shall respectively be used and expended for the payment of outstanding bonds, or the retirement, substitution or renewal thereof, and for the purpose of making additions and improvements to the railway and branches and other property of the Canada Company, including the works or the construction of the works of any of the Companies referred to in the said Schedule hereto, to wit :

(1.) The completion or construction of a second track on its main line of railway between the Detroit and Niagara Rivers, as the Michigan Company may from time to time determine to be necessary ;

(2.) The extension of its main line and existing branches and construction or acquiring new branches as may be found desirable to reach or develop business ;

(3.) The acquisition of land and terminals, the construction or enlargement of yards, shops or buildings, and the replacement of temporary bridges and other structures of a like nature with permanent structures ;

(4.) The improvement of the crossings of the Detroit and Niagara Rivers respectively, either by the building or by the acquiring of additional ferry boats, bridges, or such other means as the directors of the Michigan Company may determine :

(5.) The construction, extension or completion of any of the works of the several companies mentioned in the schedule hereto ;

(6.) Increasing the equipment or rolling stock of the Canada Company ;

(7.) Such other additions and improvements as may from time to time be deemed advisable by the Michigan Company.

Sixth : That it will, from time to time, as may be necessary, and with the approval of the Michigan Company, cause to be executed its corporate negotiable bonds, secured by mortgage, or other sufficient charge, for the purpose of providing for the payment of outstanding bonds or the retirement, renewal or substitution thereof, so that its bond issue, as it may from time to time exist, may be a continuing indebtedness during the continuance of this indenture.

Seventh : That it will from time to time, at the request of the Michigan Company, through the use of the shares or stock of any of the several companies mentioned in the schedule hereto, cause the bonds of any of the said several companies to be issued to such lawful amount or amounts as the Michigan Company may desire, secured by a sufficient mortgage or charge upon the railway, works or undertaking of any of the said several companies, and carrying interest at a rate not exceeding five per centum per annum, payable half-yearly.

Eighth : That it will, to the extent of its corporate powers, make any and all further and other assurancees and contracts which may be advised by counsel as necessary to protect the

Michigan Company in the possession of the said railways and other properties of the Canada Company hereby demised, and for fully effectuating the objects and purposes of this indenture, and will during the continuance of this indenture ensure the Michigan Company in the quiet and peaceable possession of the demised premises and the railways and works of the several companies mentioned in the schedule hereto, always excepting any breach consequent upon any act of God, war, riots, strikes or other occurrences over which the Canada Company has no control.

II.

The Michigan Company covenants and agrees with the Canada Company as follows :

First : That it will, during the continuance of this indenture or for so long as the said Michigan Company shall remain in possession and control under this indenture of the said Canada Company's railroad, works and property pay as rental for the premises hereby demised and for the right to possession and control of the railways and works of the several companies mentioned in the schedule hereto, on the days hereinafter named, the interest, dividends and fixed charges hereinafter set forth, viz.:

(*a*) Interest at the rate of five per centum per annum upon the now outstanding bonds of the Canada Company, amounting in the aggregate to twenty million dollars secured by two mortgages bearing date respectively the thirty-first day of October, 1877, and the first day of February, 1883, executed by the Canada Company to Augustus Schell and Cornelius Vanderbilt, trustees.

(*b*) Interest at the rate of four per centum per annum upon the now outstanding bonds of the Leamington and St. Clair Railway Company, amounting in the aggregate to one hundred and thirty thousand dollars, secured by mortgage bearing date the first day of October, 1895, executed by the Leamington and St. Clair Railway Company to James Ross and Nicol Kingsmill, trustees.

The said interest mentioned in clauses (*a*) and (*b*) and also the interest payable on the bonds provided for in clause (*c*) when issued, shall be paid semi-annually as the same may mature, and in accordance with the provisions of the bonds and mortgages securing it, and the surrender of receipts or coupons for such payments of interest shall be equivalent to the payment of so much of the rental herein stipulated to be paid.

(*c*) Interest upon any bonds that the Canada Company and any of the several companies mentioned in the schedule hereto may hereafter issue under the provisions in that behalf hereinbefore contained, according to their respective tenor and effect, also interest upon any bonds that may be issued at any time during the continuance of this indenture to provide for the payment of any outstanding bonds issued pursuant to the provisions of this indenture and the retirement, renewal or substitution thereof.

(*d*) An amount semi-annually on the first days of January and July in each year sufficient to pay half-yearly dividends at the rate of two and one-half per centum per annum, from

the first day of January, 1904, until the first day of January, 1910, and after the first day of January, 1910, at the rate of three per centum per annum upon fifteen million dollars of capital stock of the Canada Company, the first semi-annual payment to be made to the Canada Company on the first day of July, 1904.

(*e*) Whatever sums are necessary to defray the expenses of maintaining the corporate organization of the Canada Company and of the several companies mentioned in the schedule hereto; provided, however, that the total sum shall not exceed in any one year the amount of five thousand dollars.

Second: That it will enter into possession of the demised premises, and will during the continuance of this indenture maintain, manage, work and operate the railway and branches of the Canada Company in like manner and in all respects as it would do if it were the owner thereof, under and subject to the charter or statutory rights, privileges, duties and obligations of the Canada Company, and will observe and perform all duties and obligations imposed upon the Canada Company by statute or otherwise, and that it will neither do nor omit to do any act whereby the corporate rights, privileges or franchises of the Canada Company or those of any of the several companies mentioned in the schedule hereto may become subject to forfeiture or impairment.

Third: That it will during the continuance of this indenture pay in due season all taxes and assessments whatsoever that may after it so receives possession of the demised premises be levied or become chargeable thereon, or on any part thereof and upon the Canada Company, and upon the railways and works of the several Companies mentioned in the schedule hereto, and upon the said several companies, in pursuance of any lawful authority, whether municipal, state, parliamentary or otherwise, and will assume every payment which during the continuance of this indenture may be required to be made by the Canada Company or the several companies mentioned in the schedule hereto, and not herein otherwise specifically provided for, as if the Michigan Company were primarily liable for the same, but to the same extent only as the Canada Company or the said several companies in said schedule is, are, or may be liable therefor.

Fourth: That it will assume and perform all existing contracts, leases, agreements and other obligations of the Canada Company, and of the several companies mentioned in the schedule hereto, whether the same relate to the management and operation of the railways covered by this indenture, or otherwise howsoever, and will indemnify and save harmless the Canada Company and the said several companies mentioned in the schedule hereto against all liability, actions, damages and loss which may in any manner arise from or on account of any act or omission of it, the Michigan Company, its agents and employees, and upon the termination of this indenture, by default or otherwise, will return the demised premises and the railways and works of the several companies mentioned in the schedule hereto in as good condition in all respects as when received by it hereunder, and will also surrender to the Canada Company, in good condition, all additions, betterments and improvements made and new branches

and works constructed during the continuance of this indenture, together with all personal property, locomotives, rolling stock, machinery, and additions made thereto.

Fifth: That it will cause to be maintained, worked and operated the railways and works of the several companies mentioned in the schedule hereto, in such manner as to comply in all respects with the laws and charters applicable thereto respectively, in such manner as to protect the rights and advance the interests of all parties concerned, and will do or cause to be done, at its expense, all such acts, matters and things as may be necessary to preserve and maintain their respective corporate rights and franchises from impairment or forfeiture, and upon the termination of this indenture, by default or otherwise, will surrender charge thereof in like good condition as when received.

Sixth: That it will join in any mortgage or mortgages or other documents which may be necessary to secure any bond issue or issues of the Canada Company or any of the several companies mentioned in the schedule hereto, made under the provisions of this indenture so that the interest and rights of the Michigan Company under this indenture shall be subject to any such bond issue or issues.

Seventh: That it will, at the request of the Canada Company, cause its written guarantee to be placed upon any bonds of the Canada Company hereafter issued as well as upon any bonds hereafter issued by any of the several companies mentioned in the schedule hereto, guaranteeing the due payment during the continuance of this indenture, or for so long as the said Michigan Company shall remain in possession and control under this indenture, of the railroad, works and property of the Canada Company, of the interest on such bonds as the same may respectively become due and payable according to the tenor thereof.

Eighth: That it will during the continuance of this indenture keep and maintain in use on the demised premises an adequate equipment of rolling stock, adapted for railroad business, that upon the termination of this indenture, by default or otherwise, the Canada Company shall be put in possession of rolling stock and other railroad equipment of the same character and of equal value as that hereby leased to the Michigan Company, and that for better securing the Canada Company the full performance of this covenant an inventory and appraisement of the locomotives, cars and other movable property, machinery and tools leased shall be made and completed before the date when this Indenture is to take effect, and the said inventory and appraisement shall be identified by the respective signatures of the presidents of the parties hereto, and shall be considered part of this indenture, it being always understood, however, that while and so long as the railways covered by this indenture are adequately stocked and supplied the Michigan Company is to have the right to use the rolling stock and other equipment hereby leased in its general business over any or all of the railways which it may now or hereafter operate.

Ninth: That it will operate all the railways and branches covered by this indenture, including those of the several Companies mentioned in the Schedule hereto, and shall, as far as practicable, and as is to the interest ol both companies, send

over the railways and branches of the Canada Company all railway traffic, the route or direction of which it can control, and which is destined for points which can be reached by the railways of the Canada Company or its connections.

Tenth: That it will cause such accounts to be kept of the business of the Canada Company, and of the several companies mentioned in the Schedule hereto, as will enable all returns and reports required by law to be made by the Canada Company and the several companies mentioned in the Schedule hereto.

Eleventh: That it will pay any floating indebtedness of any of the said companies, parties hereto, respectively existing at the time this indenture takes effect.

III.

It is mutually agreed between the companies parties hereto as follows:—

First: The bonds which the Canada Company has hereinbefore covenanted and agreed to execute or issue, as also any bonds which may be created and executed by any of the several companies mentioned in the Schedule hereto, shall be retained in the possession of the Canada Company until issued, and the said Canada Company shall, from time to time, upon the request in writing of the Michigan Company, authorized by its board of directors, issue and deliver said bonds in substitution for the bonds, the interest upon which the Michigan Company has covenanted to pay, or shall issue, sell and deliver said bonds and use and expend the proceeds thereof for the purposes of paying the bonds, the interest upon which the Michigan Company has covenanted to pay, and otherwise only for the additions and improvements hereinbefore mentioned.

Second: In case any disagreement shall arise between the companies parties hereto in reference to the proper construction of this Indenture, or with reference to the rights, privileges or obligations of either company thereunder, or in case it becomes necessary to have a determination of any of the matters hereinafter mentioned in the 4th clause of division III. the directors or the executive committee of each company shall from time to time, as may be necessary, choose one person disinterested between the companies, and the two persons so chosen shall choose a third, or in default of such choice of a third person for twenty days, a judge of the High Court of Justice for the Province of Ontario may, upon the application of either company, appoint or choose a third person, and the said three persons shall, on reasonable notice in writing to the companies parties hereto, determine any such matter of disagreement, or any other matter referred to them, and the companies parties hereto shall abide by and comply with any decision so made by the said three persons, or a majority of them. In case either company shall neglect or refuse to choose a person to act as aforesaid, after twenty days' notice in writing from the other company to make such choice, the Company giving such notice may choose two disinterested persons, and the two so chosen shall choose a third to act with them, and in default of such choice of a third person for the peroid aforesaid a judge of the High Court of Justice for the

Province of Ontario may, upon the application of either Company, appoint or choose a third person, and the said three persons shall on notice as aforesaid proceed to determine the matter of disagreement or other matter referred to them, and the Companies parties hereto shall abide by and comply with any decision so made by the said three persons or a majority of them. If by any award made by the decision of arbitrators at any time chosen and acting hereunder, either of the Companies parties hereto is required to do any act, and such Company shall refuse or neglect to comply with such decision for thirty days after it is required to comply therewith, the other Company may do such act, and recover from the other Company the expenditure incurred in consequence of such neglect or default of the other Company, and any award made hereunder shall be enforceable in the courts of the State of Michigan or of the Province of Ontario.

Third: This indenture shall take effect on the first day of January, 1904, and shall bind the successors and assigns of the respective Companies parties hereto. Provided, however, that in the event of non-payment of the rental hereby reserved for the space of ninety days after any instalment thereof shall fall due according to the terms hereof, or in the event of substantial failure on the part of the Michigan Company to maintain, work, repair, or operate the said demised premises or failure on the part of the Michigan Company to comply with any order, rule or regulation made or to be made under the provisions of the *Railway Act* of Canada, and any amendments thereto, for the space of ninety days continuously after the making of such demand, this indenture shall at the option of the Canada Company become void, and the Michigan Company shall in that event, yield up possession of the demised premises in good order and condition as the same shall be delivered to it under this indenture, together with all betterments, additions and improvements; and this indenture shall from thence-forward be deemed and taken to be utterly ended, saving and excepting the right of the Canada Company, or its assigns, to sue for and recover by any proceeding at law or in equity compensation for all damages for or by reason of any breach or breaches of any covenant or covenants on the part of the Michigan Company, as fully as if this indenture continued in full force.

Fourth: In the event of any action or legislation on the part of Canada, Great Britain, or the United States of America, which may by the removal of bonding privileges for the transaction of through business or traffic, or otherwise prevent or materially obstruct for a period of ninety days the conduct of business by the Michigan Company as operating the railway of the Canada Company as a continuous line of railway with the railroad of the Michigan Company, then in the event of such removal of the bonding privileges, or in the event of an award by arbitrators appointed under the provisions of this indenture determining that the conduct of business has been materially obstructed as aforesaid by the action or legislation of Canada, Great Britain or the United States of America, the Michigan Company shall have the right, after giving to the Canada Company one month's notice in writing, and upon fulfilling all its obligations under this indenture, up to the time

of termination, and providing that no default exists on its part under this indenture, to terminate this indenture unless such notice shall be recalled by the said Michigan Company before the expiration of the said month from the date thereof.

Fifth : That the Companies hereto shall join in procuring the requisite legislation, if any be needed, to ratify and confirm this indenture and all the terms hereof, and to enable each of the Companies hereto to do whatever may be necessary to give effect to the substance and intention of this indenture, the expenses thereof to be borne by the Michigan Company.

In witness whereof each of the companies parties hereto has caused to be set hereto its corporate seal, and the signatures of its respective President and Secretary.

THE CANADA SOUTHERN RAILWAY COMPANY,

By C. F. Cox,
President.

NICOL KINGSMILL,
Secretary.

Seal of The Canada Southern Railway Company.

THE MICHIGAN CENTRAL RAILROAD CO.,

By H. B. LEDYARD,
President.

E. D. WORCESTER,
Secretary.

Seal of The Michigan Central Railroad Company.

SCHEDULE

Referred to in the annexed Indenture, showing the several companies referred to therein as controlled by the Canada Company, which Indenture is made between the Canada Southern Railway Company and the Michigan Central Railroad Company :—

(*a*) Niagara River Bridge Company;
(*b*) Niagara Grand Island Bridge Company;
(*c*) Canada and Michigan Bridge and Tunnel Company;
(*d*) Canada Southern Bridge Company;
(*e*) Michigan Midland and Canada Railroad Company;
(*f*) Toledo, Canada Southern and Detroit Railroad Company;
(*g*) Leamington and St. Clair Railway Company; and
(*h*) Sarnia, Chatham and Erie Railway Company.

EXTRAC TFrom a report of the Committee of the Honourable the Privy Council, approved by the Governor General on the 9th October, 1903.

On a memorandum dated 6th October, 1903, from the Acting Minister of Railways and Canals, representing that by the Act 57-58 Victoria, ch. 66 (1894), clause 3, authority was given to the Canada Southern Railway Company to enter into an agreement with the Michigan Central Railroad Company, either for renewal of a certain agreement for working and operating the Canada Southern Railway Company's railway or for conveying or leasing to the Michigan Central Railroad Company its railway and rights and powers, provided that

the agreement to be made in that regard be first sanctioned by a two-thirds vote at a special general meeting of the shareholders duly called for the purpose of considering the same, and that such agreement receive also the approval of the Governor General in Council.

The Minister further represents that application has now been made by the Canada Southern Railway Company for approval by the Governor in Council, under the aforesaid statutory provisions, of an agreement entered into between that Company and the Michigan Central Railroad Company, dated the 15th August, 1903, for leasing for a period of 999 years, to be computed from 1st January, 1904, the railway and property of the first named company to the second named Company; such railway and property being composed chiefly of the main line of railway between the City of Windsor and the Town of Niagara Falls, the St. Clair branch between the City of St. Thomas and the Village of Courtright, and the Amherstburg branch between the Town of Essex and the Town of Amherstburg, the Fort Erie branch between the Town of Welland and the Village of Bridgeburg, the Niagara branch between the Village of Bridgeburg and the Town of Niagara, together with all other branches, sidings, etc., owned by that company, and together with all rolling stock and other property, excepting only, certain lands in the City of St. Thomas and at Montrose.

The Minister further represents that the said agreement was duly approved by the shareholders of the Canada Southern Railway Company at a meeting held on the 3rd June, 1903, and by the stockholders of the Michigan Central Railroad Company at a meeting held on the 15th of July, 1903.

The Minister recommends, as satisfactory evidence has been furnished of the due fulfilment of all statutory requirements in the matter, and as there is no valid reason for objection to the agreement in question (a copy of which is hereto attached), that the approval of the Governor in Council be given under the aforesaid provisions of the Act of 1894.

The Committee submit the same for approval.

JOHN J. McGEE.
Clerk of the Privy Council.

SCHEDULE B.

AGREEMENT, made this 29th day of December, 1903, between the Canada Southern Railway Company, a corporation organized and existing under the laws of the Dominion of Canada, hereinafter called the "Canada Southern," and the Michigan Central Railroad Company, a corporation organized and existing under the laws of the State of Michigan, hereinafter called the "Michigan Central," the first party, and the Pere Marquette Railroad Company, a corporation organized and existing under the laws of the State of Michigan, hereinafter called the "Pere Marquette," the second party.

Whereas, the Canada Southern is the owner of certain railways in the Province of Ontario, shown in black and red upon the map hereto attached and made a part hereof:

And whereas, the Michigan Central is the lessee of said railways, and as such lessee controls and operates the same under an indenture bearing date the 15th day of August, 1903, which by its terms expires nine hundred and ninety-nine years from the first day of January, 1904, subject to prior termination only uuder the contingencies mentioned in said indenture;

And whereas, the Pere Marquette owns and operates lines of railway in the States of Michigan, Ohio, Indiana and Illinois, in the United States, and extending to the City of Detroit and the City of Port Huron near the international boundary line and desires to extend its operations so as to provide for the transportation of its traffic as hereinafter specified from the said international boundary line into and through the Province of Ontario to the State of New York;

And whereas, the Pere Marquette controls and operates the railway of the Lake Erie and Detroit River Railway Company, an amalgamated company organized and existing under the laws of the Dominion of Canada under an agreement bearing date the first day of October, 1903, which by its terms expires in twenty-one years, unless extended by legislation, and the railway of said Lake Erie and Detroit River Railway Company, shown in yellow on the annexed map, connects with the railway of the Canada Southern as shown upon said map:

And whereas, the Pere Marquette has requested the Canada Southern and Michigan Central to grant the rights hereinafter mentioned upon that portion of the railway of the Canada Southern hereinafter described:

And whereas, the Canada Southern is by law authorized and empowered, among other things, to grant such rights;

And whereas, at a special general meeting of the shareholders of the Canada Southern, duly called and held at the company's head office in the City of St. Thomas, on the 28th day of December, 1903, at which meeting were present or represented more than two-thirds in value of the whole of the stock of the Company, and by the votes of more than two-thirds of all of its shareholders in person or by proxy, it was resolved that the Canada Southern should, upon the request of the Michigan Central, grant the rights hereinafter mentioned upon the terms and conditions in this agreement contained;

And whereas, at a special general meeting of the shareholders of the Michigan Central, duly called and held at the head office of the Company in the City of Detroit, on the 29th day of December, 1903, at which were present or represented a majority in amount of the shareholders of the Michigan Central, and by the vote of more than two-thirds of all its shareholders, in person or by proxy, it was unanimously resolved that the Michigan Central should join with the Canada Southern in granting the rights hereinafter mentioned upon the terms and conditions hereinafter contained ;

And whereas, at a special general meeting of the shareholders of the Pere Marquette, duly called and held at the head office of the Company in the City of Detroit, on the 10th day of December, 1903, at which were present or represented a majority in amount of the shareholders of said Pere Marquette, and by the vote of more than two-thirds of all its shareholders, in person or by proxy, it was unanimously resolved that the Pere Marquette should accept from the Canada Southern and Michigan Central a grant of the rights hereinafter mentioned upon the terms and conditions in this agreement contained ;

And whereas, the Pere Marquette represents that it has power and authority to make and enter into this agreement and to take said rights and to carry out the convenants, provisions, conditions and agreements on its part herein contained ;

Now, therefore, this agreement witnesseth :

Article I.

That in consideration of the premisses and of the covenants and agreements of the Pere Marquette hereinafter mentioned, the Canada Southern and Michigan Central jointly and severally :

Section 1. Grant to the Pere Marquette, subject to the provisions of section 11, article III., hereof, during the existence of this agreement, for the purpose of the traffic hereinafter specified,—

First. The use of the railroad of the Canada Southern :—

(*a.*) Between St. Clair Junction and the junction of the Lake Erie & Detroit River Railway with the railway of the Canada Southern at Courtright, Lambton County, Ontario ; and

(*b*) Between St. Clair Junction and the connection of the Canada Southern's road with the New York Central and Hudson River Railroad at or near the easterly end of the Cantilever Bridge, so called, at Suspension Bridge, in the Sate of New York ; and

(*c*) Between the junction of the main line with the Fort Erie division of said Canada Southern's road at Welland and the point where the Grand Trunk Railway intersects said Fort Erie division west of the International Bridge, so called :—

all as shown on the annexed map by the red lines ; which said described portions of the railroad of the Canada Southern are hereinafter referred to as " the joint section,"—

Second. The use of all the structures and facilities along said joint section necessary or convenient to the movement of

trains thereon as herein authorized, for the working and conveyance of traffic as herein specified, by the locomotives, cars, and trains of the Pere Marquette. *Provided*, however, that under the rights hereby granted the Pere Marquette shall be subject to and hereby covenants and agrees with the first party to abide by and perform the terms, covenants and conditions to be performed by said Lake Erie & Detroit River Railway Company under a certain contract bearing date the first day of November, 1900, made between said Lake Erie and Detroit River Railway Company, Hiram Walker & Sons, Limited, and the Canada Southern and Michigan Central, with respect to the traffic therein mentioned, during the continuance thereof; as if originally named in the place of said Lake Erie and Detroit River Railway Company in said contract, and that with respect to other traffic the Pere Marquette shall have the right to take, transport, carry and convey on said joint section only its traffic of the following classes:

1. Traffic from or through points west of the boundary line between Michigan and Canada to or through points east of the Niagara River.

2. Traffic from points east of the Niagara River to or through points west of said boundary line.

3. Traffic originating locally at stations on the London and Port Stanley railroad or the Lake Erie and Detroit River railway for or through points west of said boundary line; and traffic from or through points west of said boundary line locally for stations on the London and Port Stanley railroad or the Lake Erie and Detroit River railway.

4. Traffic originating locally at stations on the London and Port Stanley railroad or the Lake Erie and Detroit River railway, except St. Thomas, for or through points east of the Niagara River; and traffic from points east of the Niagara River locally for stations on the London and Port Stanley railroad or the Lake Erie and Detroit River railway, except St. Thomas.

5. Traffic originating locally at stations on the London and Port Stanley railroad or the Lake Erie and Detroit River railway, except St. Thomas, consigned through junction points on the line of the Canada Southern other than Yarmouth, Port Dover or Canfield, to points in Canada other than stations on the Canada Southern; and traffic from points in Canada other than stations on the Canada Southern consigned through said junction points locally to stations on the Lake Erie and Detroit River railway or the London and Port Stanley railroad, except St. Thomas.

6. Traffic from points in Canada other than stations on the Canada Southern and from points in New England north of and including stations on the line of the Grand Trunk Railway between Montreal, Quebec and Portland, Maine, consigned through said junction points, to or through points west of said boundary line, and to stations on the Lake Erie and Detroit River railway or the London and Port Stanley railroad, except St. Thomas;—and traffic from points west of said boundary line and from stations on the London and Port Stanley railroad or Lake Erie and Detroit River railway except St. Thomas, consigned through said junction points, to points in Canada other than stations on the Canada Southern, and to points in

New England located on or north of the line of the Grand Trunk Railway between Montreal, Quebec and Portland, Maine,—

It being the intention of this agreement that no local traffic, or any traffic other than that above specified, shall be taken, transported, carried or conveyed upon or over said joint section or any part thereof; and the Pere Marquette shall not offer to carry freight or passengers between points on said joint section, nor to or from any point on said joint section; but if any passengers shall, take the Pere Marquette trains for transportation between or to or from such points on said joint section, said Pere Marquette shall collect the regular fares therefor and pay eighty per cent of the same to the Michigan Central.

The rights hereby granted to the Pere Marquette are for the passage of its trains over said joint section, and shall not include the right to participate in the use of yard facilities or industrial tracks or the use of the telegraph or telephone wires of the first party, but shall include the right, in so far as the first party can grant the same, to the exclusive use of two wires along the said joint section, for telegraph or telephone purposes, which shall be used only for messages concerning passenger and freight traffic handled by the Pere Marquette under this agreement over said joint section, and in no case for commercial business or for the despatching or movement of cars or trains, or for any other business whatsoever except as aforesaid. Said wires shall be strung by the Michigan Central; and the Pere Marquette shall thereafter pay interest at the rate of five per cent per annum, payable in monthly installments on the 15th day of each month, upon the entire cost thereof, and also all the expenses of maintaining and renewing the same.

Section 2.—Agree to maintain the tracks and property aforesaid and to provide the operating facilities herein contemplated during the existence of this agreement.

Article II.

In consideration whereof the Pere Marquette covenants, guarantees and agrees with the Canada Southern and Michigan Central as follows:—

Section 1.—To pay or cause to be paid to the Michigan Central for the Canada Southern and Michigan Central,

(*a*) An annual rent of one hundred and sixty-five thousand dollars ($165,000), payable in equal monthly installments, the installment for each month to be paid on the 15th day of the month; also a car mileage proportion (ascertained as provided for in this agreement in the case of maintenance expenses) of interest at the rate of five (5) per cent per annum, payable monthly on the 15th day of each month upon the entire cost of the improvements made by the first party upon that part ot the joint section west of St. Clair junction, under the provisions of section 1, article 8, hereof, and charged by it, pursuant to the usual distribution of its accounts, to construction; and also interest at the rate of two and one-half ($2\frac{1}{2}$) per cent per annum, payable monthly as aforesaid, upon the entire cost of all other additions, extensions, permanent improvements and betterments which the first party may deem necessary to pro-

vide from time to time hereafter upon any part of the joint section for any purpose except the local business of the first party, and the cost of which the first party shall charge, in the usual distribution of its accounts, to construction.

(*b*) Annually, at the end of each calendar year, one-half of all taxes and assessments, whether government, municipal or otherwise, payable by the Canada Southern and Michigan Central, or either of them, in respect of or upon said joint section and property, of which the use is granted by this agreement, or upon the Canada Southern and Michigan Central, or either of them, in respect of said joint section. If under present or future laws an apportionment of any of the taxes payable by the Canada Southern and Michigan Central, or either of them, shall become necessary in order to determine the amount of taxes payable upon said joint section or upon the Canada Southern and Michigan Central, or either of them, in respect of said joint section, then the question of apportionment shall, if the parties hereto cannot agree thereon, be submitted to arbitration in the manner hereinafter provided, and the Pere Marquette shall pay one-half of the amount so apportioned or if any other company or companies shall be granted the right to use the said joint section, or any part thereof, the taxes applicable to said joint section, or any part thereof, shall be readjusted and be divided share and share alike among the companies using the same; and the Père Marquette shall thereafter pay its share thereof in accordance with such readjustment.

(*c.*) Monthly such portion of the expense of maintenance of said joint section, by districts as hereinafter stated, as the number of car miles of the cars run over the same, or any part thereof, by the Père Marquette in any one month shall bear to the whole number of car miles of the cars run over the same, or any part thereof, namely: (1) by the Pere Marquette, and (2) by the Michigan Central and Canada Southern and other companies, if any, by districts as hereinafter stated; not including the mileage of engines and cars used in the maintenance or improvement of any part of the said joint section; payment of said portion of said expense to be made by the Pere Marquette on the 15th of each month to cover the expenses of the preceding month. Each company operating over said joint section shall keep a record of its locomotives and cars passing over the said joint section, or any part thereof, by districts as hereinafter stated, and at the end of each month promptly compile a statement showing the total number of cars run, and the mileage thereof, over said joint section, or any part thereof, by districts as hereinafter stated, and exchange with the other company a certified copy of such statement. The car record of each company, so far as it relates to said joint section, shall be open to the inspection of the other at all reasonable times. For the purpose of apportioning said maintenance expenses the said joint section shall be divided into two districts; one covering that portion west of St. Clair junction, and one covering those portions east of and including said junction, and the expense of maintenance and the car mileage of each of said districts shall be kept separately.

Section 2.—That the trains of the Pere Marquette using said joint section, or any part thereof, under this agreement shall

be despatched by and operated under the supervision of the Michigan Central without partiality or favour as between the companies using said joint section, except in respect to the priority of trains, as hereinafter stated; that all trainmen, engineers and firemen of such trains whose duties shall require them to run over any part of said joint section shall, before entering upon the performance of such duties, be examined by the proper officers of the Michigan Central, and that the Michigan Central shall have the right at any time to require the prompt discharge of any such employee whenever it shall deem it to its interest to require such discharge; and any such employee shall not be again employed upon any portion of said joint section without the consent of the Michigan Central.

Section 3.—That with respect to the operation of trains over said joint section, the Pere Marquette will observe and perform all the duties, statutory and otherwise, imposed or which may be imposed by law upon the Canada Southern and the Michigan Central as lessee and operating the railroad of the Canada Southern, and the Pere Marquette agrees to indemnify the Canada Southern and Michigan Central against any and all liability to which they, or either of them, may directly or indirectly become subject by reason of the use of said joint section, or the failure to observe and perform any of the duties above mentioned.

Section 4.—That the Pere Marquette will construct or cause to be constructed yards for the handling of its traffic at a point convenient to the junction of the London and Port Stanley road with the road of the Canada Southern; and at or near Fort Erie; and at or near Niagara Falls; and shall have the right to connect said yards with the track of the said Canada Southern road in such manner as shall be required by law and approved by the said first party; and if the Pere Marquette so elects, it may in like manner construct and connect a yard at or near Welland, but such yard shall not be used by the Pere Marquette in such manner as to interfere with or obstruct the movement of through traffic of either company on any part of the joint section, and the movement of trains shall be continuous between St. Thomas and the Niagara River. The Pere Marquette trains shall be so made up before entering upon the joint section that as little switching and movement of cars as practicable shall be necessary in setting out cars and in making and breaking up trains at said Welland yard; and no switching or transfer trains shall be run by the Pere Marquette between Welland and the Niagara River except upon the Fort Erie division of the Canada Southern Railway, and then only upon permission of the train despatcher of the first party from time to time, by special order for each such train; it being the intention of this agreement that the use and operation of said Welland yard by the Pere Marquette shall be the same as the present use and operation of the Michigan Central yard at Welland, and that the limitation in respect to the use and operation by the Pere Marquette of switching and transfer trains on those parts of the joint section between Welland and the Niagara River shall not limit or restrict said Père Marquette in any other respect in the use of said joint section or any part thereof, as provided for in this agreement.

Section 5.—To pay the entire expense of the construction, maintenance, inspection and operation of the connecting irons and the interlocking apparatus in connection therewith at all junction points on said joint section which connect the rails of the Lake Erie and Detroit River Railway Company or of any other company used by the Père Marquette with the rails of the Canada Southern, including in said junction points all connections with the yards to be constructed as provided for in the preceding section. That the Michigan Central shall perform the work and appoint the employees required under this section, but the design and specifications for said connecting irons and interlocking apparatus shall be submitted for the approval of the Pere Marquette and shall be approved by the proper authorities under the laws of the Dominion of Canada; and such employees shall be subject to dismissal upon the request in writing of the Pere Marquette for reasonable cause.

Section 6.—The Pere Marquette will route and convey all of the traffic herein specified, controlled by it, carried east of St. Thomas, over that portion of said joint section east of St. Thomas, and all of the said traffic carried west of St. Thomas, either over that portion of said joint section west of St. Thomas or the Lake Erie and Detroit River Railway, as it may elect; and will not divert to any other railroad in Canada any of said traffic which may be carried on its way to destination over said joint section.

Section 7.—In consideration of the trackage rights and privileges hereby granted to it, the Pere Marquette will not, during the existence of this agreement, locate or construct, or aid in or promote the location and construction of any railroad which shall in any wise parallel, in whole or in part, or be competitive with said joint section.

Article III.

The parties hereto mutually agree:

Section 1.—(*a*) Tha the first part shall, as soon as practicable after the execution of this instrument, improve that part of the joint section west of St. Clair junction, by constructing side tracks thereon not exceeding four (4) miles in aggregate length, at such places as may be designated by the Pere Marquette, and shall also repair or rebuild the bridges thereon so that the same shall be of the standard adopted by the Canada Southern such repair and reconstruction of bridges to be completed on or before the first day of September, 1904, unless the work shall be delayed by causes beyond control; and the Pere Marquette shall pay its car mileage proportion (ascertained as provided for in this agreement in the case of maintenance expenses) of interest at the rate of five (5) per cent per annum upon the entire cost of such improvement to said part of the joint section, under the provisions of section 1 of article 2, hereof.

(*b*) If, in the opinion of the Pere Marquette, further improvements of the present track and road-bed or extension or construction of sidings or passing tracks (not including, however, any change of grade) shall be required on said part of the joint section, the first party shall, upon the request of the Pere Marquette, upon reasonable notice, make such

further improvements at any time, and the Pere Marquette shall pay its car mileage proportion (ascertained as provided for in this agreement in the case of maintenance expenses) of the whole or of such part of the entire cosst of such further improvements as said first party, pursuant to the usual distribution of its account, shall charge to operating expenses, and the Pere Marquette shall pay its car mileage proportion (ascertained as provided for in this agreement in the case of maintenance expenses) of interest at the rate of five per cent per annum upon the whole or upon such part of the entire cost of such further improvements as said first party shall, as aforesaid, charge to construction, the latter amount to be added to the sums hereinbefore agreed to be paid as rent by the Pere Marquette; or the first party, if it so elects, shall permit the Pere Marquette to make such further improvements to the satisfaction and approval of the first party; and if the Pere Marquette shall make such improvements, the first party shall pay its car mileage proportion (ascertained as provided for in this agreement in the case of maintenance expenses) of the whole or of such part of the entire cost of such further improvements as persuant to the usual distribution of its accounts by the first party shall be chargeable to operating expenses; and the first party shall pay its car mileage proportion (ascertained as provided for in this agreement in the case of maintenance expenses) of interest at the rate of five per cent per annum upon the whole or upon such part of the entire cost of such further improvements as shall, as aforesaid, be chargeable to construction, the latter amount to be deducted from the sums hereinbefore agreed to be paid as rent by the Pere Marquette; and at the termination of this agreement, if not caused by the default of the Pere Marquette, the first party shall pay to the Pere Marquette the cost of such improvements made by it. In case of dispute as to the character or necessity of such further improvements, provided for in this paragraph, the question of difference shall be determined by arbitration in the manner hereinafter provided.

(*c*) If the Pere Marquette shall desire any further improvements to said portion of the joint section (beyond such as the first party may have built, or elected to allow the Pere Marquette to build, as provided for in the next preceding paragraph), including such further improvements desired by the Pere Marquette, as may have been dertermined by arbitration to be unnecessary, then the Pere Marquette shall have the right to make such further improvements, and shall bear and pay the entire cost of the same, and at the termination of this contract shall have the right to retake and remove such tangible property as it may have furnished in connection with the further improvements provided for in this paragraph, and which may be removed without substantial injury to the remaining property of the first party. Provided, however, that the first party shall have the right to retain the same by paying the Pere Marquette the cost thereof.

Section 2.—Maintenance shall include:

(*a*) The cost of all repairs, substitutions, renewals of tracks and other structures and facilities, and all supplies used or subject to use on or in respect of said joint section, including the cost of all improvements and all expenses in respect there-

of which are changed by the first party, pursuant to the usual distribution of its accounts, to operating expenses.

(*b*) All expense of works of protection and protecting the public and trains at all crossings of every kind on said joint section, which by law or statute require protection, or which may be deemed necessary by the Canada Southern and Michigan Central to be protected; also all expense of constructing maintaining and operating any works for carrying out any order, rule or regulation made at any proper authority acting under the provisions of any statute of the Dominion of Canada, now or hereafter enacted, the expenses of which are directed to be borne in whole or in part by the Canada Southern and Michigan Central, or either of them.

(*c*) The entire salaries and wages and supply and expense account of division superintendents, civil engineers, bridge engineers, road masters, signal engineers, despatchers, operators, agents acting as operators, and other employees whose duties shall be confined to said jotnt section, and relate to the business of both companies.

(*d*) A mileage proportion of the salaries, wages and supply and expense account of all other division superintendents, civil engineers, bridge engineers, road masters, signal engineers, despatchers, operators and other employees under whose jurisdiction or employment the business of both companies over said joint section in conducted, i. e., a sum which shall bear the same ratio to the aggregate of said salaries and wages and supply and expense account as the mileage of said joint section bears to the total mileage under the jurisdiction or employment of the division superintendents, civil engineers, bridge engineers, road masters, signal engineers, despatchers, operators and other employees actually engaged in the maintenance of said joint section or in the operation of the business of both companies thereover.

Section 3.—That all rules, regulations and orders for the movement and operation of trains upon said joint section shall be made from time to time by the Michigan Central, and the time schedules of trains to be operated over said joint section shall be submitted to and approved by the Michigan Central before being put into effect; and the management of trains, cars and engines while upon said joint section shall be under the immediate direction of the general manager or other proper officer or agent of the Michigan Central; but such time schedules, rules and regulations and orders shall be reasonable, just and fair to all parties hereto, without preference or discrimination in favor of or against either. Provided, however, that trains of the parties hereto respectively shall have precedence as follows:

(*a*) Through fast passenger trains of the first party.
(*b*) Passenger trains of the Pere Marquette.
(*c*) Local passenger trains of the first party.
(*d*) Trains of the first party carrying live stock and perishable freight.
(*e*) Trains of the Pere Marquette carrying live stock and perishable freight.
(*f*) Trains of the first party carrying dead freight.
(*g*) Trains of the Pere Marquette carrying dead freight.

Provided, that this order of precedence may be modified hereafter in case other companies are permitted to use said joint section or any part thereof, so that trains of such other companies of a higher class shall have the right of precedence over trains of a lower class of the Pere Marquette.

Section 4.—That the employees of the first party engaged in the despatching of trains and handling of switches and signals affecting the operation of Pere Marquette trains on said joint section, and the employees of the first party engaged in the maintenance of said joint section shall, for all the purposes of this agreement, be taken to be the employees of the Pere Marquette; and the Pere Marquette assumes all risk of and liability for damage or injury to person or property caused by the negligence of its employees, and for damage or injury to its property and employees and passengers and freight on its trains while upon said joint section arising from any cause whatsoever, except as hereinafter mentioned.

Section 5.—In case of collision between the trains or engines of the Pere Marquette and the trains or engines of the Michigan Central of other company using said joint section, the damage or injury resulting therefrom shall be borne as follows: If caused by the fault or negligence of both parties or of a joint employee, each party shall bear all damage or injury to its property, employees, passengers or freight. If caused by the fault or negligence of one party only, the party at fault shall bear all such damage or injury. If the parties hereto do not agree as to which party shall have been at fault, the matter shall be submitted to arbitration as hereinafter provided.

Section 6.—The party responsible under this agreement for any loss, damage or injury shall indemnify and save harmless the other party therefrom.

Section 7.—Monthly accounts shall be rendered hereunder on or before the 10th day of each month for the preceding month; and all accounts rendered by either party under or in respect of the matters provided for in this agreement shall be deemed to have been finally accepted and approved, and both parties hereto shall be conclusively bound thereby unless objection or correction in writing shall be made thereto within six months after the rendition of the account. No account not objected to or corrected in writing within that period shall be reopened, nor shall the correctness of any item thereof be subject to dispute or question, unless objection is made in writing thereto.

Section 8.—In the event of any disagreement between the parties hereto in reference to the proper construction of this agreement, or in reference to the rights, privileges or obligations or liabilities of either party thereunder, or in reference to any violation of duty thereunder, or in reference to any matter or thing not essentially provided for or not herein agreed to be referred to arbitration, such matter of dispute shall, if it cannot be amicably adjusted by the parties hereto, be by either party hereto submitted to arbitration in the following manner, that is to say: The Canada Southern and Michigan Central shall from time to time, as may be necessary, choose one disinterested person and the Pere Marquette shall likewise choose one such disinterested person, and the two persons so chosen shall choose a third, or in default of agreement between the persons so

appointed for twenty days, a judge of the High Court of Justice of the Province of Ontario may, upon the application of either company, appoint or choose a third person, and the said three persons shall, on reasonable notice to the parties hereto, determine any such matter of disagreement, and the parties hereto shall abide by and comply with any decision so made by the said three persons or a majority of them. In case either party shall neglect or refuse to choose a person to act as aforesaid, after twenty days' notice in writing from the other party to make such choice, the party giving such notice may choose two disinterested persons, and the two so chosen shall choose a third to act with them, and in default of such choice of a third person for the period aforesaid, a judge of the High Court of Justice for the Province of Ontario may, upon the application of either party, appoint or choose a third person, and the said three persons shall, on notice as aforesaid, proceed to determine the matter of disagreement or other matter referred to them, and the parties hereto shall abide by and comply with any decision so made by the said three persons, or a majority of them. If by any award or by the decision of arbitrators at any time chosen and acting hereunder, either of the parties hereto is required to do any act, and such party shall refuse or neglect to comply with such decision for thirty days after it is required to comply therewith, the other party may do such act and recover from the party in default the expenditure incurred in consequence of such neglect or default, and any award made hereunder shall be enforceable in the courts of the State of Michigan or of the Province of Ontario, and may be made a rule of any of said courts having jurisdiction in the premises.

Section 9 —This agreement shall be and remain in force for the period of twenty-one years from and after the taking effect hereof, and if the parties are or shall become authorized to enter into this agreement for a period of ninety-nine years, in so far as the laws of Canada can authorize them, then for a further period of seventy eight years. Inasmuch as doubt has arisen as to the power to make this agreement for a period longer than twenty-one years under the present laws of the Dominion of Canada, the parties hereto hereby agree to join forthwith in an application to the Parliament of Canada for an Act authorizing the parties hereto to enter into the agreement contained for the full period of ninety-nine years, and upon the passage of such Act, and upon getting such approval, if any, as may be necessary, this agreement shall be and remain in force for the period of ninety-nine years from and after the taking effect thereof. Provided that if the Pere Marquette shall at any time fail or omit to pay any of the moneys payable by it to the Canada Southern and Michigan Central when the same shall be payable, as herein provided, or shall fail or omit to keep and perform all its covenants and agreements herein contained, or any of them, and shall continue in default in respect of such payments or the performance of such covenants and agreements for a period of ninety days, then, and in either and every such case, it shall be lawful for the Canada Southern and Michigan Central, at their option to exclude the Pere Marquette from said joint section and any premises or property covered by this agreement, and to pre-

vent the Pere Marquette from entering upon and operating cars, engines and trains upon, over or along said joint section, and to remove all persons therefrom without let or hindrance by the Pere Marquette, or to take such other and further action for the enforcement of the provisions of this agreement as to the Canada Southern and Michigan Central may seem advisable. Provided, however, that by said exclusion or other act the Canada Southern and Michigan Central shall not impair their rights of action for recovery of any and all damages on account of the non-payment of all such moneys or the non-performance or breach of the terms and covenants of this agreement, but in case of such exclusion or other act as aforesaid, all moneys payable by the Pere Marquette hereunder and the several instalments thereof which shall have accrued under the terms of this agreement, down to the date of such re-entry, shall be deemed and taken to be due and payable, and shall be paid by the Pere Marquette to the Canada Southern and Michigan Central. Failure to exercise any of the rights or privileges based upon any default under the terms hereof or waiver of any such default shall not bar or preclude the exercise by the Canada Southern or Michigan Central of any of the rights or privileges based upon any subsequent default under the terms thereof. Provided further, that the non-payment of items disputed in good faith by the Pere Marquette and concerning which it shall have sought arbitration hereunder during said ninety days, shall not, until thirty days after the final award on arbitration, be cause for forfeiture of this contract.

Section 10.—That if before the termination of this agreement the Michigan Central shall have ceased to operate the road of the Canada Southern under the existing or some similar agreement in that behalf, the Michigan Central shall thereupon be released from all its obligations hereunder, and its rights and obligations hereunder shall thereupon and thereafter inure to the benefit of and be binding upon the Canada Southern only, to whom all moneys due hereunder shall thereafter be paid.

Section 11.—The rights hereby granted of using said joint section shall be exercised and enjoyed by the Pere Marquette, subject to the present and any future bond issue of the Canada Southern and to the terms and conditions of the mortgage or mortgages securing the same, in common with the first party and such other railroad company or companies as may be permitted by the first party to participate in the use of the same, and nothing in this agreement contained shall be held to limit or abridge the right of the first party to change, reconstruct, enlarge or make such improvements upon said joint section as it shall see fit, or to make contracts or arrangements from time to time with other companies for the use of said joint section, or any part thereof, provided that the Pere Marquette shall not be thereby deprived of or unreasonably restricted in the rights granted to it.

Section 12.—The Pere Marquette shall not assign this contract, nor any interest therein, or in any part of the premises or privileges hereby granted, or permit the same, or any part thereof, to be used for the benefit and accommodation of any other railroad company without the previous written consent

of the first party ; but the rights granted by this agreement shall pass to the successor of all the property and franchises of the Pere Marquette.

Section 13.—This agreement shall take effect ninety days after it shall have been approved by the Governor in Council, and the parties hereto shall unite in asking for such approval. Provided, however, that this agreement shall take effect whenever the Pere Marquette, during said ninety days, shall desire to avail itself of the provisions hereof, after giving five days' written notice of such desire to the Michigan Central, and make one monthly payment of rent called for by section 1 of article 2 hereof.

Section 14.—The Pere Marquette further covenants and agrees to obtain and furnish to the first party such further assurances, covenants and undertakings on its part and from the Lake Erie and Detroit River Railway Company, the London and Port Stanley Railroad Company, the Sarnia, Petrolia and St. Thomas Railway Company, and the Huron, Erie and Buffalo Railway Company, if organized under the charter granted to that company, and of any other railway company in Canada which may be controlled by the Pere Marquette, as may from time to time be needed during the existence of this agreement to enable the Pere Marquette to do what may be necessary to give effect to the substance and intention of the undertakings on its part hereunder. And the first party covenants and agrees with the Pere Marquette that it will from time to time as may be needed during the continuance of this agreement, furnish to the Pere Marquette such further assurances, covenants and undertakings on its part and from any other company controlled by it as may be necessary to give effect to the substance and intention of the undertakings on its part hereunder.

Section 15.—That the parties hereto shall join in procuring legislation to ratify and confirm this agreement and all the terms hereof, and to enable each of the parties hereto to do whatever may be necessary to give effect to the substance and intention of this agreement.

In witness whereof this agreement is executed in behalf of the parties hereto, by their respective officers duly authorized

as aforesaid, in triplicate, and the seals of said companies respectively affixed hereto, the day and year first written herein.

THE CANADA SOUTHERN RAILWAY COMPANY,

[Seal.]

By C. F. Cox,
President.
Nicol Kingsmill,
Secretary.

MICHIGAN CENTRAL RAILROAD COMPANY,

[Seal.]

By H. B. Ledyard,
President.

Attest:

E. D. Worcester,
Secretary.

PERE MARQUETTE RAILROAD COMPANY,

[Seal.]

By F. H. Prince,
President,

Attest:

Chas. Merriam,
Secretary.

No. 40.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL.

An Act respecting the Canada Southern Railway Company.

First reading, April 12, 1904.

(PRIVATE BILL.)

MR. INGRAM.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1904

No. 41.] **BILL.** [1904.

An Act to incorporate the Lièvre and Ottawa Railway Company.

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

1. John Fernie Higginson, Henry Peareth Hawdon Brunell, Angus Donald Cameron, all of the town of Buckingham, in the county of Labelle and province of Quebec, Henry Lortie, of the township of Buckingham, in the said county of Labelle, John Inkerman MacCraken, Donald Joseph McDougal, and D'Arcy Hugh McMahon, all of the city of Ottawa, in the county of Carleton, in the province of Ontario, together with such persons as become shareholders in the company, are incorporated under the name of "The Lièvre and Ottawa Railway Company," hereinafter called "the Company." Incorporation. Corporate name.

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

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

4. The capital stock of the Company shall be five hundred thousand dollars. No one call thereon shall exceed ten per cent on the shares subscribed. Capital stock.

5. The head office of the Company shall be in the city of Ottawa, in the province of Ontario. Head office.

6. The annual meeting of the Company shall be held on the last Thursday in September. Annual meeting.

7. The number of directors shall be not less than five, and not more than nine, one or more of whom may be paid directors. Election of directors.

8. The Company may lay out, construct and operate railways of the gauge of four feet eight and one-half inches,— Lines of railway described.

(*a.*) From a point in or near the city of Ottawa, in the county of Carleton and province of Ontario, through part of the city of Hull, in the county of Wright, and thence through the counties of Wright and Labelle to the town of Buckingham,

with power to extend the said railway northerly along the River Lièvre to the head waters thereof, or to a point on the proposed line of the Grand Trunk Pacific Railway and thence to James Bay; and

(*b.*) From a point in or near the town of Buckingham southerly to a point on the Ottawa river between the village of Thurso, in the county of Labelle, and the town line of Templeton township in the said county.

Telegraph and telephone lines.

9. The Company may construct and operate telegraph and telephone lines upon its railway; and for the purpose of operating such lines or exchanging and transmitting messages, may enter into contracts with any companies having telegraph or telephone powers, and may connect its own lines with the lines of, or may lease its own lines to, any such companies.

Rates to be approved.

2. The Company may transmit messages for the public and collect rates or charges therefor; but no rate or charge shall be demanded or taken for the transmission of any message, or for leasing or using the telegraphs or telephones of the Company, until it has been approved of by the Governor in Council, who may also revise such rates and charges from time to time.

R.S.C., c. 132.

3. *The Electric Telegraph Companies Act* shall apply to the telegraphic business of the Company.

Powers as to real property, water powers, etc.

10. The Company may, in connection with its railways and for the purposes of its business,—

(*a.*) acquire lands and water powers, and erect, use and manage works and manufacture machinery and plant for the generation, transmission and distribution of electric power and energy and other motive power;

(*b.*) acquire lands for wharfs, docks, elevators and warehouses in connection with the operations of the Company, and erect buildings thereon, and collect wharfage and storage charges for the use thereof;

(*c.*) acquire exclusive rights in letters patent, franchises or patent rights for the purpose of the works and undertakings hereby authorized, and again dispose of such rights;

(*d.*) sell or lease any surplus power which it develops or acquires, either as water power or other motive power, or by converting that power into electricity or other force for the distribution of light, heat or power, or for all purposes for which electricity or other motive power can be used, and may transmit such power;

(*e.*) subject to such regulations as are imposed by the Governor in Council, acquire and dispose of lands, and construct, acquire and dispose of buildings and other erections and plant for the purpose of supplying water for the use of its works, railways and branches.

Acquisition of land.

11. If the Company requires land for wharfs, docks, warehouses, or elevators, and cannot agree for the purchase thereof with the owner of such land, it may cause a map or plan and book of reference to be made of such lands, and section 139 of *The Railway Act*, 1903, shall apply to the subject-matter of this section and to the obtaining of such lands and determining the compensation therefor.

1903, c. 58.

12. The securities issued by the Company shall not exceed twenty thousand dollars per mile of the railway, and may be issued only in proportion to the length of railway constructed or under contract to be constructed. Security issue limited.

13. Any agreement provided for in section 281 of *The Railway Act*, 1903, may be entered into between the Company and the Canadian Pacific Railway Company, or the Canada Atlantic Railway Company, or the Grand Trunk Pacific Railway Company. Agreement with other companies.

No. 41.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL.

An Act to incorporate the Lièvre and Ottawa Railway Company.

First reading, April 12, 1904.

(PRIVATE BILL.)

MR. MARCIL,
(Bonaventure.)

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1904

No. 42.] **BILL.** [1904.

An Act respecting the Sprague's Falls Manufacturing Company, Limited.

WHEREAS the Sprague's Falls Manufacturing Company, Limited, has by its petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition : Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. 1902, c. 103.

1. The time limited for going into actual operation mentioned in section 19 of chapter 103 of the statutes of 1902 incorporating the Sprague's Falls Manufacturing Company, Limited, is extended for one year from the passing of this Act ; and if the said company does not go into actual operation within that time then the powers conferred upon the said company by Parliament shall cease and be null and void. Extension of time.

No. 42.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL

An Act respecting the Sprague's Falls Manufacturing Company, Limited.

First reading, April 12, 1904.

(PRIVATE BILL.)

Mr. Ganong.

OTTAWA
Printed by S. E. Dawson
Printer to the King's most Excellent Majesty
1904

No. 43.] **BILL.** [1904.

An Act respecting the Quebec and Lake Huron Railway Company.

Preamble.

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

1900, c. 74; 1902, c. 93.

1902, c. 93, s. 2 repealed.

1. Section 2 of chapter 93 of the statutes of 1902, being an Act respecting the Quebec and Lake Huron Railway Company, hereinafter called "the Company," is repealed.

Time for construction extended.

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

Provisions declared to be in force.

3. Notwithstanding the limitation of time for the commencement of the railway of the Company enacted by section 2 of chapter 93 of the statutes of 1902, all the other provisions contained in the Acts relating to the Company, except section 10 of chapter 74 of the statutes of 1900, are declared to have continued to apply to the Company and to its undertaking and to be in full force and effect.

No. 43.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL.

An Act respecting the Quebec and Lake Huron Railway Company.

First reading, April 12, 1904.

(PRIVATE BILL.)

ALOUIN.

OTTAWA
Printed by S. E. Dawson
Printer to the King's most Excellent Majesty
1904

No. 44.] **BILL.** [1904.

An Act respecting the Berlin, Waterloo, Wellesley and Lake Huron Railway Company.

Preamble.

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

1903, c. 84.

Line of railway authorized.

1. The Berlin, Waterloo, Wellesley and Lake Huron Railway Company, hereinafter called "the Company," may construct or acquire and operate a railway from a point at or near Wellesley village, in the township of Wellesley, in the county of Waterloo, in the province of Ontario, thence to the city of Stratford, in the county of Perth, thence in a south-westerly direction to the town of St. Mary's, thence in a north-westerly direction through the counties of Perth and Huron to the town of Clinton, in the county of Huron, and thence in a south-westerly direction to the village of Bayfield.

Agreement with other companies.

2. Any agreement provided for in section 281 of *The Railway Act*, 1903, may be entered into between the Company and the Galt, Preston and Hespeler Street Railway Company and the Preston and Berlin Street Railway Company or any other railway company owning or operating a railway in the province of Ontario with which the railway of the Company or either of the other said companies may connect.

Power as to hotels, parks, etc.

3. The Company may, for the purposes of its railway and in connection with its business, build, purchase, acquire or lease, for hotels and restaurants, such buildings as it deems advisable at any points or places along any of its lines of railway and lines operated by it, and may purchase, lease and hold the land necessary for such purposes, and may carry on business in connection therewith for the comfort and convenience of the travelling public, and may lay out and manage parks and pleasure grounds upon the property of the Company and lease the same from or give a lease thereof to any person or contract with any person for their use, on such terms as the Company deems expedient.

No. 44.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL.

An Act respecting the Berlin, Waterloo, Wellesley and Lake Huron Railway Company.

First reading, April 12, 1904.

(PRIVATE BILL.)

MR. CLARE.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1904

No. 45] **BILL.** [1904.

An Act respecting the Home Bank of Canada.

Preamble.

WHEREAS the provisional directors of the Home Bank of Canada have, by their petition, prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— 1890, c. 31: 1903, c. 127.

Treasury Board certificate.

1. Notwithstanding anything contained in *The Bank Act*, or in chapter 127 of the statutes of 1903, incorporating The Home Bank of Canada, the Treasury Board may, within two years from the tenth day of July, one thousand nine hundred and three, give to the Home Bank of Canada, hereinafter called "the Bank," the certificate required by section 14 of *The Bank Act*.

Failure to obtain certificate.

2. In the event of the Bank not obtaining the said certificate from the Treasury Board within the time aforesaid, the rights, powers and privileges conferred on the Bank by the said Act of incorporation and by this Act shall thereupon cease and determine, but otherwise shall remain in full force and effect, notwithstanding section 16 of *The Bank Act*.

Additional provisional directors.

3. Upon the passing of this Act the following persons named in section 4 of the said Act of incorporation, namely, Eugene O'Keefe, John Foy, James Mason, and Thomas Robert Wood shall, together with Edward George Gooderham of the city of Toronto, in the province of Ontario, be provisional directors of the Bank.

Acts of provisional directors validated.

4. The acts lawfully done and agreements lawfully entered into by the provisional directors named in the said Act of incorporation, as shown in the recorded minutes of their meetings, shall be and remain as valid and effectual to all intents and purposes as if no change of provisional directors were hereby made.

No. 45.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL

An Act respecting the Home Bank of Canada.

First reading, April 12, 1904.

(PRIVATE BILL.)

MR. OSLER.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1904

No. 46.] **BILL.** [1904.

An Act to incorporate the Boundary, Kamloops and Cariboo Central Railway Company.

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

1. Mark Sweeten Wade, George Thomas Mallery, Donald Joseph McDonald and John McDonald Swanson, all of the city of Kamloops, in the province of British Columbia, Norman Gregor Guthrie, of the city of Ottawa, in the province of Ontario, together with such persons as become shareholders in the company, are incorporated under the name of "The Boundary, Kamloops and Cariboo Central Railway Company," hereinafter called "the Company." Incorporation. Corporate name.

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

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

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

5. The annual meeting of the shareholders shall be held on the first Tuesday in September. Annual meeting.

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

7. The Company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches from a point in or near the town of Midway, in the province of British Columbia; thence north-westerley by the most feasible route to Okanagan Lake and Grand Prairie; thence northerly to the city of Kamloops; thence by the most feasible route following northerly the valley of the North Thompson River through the district of Cariboo to some point on the Nechaco River; thence by Fraser Lake northerly either by following the valley of Bulkley River or Babine Lake to the town of Hazelton or some other point on the Skeena River; thence northerly to the Stikine River and thence to Teslin Lake in Line of railway described.

the province of British Columbia ; thence northerly to the confluence of the Hootalinqua River with the Yukon River in the Yukon Territory ; with power to build a branch line from Kamloops or some other point on the main line of the railway to the town of Princeton, in the province of British Columbia.

Branch line.

Issue of securities.

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

Agreement with another company.

9. Any agreement provided for in section 281 of *The Railway Act*, 1903, may be entered into between the Company and the Canadian Pacific Railway Company, the Grand Trunk Pacific Railway Company or the Canadian Northern Railway Company or any railway company or system whose line of railway runs in the province of British Columbia.

Powers of Company.

10. The Company may, in connection with its undertaking and for the purposes of its business,—

Buildings, roads, etc.

(*a.*) construct and operate, or aid in and subscribe towards the construction, operation, maintenance and improvement of stage or wagon roads, tramways, ferries, elevators, or other buildings and works ;

Wharfs.

(*b.*) build, own and maintain wharfs and docks in connection therewith ;

Electricity.

(*c.*) acquire water powers for the generation of electricity, and operate electrical works for the use and transmission of the power necessary for the operation of its railway and tramways, and utilize such powers and works for purposes of heating and lighting, and dispose of power not required for its own undertaking ;

Transportation.

(*d.*) carry on the business of carriers, forwarding and transportation agents and all other business incident thereto or connected therewith ;

Vessels.

(*e.*) build, acquire, own and maintain steam and other vessels and boats, and operate them on any navigable waters within the province of British Columbia or the Yukon Territory.

Telegraphs and telephones.

11. The Company may construct and operate telegraph and telephone lines upon its railway ; and for the purpose of operating such lines or exchanging and transmitting messages, may enter into contracts with any companies having telegraph or telephone powers, and may connect its own lines with the lines of, or may lease its own lines to, any such companies.

Rates and charges.

2. The Company may transmit messages for the public and collect rates or charges therefor ; but no rate or charge shall be demanded or taken for the transmission of any message, or for leasing or using the telegraphs or telephones of the Company, until it has been approved of by the Governor in Council, who may also revise such rates and charges from time to time.

Approval of rates.

R.S.C., c. 132.

3. *The Electric Telegraph Companies Act* shall apply to the telegraphic business of the Company.

No. 46.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL

An Act to incorporate the Boundary, Kamloops and Cariboo Central Railway Company.

First reading, April 12, 1904.

(PRIVATE BILL.)

MR. GALLIHER.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1904

No. 47.] **BILL.** [1904.

An Act respecting the Kootenay Central Railway Company.

Preamble.

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

1902, c. 71, new s. 12.

1. The section substituted for section 12 of chapter 71 of the statutes of 1901, by section 1 of chapter 142 of the statutes of 1903, is repealed and the following is substituted therefor:—

Extension of time.

"**12.** If the construction of the railway is not commenced, and fifteen per cent of the capital stock is not expended thereon, on or before the first day of May, one thousand nine hundred and six, or if the railway is not finished and put in operation on or before the first day of May, one thousand nine hundred and nine, the powers conferred upon the Company by Parliament shall cease and be null and void as respects so much of the railway as then remains uncompleted."

No. 47.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL

An Act respecting the Kootenay Central Railway Company.

First reading, April 12, 1904.

(PRIVATE BILL.)

Mr. GALLIHER.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1904

No. 48.] **BILL.** [1904.

An Act respecting the Nicola, Kamloops and Similkameen Coal and Railway Company.

Preamble.

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

B.C., 1901, c. 47 and B.C., 1903, c. 38.

1. The Nicola, Kamloops and Similkameen Coal and Railway Company, hereinafter called "the Company," is declared to be a body corporate with all the powers, rights and privileges granted by chapter 47 of the statutes of 1901, and by chapter 38 of the statutes of 1903, of British Columbia, all the clauses whereof shall apply to the Company except in so far as they are inconsistent with this Act or with *The Railway Act*, 1903.

Bond issue limited.

2. The Company may issue bonds not to exceed thirty-five thousand dollars per mile of its railway, and may issue them only in proportion to the length of the railway constructed or under contract to be constructed.

Agreements with other companies.

3. Any agreement provided for in section 281 of *The Railway Act*, 1903, may be entered into between the Company and the Canadian Pacific Railway Company, or any other railway company empowered by the Parliament of Canada to construct or operate a railway in the Province of British Columbia.

Time for construction limited.

4. The time for the commencement of the construction of the railway of the Company, and for the expenditure of fifteen per cent on the amount of the capital stock shall be two years, and the time for the railway being finished and put in operation shall be five years, from the passing of this Act.

No. 48.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL

An Act respecting the Nicola, Kamloops and Similkameen Coal and Railway Company.

First reading, April 12, 1904.

(PRIVATE BILL.)

MR. GALLIHER.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1904

No. 49.] **BILL.** [1904.

An Act respecting the James Bay Railway Company.

Preamble. 1895, c. 50; 1897, c. 47; 1899, c. 71; 1902, c. 65.

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

Agreements with other companies.

1. Subject to the applicable provisions of sections 281 to 283 of *The Railway Act*, 1903, save as amended herein, the James Bay Railway Company may enter into agreements with the Great Northern Railway of Canada, the Chateauguay and Northern Railway Company, and the Irondale, Bancroft and Ottawa Railway Company, for purchasing or leasing from such companies, or any of them, the railway and undertaking thereof, in whole or in part, or for amalgamation with all or any of such companies.

Notice of application for sanction.

2. If any such agreement is approved by every shareholder of the James Bay Railway Company, party thereto, the notice of application for the sanction thereof, required by subsection 2 of section 281 of the said Act, need not be given by such company.

Time for construction extended.

2. Unless the lines of railway which the James Bay Railway Company has been authorized to construct are commenced within two years, and finished and put in operation within five years, from the passing of this Act, the powers granted for construction thereof shall cease and be null and void with respect to so much of the said lines as then remains uncompleted.

No. 49.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL.

An Act respecting the James Bay Railway Company.

First reading, April 12, 1904.

(PRIVATE BILL.)

MR. DAVIS.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1904

No. 50.] **BILL.** [1904.

An Act to incorporate the St. Maurice Valley Railway Company.

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

1. Vivian Burrill, of Burrill Siding, and Hubert Biermans, of Shawinigan Falls, both in the county of St. Maurice; François Simeon Tourigny, of the city of Three Rivers, and Beaudry Leman and Frederick A. Stoughton, both of Shawinigan Falls, all in the province of Quebec, together with such persons as become shareholders in the company, are incorporated under the name of "The St. Maurice Valley Railway Company," hereinafter called "the Company." Incorporation. Corporate name.

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

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

4. The capital stock of the Company shall be three hundred thousand dollars. No one call thereon shall exceed ten per cent on the shares subscribed. Capital stock. Calls thereon.

5. The head office of the Company shall be in the city of Three Rivers. Head office.

6. The annual meeting of the shareholders shall be held on the second Monday in September. Annual meeting.

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

8. The Company may lay out, construct and operate a railway or tramway of the gauge of four feet eight and one-half inches, and operate it by any motive power, such railway or tramway to begin at a point in the city of Three Rivers, in the county of Three Rivers and St. Maurice, and crossing the line of the Canadian Pacific Railway within the limits of the city of Three Rivers, extending in a north-westerly direction on the west side of the St. Maurice River to a point known as Pointe Chevalier, in the parish of St. Boniface de Shawinigan, Line of railway described.

in the county of Three Rivers and St. Maurice, then following the St. Maurice River to a point at the mouth of the Shawinigan River, where crossing the said river the line would enter the town of Shawinigan Falls, in the county of Three Rivers and St. Maurice; and also a line crossing to the east side of the River St. Maurice at Pointe Chevalier aforesaid, and thence running in a northerly direction to a point where, crossing the River St. Maurice, the line enters the said town of Shawinigan Falls, thence through the town of Shawinigan Falls, and then following the River St. Maurice in a northerly and north-easterly direction and crossing the line of the Great Northern Railway of Canada at a point between the town of Grand Mère, in the county of Champlain, and the village of Ste. Flore, in the county of Three Rivers and St. Maurice, to the town of Grand Mère, thence through the town of Grand Mère and running in a north and north-westerly direction to the village of St. Jena des Piles, county of Champlain, thence running in a north and north-westerly direction and following the general direction of the Mattawin River to a point in the county of Maskinonge, where the line will intersect the projected line of the National Transcontinental Railway.

Powers of Company.

9. The Company may, in connection with its undertaking and for the purpose of its business,—

Construction of roads, works, etc.

(*a.*) construct and operate or aid in and subscribe towards the construction, operation, maintenance and improvements of stage or wagon roads, tramways, docks, piers, viaducts, flumes, ditches and elevators, and acquire and own lands for the said purposes;

Lands.

Electricity.

(*b.*) erect, use and manage or aid or subscribe towards works, machinery and plant for the generation, transmission and distribution of electric power and energy;

Water power.

(*c.*) acquire and utilize water power and dispose thereof either directly or by converting it into electric or other power and energy;

Transportation.

(*d.*) carry on the business of carriers, forwarding and transportation agents, and all other business incident thereto or connected therewith, and also the business of wharfingers, shippers and vessel owners.

Telegraphs and telephones.

10. The Company may construct and operate telegraph and telephone lines upon its railway; and, for the purpose of operating such lines or exchanging and transmitting messages, may enter into contracts with any companies having telegraph or telephone powers, and may connect its own lines with the lines of, or may lease its own lines to, any such companies.

Rates and charges.

2. The Company may transmit messages for the public and collect rates or charges therefor; but no rate or charge shall be demanded or taken for the transmission of any message, or for leasing or using the telegraphs or telephones of the Company, until it has been approved of by the Governor in Council, who may also revise such rates and charges from time to time.

Approval of rates.

R.S.C., c. 132.

3. *The Electric Telegraph Companies Act* shall apply to the telegraphic business of the Company.

Aid to Company.

11. The Company may receive by grant from any government or person, in aid of the construction, purchase, equipment or maintenance of any of its works, any Crown lands, real or personal estate or property, bonuses, debentures or subsidies, or securities for money or the guarantee of the bonds of the Company, and may dispose of such property, other than such of it as is required for railway purposes.

Preference stock.

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

Rights of preference stockholders.

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

Rights of creditors not affected.

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

Issue of securities on railway.

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

Bond issue on other property.

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

Mortgage to secure bonds.

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

To be made to trustees.

2. The said mortgages shall be made to the trustees appointed for this purpose at the said special general meeting, and may contain provisions establishing the amount secured upon the vessels or class of vessels or property other than the railway to which such mortgages relate, the rank and privilege to appertain to the bonds intended to be secured thereby, the rights and remedies to be enjoyed by the respective holders of such bonds, the mode of assuring the application of the

Provisions in mortgage.

proceeds of such bonds to the purposes for which they are to be issued, the rate of interest thereon, the place and time of payment of such interest and of the capital thereof, the creation of a sinking fund for the redemption of such bonds, and all the conditions, provisions and restrictions requisite for the effectual carrying out of the terms thereof and for the protection of the holders of such bonds.

Power to bind tolls and revenues.

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

Bondholders to rank equally.

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

No. 50.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL.

An Act to incorporate the St. Maurice Valley Railway Company.

First reading, April 12, 1904.

(PRIVATE BILL.)

MR. BUREAU.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1904

No. 51.] **BILL.** [1904

An Act to incorporate the Okotoks and High River Lumbering and Development Company.

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

1. Joseph Bailey Powell of the city of Calgary, and William Fisher of the village of Okotoks, both in district of Alberta, in the North-west Territories, Edward John Powell of the city of London, William James Parkhill of the town of Midland and Ellen Powell of the city of Toronto, all in the province of Ontario, together with such persons as become shareholders in the company, are incorporated under the name of "The Okotoks and High River Lumbering and Development Company," hereinafter called "the Company." Incorporation. Corporate name.

2. The persons named in section 1 of this Act shall be the first or provisional directors of the Company, a majority of whom shall form a quorum, and they shall have all the powers which are conferred upon directors by *The Companies Clauses Act* and by this Act. Provisional directors.

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

4. The head office of the Company shall be in the village of Okotoks, in the district of Alberta, in the North-west Territories, or at such other place in the North-west Territories as is determined by a majority or the shareholders at a regular or special meeting called for the purpose. All meetings of the shareholders shall be held at the head office of the Company, but the directors may meet elsewhere as provided in the by-laws of the Company. Head office. Meetings.

5. The Company may acquire and take over as a going concern the properties, mills, rights, assets, undertakings, liabilities and obligations of the Okotoks and High River Lumbering and Developing Syndicate now carrying on the business of lumbering and mining in the district of Alberta, North-west Territories, or of any other person, firm or company carrying on a like business or having similar objects, on such terms and conditions as are agreed upon, and may Power to acquire other businesses.

pay the price thereof partly in cash or wholly or partly in paid up or partly paid up shares of stock of the Company, or wholly or partly in debentures of the Company, or otherwise, and may mortgage, sell or otherwise dispose thereof.

Powers of Company.

6. The Company may—

Lumbering.

(*a.*) carry on the business of timber and lumber merchants, sawmill operators and timber growers and workers of clay and miners of coal and other minerals, and may buy, sell, grow, prepare for market, manipulate, import, export and deal in

Minerals.

timber and wood of all kinds; and in clay, coal or other minerals and mines, and may manufacture and deal in pulp and

Paper.

paper and any articles of all kinds in which timber, wood or the product of the Company is or are used, and may carry on, in connection with the works of the Company, the business of general merchants;

Coal.

Timber limits.

(*b.*) purchase or otherwise acquire, develop, work or dispose of timber, clay, coal and other minerals, timber limits, mining or other rights and lands, and may acquire, hold and dispose of timber or other licenses and grants from the Crown;

Roads, bridges, etc.

(*c.*) construct roads, bridges, booms, slides, dams, piers, shutes, wharfs, pilings, cribs and other works, and cut water courses or divert streams to better courses or channels and control currents and overflow water with such locks, devices and works as may be found necessary for the purposes of the

Dredging.

Company, and may blast rocks, dredge streams and improve waterways, lakes, rivers, streams, lagoons, bays, or former river beds; and for the purpose of providing mill ponds, storage dams, reservoirs and other necessary works may acquire former river beds, bottom or other lands and protect

Entry on Dominion and private lands.

them by necessary works; and for any of the aforesaid purposes may enter upon any Dominion or private lands, waters or right of way: Provided that the rights hereby granted to the Company are subject to all rights acquired and held by grantees or licensees from the Crown under the provisions of *The North-west Irrigation Act* and of its amending Acts, except that, if the Company, for any of the purposes aforesaid, interferes with any irrigation works of any of such grantees or licensees, the Company shall, upon demand in writing of such grantee or licensee, restore such works with reasonable despatch and to the satisfaction of the Minister of the Interior or of his duly appointed agent, and in default of such satisfactory restoration the Company shall compensate such grantee or licensee for all damage caused by such interference: Provided also that any grant or license under the said Act or amending Acts which are granted after the date of the passing hereof shall be subject to the rights of the Company.

Proviso.

Proviso.

Tolls.

(*d.*) collect tolls from any person wishing to use the Company's works or improvements, provided that any such table of tolls shall first be approved by the Governor in Council;

Power.

(*e.*) purchase, sell or acquire water or other power to generate electrical or other power, and may use, lease, sell or otherwise dispose thereof for light, heat or power; and may transmit the said power by electricity or otherwise to and from any of the Company's mines, timber limits, works or places of business, and for such purpose may erect poles and do all other things necessary therefor;

(*f.*) construct, maintain and operate tramways to be worked by electricity or other power to and from any of the Company's mines, timber limits, works or places of business; Tramways.

(*g.*) construct and operate telephone or telegraph lines to and from any of the Company's mines, timber limits, works or places of business; Telegraphs and telephones.

(*h.*) acquire, construct, charter and navigate steam tugs and other vessels and carry on business as ship-owners and carriers by land and water. Vessels.

7. Lands actually required for the construction, maintenance and operation of the Company's dams, piers, roads, river improvements and tramways may be taken and acquired by the Company, and all the provisions of *The Railway Act*, 1903, except as hereinafter mentioned, shall be applicable to such taking and acquisition as if they were included in this Act: Provided that before any such taking and acquisition a plan of the lands to be taken or acquired shall be filed in the Land Titles Office for the district in which such land is situate, and public notice of the filing of such plan shall be given by the Company by advertising for one month in some leading newspaper published in the said district: Provided further that if within sixty days from the first publication of the said advertisement objection to such taking or acquisition has been filed in the said office of Land Titles, the objection and all matters relating thereto shall be heard and decided by the Board of Railway Commissioners for Canada. All the provisions of *The Railway Act*, 1903, which are applicable in like manner shall apply to the ascertaining and payment of the compensation for or damages to lands arising out of such taking and acquisition or the construction or maintenance of the works of the Company or the exercise of any of the powers of the Company under this section, and except as hereinbefore provided all the provisions of *The Railway Act*, 1903, shall apply to the Company in respect of its tramways as if such provisions were included in this Act. Expropriation of lands. 1903, c. 58. Proceedings for expropriation.

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

9. The reservations mentioned in sections 87, 88 and 89 of *The Dominion Lands Act* shall apply to the undertaking and works of the Company, and upon payment by the Company of the bonus stipulated to be paid by the application for any license and the payment of all dues and fees required by the terms thereof, every such license from the Crown held or acquired by the Company shall be renewable from year to year while merchantable timber remains upon the area licensed: Provided that when a substantial portion of the said area has been denuded of timber, the Minister of the Interior may dispose thereof under sale or settlement regulations of *The Dominion Lands Act* and its amending Acts; but no such R.S.C., c. 54. Reservations. Proviso.

disposition shall be made of land immediately contiguous to merchantable standing timber, or in such a way as to endanger destruction thereof by fire.

1902, c. 15. R.S.C., c. 118.

10. Sections 35 and 57 of *The Companies Act*, 1902, shall apply to the Company, and section 41 of *The Companies Clauses Act* shall not apply to the Company.

Act to expire by non-user.

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

No. 51.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL

An Act to incorporate the Okotoks and High River Lumbering and Development Company.

First reading, April 12, 1904.

(PRIVATE BILL.)

MR. OLIVER.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1904

No. 51.] **BILL.** [1904.

An Act to incorporate the Okotoks and High River Lumbering and Development Company.

(*Reprinted as amended in the Select Standing Committee on Miscellaneous Private Bills.*)

Preamble.

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

Incorporation.

1. Joseph Bailey Powell of the city of Calgary, and William Fisher of the village of Okotoks, both in district of Alberta, in the North-west Territories, Edward John Powell of the city of London, William James Parkhill of the town of Midland, and Ellen Powell of the city of Toronto, all in the province of Ontario, together with such persons as become shareholders in the company, are incorporated under the name of "The Okotoks and High River Lumbering and Development Company," hereinafter called "the Company."

Corporate name.

Provisional directors.

2. The persons named in section 1 of this Act shall be the first or provisional directors of the Company, a majority of whom shall form a quorum, and they shall have all the powers which are conferred upon directors by *The Companies Clauses Act* and by this Act.

Capital stock.

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

Increase of capital by by-law.

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

Terms of by-law.

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

Approval of shareholders.

3. No by-law for increasing the capital stock of the Company shall have any force whatsoever until it is approved by the votes of shareholders representing at least two-thirds in

value of all the subscribed stock of the Company, at a special general meeting of the Company duly called for considering it.

Head office.

5. The head office of the Company shall be in the village of Okotoks, in the District of Alberta, in the North-west Territories, or at such other place in the North-west Territories as is determined by a majority of the shareholders at a regular or special meeting called for the purpose. All meetings of the shareholders shall be held at the head office of the Company, but the directors may meet elsewhere as provided in the by-laws of the Company.

Meetings.

First general meeting.

6. Within six months after the passing of this Act the provisional directors shall call a meeting of the shareholders at the head office of the Company, at which meeting the shareholders present or represented by proxy, and who have paid in not less than ten per cent of the amount of shares subscribed for by them, shall elect a board of five directors.

Notice of meeting.

2. Notice of such meeting shall be sufficiently given by mailing the same, postage prepaid, at least ten days previous to the date of such meeting to each shareholder at his post office address shown in the books of the Company.

Power to acquire other businesses.

7. The Company may acquire and take over as a going concern the properties, mills, rights, assets, undertakings, liabilities and obligations of the Okotoks and High River Lumbering and Developing Syndicate now carrying on the business of lumbering and mining in the District of Alberta, North-west Territories, or of any other person, firm or company carrying on a like business or having similar objects, on such terms and conditions as are agreed upon, and may pay the price thereof partly in cash or wholly or partly in paid up or partly paid up shares of stock of the Company, or wholly or partly in debentures of the Company, or otherwise, as may be agreed between the parties, and may mortgage, sell or otherwise dispose thereof.

Powers of Company.

8. The Company may—

Lumbering.

(*a.*) carry on the business of timber and lumber merchants, sawmill operators and timber growers and workers of clay and miners of coal and other minerals, and may buy, sell, grow, prepare for market, manipulate, import, export and deal in timber and wood of all kinds; and in clay, coal or other minerals and mines, and may manufacture and deal in pulp and paper and any articles of all kinds in which timber, wood or the product of the Company is or are used, and may carry on, in connection with the works of the Company, the business of general merchants;

Minerals.

Paper.

Coal.

Timber limits.

(*b.*) purchase or otherwise acquire, develop, work or dispose of timber, clay, coal and other minerals, timber limits, mining or other rights and lands, and may acquire, hold and dispose of timber or other licenses and grants from the Crown;

Roads, bridges, etc.

(*c.*) within the Crown lands districts of Calgary and Red Deer, in the District of Alberta, construct roads, bridges, booms, slides, dams, piers, shutes, wharfs, pilings, cribs and other works, and cut watercourses or divert streams to better courses or channels, and control currents and overflow water with such locks,

devices and works as may be found necessary for the purposes of the Company, and may blast rocks, dredge streams and improve waterways, lakes, rivers, streams, lagoons, bays, or former river beds; and for the purpose of providing mill ponds, storage dams, reservoirs and other necessary works may acquire former river beds, bottom or other lands and protect them by necessary works; and for any of the aforesaid purposes may enter upon any Dominion or private lands, waters or right of way: Provided that the rights hereby granted to the Company are subject to all rights acquired and held by grantees or licensees from the Crown under the provisions of *The North-west Irrigation Act* and of its amending Acts, except that if the Company, for any of the purposes aforesaid, interferes with any irrigation works of any of such grantees or licensees the Company shall, upon demand in writing of such grantee or licensee, restore such works within the time or times prescribed by, and to the satisfaction of, the Minister of the Interior, or his duly appointed agent, and in default of such satisfactory restoration within the time or times so prescribed the Company shall compensate such grantee or licensee for all damage caused by such interference; and if any grantee or licensee under the said Act or amending Acts, in carrying out any of the objects for which his grant or license was issued, interferes with any of the works of the Company, such grantee or licensee shall, upon demand in writing of the Company restore such works within the time or times prescribed by, and to the satisfaction of, the Minister of the Interior, or his duly appointed agent, and in default of such satisfactory restoration within the time or times so prescribed such grantee or licensee shall compensate the Company for all damage caused by such interference;

Dredging.

Entry on Dominion and private lands.

Proviso.

Proviso.

(*d.*) so long as the works are maintained in an efficient state (such efficient state to be, in the event of dispute, settled by the Commissioner of Public Works of the North-west Territories) levy and collect tolls, dues and charges on all saw-logs, timber and lumber which come into its possession by 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 Lieutenant Governor in Council and upon publication thereof in the official Gazette of the North-west Territories, and the Lieutenant 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 upon the said logs, timber and lumber in respect of which the same are chargeable; provided that the said works shall be open to the use of the public at all reasonable times on equal terms;

Collection of tolls, dues, etc.

Approval of Governor in Council.

Works to be open to public.

(*e.*) purchase, sell or acquire water or other power to generate electrical or other power, and may use, lease, sell or otherwise dispose thereof for light, heat or power; and may transmit the said power by electricity or otherwise to and from any of the Company's mines, timber limits, works or places of business, and for such purpose may erect poles and do all other things necessary therefor;

Power. Electricity.

(*f.*) construct, maintain and operate tramways to be worked by electricity or other power to and from any of the Company's mines, timber limits, works or places of business;

Tramways.

Railway sidings.

(*g.*) for the purpose of its undertaking, construct and operate all such railway sidings, switches or spur lines, not exceeding fifteen miles in length, as are necessary to connect any property of the Company with its factories and mills, or with any line of railway;

Telegraphs and telephones.

(*h.*) construct and operate telephone or telegraph lines to and from any of the Company's mines, timber limits, works or places of business;

Vessels.

(*i.*) acquire, construct, charter and navigate steam tugs and other vessels and carry on business as ship-owners and carriers by land and water;

Shares in other companies.

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

Expropriation of lands.

9. Lands actually required for the construction, maintenance and operation of the Company's dams, piers, reservoirs, roads, river improvements and tramways, within the Crown lands districts of Calgary and Red Deer, in the District of Alberta, as shown by the maps and plans from time to time filed with the Commissioner of Public Works of the North-west Territories, or such officer as the Minister of the Interior may from time to time designate, in whomsoever they are vested, whether in the Crown, or in any person whomsoever, or any interest in or right or privilege with regard to such land which is so required, may be taken and acquired by the Company; and to this end all the provisions of *The Rai way Act*, 1903, which, and so far as they are applicable to such taking and acquisition, shall apply as if they were included in this Act, the Minister of the Interior and the Department of the Interior being substituted for the Minister of Railways and Canals and the Department of Railways and Canals, respectively, wherever in the provisions of the said Act the latter Minister and Department are referred to; provided that no expropriation shall take place under and by virtue of this section unless it has been first sanctioned by the Minister of the Interior, or his duly appointed agent, and the Minister of the Interior may impose such terms and conditions as he thinks proper in the public interest, in connection with the acquisition under this section of any lands which are vested in any person, or of any interest in such lands, or any right or privilege affecting such lands, and duplicates of the maps and plans shall be registered in the land titles office for the registration district within which the lands affected by such surveys are situated. Provided also that nothing in this section contained shall authorize the Company to expropriate water powers, or to acquire or take possession of, or in any way injure or interfere with, any site upon which there exists any mills or machinery, or hydraulic works.

1903, c. 58.

Proceedings for expropriation.

Compensation for damages.

2. All the provisions of *The Railway Act*, 1903, which are applicable shall in like manner apply to fixing the amount of and the payment of compensation for damages to lands arising out of the construction or maintenance of the works of the Company or the exercise of any of the powers granted to the Company under this Act, or any other Act relating to the Company.

3. The Minister of the Interior or such officer as he may designate shall, in case of dispute, be the sole arbiter as to the area of land which may be taken by the Company without the consent of the owners for any purpose, in connection with the construction and maintenance of the Company's works and reservoirs. Minister of Interior to be arbiter.

4. The powers conferred by this section shall not be exercised after a period of fifteen years from the passing of this Act. Limitation of time.

10. The Company may enter into and upon any public or private lands, railway, streets, roads or lanes, to take levels, make surveys or do other necessary work in connection with the location of its proposed works through or across the same without making compensation therefor, or being guilty of trespass; but all such preliminary works shall be disposed of with reasonable expedition and in a manner not to unduly interfere with the rights of the public or the owners or occupiers of such property. Power to enter on lands.

11. The reservations mentioned in sections 87, 88 and 89 of *The Dominion Lands Act* shall apply to the undertaking and works of the Company, and upon payment by the Company of the bonus stipulated to be paid by the application for any license and the payment of all dues and fees required by the terms thereof, every such license from the Crown held or acquired by the Company shall be renewable from year to year while merchantable timber remains upon the area licensed: Provided that when a substantial portion of the said area has been denuded of timber, the Minister of the Interior may dispose thereof under sale or settlement regulations of *The Dominion Lands Act* and its amending Acts; but no such disposition shall be made of land immediately contiguous to merchantable standing timber, or in such a way as to endanger destruction thereof by fire. R.S.C., c. 54. Reservations. Proviso.

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

13. Section 57 of *The Companies Act*, 1902, and section 195 of *The Railway Act*, 1903, shall apply to the Company, and sections 18 and 41 of *The Companies Clauses Act* shall not apply to the Company. 1902, c. 15. 1903, c. 58. R.S.C., c. 118.

14. This Act shall expire and the charter hereby granted shall cease to be in force if the Company does not go into actual operation within two years after the passing of this Act. Act to expire by non-user.

No. 51.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL.

An Act to incorporate the Okotoks and High River Lumbering and Development Company.

(Reprinted as amended in the Miscellaneous Private Bills Committee.

(PRIVATE BILL.)

MR. OLIVER.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1904

No. 52.] **BILL.** [1904.

An Act respecting the Manitoba and Keewatin Railway Company.

Preamble.

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

1902, c. 70.

Section 8 amended.

1. Section 8 of chapter 70 of the statutes of 1902 is amended by adding thereto the following paragraphs:—

Motor power.

"(*f.*) use such form of motor and method of producing power therefor as is expedient;

Harbours.

"(*g.*) construct in the waters of Hudson's Bay, James Bay or Lake Winnipeg one or more harbours by means of moles and piers, for the purpose of providing terminal facilities for the railway, but the location of such harbours and the plans therefor, and any regulations with regard to the said harbours, shall be submitted to and be subject to the approval of the Governor in Council."

Approval of Governor in Council.

Section 12 repealed.

2. Section 12 of the said Act is repealed.

Time for construction extended.

3. The Manitoba and Keewatin Railway Company shall commence the construction of the railway authorized by the said Act, or of one or more of the branches of the said railway, within three years after the passing of this Act, and shall construct and complete the remainder of the said railway and branches within seven years after the passing of this Act, and, if the said railway and branches are not commenced and completed within the said periods, then the powers of construction conferred upon the said company by Parliament shall cease and be null and void as respects so much thereof as then remains uncompleted.

No. 52.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL.

An Act respecting the Manitoba and Keewatin Railway Company.

First reading, April 13, 1904.

(PRIVATE BILL.)

MR. MCCREARY.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1904

No. 53.] **BILL.** [1904.

An Act respecting the North American Telegraph Company.

Preamble.

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

1886, c. 94.

Section 4 amended.

Increase of capital.

1. Section 4 of chapter 94 of the statutes of 1886, is amended by striking out the word "one" in the last line thereof and substituting therefor the word "ten."

New section 5.

2. Section 5 of the said Act is repealed, and the following is substituted therefor:—

Head office.

"**5.** The head office and chief place of business of the Company shall be in the city of Winnipeg, in the province of Manitoba, but the directors may change the head office to any other place in Canada, and may establish branch offices in other places in Canada and elsewhere, and may call and hold meetings of directors at such other places in Canada as are determined from time to time by by-law or resolution of the directors.

Branch offices.

No. 53.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL

An Act respecting the North American Telegraph Company.

First reading, April 13, 1904.

(PRIVATE BILL.)

MR. MCCREARY.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1904

No. 54.] **BILL.** [1904.

An Act to incorporate the Dominion Fire Insurance Company.

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

1. Frank Burnett, Senior, Frank Burnett, Junior, William Sowden Holland and George V. Fraser, all of the city of Vancouver, in the Province of British Columbia, together with such persons as become shareholders in the company, are incorporated under the name of "The Dominion Fire Insurance Company," hereinafter called "the Company." Incorporation. Corporate name.

2. The persons named in section 1 of this Act shall be the provisional directors of the Company, a majority of whom shall be a quorum, and they may forthwith open stock books, procure subscriptions of stock for the undertaking, make calls on stock subscribed and receive payments thereon, and shall deposit in a chartered bank in Canada all moneys received by them on account of the Company, and shall withdraw the same for the purposes of the Company only, and may do generally what is necessary to organize the Company. Provisional directors.

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

2. The shares of the capital stock subscribed for shall be paid by such instalments and at such times and places as the directors appoint; the first instalment shall not exceed twenty-five per cent, and no subsequent instalment shall exceed ten per cent, and not less than thirty days' notice of the calling of each subsequent instalment shall be given. Calls.

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

Head office.

4. The head office of the Company shall be in the city of Vancouver, in the Province of British Columbia, but branch officers, sub-boards or agencies may be established elsewhere, in such manner as the directors from time to time direct.

Branch offices.

First general meeting.

5. So soon as one hundred thousand dollars of the capital stock of the Company have been subscribed and fifty per cent of that amount paid into some chartered bank in Canada, the provisional directors shall call a meeting of the shareholders of the Company at some place to be named in the said city of Vancouver, at which meeting the shareholders present or represented by proxy who have paid not less than ten per cent on the amount of shares subscribed by them shall elect a board of nine directors, of whom a majority shall form a quorum.

Election of directors.

Qualification of directors.

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

Annual meeting.

6. A general meeting of the Company shall be held at the head office, annually on the third Wednesday in February, after the organization of the Company and commencement of business; and at such meeting a statement of the affairs of the Company shall be submitted.

Special general meetings.

2. Special general meetings may at any time be called by any five of the directors or by requisition of any twenty-five shareholders, specifying in the notice the object of such meeting.

Notice of meetings.

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

Business of Company.

7. The Company may make contracts of insurance against loss or damage by fire or lightning in or to any house, dwelling, store or other building, and to any goods, merchandise, chattels, bridges, railway plant or personal estate, for such time and for such premiums or considerations, and under such modifications and restrictions, and upon such conditions as are agreed upon between the Company and the insured, and the Company may generally carry on the business of fire insurance in all its branches, including the right to cause itself to be insured against any risk it may have undertaken and to reinsure any other person against any risks that such person may have undertaken.

Re-insurance.

Sum to be paid in before license obtainable.

8. Before obtaining the license required by *The Insurance Act* at least fifty thousand dollars of the capital stock shall be paid into the funds of the Company, to be appropriated only for the purposes of the Company under this Act, and thereafter in each succeeding year, for three years, a further sum of fifteen thousand dollars shall be paid annually in cash upon the capital stock of the Company.

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

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

10. *The Companies Clauses Act*, except sections 18 and 39 thereof, shall apply to the Company, in so far as it is not inconsistent with any of the provisions of *The Insurance Act*. R.S.C., c. 118 to apply.

No. 54.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL.

An Act to incorporate the Dominion Fire Insurance Company.

First reading, April 13, 1904.

(PRIVATE BILL.)

MR. MACPHERSON.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1904

No. 55.] **BILL.** [1904.

An Act respecting the Canadian Northern Railway Company.

Preamble.

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

Short title.

1. This Act may be cited as *The Canadian Northern Act*, 1904.

Power to consolidate bond issues.

2. For the removal of doubts with respect to the powers conferred by *The Railway Act*, 1903, and the Acts relating to the Company, the Canadian Northern Railway Company (herein called "the Company") may, at any time, or from time to time, consolidate the whole or portions of the bond issues theretofore made by the Company or its predecessors, or any of them, and of the mortgages or other instruments securing the same, and may make and issue consolidated bonds and consolidated mortgages or other securing instruments, and may apply such bonds or portions thereof, or the proceeds thereof, from time to time, in the retirement, by exchange, purchase or otherwise, of outstanding bonds of the issues or portions so consolidated, provided that the holders of the bonds to be retired surrender them for retirement: Provided further that until the whole of the outstanding bonds of any separate issue included in the consolidation have been retired, the bonds of such issue which are actually retired shall be deposited with trustees, and the rights and priorities thereof shall continue for the benefit of the holders of the consolidated bonds, but when all outstanding bonds of a separate issue have been retired they shall be cancelled, and the consolidated bonds shall thereupon take their place and possess their rights and priorities.

Retirement of outstanding bonds.

Proviso.

Application of consolidated bond issue to existing or future properties.

3. The consolidated issues and the mortgages or other instruments securing them may be made with respect to existing and future railways and properties of the Company, provided always that there shall not be outstanding at any one time a greater total amount of consolidated bonds and of bonds of the issues or portions consolidated than the total amount which the Company may at the time be authorized by statute to issue with respect to the railways and properties included in the mortgages or other instruments securing the consolidated bonds.

Form and terms of bonds.

4. The forms, nature and terms of the consolidated bonds, and of the mortgages and instruments securing them, and the times, manner and terms of their issues, shall be such as the Company determines.

Meaning of "bond."

5. The expression "bond" or "bonds," when used in the foregoing sections, means any kind of securities which the Company has issued, or has authority to issue.

Power to amalgamate with Northern Extension Railway Co.

6. Subject to the provisions of sections 281 to 283, both inclusive, of *The Railway Act*, 1903, save as amended herein, the Company may enter into an agreement for amalgamation with the Northern Extension Railway Company.

Notice to shareholders.

2. If such agreement is approved by every shareholder of each company, notice of application for the sanction thereof, required by subsection 2 of section 281 of the said Act, need not be given.

No. 55.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL

An Act respecting the Canadian Northern Railway Company.

First reading, April 13, 1904.

(PRIVATE BILL.)

MR. DAVIS.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1904

No. 55.] **BILL.** [1904.

An Act respecting the Canadian Northern Railway Company.

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

Preamble.

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

Short title.

1. This Act may be cited as *The Canadian Northern Act*, 1904.

Power to consolidate bond issues.

2. For the removal of doubts with respect to the powers conferred by *The Railway Act*, 1903, and the Acts relating to the Company, it is declared that the Canadian Northern Railway Company (herein called "the Company") has had the power to, and may at any time, or from time to time, consolidate the whole or portions of the bond issues theretofore made by the Company or its predecessors, or any of them, and of the mortgages or other instruments securing the same, and may make and issue consolidated bonds and consolidated mortgages or other securing instruments, and may apply such bonds or portions thereof, or the proceeds thereof, from time to time, in the retirement, by exchange, purchase or otherwise, of outstanding bonds of the issues or portions so consolidated, provided that the holders of the bonds to be retired surrender them for retirement: Provided further that until the whole of the outstanding bonds of any separate issue included in the consolidation have been retired, the bonds of such issue which are actually retired shall be deposited with trustees, and the rights and priorities thereof shall continue for the benefit of the holders of the consolidated bonds, but when all outstanding bonds of a separate issue have been retired they shall be cancelled, and the consolidated bonds shall thereupon take their place and possess their rights and priorities and the rights and priorities of the mortgage securing the said consolidated bonds.

Retirement of outstanding bonds.

Proviso.

Application of consolidated bond issue to existing or future properties.

3. The consolidated issues and the mortgages or other instruments securing them may be made with respect to existing and future railways and properties of the Company, provided always that there shall not be outstanding at any one time a greater total amount of consolidated bonds and of bonds of the issues or portions consolidated than the total amount which

the Company may at the time be authorized by statute to issue with respect to the railways and properties included in the mortgages or other instruments securing the consolidated bonds.

Form and terms of bonds.

4. The forms, nature and terms of the consolidated bonds, and of the mortgages and instruments securing them, and the times, manner and terms of their issues, shall be such as the Company determines.

Meaning of "bond."

5. The expression "bond" or "bonds," when used in the foregoing sections, means any kind of securities which the Company has issued, or has authority to issue.

Power to amalgamate with other Companies.

6. Subject to the provisions of sections 281 to 283, both inclusive, of *The Railway Act*, 1903, save as amended herein, the Company may enter into an agreement for amalgamation with the Northern Extension Railway Company and the James Bay Railway Company.

Notice to shareholders.

2. If such agreement is approved by every shareholder of each company, notice of application for the sanction thereof, required by subsection 2 of section 281 of the said Act, need not be given.

Guarantee of bonds of another company.

7. The Company may from time to time guarantee in whole or in part the payment of the principal or interest, or both, of the bonds, debentures, or other securities of any incorporated company:

Approval of shareholders and of Governor in Council.

Provided that the terms of the agreement respecting such guarantee have been approved by resolution of the shareholders passed by not less than two-thirds in value of those present or represented by proxy at a special meeting called for the purpose; and provided that the agreement has been approved by the Governor in Council.

Form of guarantee.

2. The form and manner of guarantee shall be such as the board of directors of the Company approves of, and it shall be signed by such officer or officers as are designated by the board to sign it; and,

Its effect.

upon its being so signed and delivered, the Company shall become liable to the holders for the time being of the securities guaranteed according to the tenor of the guarantee.

No. 55.

4th Session, 9th Parliament, 4 Edward V

BILL.

An Act respecting the Can
Northern Railway Compan

(Reprinted as proposed to be amende
Railway Committee).

(PRIVATE BILL.)

MR. I

OTTAWA
Printed by S. E. Dawson
Printer to the King's most Excellent Ma
1904

No. 56.] **BILL.** [1904.

An Act to amend the Criminal Code, 1892.

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

1892, c. 29, s. 902 amended.

1. Subsection 6 of section 902 of *The Criminal Code*, 1892, is amended by inserting after the word "receive" in the fifth line, the following words :—"and every justice who upon or in connection with, or under colour or pretence of, any information, complaint or judicial proceeding or inquiry had or taken before him, exacts, receives, appropriates or retains any fees, moneys or payments which he is not by law authorized to receive or to be paid."

No. 56.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL.

An Act to amend the the Criminal Code, 1892.

First reading, April 13, 1904.

Mr. Lennox.

OTTAWA
Printed by S. E. Dawson
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1904

No. 57.] **BILL.** [1904

An Act to incorporate the International Railway Bridge Company of New Brunswick.

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

1. Thomas Malcolm, of the town of Campbellton, in the Province of New Brunswick, Thomas J. Cochran, of Edmundston, in the county of Madawaska, in the said province, John M. Stevens, of the same place, and Charles Riordon, of St. Catharines, in the province of Ontario, together with such persons as become shareholders in the company, are incorporated under the name of "The International Railway Bridge Company of New Brunswick," hereinafter called "the Company." Incorporation. Corporate name.

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

3. The capital stock of the Company shall be two hundred thousand dollars. No one call thereon shall exceed ten per cent on the shares subscribed. Capital stock.

4. The head office of the Company shall be in the town of Campbellton, or in such other place in Canada as the directors by by-law determine. Head office.

5. The annual meeting of the shareholders shall be held on the second Tuesday in June. Annual meeting.

6. The number of directors shall be five, one or more of whom may be paid directors. Directors.

7. The Company may construct, maintain and use a railway bridge, with the necessary approaches, over the Restigouche River, from a point at or near Campbellton, in the Province of New Brunswick, to a point at or near the Mission Point (so called) in the county of Bonaventure, in the Province of Quebec, and, if deemed advisable by the Company, may also construct and arrange the said bridge for the use and passage of foot passengers, vehicles and animals, and may also lay out, construct and operate one or more lines of railway to connect the said bridge with existing and future lines of railway on Bridge authorized.

each side of the said river, and may make traffic or other arrangements with any railway company desiring to utilize the said bridge.

Tolls.

8. The tolls to be charged for passage of foot-passengers and carriages shall, before being imposed, first be submitted to and approved of by the Governor in Council, and shall be subject to revision from time to time by the Governor in Council, but the Company may, at any time, reduce the tolls, and a notice showing the tolls authorized to be charged, shall at all times, be posted up in a conspicuous place on the said bridge.

Site and plans to be approved.

9. The Company shall not construct the said bridge before the site and plans thereof have been approved by the Governor in Council.

Issue of securities.

10. The directors may, in the manner prescribed by sections 111 and 112 of *The Railway Act*, 1903, issue, sell or pledge and secure bonds, debentures and other securities to an amount not exceeding five hundred thousand dollars.

Railway Act to apply.

1903, c. 58.

11. The provisions of *The Railway Act*, 1903, shall, in so far as they are applicable to and consistent with this Act, apply to the Company, and wherever in the said Act the word "railway" occurs, it shall, for the purposes of the Company, unless the context otherwise requires, mean the said bridge.

Time for construction limited.

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

No. 57.

4th Session, 9th Parliament, 4 Edward VII

BILL.

An Act to incorporate the Intern
Railway Bridge Company of
Brunswick.

First reading, April 15, 1904

(PRIVATE BILL.)

MR. MARCIL,
(Bonavent

OTTAWA
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Printer to the King's most Excellent Maje
1904

No. 58.] **BILL.** [1904.

An Act respecting the Imperial Loan and Investment Company of Canada.

Preamble.

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

1899, c. 116.

Section 9 amended.

Investment powers.

1. Section 9 of chapter 116 of the statutes of 1899 is amended by striking out the word "other" in the last line of the section, and by adding at the end thereof the words "except the new Company."

New section 13.

Directors.

2. Section 13 of the said Act is repealed, and the following is substituted therefor:—

"**13.** The affairs of the new Company shall be managed by a board of not more than fifteen and not less than three directors."

Power to amalgamate with and purchase the assets of other loan companies.

Terms of agreements.

3. The Imperial Loan and Investment Company may amalgamate with any other loan company, and may, from time to time, purchase the assets of any other loan company, but specified assets may be excepted from the agreements of purchase and sale. Such agreements shall prescribe the terms and conditions of the amalgamation or purchase and may provide for the mode of carrying them into effect, the name of the amalgamated company, the amount of capital stock, the number of shares and the amount of each share, the place of the head office, the number of directors, the names of the first directors and their term of office, the manner of converting the capital stock of each company into that of the amalgamated company, and such other or additional details as are necessary or convenient to perfect the new organization and the after management and working thereof, but no share in the amalgamated company shall be terminating or liable to be withdrawn. The agreements made from time to time shall be submitted to the shareholders of each of the said companies at meetings thereof duly called and held separately for the purpose of taking such agreements into consideration and if, at each such meeting, they are accepted and approved by resolutions passed by shareholders present or represented by proxy and holding not less than two-thirds of all the shares of the issued capital stock of the company, the said agreements may be executed under the corporate seals of the companies;

Approval of shareholders.

and a certified copy of such resolutions and of the agreements of amalgamation shall, within fifteen days from the passing thereof, be transmitted to the Secretary of State of Canada and shall be, by him, published in *The Canada Gazette*, but upon such resolutions being passed the amalgamations or purchases shall take effect from the times or events fixed by such resolutions; and thereupon the said companies shall be amalgamated and shall form one company by the name in the said agreement provided, and upon the terms and conditions thereof, and the amalgamated company shall possess and be vested with all the powers, franchises, privileges, assets, rights, credits, effects and property, real, personal and mixed, of whatever kind and wheresoever situated, belonging to each of the said companies, or to which it may be or become entitled, and shall be liable for and subject to, and shall pay, discharge, carry out and perform all the debts, liabilities, obligations, contracts and duties of each of the said companies; and any person having any claim, demand, right, cause of action or complaint against any of the said companies, or to whom any such company is under any liability, obligation, contract or duty, shall have the same rights and powers with respect thereto and to the collection and enforcement thereof from and against the amalgamated company as such person has against such other company. Nothing in the said agreement of amalgamation or in this Act contained or done in pursuance thereof shall take away or prejudice any claim, demand, right, security, cause or action or complaint which any person has against any of the companies so amalgamated, or their respective directors or shareholders, or shall relieve any such company, its directors or shareholders from the payment or performance of any debt, liability, obligation, contract or duty. No action or proceeding by or against any of the said companies so amalgamated shall abate or be affected by such amalgamation, but for all the purposes of such action or proceeding such company may be deemed still to exist, or the amalgamated company may be substituted in such action or proceeding in the place thereof. From and after the passing of such resolution the assets purchased and sold shall, in accordance with and subject to the terms of the said agreement and without any further conveyance, become vested in the company or companies purchasing, but the selling company shall, from time to time (subject to the terms of the said agreement), execute such formal and separate conveyances, assignments and assurances, for registration purposes or otherwise, as may be reasonably required to confirm or evidence the vesting in the purchasing company or companies of the full title and ownership of the assets purchased and sold.

When agreements to take effect.

Existing rights preserved.

4. The company or the amalgamated company may pass a by-law providing, upon such terms as are thought best, for the conversion into fully paid shares of shares in its capital stock which have been only partly paid up, but such by-law shall not have any force or effect unless and until it has been sanctioned by a vote of shareholders present or represented by proxy at a general meeting of the company duly called for considering such by-law, and holding and representing not less

Conversion of shares by by-law after amalgamation.

Approval of shareholders.

than two-thirds of the issued capital stock of the company, and has afterwards been confirmed by a certificate of the Minister of Finance and Receiver General given under the authority of the Treasury Board.

Certificate of Minister of Finance confirming by-law.

5. Upon an application to the Minister of Finance and Receiver General for a certificate confirming such by-law, unless it appear that the granting of such certificate would not be in the public interest, the said Minister shall, with the approval of the Treasury Board, grant such certificate, and upon the granting thereof the said by-law shall come into force. Provided that nothing in this section and the last preceding section contained, or done under or in pursuance thereof, shall affect or impair the rights of creditors of the companies.

Creditors rights preserved.

No. 58.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL.

An Act respecting the Imperial Loan and Investment Company of Canada.

First reading, April 15, 1904.

(PRIVATE BILL.)

MR. THOMPSON,
(Haldimand and Monck.)

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1904

No. 59.] **BILL.** [1904.

An Act respecting the Montreal Park and Island Railway Company.

Preamble.

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

1894, c. 84, s. 8 amended.

1. Section 8 of chapter 84 of the statutes of 1894 is amended by adding thereto the following subsection:—

"2. The said railways shall be completed on or before the first day of May, one thousand nine hundred and fourteen, but the said tramways may be completed at any time before or after such date."

Meaning of "tramway."

2. The word "tramway" as used in the said Act of 1894 is hereby declared to mean and to have meant a line constructed on or along the streets and highways for the passage of tram cars, and the construction and operation thereof is hereby declared to be and to have been subject only to those provisions of *The Railway Act*, 1903, respecting connection with or crossing over railways subject to the legislative authority of the Parliament of Canada, or to through traffic thereon, and also to the provisions of the said Act relating to offences and penalties, navigable waters and criminal matters; and the said Act shall apply to that extent only, and the Company's tramways shall not be held to be railways within the meaning of *The Railway Act*, 1903.

Contracts with municipalities for construction of tramways.

3. The Company may make contracts with any municipality for the construction and operation therein of one or more tramways, and may construct and operate such tramways in accordance with the terms agreed upon, notwithstanding that by reason of such contract part of such tramways may be constructed subsequent to the year nineteen hundred and fourteen.

Existing rights saved.

4. Nothing in this Act shall affect any contract now existing with any other company, nor any lawsuit now pending.

No. 59.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL

An Act respecting the Montreal Park and Island Railway Company.

First reading, April 15, 1904.

(PRIVATE BILL.)

Mr. Geoffrion.

OTTAWA
Printed by S. E. Dawson
Printer to the King's most Excellent Majesty
1904

No. 60.] **BILL.** [1904.

An Act respecting the Kettle River Valley Railway Company.

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

1. Section 4 of chapter 68 of the statutes of 1901, incorporating the Kettle River Valley Railway Company, is amended by striking out the words "one million five hundred thousand" in the first and second lines and substituting therefor the words "four million." 1901, c. 68, s. 4 amended.

2. Section 8 of the said Act is amended by adding thereto the following subsection :— Section 8 amended.

"2. The Company may also lay out, construct and operate the following lines of railway :— Additional lines of railway.

"(*a.*) From a point fifty miles up the north fork of the Kettle River, thence northerly by the most feasible route to Fire Valley, thence north-westerly following the general course of Fire Valley to Vernon, thence westerly to Nicola, thence north-westerly to Spence's Bridge ;

"(*b.*) From a point on the line so to be constructed at or near the junction of the east fork and west fork of the north fork of Kettle River in a generally north-easterly direction to Franklin Camp, thence to Killarney by the most feasible route."

3. The Company shall construct and put in operation the lines of railway authorized by its Act of Incorporation and the amendments thereto within five years from the passing of this Act, otherwise the powers granted for such construction shall cease and be null and void with respect to so much of the said lines as then remains uncompleted. Time for construction extended.

No. 60.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL.

An Act respecting the Kettle River Valley Railway Company.

First Reading, April 15, 1904.

(PRIVATE BILL.)

Mr. Galliher.

OTTAWA
Printed by S. E. Dawson
Printer to the King's most Excellent Majesty
1904

No. 61.] **BILL.** [1904

An Act to incorporate the Thorold and Lake Erie Railway Company.

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

1. John W. Norcross and John McCullough, both of the village of Port Colborne, in the county of Welland; Joseph Edmund Taschereau and George T. Smith, both of the city of Quebec, in the Province of Quebec; and William J. Bicknell, of St. Anne des Monts, in the Province of Quebec, together with such persons as become shareholders in the company, are incorporated under the name of "The Thorold and Lake Erie Railway Company," hereinafter called "the Company." Incorporation. Corporate name.

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

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

4. The capital stock of the Company shall be five hundred thousand dollars. No one call thereon shall exceed ten per cent on the shares subscribed. Capital stock.

5. The head office of the Company shall be in the village of Port Colborne, in the Province of Ontario. Head office.

6. The annual meeting of the shareholders shall be held on the first Monday in September. Annual meeting.

7. The number of directors shall be seven, one or more of whom may be paid directors. Directors.

8. The Company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches from a point in or near the town of Thorold, in the county of Welland, to a point in or near the village of Port Colborne, in the county of Welland, and thence east to a point in or near the village of Fort Erie, in the county of Welland; also westerly from the village of Port Colborne aforesaid to a point in or near the city of Brantford, in the county of Brant, passing through the towns of Dunnville and Cayuga, in the county of Haldimand. Line of railway described.

Powers.

Vessels.

Buildings.

Lighting of vessels.

Electricity.

9. The Company may—

(*a.*) for the purposes of its undertaking, construct, acquire and navigate steam and other vessels for the conveyance of passengers, goods and merchandise, and construct, acquire, lease and dispose of wharfs, docks, elevators, warehouses, offices and other facilities or buildings;

(*b.*) construct, acquire, lease, use and sell all facilities designed for the lighting of steam and other vessels, and charge tolls for such lighting;

(*c.*) acquire electric power for the purpose of its undertaking, and dispose of surplus power.

Agreements with other companies.

10. The Company may enter into agreements with the Niagara, St. Catharines and Toronto Railway Company, and any other electric railway company, and with steamship companies, for the transmission of freight and passengers.

Railway on highway.

Approval of municipality.

11. Notwithstanding anything contained in *The Railway Act*, 1903, the Company shall not construct or operate its line of railway along any highway, street or other public place without first obtaining the consent, expressed by by-law, of the municipality having jurisdiction over such highway, street or other public place, and upon terms to be agreed upon with such municipality.

Telegraphs and telephones.

12. The Company may construct and operate telegraph and telephone lines upon its railway, and, for the purpose of operating such lines or exchanging and transmitting messages, may enter into contracts with any companies having telegraph or telephone powers, and may connect its own lines with the lines of, or may lease its own lines to, any such companies.

Rates and charges.

2. The Company may transmit messages for the public and collect rates or charges therefor, but no rate or charge shall be demanded or taken for the transmission of any message, or for leasing or using the telegraphs or telephones of the Company, until it has been approved of by the Governor in Council, who may also revise such rates and charges from time to time.

R.S.C., c. 132.

3. *The Electric Telegraph Companies Act* shall apply to the telegraphic business of the Company.

Issue of securities.

13. The securities issued by the Company shall not exceed thirty-five thousand dollars per mile of the railway, and such, bonds, debentures and other securities may be issued only in proportion to the length of railway constructed or under contract to be constructed.

No. 61.

4th Session, 9th Parliament, 4 Edw

BILL

An Act to incorporate the
Lake Erie Railway Co

First reading, April 15,

(PRIVATE BILL

MR.

OTTAWA
Printed by S. E. Dawso
Printer to the King's most Excelle
1904

No. 62.] **BILL.** [1904.

An Act respecting the Welland and Grand Island Bridge Company.

Preamble.

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

1899, c. 97.

Section 1 repealed.

1. Section 1 of chapter 97 of the statutes of 1899 is repealed.

Section 2 amended.

Incorporators.

2. Section 2 of the said Act is amended by striking out of the said section the names "James A. Lowell, Alexander Logan."

Time for construction extended.

3. The Welland and Grand Island Bridge Company may construct and complete its undertaking within five years after the passing of this Act, otherwise the powers of construction conferred upon the said company by Parliament shall cease and be null and void as respects so much of the undertaking as then remains uncompleted.

Powers.

Vessels.

Buildings.

Lighting of vessels.

Electricity.

9. The Company may—

(*a.*) for the purposes of its undertaking, construct, acquire and navigate steam and other vessels for the conveyance of passengers, goods and merchandise, and construct, acquire, lease and dispose of wharfs, docks, elevators, warehouses, offices and other facilities or buildings;

(*b.*) construct, acquire, lease, use and sell all facilities designed for the lighting of steam and other vessels, and charge tolls for such lighting;

(*c.*) acquire electric power for the purpose of its undertaking, and dispose of surplus power.

Agreements with other companies.

10. The Company may enter into agreements with the Niagara, St. Catharines and Toronto Railway Company, and any other electric railway company, and with steamship companies, for the transmission of freight and passengers.

Railway on highway.

Approval of municipality.

11. Notwithstanding anything contained in *The Railway Act*, 1903, the Company shall not construct or operate its line of railway along any highway, street or other public place without first obtaining the consent, expressed by by-law, of the municipality having jurisdiction over such highway, street or other public place, and upon terms to be agreed upon with such municipality.

Telegraphs and telephones.

12. The Company may construct and operate telegraph and telephone lines upon its railway, and, for the purpose of operating such lines or exchanging and transmitting messages, may enter into contracts with any companies having telegraph or telephone powers, and may connect its own lines with the lines of, or may lease its own lines to, any such companies.

Rates and charges.

2. The Company may transmit messages for the public and collect rates or charges therefor, but no rate or charge shall be demanded or taken for the transmission of any message, or for leasing or using the telegraphs or telephones of the Company, until it has been approved of by the Governor in Council, who may also revise such rates and charges from time to time.

R.S.C., c. 132.

3. *The Electric Telegraph Companies Act* shall apply to the telegraphic business of the Company.

Issue of securities.

13. The securities issued by the Company shall not exceed thirty-five thousand dollars per mile of the railway, and such, bonds, debentures and other securities may be issued only in proportion to the length of railway constructed or under contract to be constructed.

No. 61.

4th Session, 9th Parliament, 4 Edw

BILL

An Act to incorporate the Lake Erie Railway Co

First reading, April 15,

(PRIVATE BILL

MR.

OTTAWA
Printed by S. E. Dawso
Printer to the King's most Excellen
1904

No. 62.] **BILL.** [1904.

An Act respecting the Welland and Grand Island Bridge Company.

WHEREAS the Welland and Grand Island Bridge Company has, by its petition, prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. 1899, c. 97.

1. Section 1 of chapter 97 of the statutes of 1899 is repealed. Section 1 repealed.

2. Section 2 of the said Act is amended by striking out of the said section the names "James A. Lowell, Alexander Logan." Section 2 amended. Incorporators.

3. The Welland and Grand Island Bridge Company may construct and complete its undertaking within five years after the passing of this Act, otherwise the powers of construction conferred upon the said company by Parliament shall cease and be null and void as respects so much of the undertaking as then remains uncompleted. Time for construction extended.

No. 62.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL.

An Act respecting the Welland and Grand Island Bridge Company.

First reading, April 15, 1904.

(PRIVATE BILL.)

MR. GERMAN.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1904

No. 63.] **BILL.** [1904.

An Act respecting the Edmonton and Slave Lake Railway Company.

Preamble. 1899, c. 66; 1902, c. 61.

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

Time for construction extended.

1. The Edmonton and Slave Lake Railway Company may construct and complete the lines of railway authorized by the Acts relating thereto within four years from the passing of this Act; and with respect to such parts of the said lines as then remain uncompleted, the powers granted for such construction and completion shall cease and be null and void.

No. 63.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL.

An Act respecting the Edmonton and Slave Lake Railway Company.

First reading, April 15, 1904.

(PRIVATE BILL.)

MR. COSTIGAN.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1904

No. 64.] **BILL.** [1904.

An Act respecting the Strait of Canso Bridge Company.

WHEREAS the Strait of Canso Bridge Company has, by its petition, prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. 1902, c. 104.

1. The bridge and the railways and works authorized by chapter 104 of the statutes of 1902 shall be commenced within two years and completed within six years after the passing of this Act, otherwise the powers conferred upon the said company by Parliament shall cease and be null and void as respects so much of the said bridge, railways and works as then remains uncompleted. Time extended.

No. 64.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL

An Act respecting the Strait of Canso Bridge Company.

First reading, April 15, 1904.

(PRIVATE BILL.)

MR. WADE.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1904

No. 65.] **BILL.** [1904.

An Act respecting certain patents of Lewis E. Curtis.

Preamble.

WHEREAS Lewis E. Curtis, of the city of Chicago, in the state of Illinois, one of the United States, has, by his petition, represented that he is the holder and owner of certain letters patent issued under the seal of the Patent Office dated the thirteenth day of August, one thousand nine hundred and one, being number seventy-two thousand seven hundred and twenty-six for improvements in machines for cutting expanded metal, and number seventy-two thousand seven hundred and twenty-seven for improvements in machines for expanding slitted sheet metal; and whereas the said Lewis E. Curtis has, by his petition, prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Commissioner of Patents may extend time for importation.

1. Notwithstanding anything in *The Patent Act*, as amended by chapter 46 of the statutes of 1903, or in the said two several letters patent mentioned in the preamble, the Commissioner of Patents may grant to the said Lewis E. Curtis, or his legal representatives or assigns, an extension of time up to the end of one year from the passing of this Act and beyond the periods limited by sections 4 and 6 of the said Act to amend *The Patent Act*, during which he or they may import or cause to be imported into Canada the inventions covered by the two several letters patent, and that any such importation of the said patented inventions during the extended period granted by this Act shall in no wise cause forfeiture of any rights acquired under the said letters patent.

R.S.C., c. 17, 1903, c. 46.

Rights of third persons saved.

2. If any person has, in the period between the thirteenth day of August, one thousand nine hundred and two, and the date of the passing of this Act, commenced to manufacture, use and sell, in Canada, the inventions covered by the said letters patent or either of them, such person may continue to manufacture, use and sell such inventions in as full and ample a manner as if this Act had not been passed; provided always that such exemption shall not extend to any person who has commenced to manufacture, use or sell the said patented inventions before or after the said last mentioned date under contract or agreement with, or with the consent or at the instigation of, the said Lewis E. Curtis or his legal representatives, but that in such case the said patents shall have full force and effect.

Proviso.

No. 65.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL.

An Act respecting certain patents of Lewis E. Curtis.

First reading, April 19, 1904.

(PRIVATE BILL.)

Mr. Ross
(Ontario.)

OTTAWA
Printed by S. E. Dawson
Printer to the King's most Excellent Majesty
1904

No. 66.] **BILL.** [1904.

An Act respecting the Pacific Northern and Omineca Railway Company.

WHEREAS the Pacific Northern and Omineca Railway Company has, by its petition, prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. 1902, c. 90.

1. Section 12 of chapter 90 of the statutes of 1902 is repealed, and the following is substituted therefor:— New section 12.

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

No. 66.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL.

An Act respecting the Pacific Northern and Omineca Railway Company.

First reading, April 19, 1904.

(PRIVATE BILL.)

MR. MORRISON.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1904

No. 67.] **BILL.** [1904.

An Act respecting the Ontario Accident Insurance Company.

Preamble.

1895, c. 83: 1897, c. 80.

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

1897, c. 80, s. 5 amended.

1. Section 5 of chapter 80, of the statutes of 1897 is amended, by adding the following subsection thereto:—

Insurance of personal property.

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

When above business may be commenced.

2. The Company shall not exercise the powers conferred by this Act, until its paid-up capital has been increased to at least the sum of fifty thousand dollars, nor until it has obtained a license for that purpose under *The Insurance Act*, the initial deposit for which license shall be fixed at the sum of ten thousand dollars.

No. 67.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL

An Act respecting the Ontario Accident Insurance Company.

First reading, April 19, 1904.

(PRIVATE BILL.)

MR. THOMPSON,
(Haldimand and Monck.)

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1904

No 68.] **BILL.** [1904.

An Act respecting the Hudson's Bay and North-west Railways Company.

Preamble.

WHEREAS the Hudson's Bay and North-west Railway Company has, by its petition, prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1897, c. 46; 1899, c. 70; 1902, c. 63.

Agreements with other companies.

1. Any agreement provided for in section 281 of *The Railway Act*, 1903, may be entered into between the Hudson's Bay and North-west Railways Company, hereinafter called "the Company," and the Trans-Canada Railway Company, the Quebec and Lake St. John Railway Company and the Manitoba and Keewatin Railway Company.

Line of railway authorized.

2. In addition to the lines of railway described in section 3 of chapter 46 of the statutes of 1897, the Company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches from a point on Great Slave River to another point on the said river, and may expend money in improving the waterways of the said river, and of the Peace River and Athabasca River, and any branches of the said rivers, for the purpose of affording a continuous system of transportation in connection with the Company's lines of railway; provided that, before commencing any such expenditure in any of the said rivers or branches, the Company shall submit plans of the work proposed to be undertaken, and obtain the approval of the Governor in Council thereto.

Improvement of waterways.

Approval of Governor in Council.

Issue of securities.

3. The railway authorized by section 2 of this Act shall constitute a section of the said railway within the meaning of section 6 of chapter 70 of the statutes of 1899, upon which the bonds, debentures or other securities of the Company may be separately issued.

1899, c. 70, s. 7 and 1902, c. 63 repealed.

4. Section 7 of chapter 70 of the statutes of 1899, and chapter 63 of the statutes of 1902, are repealed.

Time for construction extended.

5. The construction of the railway of the Company may be commenced, and fifteen per cent on the amount of the capital stock expended thereon, within three years from the passing of this Act, and the railway finished and put in operation within seven years from the passing of this Act, and if the railway is not so commenced, and such expenditure is not so

made, or if the railway is not finished and put in operation, within the said respective periods, then the powers granted to the Company by Parliament shall cease and be null and void as respects so much of the railway as then remains uncompleted.

No. 68.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL.

An Act respecting the Hudson's Bay and North-west Railways Company.

First reading, April 19, 1904.

(PRIVATE BILL.)

MR. OLIVER.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1904

No. 69.] **BILL.** [1904.

An Act to incorporate the Monarch Life Assurance Company.

Preamble.

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

Incorporation.

Corporate name.

1. D. A. Gordon, Thomas H. Graham, George Stevenson, Edward D. Brown, David W. Livingstone, T. Marshall Ostrom and William Scott, all of the province of Ontario, together with such persons as become shareholders in the company, are incorporated under the name of " The Monarch Life Assurance Company," hereinafter called " the Company."

Provisional directors.

Powers.

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

Capital stock.

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

First general meeting.

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

Election of directors.

Qualification.

2. No person shall be a director unless he holds in his own name and for his own use at least fifty shares of the capital

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

Voting. Proxies.

5. At all general meetings of the Company each shareholder present or represented by proxy, who has paid all calls due upon his shares in the capital stock of the Company, shall have one vote for each share held by him. Every proxy must be himself a shareholder and entitled to vote.

Calls. When business may be commenced.

6. The shares of the capital stock subscribed for shall be paid by such instalments and at such times and places as the directors appoint; the first instalment shall not exceed twenty-five per cent, and no subsequent instalment shall exceed ten per cent, and not less than thirty days' notice of any call shall be given; provided that the Company shall not commence the business of insurance until sixty-two thousand five hundred dollars of the capital stock have been paid in cash into the funds of the Company, to be appropriated only for the purposes of the Company under this Act; provided further that the amount so paid in by any shareholder shall not be less than ten per cent of the amount subscribed by such shareholder.

Increase of capital.

7. The directors may, after the whole capital stock has been subscribed and one million dollars have been paid thereon in cash, increase the amount of capital stock, from time to time, to an amount not exceeding three million dollars, but the stock shall not be increased until a resolution of the board of directors authorizing such increase has been first submitted to and confirmed by a majority of the shareholders representing at least two-thirds in value of the subscribed stock of the Company, present at a special general meeting of the shareholders duly called for the purpose of considering such by-law.

Head office.

8. The head office of the Company shall be in the city of Toronto, in the province of Ontario, or in such other place in Canada as the directors from time to time determine.

Branches.

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

Annual general meeting.

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

Business of Company.

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

Officers.

11. The directors shall elect from among themselves a president of the Company and one or more vice-presidents.

Powers of directors.

12. The directors may pay all expenses incurred in connection with this Act, and, in addition to any other powers possessed by them, the directors may—

Delegation of powers.

(*a.*) delegate any of their powers to committees consisting of such member or members of their body as they think fit,

and any committee of directors shall, in the exercise of the powers so delegated, conform to any regulation that may be imposed on it by the directors;

(*b.*) if authorized by the Company in general meeting, determine the remuneration, if any, of the directors and of the members of any committee to whom they may delegate any of their powers, and of all boards and local boards which they may establish. Remuneration.

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

14. The directors may, from time to time, set apart such portion of the net profits as they deem safe and proper for distribution as dividends or bonuses to shareholders and holders of participating policies or bonds in each section, ascertaining the part thereof which has been derived from participating policies or bonds in each section, and distinguishing such part from the profits derived from other sources; and the holders of participating policies or bonds in each section shall be entitled to share in that portion of the profits so set apart which has been so distinguished as having been derived from participating policies or bonds in each section to the extent of not less than ninety per cent thereof; but no dividend or bonus shall at any time be declared or paid out of estimated profits, and the portion of such profits which remains undivided upon the declaration of a dividend shall never be less than one-fifth of the dividend declared. Distribution of profits.

15. Whenever any holder of a policy other than a term or natural premium policy has paid three or more annual premiums thereon and fails to pay any further premium, or desires to surrender the policy, the premiums paid shall not be forfeited, but he shall be entitled to receive a paid-up and commuted policy for such sum as the directors ascertain and determine, or to be paid in cash such sum as the directors fix as the surrender value of the policy, such sum in either case to be ascertained upon principles to be adopted by by-law applicable generally to all such cases as may occur; provided he demands such paid-up and commuted policy or such cash payment while the original policy is in force, or within twelve months after his failure to pay a premium thereon. Paid up policies issued in certain cases.

16. The Company may maintain separate accounts of the business transacted by it in the "industrial," "general," "abstainers," "woman's," "gold bond," "level premium," "decreasing premium," "life option or endowment" and "house endowment" sections, keeping the receipts and expenditures distinct, each section sharing its own profits and each section paying its own proper portion of expenses; and the Company may establish a section on the principle of non-participation in profits, which shall be known as the "non-participating section." Separate accounts for sections.

Change of name.

17. The Company may at any time apply to the Governor in Council to have the name of the Company changed; and the Governor in Council, upon being satisfied that the proposed name is not the name of an existing incorporated or unincorporated company, or so similar thereto as to be liable to be confounded therewith, may by Order in Council, direct the name to be changed to the name proposed in the application.

Effect of change.

18. No alteration of the name of the Company under the next preceding section of this Act shall affect the rights or obligations of the Company, and all proceedings may be continued or commenced by or against the Company under its new name that might have been continued or commenced by or against the Company under its former name.

R.S.C., c. 118.

19. *The Companies Clauses Act*, except sections 7, 18, 38, 39 and 41 thereof, shall apply to the Company in so far as the said Act is not inconsistent with any provisions of this Act or of *The Insurance Act*; provided, however, that the Company may make loans to its shareholders or policy holders, not being directors, on the securities mentioned in *The Insurance Act*.

R.S.C., c. 124.

Proviso, as to loans.

R.S.C., c. 124.

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

No. 69.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL.

An Act to incorporate the Monarch Life Assurance Company.

First reading, April 19, 1904.

(PRIVATE BILL.)

MR. OSLER.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1904

No. 70.] **BILL.** [1904.

An Act respecting the Canadian Pacific Railway Company.

Preamble.

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

Line of railway authorized.

1. The Canadian Pacific Railway Company, hereinafter called "the Company," may construct or acquire and may operate a railway from a point at or near Weyburn, on the north-west extension of the Souris Branch of the Company's railway, to a point at or near Stoughton or Heward, on the Pipestone Branch of the Company's railway.

Time for construction limited.

2. The said railway shall be commenced within two years and completed within five years from the passing of this Act, otherwise the powers hereby granted for its construction shall cease as to so much thereof as is not commenced and completed within such periods respectively.

Bond issue.

1888, c. 51.

Issue of consolidated debenture stock in lieu of bonds.

Amount limited.

3. The Company may issue bonds which shall be a first lien and charge and be secured exclusively upon the said railway in the same way and with the same effect as if it were a branch railway within the meaning of section 1 of chapter 51 of the statutes of 1888, and the said section shall apply accordingly; or, in lieu of such bonds, the Company may issue consolidated debenture stock the holders of which shall have equal rights in all respects and rank *pari passu* with holders of such consolidated debenture stock as the Company has been, before the passing of this Act, authorized to issue; provided that the capital of such bonds or consolidated debenture stock shall not exceed the rate of twenty-five thousand dollars per mile of such railway constructed or under contract to be constructed.

No. 70.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL.

An Act respecting the Canadian Pacific Railway Company.

First reading, April 20, 1904.

(PRIVATE BILL.)

MR. DOUGLAS.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1904

No. 71.] **BILL.** [1904.

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

WHEREAS the Ottawa, Brockville and St. Lawrence Railway Company has, by its petition, prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. 1900, c. 71; 1902, c. 88.

1. Section 14 of chapter 71 of the statutes of 1900, and section 2 of chapter 88 of the statutes of 1902, are repealed. 1900, c. 71, s. 14 and 1902, c. 88, s. 2 repealed.

2. The construction of the railway of the Ottawa, Brockville and St. Lawrence Railway Company may be commenced, and fifteen per cent of the capital stock expended thereon, within two years from the seventh day of July, one thousand nine hundred and four, and the railway may be finished and put in operation within five years from the seventh day of July, one thousand nine hundred and four; and if the railway is not so commenced and such expenditure is not so made, or if the railway is not finished and put in operation, within the said respective periods, then the powers conferred upon the said company by Parliament shall cease and be null and void as respects so much of the railway as then remains uncompleted. Time for construction extended.

No. 71.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL

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

First reading, April 20, 1904.

(PRIVATE BILL.)

MR. LOGAN.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1904

No. 72.] **BILL.** [1904

An Act to amend the National Transcontinental Railway Act.

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

Agreement in schedule confirmed.

1. The agreement made between His Majesty and the Grand Trunk Pacific Railway Company (hereinafter called the "Pacific Company,") dated the eighteenth day of February, one thousand nine hundred and four, a copy of which forms the schedule to this Act, is hereby ratified and confirmed and declared to be legally binding upon His Majesty and the Pacific Company; and His Majesty and the Pacific Company and the Grand Trunk Railway Company of Canada (hereinafter called the "Grand Trunk Company,") and all others concerned, are hereby authorized and empowered to do whatever is necessary in order to give full effect to the provisions of the said agreement and of this Act.

Powers of G. T. R. Co. as to this agreement and agreement in schedule to 1903, c. 71.

2. The directors of the Grand Trunk Company may carry into effect the agreement a copy of which forms the schedule to *The National Transcontinental Railway Act*, as amended by the said agreement, supplementary thereto, hereby ratified and confirmed (which said agreements are together hereinafter referred to as the "scheduled agreements") so far as the said scheduled agreements relate to or affect the Grand Trunk Company; and may, for the purpose of aiding and assisting the Pacific Company in carrying out any of the provisions of the scheduled agreements, from time to time engage the credit of the Grand Trunk Company; and may enter into any contract of guarantee or indemnity, and may sell or pledge so much of any class or classes of stock of the said Company, or of any securities held or owned by the said Company, as is deemed necessary; and may apply any moneys so realized, or such stocks or securities or the proceeds thereof, for the purpose of carrying into effect the scheduled agreements; and any agreements heretofore made by the Grand Trunk Company for providing the deposit mentioned in the scheduled agreements, and the pledge of certain stocks and securities of the Grand Trunk Company for the purposes thereof, are hereby confirmed and declared valid.

Agreements for providiug deposit declared valid.

Agreements authorized between G. T. R. Co. and G. T. P. R. Co.

3. The directors of the Grand Trunk Company may from time to time, and as often as they deem necessary, enter into an agreement or agreements with the directors of the Pacific Company respecting the manner and the terms upon which

the Grand Trunk Company shall or may aid or assist the Pacific Company in carrying the scheduled agreements into effect, and also respecting the consideration to be given by the Pacific Company to the Grand Trunk Company under the terms of any such agreement or agreements, and may guarantee the bonds, debentures or other securities of, the Pacific Company, and perform such other services for the Pacific Company as are agreed upon, and the Grand Trunk Company may receive and take as the consideration, in whole or in part, to be given to it under the terms of any such agreement, shares of the capital stock of the Pacific Company for such amount and upon such terms and conditions as are agreed upon.

Agreements authorized between G. T. R. Co. and His Majesty.

4. The Grand Trunk Company may enter into an agreement or agreements with His Majesty respecting the guarantee of the second-mortgage bonds of the Pacific Company, to be issued pursuant to the provisions of the scheduled agreements, and also respecting any other matter or thing which the directors deem necessary or expedient for the purpose of carrying into effect the scheduled agreements.

Application of certain provisions of 1903, c. 71.

5. The provisions of sections 3, 4, 5, 6 and 7, and of subsection 4 of section 19 of *The National Transcontinental Railway Act* shall apply to the scheduled agreements as if the said provisions had been expressly enacted with reference to the scheduled agreements.

Rights of Government as to securities.

6. The rights conferred upon the Government of Canada by section 6 of *The National Transcontinental Railway Act* shall be subject to the restrictions and provisions contained in the agreement hereby ratified and confirmed, as well as to the restrictions and provisions mentioned in the said section 6.

1903, c. 71, section 7 amended.

7. Subsections 2 and 3 of section 7 of *The National Transcontinental Railway Act* are hereby repealed, and in lieu thereof it is hereby enacted as follows :—

Agreement by G. T. R. Co

Notwithstanding anything in the said Act or in the scheduled agreements contained, His Majesty the King, acting in respect of the Dominion of Canada, shall not be bound or obliged to perform, carry out or fulfil any of the covenants, undertakings, conditions or stipulations in the scheduled agreements contained on behalf of His Majesty, acting as aforesaid, unless and until the Grand Trunk Company covenants and agrees as follows with His Majesty, acting as aforesaid :—

To guarantee second-series bonds.

(*a.*) That it will guarantee the bonds of the Pacific Company for the balance required for the complete construction of the Western Division in the scheduled agreements mentioned, as provided in clause 34 of the agreement a copy of which forms the schedule to the said Act ;

To hold $24,900,000 common stock,

(*b.*) That it will acquire and take the common stock of the Pacific Company to the amount of not less than $24,900,000 as in clause 27 of the said last-mentioned agreement provided.

Disposal of second-series bonds.

8. The terms and conditions upon which the bonds to be guaranteed by the Government pursuant to the said agreements in aid of the construction of the Western Division of

the railway referred to therein, or any portion of them, may be sold, pledged or otherwise disposed of by the Grand Trunk Pacific Railway Company, shall be subject to the approval of the Minister of Finance and Receiver General and of the Governor in Council.

SCHEDULE.

THIS AGREEMENT made this eighteenth day of February, 1904,

Between:

HIS MAJESTY THE KING, acting in respect of the Dominion of Canada and herein represented and acting by the Honourable Henry Robert Emmerson, Minister of Railways and Canals,

OF THE FIRST PART;

And

THE GRAND TRUNK PACIFIC RAILWAY COMPANY,

OF THE SECOND PART.

WHEREAS a contract bearing date the twenty-ninth day of July, 1903, was made and entered into between His Majesty the King, of the first part, and Sir Charles Rivers Wilson and others, acting on behalf of the said Grand Trunk Pacific Railway Company, and providing, upon the terms and conditions in the said contract mentioned and set forth, for the construction and operation of the line of railway therein described;

AND WHEREAS the said Contract was afterwards confirmed by an Act of the Parliament of Canada, chapter seventy-one of the statutes of 1903, known as *The National Transcontinental Railway Act;*

AND WHEREAS the parties hereto have agreed, subject to ratification by the Parliament of Canada, to make certain modifications of the said Contract.

NOW THEREFORE THIS AGREEMENT WITNESSETH that the said parties have CONTRACTED AND AGREED with each other as follows:—

1. Notwithstanding anything in the said Contract contained, the time for completion of the Western Division of the railway shall be and the same is hereby extended to the first day of December, A.D. 1911, and the tenth paragraph of the said Contract is amended accordingly and by inserting the word "strikes" after the word "floods" in the seventh line thereof.

2. Notwithstanding anything contained in the thirteenth and twenty-ninth paragraphs of the said Contract, the Company shall, when it shall have completed the construction of the said Western Division in accordance with the terms of the said Contract as hereby amended, and shall have supplied rolling stock to the amount of fifteen million dollars ($15,000,000), if the Eastern Division shall not then have been constructed and completed by the Government, be entitled to the return of the deposit made under the twelfth paragraph of the said Contract, or any part thereof which may then remain unforfeited in the hands of the Government under the terms of the said Contract;

and the Company shall also be entitled to have the guarantee of the Government endorsed upon the said bonds issued in respect of the Western Division, pursuant to paragraph twenty-nine of the said Contract; and it it is shown to the satisfaction of the Government that the Western Division will be completed and rolling stock to the said amount of fifteen million dollars ($15,000,000) supplied before the construction and completion of the Eastern Division and that the application of the said deposit will enable the Company to so complete the Western Division and supply rolling stock to the said amount and that the same will be so supplied, the said deposit shall be released by the Government in such instalments as may from time to time be agreed upon.

Provided, however, that, of the said rolling stock to the amount of fifteen million dollars ($15,000,000), rolling stock to the amount of five million dollars ($5,000,000), to the satisfaction of the Government, shall then have been marked in the manner provided by the twenty-second paragraph of the said Contract, ready to be assigned to the Eastern Division under the said paragraph upon its completion and to serve all the purposes in respect of the whole of the said Contract intended to be served by the five million dollars ($5,000,000) worth of rolling stock in the said twenty-second paragraph mentioned.

3. Pending the completion of the Eastern Division by the Government, the Company shall be entitled to lease from the Commissioners, to be appointed under the said Act, and to operate such portions of the said Eastern Division as may from time to time be completed, but upon such terms as may be agreed upon between the Company and the said Commissioners, which terms are not to be more onerous than those of the lease of the whole division by the said Contract provided for, save in so far as may be necessary to give full effect to the paramount right of the said Commissioners next hereinafter mentioned, and subject always to the paramount right of the said Commissioners to use and operate the same without any payment of tolls or other compensation for such purposes as they may deem necessary or expedient in the execution of their commission.

4. The twenty-eighth paragraph of the said Contract is amended by striking thereout all the words following the word "not" in the eighth line thereof and inserting instead thereof the words "in respect of the prairie section exceed thirteen thousand dollars per mile of the mileage thereof, although seventy-five per centum of such cost of construction may have exceeded the said sum of thirteen thousand dollars per mile."

5. Notwithstanding anything in the said Contract contained, the Government may and shall, preserving always the proportions in the said Contract provided as between the prairie and mountain sections of the Western Division, implement for the purposes and subject otherwise to the provisions of the said Contract, its guarantee of the bonds of the said Company to be issued for the cost of construction of the said Western Division, in such manner as may be agreed upon, so as to make the proceeds of the said bonds so as to be guaranteed a

sum equal to seventy-five per centum of the cost of construction of the Western Division ascertained as provided in the said Contract, but not exceeding in respect of the prairie section, thirteen thousand dollars ($13,000) per mile.

6. Notwithstanding anything in the said Contract contained, the Government shall not exercise any rights in respect of possession, foreclosure or sale, by reason of non-payment of interest by the Company under the thirty-first, thirty-second or thirty-third paragraphs of the said Contract, or under all or any of them, unless and until there shall be such default to the extent in the whole of a sum equal to five years of such interest, as the Company is not relieved from payment of or permitted to defer or capitalize by the provisions of the said paragraphs.

7. In case of such default being made by the Company in respect of the interest of the said bonds so guaranteed by the Government as would, under the provisions of the said Contract as amended hereby, entitle the Government to take possession of the said Western Division or to foreclose or sell the same, the remedy of the Government shall,notwithstanding anything in the said Contract contained, be the taking possession thereof by and through an agent or manager to be appointed as hereinafter provided, whose powers and duties shall be to manage and operate the said Western Division, to receive all the tolls and revenues thereof, to pay thereout working expenditure as defined by *The Railway Act*, 1903, including the expenses of such management or agency, and to distribute the surplus tolls and revenue, after payment of such working expenditure, *pari passu* between the Government or other holders of the bonds secured as provided by paragraph 35 (*a*) of the said Contract and guaranteed by the Government and the holders of the bonds secured as provided by paragraph 35 (*b*) of the said Contract and guaranteed by the Grand Trunk Railway Company, in the proportion of seventy-five per centum of such surplus tolls or revenues to the holders of the former issue of the bonds and twenty-five per centum to the holders of the latter issue, and the mortgage to be prepared under the said paragraph 35 (*a*) shall contain appropriate provisions in that behalf. The said manager or agent is to be appointed by the Government, with the concurrence of the Company, or, if they are unable to agree, by a majority of the Supreme Court of Canada.

8. Should possession be taken as aforesaid, the right of the Government to such possession shall terminate if and when the application of the proportion herein provided of the said surplus tolls and revenues shall have paid off all arrears of such interest.

9. Notwithstanding anything in the twenty-seventh paragraph of the said Contract contained, the Grand Trunk Railway Company shall not, after the acquisition of the twenty-five million dollars ($25,000,000) of common stock therein mentioned (less shares held by directors, not exceeding one thousand), be prevented from making any such disposition of such common stock as the said Grand Trunk Railway may deem expedient, provided, however, that the said Grand Trunk Railway Company shall, during the delay mentioned in the

said paragraph, continue to hold a majority of the said stock by such title as shall enable the said Grand Trunk Railway Company to control the policy of the Company.

10. Paragraph twenty-one of the said Contract is amended by adding thereto the following clause :—

"Provided, further, that in the event of the Government determining to undertake the operation of the said Eastern Division, the Company shall be entitled for a further period of fifty years to such running powers and haulage rights as may be necessary to continuity of operation between the said Western Division and other portions of the Company's system and the Grand Trunk Railway system upon such terms as may from time to time be agreed upon, or as may from, time to time, in case of failure so to agree, be determined in the manner provided by paragraph 24 (2) hereof, which is hereby made applicable to cases arising under this paragraph."

11. In case, during the currency of the lease of the Eastern Division, the Company shall have constructed a branch line or lines running from a point or points in the said Eastern Division, the Government shall, if at the expiration of the said lease, it shall determine to undertake the operation of the said Eastern Division, take over such branch line or lines as the Company may elect not to retain, at such value as may be agreed upon, or as may, in case of failure so to agree, be determined in the manner provided by paragraph 24 (2) of the said Contract, which is hereby made applicable to cases arising under this paragraph. If any such branch line or lines shall have received any grant or grants under the provisions of any Act of the Parliament of Canada, the amount of such grant or grants, without interest, shall be deducted from such value and the difference only shall be papable by the Government upon the taking over of such branch line or lines.

12. The said Contract, as modified by this agreement, is to be ratified by a general meeting of the shareholders of the Grand Trunk Railway Company of Canada on or before the eighth day of March, 1904, and the deposit required by the twelfth paragraph of the said Contract is to be made in cash or approved securities immediately after such ratification.

13. Save as herein expressly provided, the said Contract and each and every paragraph and provision thereof are not to be deemed to be in any way affected by the provisions of this Supplemental Contract, but are hereby expressly confirmed and ratified, and the words and expressions which are defined in the said contract shall, except as herein expressly varied, be held to have the same meaning herein as in the said Contract, and particularly and without in any way limiting the generality of the foregoing, the words and expressions, "government," "Company," "Eastern Division," "Western Division," "Prairie section," "Mountain section," "cost of construction," and "bonds," shall have the same meaning herein as in the said Contract.

14. The thirty-fourth paragraph of the said Contract is amended by substituting the word "thirty-five" for the word "twenty-five" in the twelfth line thereof.

15. This agreement shall be submitted to and be subject to ratification by the Parliament of Canada.

In Witness whereof, the said Henry Robert Emmerson, Minister of Railways, acting on behalf of His Majesty the King, hath hereunto set his hand and seal, and the said Company, represented herein by Sir Charles Rivers Wilson and others, have also set their hands and seals.

Signed, sealed and delivered by the Minister of Railways and Canals, in the presence of

JOSEPH PROULX.

HENRY ROBERT EMMERSON,
Minister of Railways and Canals.

Signed, sealed and delivered on behalf of the Grand Trunk Pacific Railway Company in the presence of

W. H. BIGGAR.

C. RIVERS WILSON,
WELBY,
JOHN A. CLUTTON-BROCK,
JOSEPH PRICE,
ALFRED SMITHERS,
Per CHARLES M. HAYS.

CHARLES M. HAYS,

FRANK W. MORSE,
JOHN BELL,
Per CHARLES M. HAYS.

WM. WAINWRIGHT.

No. 72.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL.

An Act to amend the National Transcontinental Railway Act.

First reading, April 21, 1904.

SIR WILFRID LAURIER.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1904

To accompany the bill of the present Session (1904) to amend the National Transcontinental Railway Act.

THE AGREEMENT CONFIRMED BY CHAPTER 71 OF THE STATUTES OF 1903.

3 EDWARD VII.

CHAP. 71.

An Act respecting the construction of a National Transcontinental Railway.

[*Assented to 24th October*, 1903.]

Preamble.

WHEREAS, by reason of the growth in population and the rapid development in the productiveness and trade of Canada and especially of the western part thereof, and with a view to the opening up of new territory available for settlement, both in the Eastern Provinces and in the West, and the affording of transportation facilities for such territory, and for other reasons, the necessity has arisen for the construction of a National Transcontinental Railway, to be operated as a common railway highway across the Dominion of Canada, from ocean to ocean and wholly within Canadian territory; and whereas an agreement has been entered into, bearing date the 29th day of July, 1903, between His Majesty the King, of the first part, and Sir Charles Rivers Wilson, G.C.M.G., C.B., and others, representing therein and acting on behalf of the Grand Trunk Pacific Railway Company, a company incorporated by an Act of the Parliament of Canada passed at the present session thereof, of the second part, making provision for the construction and operation of such a railway; and whereas it is expedient that Parliament should ratify and confirm the said agreement, and should grant authority for the construction in manner hereinafter provided of the Eastern Division of the said railway between the city of Moncton, in the province of New Brunswick, and the city of Winnipeg, in the province of Manitoba: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Short title.

1. This Act may be cited as *The National Transcontinental Railway Act.*

Agreement in schedule confirmed.

2. The agreement a copy of which forms the schedule to this Act, (hereinafter called "the Agreement") is hereby ratified and confirmed and declared to be legally binding upon His Majesty and the Grand Trunk Pacific Railway Company, (hereinafter

(hereinafter called the Company), subject to the provisions of this Act; and His Majesty and the Company are hereby authorized and empowered to do whatever is necessary in order to give full effect to the agreement and to the provisions of this Act.

Validity of mortgages.

3. The mortgages to be given by the Company pursuant to the provisions of the Agreement shall, when so given, be valid and operative according to their respective terms as provided by the Agreement.

Form of securities, etc.

4. The form of the bonds or other securities to be guaranteed by the Government pursuant to the Agreement, and of the respective mortgages securing them, and the form and manner of the guarantees to be given, shall be subject to the approval of the Governor in Council.

Signature of guarantee.

5. The said guarantee may be signed by the Minister of Finance and Receiver General, or by such officer as is from time to time designated by the Governor in Council to sign it; and when the guarantee is so signed the Government shall be liable as guarantors for the payment of the principal and the interest of the bonds so guaranteed, according to the terms of such guarantee; and the payment thereof shall form a charge on the Consolidated Revenue Fund of Canada.

Rights of Government as to securities.

6. Any moneys paid by the Government of Canada, whether for principal or interest, under any of the guarantees hereby authorized (except moneys paid by the Government for interest which according to the terms of the Agreement, the Government has agreed itself to pay), shall be deemed to be paid in discharge of the liability of the Government, but not in discharge of the liability of the Company, under the bonds or securities so guaranteed, or under the mortgage or mortgages securing them, and all said moneys so paid (subject to the exception aforesaid) shall be deemed to be still secured by the said bonds or securities and mortgages, and the Government in respect thereof shall be subrogated in and to all the rights of the holders of the said bonds, interest upon, or the principal of which, has been so paid by the Government; and the Government in respect of all moneys so paid (subject to the exception aforesaid) and the interest thereon shall be in all respects in the position of, and shall be entitled to the rights and remedies of, bondholders in respect of whose bonds default has been made; subject, however, to the restrictions and provisions contained in the proviso and exception to clause 32 of the Agreement in respect of the interest moneys mentioned therein.

Grand Trunk Railway Co. may hold securities.

7. The Grand Trunk Railway Company of Canada may, subject to the provisions of the Agreement, acquire, hold, guarantee, pledge and dispose of stock, bonds, debentures or other

other securities of the Grand Trunk Pacific Railway Company, upon such terms as are specified in a resolution to that effect passed by the directors of the Company and sanctioned by a majority of the votes of the persons present or represented by proxy entitled to vote and voting at any annual meeting or at a special general meeting of the Company duly called for the purpose of considering the said resolution, notice of the intention to submit it having been duly given; and the certificate in writing of the chairman of such meeting, stating that such sanction was so obtained, shall be taken as sufficient evidence in all courts that the said resolution was sanctioned as by this section required.

Sanction required.

2. Notwithstanding anything in this Act or in the Agreement contained, His Majesty the King, acting in respect of the Dominion of Canada, shall not be bound or obliged to perform, carry out or fulfil any of the covenants, undertakings, conditions or stipulations in the Agreement contained on behalf of His Majesty, acting as aforesaid, unless and until the Grand Trunk Railway Company of Canada covenants and agrees as follows with His Majesty, acting as aforesaid:—

Agreement by Grand Trunk Railway Co.

(*a.*) That it will guarantee the bonds of the Grand Trunk Pacific Railway Company for the balance required for the complete construction of the Western Division in the Agreement mentioned as provided in clause 34 of the Agreement;

To guarantee second series of bonds.

(*b.*) That it will acquire and take the common stock of the Grand Trunk Pacific Railway Company to the amount of not less than $24,900,000, as in clause 27 of the Agreement provided.

To hold $24,900,000 common stock.

3. The Grand Trunk Railway Company of Canada shall hold the said common stock to the amount aforesaid so acquired and taken as aforesaid during the entire term of the lease mentioned in clause 20 of the Agreement, and so long as any of the bonds guaranteed by the Government under the terms of the Agreement remain outstanding and unpaid; and no pledge, transfer or conveyance of any part of the said stock during the said period shall be valid or effectual.

How long such stock shall be held.

Not transferable.

8. The Eastern Division of the said Transcontinental Railway extending from the city of Moncton to the city of Winnipeg, shall be constructed by or for the Government in the manner hereinafter provided and subject to the terms and provisions of the Agreement.

Eastern division to be built by Government.

9. The construction of the Eastern Division and the operation thereof until completed and leased to the Company pursuant to the provisions of the Agreement shall be under the charge and control of three commissioners, to be appointed by the Governor in Council, who shall hold office during pleasure, and who, and whose successors in office, shall be a body corporate under the name of "The Commissioners of the Transcontinental Railway" and are hereinafter called "the Commissioners."

Commissioners.

Chairman.

2. The Governor in Council may, from time to time, designate one of the commissioners to be the chairman of the Commissioners.

Secretary and chief engineer.

10. The Governor in Council may appoint a secretary to the Commissioners, who shall hold office during pleasure, and may also appoint a chief engineer for the Eastern Division, who shall hold office during pleasure, and who, under the instructions of the Commissioners and subject to the provisions of the Agreement, shall have the general superintendence of the construction of the Eastern Division.

Other employees and workmen.

11. The Commissioners may appoint and employ such engineers (under the chief engineer), and such surveyors and other officers, and also such servants, agents and workmen, as in their discretion they deem necessary and proper for the execution of the powers and duties vested in them under this Act.

Security by employees entrusted with money.

12. Any officer or employee appointed by the Commissioners who, by virtue of his office or employment, is entrusted with the custody or control of moneys, shall give security in the manner and form, so far as may be, provided by the Act respecting public officers, and in such amount as is fixed by the Commissioners.

Expropriation of lands.

13. The Commissioners may enter upon and take possession of any lands required for the purposes of the Eastern Division, and they shall lay off such lands by metes and bounds, and deposit of record a description and plan thereof in the office for the registry of deeds, or the land titles office for the county or registration district in which such lands respectively are situate; and such deposit shall act as a dedication to the public of such lands, which shall thereupon be vested in the Crown, saving always the lawful claim to compensation of any person interested therein.

When provincial crown lands are taken.

2. If the lands so required are public lands under the control of the government of the province in which they are situate, a description and plan thereof shall also be deposited in the department of the provincial government charged with the administration of such lands.

Public lands required for railway.

14. The Governor in Council may set apart for the purposes of the Eastern Division so much of any public lands of Canada as is shown by the report of the chief engineer to be required for the roadbed thereof, or for convenient or necessary sidings, yards, stations and other purposes for use in connection therewith; and the registration in the office for the registry of deeds, or the land titles office for the county or registration district in which such lands respectively are situate, of a certified copy of the Order in Council setting the same apart shall operate as a dedication of the said lands for the purposes of the Eastern Division.

Powers of Commissioners.

15. The Commissioners shall have in respect to the Eastern Division, in addition to all the rights and powers conferred by this Act, all the rights, powers, remedies and immunities conferred upon a railway company under *The Railway Act* and amendments thereto, or under any General Railway Act for the time being in force, and the said Act and amendments thereto, or such General Railway Act, in so far as they are applicable to the said railway, and in so far as they are not inconsistent with or contrary to the provisions of this Act, shall be taken and held to be incorporated in this Act.

Tenders for construction.

16. The Commissioners shall let the work of constructing the Eastern Division by tender and contract after the plans and specifications therefor have been duly advertised, and they shall accept the lowest tender put in by a contractor who, in the judgment of the Commissioners, is possessed of sufficient skill, experience and resources to carry on the work or such portion thereof as he has tendered for: Provided always that no contract under this section involving an expenditure of ten thousand dollars or upwards shall be concluded by the Commissioners until it has been sanctioned by the Governor in Council.

Sanction of Governor in Council if contract over $10,000.

Security for performance of contract.

17. The contracts to be so entered into shall be guarded by such securities, and contain such provisions for retaining a portion of the contract moneys, to be held as a reserve fund for such periods of time, and on such conditions, as appear to be necessary for the protection of the public and for securing the due performance of such contracts respectively.

Payment upon certificate of chief engineer.

18. No money shall be paid to any contractor until the chief engineer has certified that the work for or on account of which it is claimed has been duly executed and that such money is due and payable, nor until such certificate has been approved by the Commissioners.

Member of House of Commons not to hold office of emolument under Commission, or be interested in contract.

19. No member of the House of Commons shall hold or be appointed to any office of emolument under the Commissioners, or shall be a party to or concerned or interested in any contract with the Commissioners for the construction or working of any part of the Eastern Division, or any contract with the said Grand Trunk Pacific Railway Company for the construction or working of any part of the Western Division of the said Transcontinental Railway, or shall be a shareholder in any incorporated company having any such contract.

Penalty.

2. Any member of the House of Commons who accepts any such office, or is a party to or concerned or interested in any such contract as aforesaid, or is a shareholder in any such incorporated company having a contract as aforesaid, shall incur the disqualifications and be subject to the penalties prescribed by sections 11 and 12 of the *Act respecting the Senate and House of Commons;* and any person holding any such

R.S.C., c. 11.

office, or being a party to or concerned or interested in any such contract, or being a shareholder as aforesaid, shall be ineligible as a member of the House of Commons.

As to Senators.

3. No member of the Senate shall hold or be appointed to any office of emolument under the Commissioners, and, subject to the penalties prescribed by section 18 of the *Act respecting the Senate and House of Commons* in respect of the matters therein prohibited, no member of the Senate shall be a party to or concerned or interested in any such contract as aforesaid, or be a shareholder in any such incorporated company having a contract as aforesaid.

Proviso: duration of this section.

4. Provided that upon the completion of the Western Division according to the terms of the Agreement, and upon its being duly opened for traffic, the provisions of this section with respect to contracts with the Grand Trunk Pacific Railway Company shall cease to be in force.

Salaries of Commissioners and employees.

20. The Governor in Council shall, in the first instance, fix the salary or compensation of the Commissioners, the secretary and the chief engineer, and may require that the salaries and emoluments of any or all officials or servants appointed by the Commissioners shall be subject to the approval of the Governor in Council.

Power to suspend work.

21. The Governor in Council may at any time suspend the progress of the work upon the Eastern Division until the next session of Parliament.

Advances to Commissioners.

22. The Minister of Finance and Receiver General may, on the recommendation of the Minister of Railways and Canals, from time to time pay such claims and accounts for work done or services performed in the construction of the Eastern Division as have been approved by the Commissioners and certified by the chairman: Provided, however, that no money shall be so paid until a sufficient appropriation has been made by Parliament for the purpose.

Loans authorized.

23. The Governor in Council may, in addition to the sums now remaining unborrowed and negotiable of the loans authorized by any Act of Parliament heretofore passed, raise by way of loan such sum or sums of money as are required for the purpose of making any payment on account of the said work as provided by the next preceding section.

Loans subject to R.S.C., c. 29.

24. The sum or sums of money by this Act authorized to be raised by way of loan shall be so raised in accordance with and under the provisions of that portion of chapter 29 of the Revised Statutes of Canada relating to the public debt and the raising of loans authorized by Parliament; and the sums so raised shall form part of the Consolidated Revenue Fund of Canada: Provided always that the rate of interest to be paid on any loan to be raised under this Act shall not exceed three and one-half per cent per annum.

Interest limited to 3½ per cent.

Issue of debentures.

25. The Commissioners shall from time to time, as moneys are required for payment for work or services in the construction of the Eastern Division, issue and deposit with the Minister of Finance and Receiver General a debenture of the Commissioners in an amount sufficient to cover such payments, which debenture shall bear date the day on which it is issued and shall be repayable in fifty years from the first day of July, 1903, and in the meantime shall bear interest at the rate of three per cent per annum payable half yearly on the first days of January and July in each year.

Debentures to be first charge on Eastern Division.

26. The debentures so issued shall be in such form as the Governor in Council approves, and the Commissioners may issue them as provided by the next preceding section; and such debentures when issued, and the interest thereon, shall be a first lien and charge upon the Eastern Division, and upon all revenue and income derivable therefrom by the Government or by the Commissioners, after payment of all necessary charges by the Government or by the Commissioners for the maintenance or running thereof: Provided always that nothing herein shall make the Commissioners personally liable for the payment of the principal or interest of any such debenture.

Commissioners not personally liable.

Telegraph and telephone lines on Eastern Division.

27. The Commissioners may, with the approval of the Governor in Council, construct as part of the said Eastern Division, subject to all the provisions of this Act, such telegraph and telephone lines upon the Eastern Division from the city of Moncton to the city of Winnipeg as are reasonably required for the operation of the Eastern Division in connection with the said Transcontinental Railway; and the Government may agree with the Company, subject to such terms and conditions as the Governor in Council approves, that upon the completion of the Eastern Division the Company shall have the right to use such telegraph and telephone lines for the purposes only of the operation of the Eastern Division in connection with the Transcontinental Railway for the period of fifty years: Provided, however, that it shall be a term of any such agreement that, for the purposes of the lease of the Eastern Division to the Company, the cost of construction of such telegraph and telephone lines shall be added to and included in the "cost of construction" within the meaning of clause 15 of the Agreement.

As to revenue therefrom.

2. Notwithstanding anything in this Act or in the Agreement, any revenue which the Company at any time directly or indirectly receives or becomes entitled to through or by reason of the use of such telegraph or telephone lines for commercial purposes shall form part of the revenues and earnings of the Company for the purposes of this Act and of the Agreement,—the whole subject to the approval of the Governor in Council as to the rates to be charged.

Accounts to be rendered by Commissioners.

28. The Commissioners shall furnish to the Minister of Railways and Canals monthly, or more frequently if required by the Governor in Council, accounts of all receipts, expenditures, and liabilities under this Act.

Books to be kept.

29. The Commissioners shall cause books to be provided and kept, and true and regular accounts to be entered therein, of all sums of money received and paid, and of the several purposes for which the same were received and paid, which books shall at all times be open to the inspection of any of the Commissioners and of the Minister of Railways and Canals, and of any person appointed by the Commissioners or the said Minister or by the Governor in Council or by the Auditor General for that purpose; and any of the persons aforesaid may take copies of, or extracts from, the said books.

Annual report by Commissioners.

30. The Commissioners shall make to the Governor in Council, through the Minister of Railways and Canals, an annual report for the information of Parliament setting forth the receipts and expenditures of the year, and such other matters as appear to them to be of public interest in relation to the said railway, or as the Governor in Council directs.

To be laid before Parliament.

2. Every such annual report shall be submitted to each House of Parliament within fifteen days after the making thereof, or within fifteen days after the commencement of the next session of Parliament, whichever first happens.

Audit of accounts.

31. The accounts of the Commissioners in respect of receipts and expenditures shall be subject to examination and audit by the Auditor General in the same manner as is provided by *The Consolidated Revenue and Audit Act* with respect to the accounts of the appropriation of the several supply grants comprised in the Appropriation Acts passed by Parliament.

Securities and mortgages need not be registered.

32. It shall not be necessary, in order to preserve the priority, lien, charge, mortgage or privilege purporting to appertain to, or be created by, any bond or debenture or other security issued, or any mortgage executed, under the provisions of this Act or of the Agreement, that such bond, debenture or other security or such mortgage shall be registered in any manner or in any place; but every such mortgage shall be deposited in the office of the Secretary of State, of which deposit notice shall be given in *The Canada Gazette;* and a copy of such mortgage, certified to be a true copy by the Secretary of State, or the Under Secretary of State, shall be received as prima facie evidence of the original in all courts of justice, without proof of the signatures or seal upon such original.

Mortgages to be deposited with Secretary of State.

Certified copies.

Customs duties on imported materials.

33. Nothing in this Act shall be construed to entitle any person to exemption from the payment of customs duties on

any

any goods imported into Canada; and it is hereby declared that the expression "direct importations of material or supplies by the Government," in clause 17 of the Agreement has reference only to such importations by the Government for the purposes of betterments of the Eastern Division for which money is expended by the Government upon capital account under clause 16 of the Agreement. Material or supplies otherwise required for or entering into the construction or betterment of the said railway were not intended to be, and shall not be, exempt from the customs duties ordinarily payable upon imported material or supplies of the same class; and the customs duties thereon when they are imported shall be included in estimating the cost of construction or the capital of construction account under the Agreement.

SCHEDULE.

THIS AGREEMENT made the twenty-ninth day of July, 1903,

Between:

HIS MAJESTY THE KING, acting in respect of the Dominion of Canada, and herein represented and acting by the Honourable William S. Fielding, Acting Minister of Railways and Canals,

OF THE FIRST PART;

And

SIR CHARLES RIVERS WILSON, C.B., G.C.M.G.; THE RIGHT HONOURABLE LORD WELBY, G.C.B.; JOHN A. CLUTTON-BROCK, JOSEPH PRICE, ALFRED W. SMITHERS, all of the City of London, England; CHARLES M. HAYS, FRANK W. MORSE and WILLIAM WAINWRIGHT, all of the City of Montreal, in the Dominion of Canada, and JOHN BELL, of the City of Belleville, in the said Dominion, representing herein and acting on behalf of the Grand Trunk Pacific Railway Company, a company to be incorporated by Act of the Parliament of Canada at the present Session thereof,

OF THE SECOND PART.

WHEREAS, having regard to the growth of population and the rapid development of the production and trade of Manitoba and the North-west Territories, and to the great area of fertile and productive land in all the provinces and territories as yet without railway facilities, and to the rapidly expanding trade and commerce of the Dominion, it is in the interest of Canada that a line of railway, designed to secure the most direct and economical interchange of traffic between Eastern Canada and the provinces and territories west of the great lakes, to open up and develop the northern zone of the Dominion, to promote the internal and foreign trade of Canada, and to develop commerce through Canadian ports, should be

 constructed

constructed and operated as a common railway highway across the Dominion, from ocean to ocean, and wholly within Canadian territory.

THEREFORE THIS AGREEMENT WITNESSETH that the said parties have CONTRACTED AND AGREED with each other as follows:—

Interpretation. "Government." "Company."

1. His Majesty the King, acting in respect of the Dominion of Canada, by and through His Excellency, the Governor General in Council, is hereinafter called the "Government," and the said Grand Trunk Pacific Railway Company is hereinafter called the "Company."

Railway to be built from Moncton to the Pacific.

2. A through line of railway, of the gauge of four feet eight and one-half inches, comprising two divisions, to be called the "Eastern Division" and the "Western Division," respectively, shall be constructed, in the manner hereinafter mentioned, between the city of Moncton, in the province of New Brunswick, and the navigable waters of the Pacific Ocean, at or near Port Simpson or some other port in British Columbia, as may be agreed upon.

Eastern Division: Moncton to Winnipeg.

The Eastern Division shall comprise the portion of the said railway to be constructed from its eastern terminus, through the central part of the province of New Brunswick and through the province of Quebec, by the shortest available line to the city of Quebec; then westerly through the northern part of the provinces of Ontario and Quebec, and through the province of Manitoba to the city of Winnipeg; and the

Western Division, Winnipeg to the Pacific.

Western Division shall comprise the portion of the said railway between the said city of Winnipeg, or some point on the said Eastern Division, and the Pacific Ocean, extending westerly through the province of Manitoba, the North-west Territories and the province of British Columbia.

Wholly in Canada.

3. The said line of railway shall be constructed wholly upon Canadian territory.

Western Division divided into two sections.

4. The said Western Division is further, for convenient reference, considered as being divided into two sections, one extending from the eastern terminus thereof westerly to the eastern limit of the Rocky Mountains (herein designated as the "Prairie Section"), and the other extending westerly from the said eastern limit of the Rocky Mountains to the western terminus of the said Division (herein designated as the "Mountain Section"). The said eastern limit of the Rocky Mountains shall be established after the location of the line, and after actual surveys have determined the profile thereof upon such location, and shall be fixed and agreed upon by the chief engineer of the Company and the chief engineer of the Government as the result of such surveys, having regard to the physical features of the country, and to the cost of construction, and endeavouring as fairly as possible to determine where the more easy and less expensive work characteristic of prairie construction comes to an end, and the more difficult and expensive work characteristic of mountain construction begins, and, in case the said engineers shall differ, the question

Prairie section. Mountain section.

Eastern limit of Rocky Mountains to be established.

shall be determined by the said engineers and a third arbitrator, to be chosen by them, and, in the event of their inability to agree on a third arbitrator, the Chief Justice of the Supreme Court of Canada may appoint the said third arbitrator, and the decision of the majority shall be final.

Eastern Division to be built by Government.

5. The said Eastern Division shall be constructed by, and at the expense of, the Government, upon such location and according to such plans and specifications as it shall determine, having due regard to directness, easy gradients and favourable curves.

Western Division to be built, and whole line to be operated, by Company.

6. The Company agrees to construct, maintain and operate the said Western Division, and to take a lease of, maintain and operate the said Eastern Division, upon the terms and conditions and in the manner hereinafter set forth.

Eastern Division to be built under joint supervision of Government and Company.

7. In order to insure, for the protection of the Company as lessees of the Eastern Division of the said railway, the economical construction thereof in such a manner that it can be operated to the best advantage, it is hereby agreed that the specifications for the construction of the Eastern Division shall be submitted to, and approved of by, the Company before the commencement of the work, and that the said work shall be done according to the said specifications and shall be subject to the joint supervision, inspection and acceptance of the chief engineer appointed by the Government and the chief engineer of the Company, and, in the event of differences as to the specifications, or in case the said engineers shall differ as to the work, the questions in dispute shall be determined by the said engineers and a third arbitrator, to be chosen in the manner provided in paragraph four of this agreement.

Commencement and completion of Eastern Division.

8. The construction of the said Eastern Division shall be commenced so soon as the Government has made the surveys and plans and determined upon the location thereof, and shall be completed with all reasonable despatch.

Construction of Western Division.

9. The Western Division shall be constructed by and at the cost of the Company, according to plans and specifications to be approved by the Government.

Commencement and completion of Western Division.

10. The work of locating and constructing the said Western Division shall be commenced forthwith after the ratification of this agreement by the Parliament of Canada and shall proceed with the utmost despatch and shall be completed within five years from the first day of December, 1903, unless prevented by the act of God, the King's enemies, internal disturbances, epidemics, floods or other causes beyond the control of the Company. And, in case of the interruption or obstruction of the work of construction from any of the said causes, the time fixed for the completion of the said Western Division shall be extended for a corresponding period.

Standard of Western Division.

11. The Company shall lay out, construct and equip the said Western Division of the said railway to a standard not inferior to the main line of the Grand Trunk Railway Company of Canada between Montreal and Toronto, so far as may be practicable in the case of a newly constructed line of rail-

way, but this section shall not be held to oblige the Company to construct a double track railway.

Security to be deposited by Company.

12. The Company shall within thirty days after the passing of the Act confirming this agreement and of the Act incorporating the Company hereinafter referred to, deposit with the Government five million dollars in cash or approved Government securities, or partly in cash and partly in such approved securities, at the Company's option, as security for the construction of the Western Division and for the first equipment of the whole line of railway, as provided for in this agreement; the Government shall pay interest at the rate of three per centum per annum on any cash so deposited, and shall, from time to time as received, pay over to the Company any interest received by it on the securities so deposited, unless and until the said deposit shall become forfeited to the Government or returned to the Company in the manner hereinafter provided.

Return of deposit.

13. The Government shall return the said deposit to the Company on the completion of the construction of the Western Division and the first equipment of the whole line of railway, according to the terms hereof, provided, however, that, when it is shown to the satisfaction of the Government that the application of the same will enable such construction and equipment to be completed, and that the same will be so applied, the said deposit shall be released by the Government in such instalments as may be from time to time agreed upon,

Forfeiture.

but, if the Company shall make default in the performance of the obligations of the Company for the construction of the said Western Division and for the first equipment of the whole line of railway, under the terms of this agreement, treating the same as entire, then the said sum of money shall be absolutely forfeited to the Government for the use of His Majesty the King.

"Working expenditure" defined.

14. For the purposes of this agreement, the expression "working expenditure," as applied to the Eastern Division of the railway, shall mean and include all expenses of maintenance of the said Division, and of the stations, buildings, works and conveniences belonging thereto, and of the rolling and other stock and movable plant used in the working thereof, and all such tolls, rents or annual sums as are paid in respect of property leased to, or held by, the Company in respect of the said Eastern Division (apart from the rent of any other leased line), or in respect of the hire of rolling stock let to the Company as part of the equipment of the said Eastern Division, but not including the rental of the said Division payable by the Company to the Government as hereinafter provided; also all rent, charges or interest on the purchase money of lands belonging to the Company purchased for the use of the said Eastern Division, but not paid for, or not fully paid for; and also all expenses of or incidental to working the said Eastern Division and the traffic thereon, including stores and supplies and all necessary repairs and supplies to rolling stock

thereof while on the Western Division, or on the lines of another company or of the Government; also rates, taxes, insurance and compensations for accidents or losses payable in respect of the said Eastern Division; also all salaries and wages of persons employed in and about the working of the said Division and the traffic thereon, and the due proportion of all office and management expenses, including directors' fees, agency, legal, medical and other like expenses, and of any sums of money contributed to any fund for the benefit of the employees of the Company; also all costs and expenses of and incidental to the compliance by the Company with any order of the Railway Committee of the Privy Council, or of any board or authority which may hereafter be duly constituted by the Parliament of Canada for the regulation of railways and made in reference to the said Eastern Division; and, generally, all such charges, if any, not above otherwise specified, as in all cases of English railway companies are usually carried to the debit of revenue as distinguished from capital account.

"Cost of construction" defined.

15. The expression "cost of construction," in the case of the Eastern Division, shall mean and include all the cost of material, supplies, wages, services and transportation required for, or entering into, the construction of the said Eastern Division, and all expenditure for right-of-way and other lands required for the purposes of the railway and for terminal facilities, accommodation works and damages and compensation for injuries to lands and for accidents and casualties; cost of engineering, maintenance, repairs and replacement of works and material during construction, and superintendence, bookkeeping, legal expenses, and, generally, costs and expenses occasioned by the construction of the said Division, whether of the same kind as, or differing in kind from, the classes of expenditure specially mentioned, including interest upon the money expended; the interest upon such outlay in each year shall be capitalized at the end of such year, and interest charged thereon at three per cent per annum until the completion of the work and until the lessees enter into possession under the terms of the said lease; and, for the purposes of this agreement, the amount of such cost of construction, including the principal and all additions for interest, to be ascertained in manner aforesaid, shall, on completion, be finally determined and settled by the Government upon the report of such auditors, accountants, or other officers as may be appointed by the Government for that purpose.

Expenditure by Government on Eastern Division after lease to Company.

16. In case, after completion of the said Eastern Division and the taking possession thereof by the Company under the lease thereof, hereinafter referred to, or at any time thereafter during the continuance of the said lease, the Government shall deem it necessary to expend any sums of money for the improvement of the said Eastern Division, the replacement of structures by others more modern, or otherwise upon capital account for betterments, and not being "working expenditure" payable

payable by the Company, the Government may expend such sums, and the amount thereof shall be added to the capital of the construction account at the end of the year in which such expenditure takes place, and shall thereafter be considered as part of the cost of construction, upon which interest, by way of rental, is to be paid by the Company; provided that no such expenditure shall be entered upon without the consent and approval of the said Company.

Approval of Company.

Cost of material imported by Government.

17. No addition shall be made to the cost of construction or to the capital of construction account in respect of customs duties in cases where there is direct importation of material or supplies by the Government.

Cost of construction of Western Division.

18. The cost of construction of the Western Division shall include the like classes of expenditure as in the case of the construction of the Eastern Division, but the amount thereof shall be established by the Company to the satisfaction of the Government periodically from time to time, and upon the completion thereof in such manner as the Government may direct or determine.

Government inspection of Company's books.

19. For the purpose of enabling the Government to determine the cost of construction of the said railway, or of any portion thereof, or the cost of the equipment supplied, or the net earnings of the railway, or of any part or parts thereof, pursuant to this agreement, the Government shall have the right, from time to time, and at all times, by and through such agents, engineers, accountants and inspectors as it may appoint for that purpose, to inspect all the books of account, pay-sheets, contracts, correspondence and all other books, papers and documents, the inspection of which may be considered necessary for the purpose of determining such cost or net earnings. The Company shall keep separate accounts of the earnings and expenditure of the Eastern and Western Divisions, and, for the purposes of this agreement, the earnings from through traffic shall be apportioned between the Eastern and Western Divisions, according to the usual practice of connecting lines of railway operated by two separate companies; any dispute as to the proper divisions of such earnings shall be determined by arbitrators to be appointed in the manner provided by paragraph forty-seven of this agreement. Provided, however, that, if a board of railway commissioners shall be hereafter appointed under the authority of an Act of the Parliament of Canada, having powers substantially as proposed by Bill Number 21 of the present Session of Parliament, then such dispute shall be determined by such board, from whose decision herein either party shall have the right, without leave, to appeal to the Supreme Court of Canada.

Separate accounts for two divisions.

Apportionment of earnings.

Settlement of disputes.

Lease of Eastern Division to Company.

20. When completed the said Eastern Division shall be leased to, and operated by, the Company for the period of fifty years, at a rental, payable as follows, namely:—For the first seven years of the said term the Company shall operate the same, subject only to payment of "working expenditure"

as defined in paragraph fourteen of this agreement; for the next succeeding forty-three years the Company shall pay annually to the Government, by way of rental, a sum equal to three per centum per annum upon the cost of construction of the said Division, ascertained in the manner defined in paragraphs fifteen and sixteen of this agreement, provided that, if, in any one or more of the first three years of the said period of forty-three years, the net earnings of the said Division, over and above "working expenditure," shall not amount to three per centum of the cost of construction, the difference between the net earnings and the rental shall not be payable by the Company, but shall be capitalized and form part of the cost of construction, upon the whole amount of which rental is required to be paid at the rate aforesaid, after the first ten years of the said lease, and during the remainder of the said term.

Renewal of lease.

21. If, upon the termination of the said lease, the Government shall determine not to undertake the operation of the said Eastern Division, the Company, provided the terms offered by it are as favourable to the Government as those offered by any other railway company equally competent to perform and fulfil the obligations required by the Government to be assumed by the lessees thereof, shall have the right to an extension or renewal of the said lease for a further period of fifty years, upon such terms as may be agreed upon. Notices of the intention of the parties shall be given as may in such lease be provided.

Equipment of railway by Company.

22. The Company shall equip both Divisions of the said line of railway with modern and complete rolling stock suitable and amply sufficient for efficient operation and the handling of all classes of traffic to the satisfaction of the Government, and the first equipment for the completed road shall be of the value of, at least, twenty million dollars, of which not less than five million dollars worth shall be supplied for the operation of the Eastern Division of the said railway, and the said five million dollars worth of rolling stock, together with all renewals thereof and additions thereto, shall be marked as assigned to the said Eastern Division and shall be held to be and form part of the equipment of the Eastern Division of the railway during the said period of fifty years and shall be used as the equipment appertaining thereto, according to the ordinary practice of railways during the said period of fifty years.

Lease of Eastern Division to provide for proper maintenance.

23. The lease of the said Eastern Division shall contain all necessary and proper provisions required by the Government for securing, during the entire term of the said lease, the efficient maintenance and operation of the said Division, including all repairs and renewals, and the maintenance and renewal of its rolling stock and equipment, so as to keep the said Division, in all respects, up to the standard of modern and efficient railway practice and operation, as the same shall be advanced and improved from time to time, during the whole term of said lease, it being the intention of this agreement that the said lease shall provide, in all respects, for the upkeeping of

the said Eastern Division and of the equipment thereof (otherwise than by expenditure upon construction account under paragraph sixteen hereof) to the satisfaction of the Government, at the expense of the Company, after the same shall be completed and handed over by the Government to the Company for operation.

Running powers:

24. The said lease shall also contain proper and usual provisions,—

Of Government, over Eastern Division;

(*a.*) Reserving to the Government in respect of its ownership, present and future, of the Intercolonial and any other line or lines of railway, running powers and haulage rights over the said Eastern Division upon equal terms with the lessees, subject to such reasonable restrictions as may be necessary to secure safety and convenience in the operation of all the traffic over the said Division and subject to the payment by the Government to the Company of such reasonable compensation as may be agreed upon between the Government and the Company;

Of railway companies, over Eastern Division;

(*b.*) Reserving power to the Government to grant running powers and haulage rights sufficient to enable any railway company desiring to use the said Eastern Division or any part thereof, to do so upon such terms as may be agreed upon between the companies, or, in case of their failure to agree, then upon such terms as may be deemed reasonable and just by the Government, having regard to the rights and obligations of the lessees;

Of Government, over Western Division;

(*c.*) Securing to the Government, in respect of its ownership as aforesaid, running powers and haulage rights over the Western Division, or any portion thereof, upon such terms as may be agreed upon between the Government and the Company;

Of railway companies, over Western Division;

(*d.*) Securing to any railway company, desiring to make use of the same, running powers and haulage rights over the said Western Division, or any portion thereof, upon such terms as may be agreed upon between the companies, or, in case of their failure to agree, then upon such terms as may be deemed reasonable and just by the Government;

Of Company, over Intercolonial.

(*e.*) Securing to the Company running powers and haulage rights over the Intercolonial Railway, or any portion thereof, upon such terms as may be agreed upon between the Government and the Company.

Arbitration of disputes.

(2.) If, in any question arising under the provisions of subparagraphs (*a*), (*c*) and (*e*) of this paragraph, the parties shall fail to agree, the matter in difference shall be determined by arbitrators, to be appointed in the manner provided by paragraph forty-seven of this agreement: Provided, however, that, if a Board of Railway Commissioners shall be hereafter appointed under the authority of an Act of the Parliament of Canada, having powers substantially as proposed by Bill number 21 of the present Session of Parliament, then such dispute shall be determined by such Board, from whose decision

 herein

herein either party shall have the right, without leave, to appeal to the Supreme Court of Canada.

Other conditions of lease.

25. The said lease shall also contain such other covenants and provisions, including proper indemnity to the Government in respect of the working of the railway, as may be deemed necessary by the Government to secure the proper carrying out of this agreement.

Capital of Company.

26. The capital stock of the Company shall be forty-five million dollars, of which not more than twenty million dollars shall be preferred and not less than twenty-five million dollars common stock.

Grand Trunk Railway Co. to hold $25,000,000 common stock.

27. The Company undertakes that the Grand Trunk Railway Company of Canada shall acquire and take the said common stock to the amount of twenty-five million dollars, except shares held by directors, not exceeding one thousand shares, and shall hold the same during the term of the said lease, and so long as any of the bonds guaranteed by the Government under the terms of this agreement shall remain outstanding unpaid.

Government guarantee of Company's bonds.

28. For the purpose of aiding the Company in the construction of the Western Division, the Government shall guarantee payment of the principal and interest of an issue of bonds to be made by the Company for a principal amount equal to seventy-five per centum of the cost of construction of the said division, as defined and ascertained in accordance with the provisions of paragraph eighteen hereof; but such principal amount shall not, in any case, exceed thirteen thousand dollars per mile of the mileage of the prairie section, nor thirty thousand dollars per mile of the mileage of the mountain section, although seventy-five per centum of such cost of construction may have exceeded the said respective sums per mile.

Denomination of bonds.

29. Such bonds may be issued in such denominations in the currency of the Dominion of Canada, or in the sterling money of Great Britain, as may be agreed upon, and the principal of such bonds shall be payable in fifty years from the date of issue, and the said bonds shall be dated and issued, and the guarantee of the Government endorsed thereon, so soon as the Western Division is constructed and equipped ready for operation, in accordance with the provisions of this agreement, provided that the Eastern Division is then also furnished with the first equipment required by this agreement, or that the deposit hereinbefore provided for is then still unforfeited in the hands of the Government.

Redemption.

When bonds may be issued.

Interest on bonds.

30. The said bonds shall bear interest at the rate of three per centum per annum, payable half yearly, and shall have attached thereto coupons representing the instalments of interest thereon, and shall be in such form as the Government shall determine.

Interest on Prairie Section bonds.

31. The Company shall pay the interest upon an amount of bonds equal to the principal of the bonds guaranteed by the Government on account of the construction of the Prairie Section, as mentioned in paragraph twenty-eight hereof, from

the date of issue thereof, and, should default be made by the Company in payment thereof, or of any part thereof, the Government shall pay the same, and take up the coupons representing such interest; and moneys so paid by the Government under its guarantee, whether for principal or interest, of the said bonds, shall be held to be paid in discharge of the liability of the Government, but not in discharge of the liability of the Company with respect to the said bonds, and any moneys so paid by the Government shall continue to be a charge under the mortgage to be given to secure the said guaranteed bonds hereinafter mentioned, and the Government shall be subrogated to all the rights of the holders of the said bonds, the interest upon or the principal of which shall have been paid by the Government, and the Government shall, in respect of all moneys which it may so pay, be, in all respects, in the position of holders of bonds in respect of whose bonds default has been made to the extent of the moneys so paid by the Government.

Interest on Mountain Section bonds for first seven years.

32. The Government shall pay the interest upon an amount of bonds equal to the principal of the bonds guaranteed by the Government on account of the construction of the Mountain Section accruing due during the first seven years from the date of the issue of said bonds, and shall not have recourse against the Company for any interest so paid. After the expiration of the said period of seven years the Company shall be primarily liable to pay the said interest, and, should default be made by the Company in payment thereof, or of any part thereof, the Government shall pay the same and take up the coupons representing such interest, and any moneys so paid by the Government under its guarantee, whether for principal or interest, of the said bonds shall be held to be paid in discharge of the liability of the Government, but not in discharge of the liability of the Company with respect to the said bonds, and any moneys so paid by the Government shall continue to be a charge under the said mortgage, to be given to secure the said guaranteed bonds hereinafter mentioned, and the Government shall be subrogated to all the rights of the holders of the said bonds, the interest upon or the principal of which shall have been paid by the Government, and the Government shall, in respect of all moneys which it may so pay, be, in all respects, in the position of holders of bonds in respect of whose bonds default has been made to the extent of the moneys so paid by the Government, subject to the following proviso and exception, namely,—That the Government shall not, during the next succeeding period of three years following the period of seven years above mentioned, be entitled to exercise any rights of foreclosure or sale against the Company, or to take possession of the said railway, if the default of the Company consists in failure to pay during the said period of three years the interest upon an amount of bonds equal to the principal amount guaranteed by the Government on account of the construction of the said Mountain Section, but any moneys so paid by the Government shall be repaid by the Company to the Govern-

During next three years.

ment in the following manner :—At the end of the said period of three years the whole amount so paid by the Government shall be capitalized and shall be repaid by the Company to the Government, with interest at the rate of three per centum per annum, or the Company may, at its option, repay the same in forty equal annual instalments, with interest at the rate aforesaid, or may give to the Government bonds for the said interest so capitalized payable in forty years from the date thereof, with interest at the rate aforesaid : in any event, the interest so capitalized and the bonds so to be given therefor, if any, shall continue to be secured by the said mortgage to secure the bonds guaranteed by the Government, hereinafter mentioned, and the said mortgage shall contain proper provisions in that behalf. Repayment by Company.

33. After the period of ten years from the issuing of the said bonds and until the principal of the said bonds is paid, the Company shall pay the interest thereon, and, should default be made by the Company in payment of the said interest, or of any part thereof, the Government shall pay the same and take up the coupons representing such interest. Any moneys so paid by the Government shall be deemed to be paid in discharge of the liability of the Government, but not in discharge of the liability of the Company with respect thereto, but the Government shall be entitled to immediate payment thereof by the Company and shall thereafter, until such repayment by the Company, be subrogated to all the rights of the original holders of said coupons against the Company. Interest on bonds after ten years.

34. Inasmuch as the bonds to be guaranteed by the Government only make provision for a part of the cost of construction of the Western Division, the Company hereby agrees that The Grand Trunk Railway Company of Canada shall guarantee bonds of the Company for the balance required for the construction of said Western Division, exclusive of the said twenty million dollars required for first equipment, which the Company is required to provide under paragraph twenty-two of this agreement, and the Company may issue a second series of bonds, to be guaranteed as aforesaid by The Grand Trunk Railway Company of Canada to be a second charge upon the property described in paragraph twenty-five (*b*) hereof, and to be subject to, and to rank upon, the said property next after the said bonds so to be issued and guaranteed by the Government. Second series of bonds guaranteed by Grand Trunk Ry. Co. Rank after bonds guaranteed by Government.

(2.) The expression "bonds" wherever used in this agreement shall be deemed to include debentures and debenture stock. "Bonds" defined.

35. For the purposes hereinafter in this paragraph respectively defined, the Company may and shall create mortgages to trustees, as follows :— Mortgages:

(*a.*) A mortgage which shall be a first charge upon the railway, undertaking, equipment and property, tolls, rights and franchises of the Company, including all equipment and property to be thereafter acquired by the Company (but not To secure bonds guaranteed by Government:

including branch lines exceeding six miles in length or the revenues therefrom or the franchises in connection therewith, or such additional rolling stock as may, with the assent of the Government, be designated and marked by the Company as constituting the equipment thereof, and not including ships or any municipal or provincial grants of land, by way of bonus or subsidy, to the said Company other than for railway purposes) to secure the payment of the said issue of first mortgage bonds guaranteed by the Government.

To secure bonds guaranteed by Grand Trunk Ry. Co:

(*b.*) A mortgage which shall be a second charge upon the property covered by the mortgage provided for by paragraph thirty-five (*a*), save and except the rolling stock constituting the equipment of the Eastern Division, to secure the bonds to be guaranteed by The Grand Trunk Railway Company of Canada as aforesaid.

To secure observance of agreement, etc.

(*c.*) A mortgage which shall be a charge upon the rolling stock constituting the equipment of the Eastern Division next after the charge mentioned in paragraph thirty-five (*a*) to secure to the Government the rental payable in respect of the Eastern Division, the efficient maintenance and continuous operation of the said Eastern Division, and the observance and performance by the Company of the terms of this agreement.

Forms of bonds and mortgages.

(2.) The said several mortgages and all bonds and securities required to carry this agreement into effect shall be in such form and contain such provisions not inconsistent with the terms hereof, as the Government may approve.

Issue of interim bonds.

36. Notwithstanding any of the provisions of this agreement, interim bonds of the Company secured by first mortgage may, from time to time, during, and for the purposes of the work of constructing the said Western Division, be issued by the Company and guaranteed by the Government, as may be agreed upon from time to time, subject to all the limitations and conditions imposed by this agreement; provided, however, that all such interim bonds shall be issued upon such terms that, upon the completion of the said Western Division, the same, or so much thereof (principal and interest) as may be then outstanding, shall be convertible, as against the holders thereof, into bonds issued under the provisions of paragraph twenty-eight hereof.

Conversion thereof on completion of Western Division.

Purchase of material and supplies.

37. The Company shall purchase all material and supplies required for the construction of the Western Division and the equipment of the whole of the said line of railway from Canadian producers, when the same are produced in Canada and when such material and supplies can be purchased in desired quantities and of equal quality suitable for the purpose required, and for prices and upon terms equally advantageous with those procurable elsewhere.

Railway Act to apply.

38. The Railway Act of Canada, and any amendments enacted heretofore or which shall hereafter be enacted, shall apply to the operation of the Eastern Division by the Company, and to the rights, liabilities and obligations of the Com-

pany as lessees thereof, and to the location, construction and operation of the Western Division thereof, except as otherwise provided by this agreement, by the Act confirming the same or by any special Act of the Company. Exceptions.

39. The rates and tolls to be levied and taken by the Company upon any part of the said railway shall be under the control of the Governor in Council, or of such authority, commission or tribunal as is designated or constituted under any Act of the Parliament of Canada for the regulation or control of the business of railways. Control of rates.

40. The Company shall, before being entitled to the guarantee provided by this agreement, furnish evidence, satisfactory to the Government, that all just claims of contractors and for materials, wages and supplies, and all just claims against contractors and sub-contractors for materials, wages and supplies, entering into and supplied for the construction of the railway have been duly paid. Government guarantee conditional on payment of contractors and wages.

41. At all times during the terms of the said lease, the Company shall continuously and efficiently operate both divisions of the said railway, giving due and sufficient service for the accommodation of all traffic to the satisfaction of the Government. Efficiency of service.

42. It is hereby declared and agreed between the parties to this agreement that the aid herein provided for is granted by the Government of Canada for the express purpose of encouraging the development of Canadian trade and the transportation of goods through Canadian channels. The Company accepts the aid on these conditions, and agrees that all freight originating on the line of the railway, or its branches, not specifically routed otherwise by the shipper, shall, when destined for points in Canada, be carried entirely on Canadian territory, or between Canadian inland ports, and that the through rate on export traffic from the point of origin to the point of destination shall at no time be greater via Canadian ports than via United States ports, and that all such traffic, not specifically routed otherwise by the shipper, shall be carried to Canadian ocean ports. Conditions of aid by Government. Routing of freight. Preference to Canadian ports.

43. The Company further agrees that it shall not, in any matter within its power, directly or indirectly advise or encourage the transportation of such freight by routes other than those above provided, but shall, in all respects, in good faith, use its utmost endeavours to fulfil the conditions upon which public aid is granted, namely,—the development of trade through Canadian channels and Canadian ocean ports. Company to develop trade through Canadian channels.

44. In respect of the tolls for any traffic carried partly over any line of railway operated by the Company, and partly over any of the lines of the Intercolonial Railway, a fair and equitable ratable division of all such tolls shall be made by mutual agreement, or, in case of dispute, such division shall be fixed by arbitrators appointed in the manner provided by paragraph forty-seven of this agreement, or by a board of commissioners which may hereafter be duly appointed as mentioned in paragraph Division of tolls for traffic over Company's line and Intercolonial.

graph nineteen of this agreement, and with the right of appeal as therein mentioned.

Shipping facilities on Atlantic and Pacific.

45. The Company shall arrange for and provide, either by purchase, charter or otherwise, shipping connections upon both the Atlantic and Pacific oceans sufficient in tonnage and in number of sailings to take care of and transport all its traffic, both inward and outward, at such ocean ports within Canada, upon the said line of railway, or upon the line of the Intercolonial Railway, as may be agreed upon from time to time, and the Company shall not divert, or, so far as it can lawfully prevent permit to be diverted, to ports outside of Canada any traffic which it can lawfully influence or control, upon the ground that there is not a sufficient amount of shipping to transport such traffic from or to such Canadian ocean ports.

Traffic not to be diverted out of Canada.

Grant of lands required for railway.

46. The Government shall procure to be granted to the Company, in so far as the same are vested in His Majesty in right of the Dominion of Canada, such lands as may be required for the right-of-way of the Western Division, and for all stations, station grounds, work shops, buildings, yards and appurtenances required for the construction and working thereof, and shall also procure to be granted to the Company, upon such terms as may be agreed upon, in so far as the same are so vested in His Majesty, such lands fronting upon and covered by navigable waters touched by the line of the railway as, in the judgment of the Government, may reasonably be required for the use of the Company in connection with its operations. The right of the Company to obtain such lands without compensation shall cease when the said division is constructed and equipped as required by paragraph twenty-nine hereof.

Arbitration of disputes.

47. Any dispute which may arise as to the meaning or construction of this agreement, or as to the performance of any of the obligations of either of the parties to this agreement, or as to working expenditure or cost of construction, shall, if not herein otherwise provided for, be determined by the award of a single arbitrator, if the parties concur in his appointment, or if not, by the award of three arbitrators, one of whom shall be appointed by the Government, one by the Company, and the third by the two so appointed, or, in the case of their being unable to agree, by the Chief Justice of the Supreme Court of Canada, and the award of a majority of such three arbitrators, shall be final.

Appointment of director by Government.

48. During the term of the said lease, and so long as the Government remains liable for any portion of the bonds issued by the Company, the Government shall have the right to appoint one director of the Company. Such director shall not receive any remuneration from the Company, but shall be paid a salary by the Government, not to exceed two thousand dollars per annum.

Company to be incorporated.

49. The Company has applied to the Parliament of Canada for an Act of Incorporation, and this agreement shall be binding only in the event of said Act, conferring upon the Com-

pany sufficient powers to enable it to carry out the provisions of this agreement, being passed at the present Session of Parliament, and this agreement shall then be assumed by, and become binding upon, the said Company.

50. This agreement shall be submitted to and be subject to ratification by the Parliament of Canada. Ratification by Parliament.

In Witness whereof, the said William S. Fielding, Acting Minister of Railways, acting on behalf of His Majesty the King, hath hereunto set his hand and seal, and the said parties hereto of the Second Part, representing herein and acting on behalf of The Grand Trunk Pacific Railway Company, a company to be incorporated by Act of Parliament of Canada at the present Session thereof, have also set their hands and seals.

Signed, Sealed and Delivered in the presence of:

(Signed) C. Rivers Wilson,
" Welby,
" John A. Clutton-Brock,
" Joseph Price,
" Alfred W. Smithers,
Per Charles M. Hays.

(Signed) F. H. Chrysler,
W. H. Biggar,

(Signed) Charles M. Hays,
" Frank W. Morse,
" John Bell.
Per Charles M. Hays.

(Signed) Wm. Wainwright.

Signed, sealed and delivered in the presence of
Gerald G. Ruel.

W. S. Fielding,
Acting Minister of Railways and Canals.

SEAL OF THE DEPARTMENT

OTTAWA : Printed by Samuel Edward Dawson, Law Printer to the King's most Excellent Majesty.

No. 73.] **BILL.** [1904.

An Act to amend the Railway Act, 1903.

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

No agreement with employees to relieve company from liability for personal injury.

1. Notwithstanding anything in any Act heretofore passed by Parliament, no railway company within the jurisdiction of legislative power or control of Parliament shall be relieved from liability for damages for personal injury to any workman, employee or servant of such company, nor shall any action or suit by such workman, employee or servant, or, in the event of his death, by his personal representatives, against the company, be barred or defeated by reason of any notice, condition or declaration made or issued by the company, or made or issued by any insurance or provident society or association of railway employees formed, or purporting to be formed, under such Act; or by reason of any rules or by-laws of the company, or rules or by-laws of the society or association; or by reason of the privity of interest or relation established between the company and the society or association, or the contribution or payment of moneys of the company to the funds of the society or association; or by reason of any benefit, compensation or indemnity which the workman, employee or servant, or his personal representatives, may become entitled to or obtain from such society or association or by membership therein; or by reason of any express or implied acknowledgement, acquittance or release obtained by the company or the society or association prior to the happening of the wrong or injury complained of, or the damage accruing, to the purport or effect of relieving or releasing the company from liability for damages for personal injuries as aforesaid.

Act to apply to Government railways.

2. This Act shall apply for the protection of the employees of His Majesty upon the Government railways of Canada, and, whenever required, His Majesty and the Minister of Railways and Canals shall be read in the place of the company, and in this case the Intercolonial Railway Employees' Relief and Assurance Association shall be taken to be the insurance and provident association referred to.

No. 73.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL.

An Act to amend the Railway Act, 1903.

First reading, April 22, 1904.

MR. LENNOX.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1904

No. 73.] **BILL.** [1904

An Act to amend the Railway Act, 1903.

(*Reprinted as reported by the Railway Committee.*)

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

No agreement with employees to relieve company from liability for personal injury.

1. Notwithstanding anything in any Act heretofore passed by Parliament, no railway company within the jurisdiction or legislative power or control of Parliament shall be relieved from liability for damages for personal injury to any workman, employee or servant of such company, nor shall any action or suit by such workman, employee or servant, or, in the event of his death, by his personal representatives, against the company, be barred or defeated by reason of any notice, condition or declaration made or issued by the company, or made or issued by any insurance or provident society or association of railway employees formed, or purporting to be formed, under such Act ; or by reason of any rules or by-laws of the company, or rules or by-laws of the society or association ; or by reason of the privity of interest or relation established between the company and the society or association, or the contribution or payment of moneys of the company to the funds of the society or association ; or by reason of any benefit, compensation or indemnity which the workman, employee or servant, or his personal representatives, may become entitled to or obtain from such society or association or by membership therein ; or by reason of any express or implied acknowledgement, acquittance or release obtained by the company or the society or association prior to the happening of the wrong or injury complained of, or the damage accruing, to the purport or effect of relieving or releasing the company from liability for damages for personal injuries as aforesaid.

Question of validity of this Act to be referred to Supreme Court.

2. Upon the passing of this Act the Governor in Council shall submit to the Supreme Court of Canada for its determination the question of the competency of this Parliament to enact the provisions hereinbefore set forth ; and in the event of the said Court determining that the said provisions are within the powers of this Parliament, and the time for appeal having elapsed,—or in case of appeal being taken and prosecuted, then in the event of it being determined by the Judicial Committee of the Privy Council that the said provisions are within the powers of Parliament as aforesaid,—the Governor in Council shall thereupon name a day, by proclamation, for the coming into force of this Act, and this Act shall take effect and come into force upon the day so named accordingly.

No. 73.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL.

An Act to amend the Railway Act, 1903.

(*Reprinted as reported by Railway Committee.*)

MR. LENNOX.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1904

No. 74.] **BILL.** [1904.

An Act to amend the Fisheries Act.

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

1. *The Fisheries Act*, chapter 95 of the Revised Statutes, is amended by inserting the following section immediately after section 6 :— R.S.C., c. 95, section added.

"**6A.** No one shall, at any time, engage in the manufacture from whales of oil or other commercial product, and no vessel or boat shall be employed in the whale fishery, except under license from the Minister of Marine and Fisheries, under a penalty not exceeding five hundred dollars and not less than three hundred dollars. Whale factories and whaling vessels to be licensed.

"2. The Minister of Marine and Fisheries may issue licenses under this section, for a period in each case not exceeding nine years, under the following conditions :— Conditions.

"(*a*) No license shall issue until the site of the factory has been approved by the Minister of Marine and Fisheries, and no site shall be approved within fifty miles of any other whale factory, or in such proximity to any inhabited place or places as, in the opinion of the Minister of Marine and Fisheries, may cause any danger or detriment to the public health ; Approval of site.

"(*b*) No license shall be issued until the applicant therefor has given assurances to the Minister of Marine and Fisheries, of a satisfactory nature, that he (the applicant) is in a position to convert any whale captured into commercial products within twenty-four hours of the landing of such whale, and that he is also in a position to conduct his whale factory and business in such a manner that no noxious or deleterious matter will be introduced into any public waters, bays, creeks, rivers or harbours. Assurance of satisfactory conduct of business.

"3. The holder of any such license shall not operate more than one whaling steamer in connection with the whale factory under license. One steamer for each factory.

"4. The license shall become void and forfeited unless the factory named therein is erected, equipped and working within two years from the date of the issue of the license. Time for commencing operations.

"5. The fee charged on each such license shall be eight hundred dollars for the first year, one thousand dollars for the second year, and twelve hundred dollars for the third and each ensuing year, and the fee on all subsequent licenses for the same factory shall be twelve hundred dollars; such fee shall be payable to the Minister of Marine and Fisheries, first on the issue of the license, and on the first day of July in each year thereafter : Provided that the Governor in Council, after License fees. Proviso.

the first two years, may exact, in lieu of such fee, a sum equal to two per cent of the gross earnings of each factory, which shall be payable as aforesaid.

Forfeiture of licenses.

"6. Every license, upon cause shown, after one month's notice in writing to the licensee, shall be liable to forfeiture for any infraction of this section, or any regulation under it, or for failure to fulfil and carry out the assurances required under paragraph (*b*) of subsection 2 of this section; and in the case of forfeiture, the Minister of Marine and Fisheries may, without any suit or other proceedings at law, and without compensation, cancel the license.

Regulations.

"7. The Governor in Council may, from time to time, make such regulations as to him seem necessary for carrying out and enforcing any of the provisions of this section, and for controlling and regulating the manufactures carried on in the licensed factories, and the disposal of all refuse therefrom.

Tow-boats not to be used.

"8. Boats known as 'tow-boats' shall not be used by any one in the prosecution of the whaling industry, and no vessel other than the vessel from which the whales have been captured or killed, shall, by any method or contrivance, bring or tow into port any whale for manufacture or other purpose; but nothing in this section shall prevent any one, other than the holder of a license, or his employees, from towing any dead whale to land, and having it manufactured or otherwise disposing of it in accordance with the provisions of this section.

Bringing dead whales ashore.

Protection of other vessels.

"9. No one shall pursue, capture, shoot or kill any whale within the distance of one-half nautical mile of any vessel or boat not at anchor or engaged in any kind of fishing, or within one nautical mile of any vessel or boat at anchor or engaged in any kind of fishing.

Prohibited contrivances.

"10. No one shall have in his possession, or use in the catching or killing of whales, any contrivance which does not include a harpoon, with a whaling line attached thereto, fixed or fastened to the boat or vessel from which the whale is captured or killed.

Penalty.

"11. Every one who violates any provision of this section, or of the regulations made hereunder, for which violation no penalty is herein specially provided, shall be liable to a fine not exceeding two hundred dollars, and not less than fifty dollars.

Forfeiture of boats, etc.

"12. All machinery and apparatus, and all vessels and boats, and their tackle, apparel and furniture, used in violation of this section, or of any regulation made hereunder, shall be confiscated to His Majesty."

Section 7 amended.

2. Subsection 7 of section 14 of the said Act is repealed, and the following is substituted therefor:—

Certain nets forbidden.

"7. No one shall use a bag-net, trap-net, pound-net or fish-weir of any kind for capturing fish, without a special license from the Minister of Marine and Fisheries; and no such license shall extend to the capturing of salmon by such means: Provided that the Minister of Marine and Fisheries may grant licenses for the capture of salmon in specified waters in the Province of British Columbia by the use of trap-nets."

Proviso.

No. 74.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL

An Act to amend the Fisheries Act.

First reading, April 22, 1904.

MR. PRÉFONTAINE.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1904

No. 75.] **BILL.** [1904.

An Act to amend the Companies Act, 1902.

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

1902, c. 15, s. 5 amended.

1. Section 5 of *The Companies Act*, 1902, is amended by adding thereto the following subsection:—

Companies acting as contractors in certain cases.

"3. Nothing in this section, or in any charter or letters patent heretofore or hereafter issued, shall be deemed to prevent any company to which this Act applies from acting as a contractor in railway, telegraph or telephone construction."

Section 40 amended.

2. Section 40 of the said Act is amended by adding thereto the following subsection:—

Consolidation of shares.

"2. Whenever the par value of existing shares is less than one hundred dollars each the directors may, at any time, make a by-law consolidating them into shares of a larger amount; provided, however, that no such consolidated share shall exceed the par value of one hundred dollars."

No. 75.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL

An Act to amend the Companies Act, 1902.

First reading, April 22, 1904.

MR. COWAN.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1904

No. 76.] **BILL.** [1904

An Act to amend the Criminal Code, 1892.

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

1. The Criminal Code, 1892, is amended by inserting immediately after section 343, the following sections:— 1892, c. 29, sections added.

"**343A.** Every one is guilty of an offence and liable on summary conviction, to a fine not exceeding or to months' imprisonment, who has in his possession any gold (as hereinbefore defined) which, to his knowledge, has been stolen or otherwise unlawfully obtained by himself or others, and the burden shall lie upon any person charged with an offence under this section, and shown to have had gold in his possession, of proving that such gold was not so stolen or unlawfully obtained, or, if it was, that he was ignorant of the fact. Gold.

"**343B.** Every one is guilty of an offence and liable, on summary conviction, to a fine not exceeding and to months' imprisonment, who assists in the commission of an offence under section 343c, and for the purposes of this section any person shall be deemed to have so assisted who is proved— Persons watching premises, etc

(*a.*) to have been watching and patrolling outside and in the vicinity of any premises on or about which gold, reasonably suspected of being stolen or unlawfully obtained or held, is found and seized by any peace officer, or by any person acting under warrant of a justice, or

(*b.*) to have been accompanying any person having in his possession any gold reasonably suspected of being stolen or unlawfully obtained or held, or who is unable to give or does not give an account of himself satisfactory to the justice who hears the case.

"**343C.** Every one is guilty of an offence and liable, on summary conviction, to a fine not exceeding or to months's imprisonment, with or without hard labour, who is found present at the time when any gold reasonably suspected of being stolen or unlawfully obtained or held is found and seized by any peace officer, or by any person acting under warrant of a justice, and who is unable to give or who does not give a satisfactory account of his presence. Provided that no person shall be convicted of an offence under this section if he proves to the satisfaction of the justice that his presence was innocent. Presence of person when gold is seized.

2. A person may be convicted under this section notwithstanding that no other charge is laid or conviction obtained against any person in respect of such gold.

Disposal of gold seized.

"**343**D. Upon conviction under any of the three next preceding sections, the justice may order the gold in question to be delivered to the person whose right thereto shall be found by him, and failing any such person, the gold shall be forfeited to the Crown.

Meaning of "gold" and "piece of gold."

"**343**E. In the four next preceding sections, and in sections 313, 343, 375, 571 and 707, the expression "gold" or "piece of gold," unless the context otherwise requires, means gold bullion, retorted gold, gold ores, gold amalgam, gold alloys, precipitates containing gold, slag, concentrate, tailings and residues."

Section added.

2. The said Act, as amended by chapter 42 of the statutes of 1901, is amended by inserting, immediately after section 707A, the following section :—

Possession to be prima facie evidence of stealing.

"**707**B. In any prosecution, proceeding or trial for stealing ores or minerals, or for taking, obtaining, removing or concealing ores or minerals for a fraudulent purpose, the possession of any smelted gold or silver, or any unsmelted or otherwise unmanufactured gold or silver, by any operator, workman or labourer actively engaged in or on any mine, shall be prima facie evidence that the same has been stolen by him."

Act to apply to Nova Scotia.

3. This Act shall apply only to the Province of Nova Scotia.

No. 76.

4th Session, 9th Parliament, 4 Edward V

BILL

An Act to amend the Crimina 1892.

First reading, April 22, 19

MR. V

OTTAWA
Printed by S. E. Dawson
Printer to the King's most Excellent Ma
1904

No. 77.] **BILL.** [1904

An Act respecting the Hamilton, Grimsby and Beamsville Electric Railway Company.

Preamble.

WHEREAS the Hamilton, Grimsby and Beamsville Electric Railway Company has, by its petition, represented that it was incorporated by chapter 95 of the statutes of the Province of Ontario of 1892, and that the said Act was amended and further powers conferred upon the said company by chapter 80 of the statutes of Ontario of 1901; and whereas the said company has prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Ont., 1892, c. 95.

Ont., 1901, c. 80.

Declaratory.

1. In this Act the expression "the Company" means the body corporate created by chapter 95 of the statutes of Ontario of 1892, mentioned in the preamble, under the name of the Hamilton, Grimsby and Beamsville Electric Railway Company, and the railway works which the Company by its said Act of incorporation, and amending Act, has been empowered to undertake and operate are declared to be for the general advantage of Canada.

Railway Act to apply.

2. *The Railway Act*, 1903, shall hereafter apply to the said works to the exclusion of any provisions of the said Act of incorporation, or amending Act, inconsistent therewith, and *The Railway Act*, 1903, shall exclusively apply hereafter to the operation of the said works.

1903, c. 58.

Capital stock.

3. The capital stock of the Company shall be four hundred thousand dollars.

Head office.

4. The head office of the Company shall be in the city of Hamilton.

Annual meeting.

5. The annual meeting of the shareholders shall be held on the fourth Monday in January.

Directors.

6. The number of directors shall be seven, and the present directors shall continue in office until their successors are elected under *The Railway Act*, 1903.

Line of railway described.

7. The Company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches from a point in the city of Hamilton, through the said city and the townships of Barton, Saltfleet and North Grimsby to a point

in or near the village of Beamsville, in the township of Clinton, thence through the townships of Clinton, Louth and Grantham to a point in or near the city of St. Catharines, thence through the townships of Grantham and Niagara to a point in or near Niagara-on-the-Lake, and may also extend its railway from a point in or near the city of St Catharines through the townships of Grantham, Niagara, Thorold and Stamford to a point in or near the town of Niagara Falls, and may build any part of the said railway in sections

Motive power.

2. Steam may be used for the purpose of constructing the said railway, but shall not be used as motive power for its operation.

Consent of municipality to construct railway over highway.

8. Notwithstanding anything in *The Railway Act*, 1903, the Company shall not construct or operate its railway along any highway or public place without first obtaining the consent, expressed by by-law, of the municipality having jurisdiction over such highway or public place, and upon terms to be agreed on with such municipality.

Application to Railway Commission for leave.

9. Before making application to the Board of Railway Commissioners for Canada under section 186 of *The Railway Act*, 1903, for leave to construct the railway across any existing highway, the Company shall apply to the municipality wherein such highway lies for leave to make such crossing, and, if such leave be not granted, shall give to such municipality at least ten days' notice of its intention to apply to the Board for permission to make such crossing.

Issue of securities.

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

Agreements with other companies.

11. Any agreement provided for in section 281 of *The Railway Act*, 1903, may be entered into between the Company and the Niagara, St. Catharines and Toronto Railway Company and the International Railway Company.

Telegraphs and telephones.

12. The Company may construct and operate telegraph and telephone lines upon its railway, and, for the purpose of operating such lines or exchanging and transmitting messages, may enter into contracts with any companies having telegraph or telephone powers, and may connect its own lines with the lines of, or may lease its own lines, to such companies.

Rates and charges.

2. The Company may transmit messages for the public and collect rates or charges therefor; but no rate or charge shall be demanded or taken for the transmission of any message, or for leasing or using the telegraphs or telephones of the Company, until it has been approved of by the Governor in Council, who may also revise such rates and charges from time to time.

R.S.C., c. 132.

3. *The Electric Telegraph Companies Act* shall apply to the telegraphic business of the Company.

Consent of municipality to erect

13. Nothing in this Act shall authorize the Company to construct or operate any telegraph or telephone line or any

line for distributing electricity for lighting, heating or motor purposes, or disposing of surplus power generated by the Company's works and not required for the undertaking of the Company, upon or along or across any highway or public place, without first obtaining the consent, expressed by by-law, of the municipality having jurisdiction over such highway or public place, and upon terms to be agreed with such municipality. electric and other lines on highway.

14. The Company may, for the purposes of its undertaking, acquire and utilize water and steam power for the purpose of compressing air or generating electricity for lighting, heating or motor purposes, and may dispose of surplus power generated by the Company's works and not required for the undertaking of the Company. Compressed air and electricity.

15. The Company may, acquire, construct and operate works for the development, production, transmission, transformation, sale and distribution of electricity and power for any purpose for which such electricity or power can be used, including heat and light, and construct, maintain and operate lines of wire, poles (or use the poles erected for the use of the railway) tunnels, conduits and other works in the manner and to the extent required for such purposes, and conduct, store, sell and supply electricity and other power, and with such lines of wires, poles, conduits, motors or other conductors or devices conduct, convey, furnish or receive such electricity to or from any person at any place, through, over, along or across any highway along its right of way. Works for electricity and other power.

16. The Company may acquire electric or other power or energy, which may be transmitted and delivered to any place in the municipalities through which the railway is authorized to be built, and may receive, transform, transmit, distribute, supply and dispose of such power or energy in any form. Acquisition and transmission of power.

17. Paragraph (*j.*) of subsection 1 of section 118 of *The Railway Act*, 1903, shall not apply to the Company. 1903, c. 58, s. 118.

18. The Company may acquire lands or premises for park or pleasure purposes, not exceeding one hundred acres in any one municipality, and may improve and lay out such lands as parks or places of public resort. Parks, etc.

No. 77.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL.

An Act respecting the Hamilton, Grimsby and Beamsville Electric Railway Company.

First reading, April 26, 1904.

(PRIVATE BILL.)

MR. GERMAN.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1904

No. 78.] **BILL.** [1904.

An Act respecting the Ottawa River Railway Company.

Preamble.

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

1903, c. 172.

Extension of railway.

1. The Ottawa River Railway Company, hereinafter called "the Company," may extend its railway from Grenville to a point in the city of Ottawa and to a point on Georgian Bay between Midland and Parry Sound; and the Company may also build branches from the most convenient points on the main line to Terrebonne and Rawdon in the county of Joliette, to Ste. Anne de Bellevue in the county of Jacques Cartier, to Ste. Rose and St. Vincent de Paul, in the county of Laval, to St. Thérèse and Terrebonne, in the county of Terrebonne, to Ste. Scholastique, Oka and St. Placide, in the county of Two Mountains, and also to a point on the River St. Lawrence, at the town of Maisonneuve.

Branches.

1903, section 8 amended.

2. Section 8 of chapter 172 of the statutes of 1903 is amended by substituting the word "thirty" for the word "twenty" in the second line thereof.

Bond issue on railway.

Section 9 amended.

3. Section 9 of the said Act is amended by adding after the word "Company" on the ninth line thereof the words "The Montreal and Northern Railway Company, the Central Trunk Railway Company, the Ottawa Valley Railway Company, the Irondale, Bancroft and Ottawa Railway Company, the Central Ontario Railway Company and the Grand Trunk Pacific Railway Company."

Agreements with other companies.

Section 13 repealed.

4. Section 13 of the said Act is repealed.

New section 14.

5. Section 14 of the said Act is repealed, and the following is substituted therefor:—

Time for construction.

"**14.** The railway shall be commenced on or before the first day of June one thousand nine hundred and four, and shall be completed within three years from that date, otherwise the powers conferred upon the Company by Parliament shall cease and be null and void as respects so much of the railway as then remains uncompleted."

No. 78.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL

An Act respecting the Ottawa River Railway Company.

First reading, April 26, 1904.

(PRIVATE BILL.)

MR. ETHIER.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1904

No. 79.] **BILL.** [1904.

An Act to incorporate the Thompson River Improvement Company.

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

1. George W. Fowler, of the town of Sussex, in the province of New Brunswick, George McCormick, of the town of Orillia, in the province of Ontario, William Irwin, of the city of Peterborough, in the said province, Peter Ryan, of the city of Toronto in the said province, John Shields, of the city of Kamloops, in the province of British Columbia, and James C. Shields, of Sicamous, in the province of British Columbia, together with such persons as become shareholders in the company, are incorporated under the name of "The Thompson River Improvement Company," hereinafter called "the Company." Incorporation. Corporate name.

2. The said George W. Fowler, George McCormick, William Irwin, Peter Ryan, John Shields and James C. Shields are constituted provisional directors of the Company, a majority of whom shall form a quorum; and they may forthwith open stock books, procure subscriptions of stock for the undertaking of the Company, receive payment on account of stock subscribed, and generally carry on the business of the Company. Provisional directors. Powers.

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

2. The directors may, with the approval of the Governor in Council, after the whole of the capital stock has been subscribed for and fifty per cent paid in thereon in cash, increase the amount of capital stock from time to time to an amount not exceeding two hundred thousand dollars; but the capital stock shall not be so increased until a resolution of the board of directors authorizing such increase has first been submitted to and approved of by a special general meeting of the shareholders duly called for that purpose, at which meeting shareholders representing at least two-thirds of the capital stock are present or represented by proxy. Increase of capital. Approval of shareholders.

Head office.

4. The head offices of the Company shall be in the city of Kamloops, or in such other place in Canada as the directors, from time to time, determine by by-law.

Annual general meeting.

Directors.

5. The annual general meeting of the shareholders of the Company shall be held on the second Monday in January, at which meeting five persons shall be elected directors of the Company, one or more of whom may be paid directors.

Election of directors.

6. So soon as twenty-five per cent of the capital stock has been subscribed and ten per cent thereof has been paid into some chartered bank in Canada, the provisional directors shall call a meeting of the shareholders at the head office of the Company, at which meeting the shareholders present or represented by proxy who have paid in not less than ten per cent of the amount of shares subscribed for by them shall elect a board of five directors.

Notice of meeting.

2. Notice of such meeting shall be sufficiently given by mailing it, postage prepaid, at least ten days previous to the date of the meeting to each shareholder at his post office address shown in the books of the Company.

Powers to attach booms.

7. The Company may attach booms to the shores of Kamloops Lake, in the district of Kamloops, in the province of British Columbia, or the shores of the North Thompson River at or near the point of its confluence with the South Thompson River, or the shores of the Thompson River at or near the point where the said river enters Kamloops Lake, and may acquire, construct and maintain piers on the shores and in the water of the said rivers or lake at or near the said points, first having obtained the approval of the Governor in Council of its selection of the said points, and may use booms in connection therewith : Provided that none of the said piers, booms or other works interfere with the free navigation of the said rivers and lake.

Navigation not to be interfered with.

Construction of piers, dams, booms, etc.

8. The Company may also acquire, construct and maintain piers, slides, dams, booms and such other improvements on the said rivers above Kamloops Lake, or on any of their navigable branches or tributaries, as are required to facilitate the driving, rafting, collecting and sorting of timber and sawlogs ; and may blast rocks, and dredge or remove shoals, bars or other impediments or hindrances in the way of driving, rafting, collecting or otherwise protecting the same : Provided that none of the said piers, booms or other works interfere with the free navigation of the said rivers or any of their navigable branches or tributaries.

Proviso.

Regulations by Governor in Council respecting navigation.

9. The Governor in Council may from time to time make such orders and regulations as he deems expedient for the operating of the Company's works, and for the purpose of maintaining existing facilities for navigation, or for securing better facilities therefor, respecting any work authorized by this Act, or of which the plan and site are approved by the Governor in Council.

10. Before the Company proceeds with the construction of such works, or any alteration or enlargement thereof, plans and specifications of such proposed works or alterations or enlargements shall be approved of by the Minister of Public Works. Plans to be approved.

11. The Company may, so long as the works are maintained in an efficient state (such efficient state to be, in the event of dispute, settled by the Minister of Public Works) levy and collect tolls, dues and charges on all sawlogs, timber and lumber which come into its possession by 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 upon the said logs, timber and lumber in respect of which they are chargeable. Collection of tolls, dues, etc. Approval of Governor in Council.

12. The tolls to be collected upon different kinds of timber shall bear to each other the following proportions, that is to say:— Rate of tolls.

	Cents.
Red and white pine, tamarack, spruce, fir and hemlock, square, per piece	1
Oak, elm and other hardwood, square or flatted, per piece	1½
Spars, per piece	3
Masts, per piece	5
Sawlogs, seventeen feet and under, per piece	¼
Red and white pine, tamarack, spruce and hemlock, round or flatted, from seventeen to twenty-five feet long, per piece	⅓
Red and white pine, tamarack, spruce and hemlock, round or flatted, from twenty-five to thirty-five feet long, per piece	5/12
Red and white pine, tamarack, spruce and hemlock, round or flatted, over thirty-five feet in length, per piece	⅔
Sawn lumber, per thousand feet, board measure	3
Staves, per thousand	15
Fire wood, shingles or other timber, per cord	2

13. The said works shall be open to the use of the public at all reasonable times on equal terms. Works to be open to public.

14. The Company may construct, acquire, charter, navigate and maintain tugs, boats and other craft for towing logs and for other use in and about the management of the said booms, and also, for its own use only, construct, acquire and operate telegraph, telephone and electric light lines in connection with its business and works upon the said rivers, lake and tributaries. Tugs, boats, etc. Telegraph, telephone and electric light lines.

Power to acquire stock and property of other companies.

15. The Company may acquire and operate on the waters mentioned in sections 7 and 8 hereof the works of any company having powers wholly or in part similar to the powers of the Company, and may acquire the capital stock, bonds, rights, franchises, powers, privileges or properties of any such companies, and may enter into agreements for amalgamation with such companies on such terms and conditions as are agreed upon, and subject to such restrictions as to the directors seem fit: Provided that every such agreement is first approved of by two-thirds of the votes at a special general meeting of the shareholders duly called for the purpose of considering it, at which meeting shareholders representing at least two-thirds in value of the stock are present or represented by proxy.

Approval of shareholders.

Borrowing powers.

16. The directors, under the authority of a resolution of the shareholders passed at any special meeting called for the purpose, or at any annual meeting at which shareholders representing at least two-thirds in value of the issued capital stock of the Company are present or represented by proxy, may, from time to time, at their discretion, borrow money for the purposes of the Company, and secure the repayment thereof in such manner and upon such terms and conditions as they see fit, and for this purpose may mortgage, pledge, hypothecate or charge the assets and property of the Company: Provided that the aggregate amount so borrowed shall not, at any time, be greater than seventy-five per cent of the actual paid up stock of the Company, but this limitation shall not apply to commercial paper discounted by the Company.

Limitation of amounts.

Expropriation of land.

17. Lands actually required for the construction, maintenance and operation of the works authorized by sections 7 and 8, may be taken and acquired by the Company; and to this end, after a plan of such lands has been approved of by the Governor in Council, all the provisions of *The Railway Act*, 1903, which are applicable to such taking and acquisition shall apply as if they were included in this Act; and all the provisions of *The Railway Act*, 1903, which are applicable shall, in like manner, apply to the ascertainment and the payment of the compensation for, or damages to, lands arising out of such taking and acquisition, or the construction or maintenance of the works of the Company, or the exercise of any of the powers of the Company under this section: Provided that the powers granted by this section shall only be exercised at such points as are from time to time approved by the Governor in Council: Provided also that the lands so acquired by the Company at any one point shall not extend a greater distance than five hundred feet along the margin of the rivers, nor extend back from the rivers a greater distance than fifty feet from high water mark: and Provided further that nothing in this section shall authorize the Company to acquire or take possession of, or in any way injure or interfere with, any mill site upon which there exists any mill or machinery or hydraulic works other than those intended to facilitate the passage of timber.

1903, c. 58.

Proviso.

Proviso.

Proviso.

R.S.C., c. 118.

18. Section 18 of *The Companies Clauses Act* shall not apply to the Company.

19. The Company shall commence the said works within two years, and complete them within ten years after the passing of this Act. Time for construction limited.

No. 79.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL.

An Act to incorporate the Thomson River Improvement Company.

First reading, April 26, 1904.

(PRIVATE BILL.)

MR. MORRISON.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1904

No. 80.] **BILL.** [1904.

An Act respecting the West Canadian Collieries, Limited.

Preamble.

WHEREAS the "West Canadian Collieries, Limited," a company incorporated under the laws of the United Kingdom, has, by its petition, prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

1. The West Canadian Collieries, Limited, hereinafter called "the Company," is invested with and shall be entitled to all the powers, privileges and rights as a corporation necessary for the convenient and proper carrying on of its business and undertakings in Canada, as hereinafter mentioned.

Capital stock.

2. The capital stock of the Company shall be one million pounds sterling, divided into shares of one pound each, and may be called up by the directors from time to time as they deem necessary.

Head office.

3. The head office of the Company in Canada shall be at the town of Frank, in the District of Alberta, or at such other place in Canada as is from time to time determined by by-law.

4. The Company may—

Business.

(*a.*) carry on the business of exploring for, mining or otherwise acquiring, coal, iron, nickel, copper, gold, silver, platinum, lead, and other metals, minerals and ores;

(*b.*) crush, smelt, reduce and manufacture such metals, minerals, and ores;

(*c.*) carry on the business generally of smelting and reducing metals, minerals and ores and manufacturing the same, and of manufacturing therefrom as well as in combination with other metals, minerals, ores, substances and materials, all articles of merchandise that may be manufactured therefrom, including coal, iron, steel and nickel of all kinds and in all forms;

(*d.*) erect and operate smelters, mills, lead and silver refineries, blast furnaces, Bessemer and open hearth steel plants, rolling mills, foundries, bridge construction and machine shops; and carry on the business of engineers and contractors for the manufacture of iron and steel railway and highway bridges, ships, cars, buildings and other structures;

(*e.*) carry on the business of coal merchants and manufacture charcoal, coke and all the products of coal and all other fuels and fuel requisites;

(*f.*) carry on the business of farming and stock raising, and the business of general merchants ;

(*g.*) subscribe for and deal in the shares, stock, debentures, debenture stock or securities of any company or business having objects altogether or in part similar to those of the Company ;

(*h.*) construct, maintain, or contribute towards the construction of houses, churches, schools, hospitals and other buildings for the use and benefit of workmen and others from time to time employed by the Company or dwelling upon the Company's property ;

(*i.*) acquire such real and personal property, easements, premises, claims, mining locations, timber berths, timber licenses, water powers, hydraulic properties, privileges, concessions, patent rights and letters patent of invention or other rights necessary or convenient for the business or operations of the Company ;

(*j.*) construct and operate works, mills, factories, warehouses and other buildings ;

(*k.*) acquire plant, machinery, apparatus, carts, vehicles, goods, wares, merchandise and other property, real or personal, necessary or useful in connection with the works or operations which the Company is authorized to carry on ;

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

(*m.*) manufacture, use, supply and dispose of electricity, water and gas and electric, hydraulic compressed air or other power by means of poles, wires, cables, pipes, conduits, machinery or other appliances and construct, maintain and operate works, machinery and plant for the production, sale and distribution thereof, and for the purpose aforesaid may acquire lands by purchase, lease or otherwise ; provided that the Company shall not exercise the power granted by this paragraph for the purpose of selling electricity water or gas for any purpose until it has first obtained the consent and approval of the municipal council of the city, town, village or other local municipality or district within which the powers hereby given are to be exercised by the Company, such consent to be by by-law, and to be on such terms and conditions as such by-law provides.

Construction of roads, tramways, docks, etc.

5. The Company may construct or aid and subscribe towards the construction, acquisition and maintenance of roads, tramways, docks, piers, wharfs, viaducts, aqueducts, flumes, bridges, ditches and similar works ; and construct, charter or employ vessels, roads and tramways for the purposes aforesaid, and for transporting the products of the said mills, factories, mines and works to any place in Canada and elsewhere, and for bringing and conveying to the properties of the Company all materials required thereat ; and the Company may also construct, operate and dispose of telegraph and telephone lines for the purpose of its undertakings only.

Telegraph and telephone lines.

Construction of sidings, tramways and spur lines.

6. The Company may, for the purpose of any of its undertakings or for the promotion thereof, construct and operate all

such railway sidings, tramways, switches or spur lines, not exceeding ten miles in length, as are necessary to connect the works and properties of the Company with each other or with the line of any railway company incorporated by or under the control of Parliament.

Acquire property, etc., of other companies.

7. The Company may purchase, lease or otherwise acquire and take over as a going concern or otherwise, either in whole or in part, the property, business, liabilities, franchises, shares, securities, rights, powers and assets or any of them (including the railways, or portions thereof constructed or to be constructed) of the West Cardiff Railway Company and the United Gold Fields of British Columbia, Limited, now known as the United Coal Fields of British Columbia, Limited, or either of them, and pay therefor either wholly or partly in paid up or partly paid up capital stock of the Company, whether subscribed for or not, or wholly or partly in debentures of the Company, as are agreed upon, and each of the before mentioned companies is hereby authorized to sell and transfer its properties, business, liabilities, franchises, shares, securities, rights, powers and assets, including all railways and railway rights of such company, and the Company and such other company may enter into agreements to purchase and sell, and the execution of any such agreement shall, *ipso facto*, vest in the Company, the interest and title in and to the property the subject matter of the agreement, and the business, property, real and personal, and all the rights and incidents appurtenant thereto, and all other things belonging to such other company shall be taken and deemed to be transferred to and vested in the Company without further act or deed; provided that nothing by this section authorized shall take away or prejudice any claim, demand, right, security, cause of action or complaint which any person has against the United Gold Fields of British Columbia, Limited, the United Coal Fields of British Columbia, Limited, or the West Cardiff Railway Company, nor shall it relieve such company or its properties from the payment or performance of any debt, liabilitiy, obligation, contract or duty.

Proviso.

Disposal of the undertaking.

8. The Company may sell the whole or part of the undertaking of the Company for cash, shares, debentures or securities of any other company having objects altogether or in part similar to those of the Company.

Issue of paid-up stock.

9. The Company may make and issue as paid-up stock, shares of the capital stock of the Company, whether subscribed for or not, in payment for all or any of the businesses, franchises, undertakings, rights, powers, privileges, letters patent, inventions, real estate, stocks, shares, assets and other properties which the Company may acquire by this Act or by law, and also for the services of contractors or engineers, and may for such considerations, allot and hand over such shares to any person or corporation, including its shareholders or its directors; and any such issue or allotment of stock shall be binding upon the Company and such stock shall not be assessable for calls, nor shall the holder thereof be liable in any way thereon, or the Company may pay therefor wholly or partly in paid-up shares or wholly or partly in debentures,

Proviso.

as may be agreed upon; provided that any allotment and issue of stock under authority of this section shall be approved of by the holders of at least two-thirds in value of the stock of the Company previously issued and held at the date of such issue or allotment.

Borrowing powers on Company's property, etc.

10. The directors may, when authorized by a by-law for that purpose, approved of by the votes of holders of at least two-thirds in value of the issued stock of the Company, present or represented by proxy at a special general meeting called for considering such by-law, borrow, from time to time, such sums of money, not exceeding the amount of the capital stock issued at the date of any such by-law and paid-up, as the shareholders deem necessary, and may, if thought advisable, issue bonds and debentures therefor, in sums of not less than one hundred dollars each, at such rate of interest and payable at such time and place and secured in such manner by a mortgage or otherwise, upon the whole or any portion of the property and undertakings and franchises of the Company, as is prescribed by such by-law or decided upon by the directors under the authority thereof, and the Company may make such provisions respecting the redemption of such securities as are deemed proper; and the directors, upon such authorization, may without issuing debentures, secure the repayment of such loans by mortgage, hypothec or pledge upon such properties or assets of the Company as shall be indicated by the directors.

On promissory notes.

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

Aid to Company.

12. The Company may receive, either by grant from the Government or from any corporation or person, as aid in the construction of any of the works or operations authorized by this Act, or for carrying on the same, lands, properties, franchises, sums of money or debentures as gifts or by way of bonus or otherwise, and may dispose thereof, and may alienate the same in promoting any of the affairs, businesses and operations of the Company, and the Company may receive exemptions from taxation and all other exemptions that may be granted by municipal or other authorities by by-law, resolution or otherwise, and which may by law be granted by such municipality.

1903, c. 58, s. 195.

13. Section 195 of *The Railway Act*, 1903, shall apply to the powers given to the Company by paragraph (*m*) of section 4 of this Act.

R.S.C., c. 118.

14. Section 18 of *The Companies Clauses Act* shall not apply to the Company.

No. 80

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL.

An Act respecting the West Canadian Collieries, Limited.

First reading, April 26, 1904.

(PRIVATE BILL.)

MR. OLIVER.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1904

No. 80.] **BILL.** [1904.

An Act respecting the West Canadian Collieries, Limited.

(Reprinted as amended and reported by the Committee on Miscellaneous Private Bills.)

Preamble.

WHEREAS the West Canadian Collieries, Limited, hereinafter called "the Company," has, by its petition, represented that it was incorporated under The Companies Acts, 1862 to 1900, of Great Britain, and has been licensed under chapter 49 of the statutes of Canada of 1898, to carry on mining operations in the Yukon Territory and the North-west Territories by license dated the sixth day of October, one thousand nine hundred and three; and whereas the Company has filed a duly certified copy of the Company's memorandum and articles of association in the office of the Secretary of State of Canada; and whereas the Company has, by its petition, prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation. Corporate name.

1. The Company shall be and is hereby recognized in Canada as a body corporate and politic under the name of the "West Canadian Collieries Limited," but such recognition shall not deprive the Company of the power to make such variations in its constitution as it may make by virtue of The Companies Acts, 1862 to 1900, and the statutes in amendment thereof; and such recognition shall not be deemed to authorize the Company to exercise in Canada any power or do any act for the lawful exercise or doing of which an Act of the Parliament of Canada would otherwise have been necessary.

Head office

2. The principal office of the Company in Canada shall be at the town of Frank, in the District of Alberta, or at such other place in Canada as is from time to time determined by by-law, of which notice shall be given in *The Canada Gazette*.

Service of process.

3. Service of any process or legal document on any agent, officer or manager of the Company employed at the said principal office, or upon the person then in charge thereof, shall be good service and shall bind the Company.

4. The Company may—

Business.

(*a.*) carry on the business of exploring for, mining or otherwise acquiring, coal, iron, nickel, copper, gold, silver, platinum, lead, and other metals, minerals and ores;

(*b.*) crush, smelt, reduce and manufacture such metals, minerals, and ores;

(*c.*) carry on the business generally of smelting and reducing metals, minerals and ores and manufacturing the same, and of manufacturing therefrom as well as in combination with other metals, minerals, ores, substances and materials, all articles of merchandise that may be manufactured therefrom, including coal, iron, steel and nickel of all kinds and in all forms;

(*d.*) erect and operate smelters, mills, lead and silver refineries, blast furnaces, Bessemer and open hearth steel plants, rolling mills, foundries, bridge construction and machine shops; and carry on the business of engineers and contractors for the manufacture of iron and steel railway and highway bridges, ships, cars, buildings and other structures;

(*e.*) carry on the business of coal merchants and manufacture charcoal, coke and all the products of coal and all other fuels and fuel requisites;

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

(*g.*) subscribe for and deal in the shares, stock, debentures, debenture stock or securities of any company or business having objects altogether or in part similar to those of the Company;

(*h.*) construct, maintain, or contribute towards the construction of houses, churches, schools, hospitals and other buildings for the use and benefit of workmen and others from time to time employed by the Company or dwelling upon the Company's property;

(*i.*) acquire such real and personal property, easements, premises, claims, mining locations, timber berths, timber licenses, water powers, hydraulic properties, privileges, concessions, patent rights and letters patent of invention or other rights necessary or convenient for the business or operations of the Company;

(*j.*) construct and operate works, mills, factories, warehouses and other buildings necessary or convenient for the business or operations of the Company;

(*k.*) acquire plant, machinery, apparatus, carts, vehicles, goods, wares, merchandise and other property, real or personal, necessary or useful in connection with the works or operations which the Company is authorized to carry on;

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

(*m.*) manufacture, use, supply and dispose of electricity, water and gas and electric, hydraulic compressed air or other power by means of poles, wires, cables, pipes, conduits, machinery or other appliances and construct, maintain and operate works, machinery and plant for the production, sale and distribution thereof, and for the purpose aforesaid may acquire lands by purchase, lease or otherwise; provided that the Company shall not exercise the power granted by this paragraph for the purpose of selling electricity water or gas for any purpose until it has first obtained the consent and approval of the municipal council of the city, town, village or other local municipality or district within which the powers hereby given are

to be exercised by the Company, such consent to be by by-law, and to be on such terms and conditions as such by-law provides;

(*n.*) for the purpose of laying and maintaining its pipes and conduits for the conveyance of gas or other agent for heat, light and power, enter upon any highway, street, road allowance, square or other public place and open up the same, and may supply gas and other agents through the said pipes and conduits; provided the Company shall not exercise the powers granted by this paragraph until it has first obtained the consent and approval of the municipal council of the city, town, or local municipality within which the powers hereby given are to be exercised by the Company, such consent to be by by-law and to be on such terms and conditions as such by-law provides.

Construction of roads, tramways, docks, etc.

5. The Company may construct or aid and subscribe towards the construction, acquisition and maintenance of roads, tramways, docks, piers, wharfs, viaducts, aqueducts, flumes, bridges, ditches and similar works; and construct, charter or employ vessels, roads and tramways for the purposes aforesaid, and for transporting the products of the said mills, factories, mines and works to any place in Canada and elsewhere, and for bringing and conveying to the properties of the Company all materials required thereat; and the Company may also construct, operate and dispose of telegraph and telephone lines for the purpose of its undertakings only.

Telegraph and telephone lines.

Construction of sidings, tramways and spur lines.

6. The Company may, for the purpose of any of its undertakings or for the promotion thereof, construct and operate all such railway sidings, tramways, switches or spur lines, not exceeding ten miles in length, as are necessary to connect the works and properties of the Company with each other or with the line of any railway company incorporated by or under the control of Parliament.

Acquire property, etc., of other companies.

7. The Company may purchase, lease or otherwise acquire and take over as a going concern or otherwise, either in whole or in part, the property, business, liabilities, franchises, shares, securities, rights, powers and assets or any of them (including the railways, or portions thereof constructed or to be constructed) of the Cardiff Railway Company and the United Gold Fields of British Columbia, Limited, now known as the United Coal Fields of British Columbia, Limited, or either of them, and pay therefor either wholly or partly in paid up or partly paid up capital stock of the Company, whether subscribed for or not, or wholly or partly in debentures of the Company, as are agreed upon, and each of the before mentioned companies is hereby authorized to sell and transfer its properties, business, liabilities, franchises, shares, securities, rights, powers and assets, including all railways and railway rights of such company, and the Company and such other company may enter into agreements to purchase and sell, and the execution of any such agreement shall, *ipso facto*, vest in the Company, the interest and title in and to the property the subject matter of the agreement, and the business, property, real and personal, and all the rights and incidents appurtenant thereto, and all other things belonging to such other company shall be taken

and deemed to be transferred to and vested in the Company without further act or deed; provided that nothing by this section authorized shall take away or prejudice any claim, demand, right, security, cause of sctionor complaint which any person has against the United Gold Fields of British Columbia, Limited, the United Coal Fields of British Columbia, Limited, or the Cardiff Railway Company, nor shall it relieve such company or its properties from the payment or performance of any debt, liabilitiy, obligation, contract or duty.

Proviso.

Disposal of the undertaking.

8. The Company may sell the whole or part of the undertaking of the Company for cash, shares, debentures or securities of any other company having objects altogether or in part similar to those of the Company.

Issue of paid-up stock.

9. The Company may make and issue as paid-up stock, shares of the capital stock of the Company, whether subscribed for or not, in payment for all or any of the businesses, franchises, undertakings, rights, powers, privileges, letters patent, inventions, real estate, stocks, shares, assets and other properties which the Company may acquire by this Act or by law, and also for the services of contractors or engineers, and may for such considerations, allot and hand over such shares to any person or corporation, including its shareholders or its directors; and any such issue or allotment of stock shall be binding upon the Company and such stock shall not be assessable for calls, nor shall the holder thereof be liable in any way thereon, or the Company may pay therefor wholly or partly in paid-up shares or wholly or partly in debentures, as may be agreed upon; provided that any allotment and issue of stock under authority of this section shall be approved of by the holders of at least two-thirds in value of the stock of the Company previously issued and held at the date of such issue or allotment.

Aid to Company.

10. The Company may receive, either by grant from the Government or from any corporation or person, as aid in the construction of any of the works or operations authorized by this Act, or for carrying on the same, lands, properties, franchises, sums of money or debentures as gifts or by way of bonus or otherwise, and may dispose thereof, and may alienate the same in promoting any of the affairs, businesses and operations of the Company, and the Company may receive exemptions from taxation and all other exemptions that may be granted by municipal or other authorities by by-law, resolution or otherwise, and which may by law be granted by such municipality.

1903, c. 58, s. 195.

11. Section 195 of *The Railway Act*, 1903, shall apply to the powers given to the Company by paragraph (*m*) of section 4 of this Act.

No. 80.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL

An Act respecting the West Canadian Collieries, Limited.

(Reprinted as amended and reported by the Committee on Miscellaneous Private Bills.)

(PRIVATE BILL.)

MR. OLIVER.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1904

No. 81.] **BILL.** [1904.

An Act to incorporate the Canadian Traction and Power Company.

Preamble.

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

Incorporation.

1. The Honourable R. Dandurand, the Honourable William A. Weir, the Honourable Trefflé Berthiaume, Alfred Brunet, Godfroy Langlois, J. Marcelin Wilson, J. P. Mullarkey, C. H. Catelli, Louis A. Lapointe, and John S. Buchan, all of the city of Montreal, and Hector Champagne, of St. Eustache, together with such persons as become shareholders in the company, are incorporated under the name of "The Canadian Traction and Power Company," hereinafter called "the Company."

Corporate name.

Provisional directors.

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

Capital stock.

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

Head office.

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

Annual meeting.

5. The annual meeting of the shareholders shall be held on the third Wednesday in September.

Directors.

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

Line of railway described.

7. The Company may lay out, construct and operate an electric or steam railway of the gauge of four feet eight and one-half inches from a point in or near the city of Montreal to a point in or near Grenville, in the county of Argenteuil; thence across the Ottawa River to a point at or near Hawkesbury; thence continuing to a point in or near the city of Ottawa. The Company may also construct and maintain lines of tramway to be operated by electricity only, in and upon such streets and highways in any municipality along its main line, said streets and highways to be designated by resolution of each interested municipality.

Electric tramways.

Exception as to parishes of Longue Pointe and Pointe aux Trembles.

8. Notwithstanding anything in this Act contained, the Company shall have no right to construct and operate railways or tramways within the limits of the parishes of Longue Pointe and Pointe aux Trembles.

Bridges.

9. The Company may construct, maintain and operate all bridges required for the purposes of its undertaking, which bridges may be constructed for the accommodation of passengers, street cars, carriages and other vehicles, and the Company may charge tolls for the use thereof, but such tolls and charges shall, before being imposed, first be submited to and approved by the Governor General in Council, and shall be subject to revision from time to time by the Governor in Council; but the Company may at any time reduce the tolls, and a notice showing its tolls authorized to be charged shall at all times be posted up in a conspicuous place on each of the said bridges.

Tolls.

Hotels and parks.

10. The Company may acquire, maintain and operate hotels, parks and places of amusement in connection with its undertaking.

Water powers.

Electricity.

Light, heat and power.

11. The Company may acquire by purchase, lease or otherwise, water powers, privileges and easements, and construct, maintain and improve dams, piers, channels and other works necessary to develop the said water powers and to generate electricity and other power; to carry on a general business of light, heat and power; and may dispose of such surplus water power as the Company deems expedient; manufacture, buy, or otherwise acquire and dispose of, in any manner whatsoever, gas, electricity, or any other source of light, heat and power, and manufacture and dispose of all kinds of produce and supplies used in connection therewith, and make and dispose of any by-products arising from their manufacture.

Right to all privileges and immunities.

12. The Company shall have and enjoy all rights, powers, privileges and immunities essential to the construction and operation and carrying on of the different branches of its undertaking.

Pipe lines.

Proviso.

13. The Company may enter upon and construct on, under or over the streets and public highways along its system, pipe lines, conduits and other constructions necessary for the purposes of its undertaking, but the Company shall be responsible for all damages arising from the construction and maintenance thereof, and the said works shall be carried on under the direction of the municipal authorities in each case; provided that the Company shall not place its wires, poles, conduits or other structures in any of the streets of the cities of Montreal and Ottawa without the consent of the councils of the said cities.

Issue of securities.

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

15. Any agreement provided for in section 281 of *The Railway Act*, 1903, may be entered into between the Company and the Canadian Pacific Railway Company, the Grand Trunk Railway Company of Canada, the Canada Atlantic Railway Company, the Great Northern Railway of Canada, the Jacques Cartier Union Railway Company, the Carillon and Grenville Railway Company, the Montreal Street Railway Company, the Montreal Park and Island Railway Company, the Montreal Terminal Railway Company, the Chateauguay and Northern Railway Company, the Ottawa Electric Railway Company and the Montreal and Grenville Railway Company. Agreements with other companies, under *The Railway Act*.

16. The Company may make agreements with any other company having similar powers for leasing, selling, or transferring the whole or part of its undertaking, rights, franchises or privileges, other than its railway, or may amalgamate with any such company, the whole upon such conditions as the Company deems expedient. Agreements with other companies as to business other than the railway.

17. *The Companies Clauses Act* shall not apply to the Company. R.S.C., c. 118.

No. 81.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL.

An Act to incorporate the Canadian Traction and Power Company.

First reading, April 26, 1904.

(PRIVATE BILL.)

MR. CHAMPAGNE.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1904

No. 82.] **BILL.** [1904.

An Act respecting the Essex Terminal Railway Company.

Preamble.

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

1902, c. 62.

Section 1 amended.

Names of incorporators.

1. Section 1 of chapter 62 of the statutes of 1902, being an Act to incorporate the Essex Terminal Railway Company, is amended by striking out of the said section the words "Ernest Girardot, Ralph Loveland and John Gowie Watson, all of the town of Sandwich."

Section 3 repealed.

Provisional directors.

2. Section 3 of the said Act is repealed, and in lieu thereof it is enacted that John Allen Auld and Franklin Arthur Hough, both of the town of Amherstburg, Willard Pope and George F. Porter, both of the town of Walkerville, and Sidney Arthur King, of the city of Windsor, all in the county of Essex, shall be the provisional directors of the said company.

Section 12 repealed.

3. Section 12 of the said Act is repealed.

Time for construction extended.

4. The construction of the railway of the said company may be commenced, and fifteen per cent on the amount of the capital stock expended thereon, within two years from the fifteenth day of May, one thousand nine hundred and four, and the railway finished and put in operation within five years from the fifteenth day of May, one thousand nine hundred and four, and if the said railway is not so commenced, and such expenditure is not so made, or if the said railway is not finished and put in operation within the said respective periods, then the powers granted to the said company by Parliament shall cease and be null and void as respects so much of the railway as then remains uncompleted.

No. 82.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL.

An Act respecting the Essex Terminal Railway Company.

First reading, April 26, 1904.

(PRIVATE BILL.)

MR. COWAN.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1904

No. 83.] **BILL.** [1904.

An Act respecting the Nepigon Railway Company.

WHEREAS the Nepigon Railway Company has by its petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. 1902, c. 82.

1. Section 7 of chapter 82 of the statutes of 1902 is amended by adding thereto the following words: "and also from some point on the said proposed line of railway on or near the Albany River by the most feasible route crossing the Albany, Severn and Nelson Rivers to some point at or near Fort Churchill on Hudson's Bay." Section 7 amended. Line of railway.

2. Section 14 of the said Act is amended by inserting after the word "Company" in the sixth line thereof the following words: "or the Grand Trunk Pacific Railway Company, or the National Transcontinental Railway." Section 14 amended. Agreements with other companies.

3. The times limited by section 15 of the said Act for the commencement and completion of the railway of the Nepigon Railway Company are extended for two and five years, respectively, from the passing of this Act, and if the said railway is not commenced, and fifteen per cent on the amount of the capital stock is not expended thereon, within the said two years, or if the railway is not finished and put in operation within the said five years, the powers granted by Parliament for such construction shall cease and be null and void as respects so much of the railway as then remains uncompleted. Time for construction extended. Section 15.

No. 83.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL.

An Act respecting the Nepigon Railway Company.

First reading, April 26, 1904.

(PRIVATE BILL.)

MR. MCCOOL.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1904

No. 85.] **BILL.** [1904.

An Act to incorporate the Alberta Railway and Irrigation Company, and to amalgamate therewith the Alberta Railway and Coal Company, the Canadian North-west Irrigation Company, and the St. Mary's River Railway Company.

Preamble.

WHEREAS the persons hereinafter named, and the Alberta Railway and Coal Company, the Canadian North-west Irrigation Company and the St. Mary's River Railway Company have, by their petitions, prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petitions: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Incorporation.

1. Elliott T. Galt, of the town of Lethbridge, in the District of Alberta, North-west Territories, K. R. B. Wodehouse, William Burdett-Coutts, Edwin Waterhouse, J. Hume Dodgson, all of the city of London, England, John Galt, of the city of Winnipeg, Province of Manitoba, and William M. Ramsay, of the city of Montreal, Province of Quebec, together with such persons as become shareholders in the company, are incorporated under the name of "The Alberta Railway and Irrigation Company," hereinafter called "the new Company."

Corporate name.

First directors.

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

Head office.

3. The head office of the new Company shall be in the city of London, England.

Capital stock.

4. The capital stock of the new Company shall be three million two hundred and fifty thousand dollars, divided into shares of one hundred dollars each.

General meetings.

5. Meetings of the shareholders of the new Company shall be held at such time and place in the city of London, England, as the directors by resolution from time to time determine.

Amalgamation agreement.

6. The new Company acting through its directors, the Alberta Railway and Coal Company, the Canadian North-west Irrigation Company, and the St. Mary's River Railway Company may enter into a mutual agreement for amalgamation into one company under the name of "The Alberta Railway and Irrigation Company," in this Act referred to as "The amalgamated Company."

Terms of amalgamation agreement.

7. The amalgamation agreement may prescribe the terms and conditions of the amalgamation, and may provide for—

(*a.*) the mode of effecting the amalgamation ;

(*b.*) the appointment of a day, not later than the thirty-first day of December, one thousand nine hundred and four, on or before which the amalgamation shall be effected ;

(*c.*) converting each class of capital stock and the bonds and debenture stock of the Alberta Railway and Coal Company, the Canadian North-west Irrigation Company and the St. Mary's River Railway Company, in whole or in part, into capital stock or debenture stock of the amalgamated Company by exchange of the same for capital stock or debenture stock of the amalgamated Company and for dealing with fractional amounts of such capital stock, bonds and debenture stock ;

(*d.*) cancelling the various classes of capital stock bonds and debenture stock of each of the three last mentioned companies with or without compensation, and also cancelling the various deeds of trust and mortgage securing any of the said classes of debenture stock or bonds, and

(*e.*) the execution and release by any trustees of all trust deeds and mortgages securing any of the said classes of debenture stock or bonds of the three last mentioned companies and directing and empowering all such things and acts to be done and the execution of all deeds and instruments necessary or desirable for carrying the provisions of the said agreement of amalgamation into effect ;

(*f.*) the making, issuing and allotting as paid up stock of shares in the capital stock of the amalgamated Company in exchange or payment for any class of capital stock or bonds or debenture stock, or any part thereof, of the three last mentioned companies ; and such issue and allotment of stock shall be binding upon the amalgamated Company and such stock shall not be assessable for calls ;

(*g.*) the issuing of debenture stock of the amalgamated Company in exchange or payment for any class of the capital stock and bonds and debenture stock or any parts thereof of the three last mentioned companies, and such issue of stock shall be binding upon the amalgamated Company ;

(*h.*) every matter and thing relating to the debenture stocks which under section nineteen of this Act the amalgamated Company is authorized to issue, including the creation of floating charges upon such properties and assets of the amalgamated Company as are not specifically charged and the mode in which existing mortgages may be discharged and new mortgages, liens and charges created in lieu thereof ;

(*j.*) the registration of transfers, whether of ordinary or debenture stock, at offices to be established in Great Britain and Canada for that purpose, by the amalgamated Company ;

(*k.*) all such things as are necessary or convenient for perfecting the new organization or for the management and working of the amalgamated Company, including the number of directors, their names and their powers, rights and duties ;

(*l.*) all such matters and things as are incidental to the foregoing, and are not contrary to law nor inconsistent with the provisions of this Act.

8. A draft of any agreement to be made under section 6 of this Act shall be submitted to separate meetings of, and for approval by special resolutions of, the holders of each class of ordinary or preference shares or debenture stock or bonds of the Alberta Railway and Coal Company, the Canadian North-west Irrigation Company, and the St. Mary's River Railway Company. Agreement to be approved by other companies.

2. The expression "special resolution" used in subsection 1 means a resolution passed at a special general meeting of holders of the particular class of the said ordinary or preference shares or debenture stock or bonds, or at any adjournment of such meeting, and carried by a majority in value of those present, which majority, together with those who by agreement in writing assent to and confirm the agreement, represents not less than three-fourths in value of the class of ordinary or preference shares or debenture stock or bonds held by the persons present at the meeting or any adjournment thereof, or represented by proxy and entitled to vote thereat. "Special resolution."

3. A majority in value of the class of ordinary or preference shares or debenture stock or bonds present or represented by proxy at the meeting shall be a quorum. Quorum.

4. The said meetings must be held within sixty days from the passing of this Act, and must be specially called for the purpose of approving the agreement. Meetings for approval of agreement.

5. Notice of any such meeting, stating the place, day, hour and generally the purport thereof, shall be given weekly for four consecutive weeks before the time of the meeting by advertisement in *The Canada Gazette*, and in a leading newspaper published in the city of London, England, and in a leading newspaper published in the city of Montreal, Canada, and at least four weeks before the said meeting by circular to the holders of the class of shares of stock or bonds to be present at the said meeting whose addresses, as recorded in the books of the company kept for the purpose, are in the United Kingdom and Canada. Such notice shall state the time and place of meeting and the object of such meeting, and shall be sent through the post to each such holder of shares, stock or bonds, as the case may be, by registered letter addressed to his address as so recorded. A notice shall be deemed to have been served on the day after it is posted, and proof that the notice was properly addressed and sent by registered letter shall be sufficient proof of such service. Notice of meetings.

6. No notice shall be required to be given of any adjourned meeting. Of adjourned meetings.

9. If such draft agreement is so approved the agreement may be executed and delivered, and if a duplicate original thereof has been filed in the office of the Secretary of State of Canada within sixty days after its execution and delivery an application may be made to the Governor in Council for an order sanctioning the agreement. Application for sanction by Governor in Council.

10. Unless the agreement has been approved by every holder of each class of stock and bonds of the Alberta Railway and Coal Company, the Canadian North-west Irrigation Company and the St. Mary's River Railway Company, the Notice of application in default of unanimous approval of agreement.

sanction of the Governor in Council shall not be signified until after notice of the proposed application for the said order in council has been published in *The Canada Gazette* for at least one month prior to the time to be stated therein for the making of such application, and also for a like period in one newspaper published in the city of London, England, and in one newspaper published in the city of Montreal, Canada.

When agreement to come into force.

1895, c. 45.

11. Upon redemption of the outstanding prior lien debenture stock of the Alberta Railway and Coal Company issued under the provisions of section 2 of the Alberta Railway Debenture Stock Act, 1895, and upon the agreement being sanctioned by the Governor in Council, the said agreement shall come into force and effect according to the tenor thereof. Notice of such sanction, stating the date at which the agreement is to come into force and effect, shall be forthwith given by the Secretary of State of Canada in *The Canada Gazette*. The production of *The Canada Gazette* containing such notice shall be evidence of the requirements of this section having been complied with.

Amalgamated company.

Corporate name.

12. Upon the amalgamation agreement coming into effect, as provided in section 11 of this Act, the companies parties to such agreement shall, subject to the provisions of this Act authorizing such agreement to be entered into, be deemed to be amalgamated, and shall form one company under the name of "The Alberta Railway and Irrigation Company," and upon the terms and conditions in such agreement provided; and the amalgamated Company shall possess and be vested with all the railways, lands, works and undertakings, and all other powers, rights, privileges, franchises, assets, effects and properties, real, personal and mixed, belonging to, possessed by or vested in the companies parties to such agreement or to which they or any of them may be or become entitled, and shall be liable for all claims, demands, rights, securities, causes of action, complaints, debts, obligations, works contracts, agreements or duties to as full an extent as any of such companies were at or before the time that the amalgamation agreement came into effect.

Acts done previous to agreement not affected.

13. Notwithstanding anything in any such agreement made or sanctioned, every act, matter or thing done, effected or confirmed under or by virtue of any Act, general or special, relating to any of the said companies, before the date of the coming into effect of such agreement, shall be as valid as if such agreement had never come into effect; and such agreement shall be subject and without prejudice to every such act, matter or thing and to all rights, liabilities, claims and demands, present or future, which would be incident to or consequent upon such act, matter, or thing, if such agreement had never come into effect; and as to all acts, matters and things so done, effected or confirmed, and as to all such rights, liabilities, claims and demands, the amalgamated Company shall, for all purposes, stand in the place of and represent the companies who are parties to the agreement, and the generality of the provisions of this section shall not be deemed to be restricted by the agreement unless this section is

expressly referred to in the agreement and expressly limited or restricted thereby in accordance with the powers for that purpose conferred by this Act.

Head office.

14. The head office of the amalgamated Company shall be in the city of London, England.

Capital stock.

15. The capital stock of the amalgamated Company shall be three million two hundred and fifty thousand dollars, divided into shares of one hundred dollars each, and may be increased from time to time according to the provisions of *The Railway Act*, 1903.

Annual meeting.

16. The annual general meeting of the shareholders of the amalgamated Company shall be held at such time and place, in the city of London, England, as the directors by resolution from time to time determine, and until otherwise determined shall be held on the first Wednesday in November of each year, at the head office.

Notice of meetings.

17. Notice of the calling of general meetings of the amalgamated Company shall be given in compliance with section 61 of *The Railway Act*, 1903, and at least four weeks before such meetings, by circular to the shareholders whose addresses as recorded in the books of the amalgamated Company, are in the United Kingdom and Canada. Such notice shall state the time and place of meeting, and in the case of a special general meeting shall state the objects of such meeting. Such notice shall be sent through the post to each such shareholder by registered letter addressed to his address as so recorded. The notice shall be deemed to have been served on him the day after it is posted, and proof that the notice was properly addressed and sent by registered letter shall be sufficient proof of such service.

Number of directors.

18. The number of directors of the amalgamated Company shall be nine, but may be decreased to not less than five, by by-law passed by the shareholders at any annual general meeting or at any special meeting called for that purpose.

Paid directors.

2. One or more of the directors may be paid directors.

Executive committee.

3. The directors may from time to time, by resolution, appoint from among themselves such two or more of the directors as they think fit to be an executive committee for the management of the affairs of the amalgamated Company in Canada. This executive committee shall have all the powers possessed by the board of directors of the amalgamated Company under *The Railway Act*, 1903, the Acts set out in the schedule to this Act, and otherwise by law, but in so far only as such powers are not expressly limited by the resolution appointing such committee.

Powers of directors.

4. The directors of the amalgamated Company shall have and possess, and may exercise for the purposes of that Company, all and every the rights, powers and privileges by law had, possessed or exercisable at the date of the amalgamation by the directors of the Alberta Railway

and Coal Company, the Canadian North-west Irrigation Company and the St. Mary's River Railway Company, but if any of the provisions of the statutes relating to the administration of the affairs of the said companies, or the conduct of meetings or the powers possessed by directors, shall differ from or be inconsistent with each other, then and in that case the provisions of the statutes relating to the Alberta Railway and Coal Company shall prevail and shall be applicable to and shall regulate the affairs, meetings and directors' powers of the amalgamated Company. These rights, powers and privileges may, however, be expressly limited by the amalgamation deed if the limitation be not contrary to the provisions of this Act or of any general or special Act relating to the company by which the deed is executed.

Debenture stock.

19. The directors of the amalgamated Company may create and issue debenture stock to the aggregate amount of four million five hundred thousand dollars, which shall be divided into two classes as follows :—

Prior lien debenture stock.

(*a.*) One million two hundred and fifty thousand dollars part thereof shall be called Prior Lien Debenture Stock, and shall be redeemable at par at any time or from time to time on three months' notice to be given by the amalgamated Company, and shall bear interest at the rate of four per cent per annum.

Five per cent debenture stock.

(*b.*) The remaining three million two hundred and fifty thousand dollars shall be called Five Per Cent Debenture Stock and shall be redeemable in the same manner as the Prior Lien Debenture Stock, and shall bear interest at the rate of five per cent per annum, which interest shall be non-cumulative.

Charges created by debenture stock.

20. The said debenture stocks and any trust deeds executed as hereinafter provided for better securing the same shall, without registration, constitute the specific charges defined by the said trust deeds respectively upon the property of the amalgamated Company, and shall also, in the order of priority defined by the said trust deeds, constitute floating charges upon all the other property and assets of the amalgamated Company.

Proviso.

Provided that the revenues of the railways of the amalgamated Company shall be subject in the first instance to the payment of any penalty imposed under the provisions of *The Railway Act*, 1903, and to the working expenses of the railways of the amalgamated companies; and the holders of the said respective classes of debenture stock shall be entitled to rank upon the assets of the amalgamated Company as secured creditors of the amalgamated Company, according to the priorities to be defined as hereinbefore provided for the nominal amount of their respective holdings.

How debentures secured.

21. The directors of the amalgamated Company may further secure the said debenture stocks upon all or any part of the aforesaid property by such deeds of trust or mortgage as they may be advised, and by the said deed or deeds may grant to the holders of the respective classes of debenture stock, or to the trustee or trustees named in such deed or deeds, such powers, rights, remedies and privileges and may make such rules and regulations concerning the respective debenture

stocks and the redemption, transfer, devolution and registration of the same, the holdings of meetings of stockholders, and the proceedings thereat not inconsistent with this Act, as shall be described and contained in such deed or deeds of trust, and and all such powers, rights, remedies, privileges, rules and regulations shall be valid and binding and available to the holders of such respective classes of debenture stock or to their respective trustee or trustees as, the case may be, in manner and form therein provided.

Trust deeds to be deposited with Secretary of State.

22. A copy of each of such deeds of trust hereinbefore mentioned shall be deposited in the office of the Secretary of State of Canada within six months after the execution thereof respectively, of which deposit notice shall be given forthwith thereafter in *The Canada Gazette.*

Meetings of stockholders of each class.

23. The directors of the amalgamated Company or the trustees or trustee under any such trust deed or deeds, if any, for the holders of any of the aforesaid classes of debenture stock respectively may, and at the request in writing of persons holding not less than one-fifth of the nominal amount of the debenture stock of such class outstanding shall, at any time convene a meeting of holders of such class of debenture stock by sending at least four weeks notice specifying the place, day and hour of meeting and the object of such meeting to the registered address of each such debenture stockholder; and no business except such as is specified in such notice shall be transacted at such meeting.

Voting powers.

Proxies.

24. At any such meeting each debenture stockholder present or represented by proxy shall have one vote for every one hundred dollars of his holding. No person shall be appointed as a proxy who is not a stockholder of the class of stockholders convened to the meeting, but in the case of a proxy given by a corporation, the proxy may be any member or officer of that corporation.

Joint holders of stock.

2. Where there are joint registered holders of any debenture stock any one of such persons may vote at any meeting either personally or by proxy in respect of such stock as if he were solely entititled thereto, and if more than one of such joint holders be present at any meeting personally or by proxy that one of the said persons so present whose name stands first on the register in respect of such stock shall alone be entitled to vote in respect thereof.

Powers of stockholders at meeting.

25. At any such meeting the debenture stockholders shall have the following powers, exercisable by special resolution as hereinafter defined, viz.:—

(*a.*) To sanction the release of any part of the property forming the security for the debenture stock of the class represented at the meeting;

(*b.*) To sanction any modification or compromise of the rights of the holders of the debenture stock of the class represented at the meeting against the company or against its property.

"Special resolution."

26. The expression "special resolution" as used in section 25 of this Act means a resolution passed at a meeting of the

debenture stockholders of the particular class, at which not less than six stockholders shall be personally present, and carried by a majority representing not less than three-fourths in value of the debenture stock held by the persons present at the meeting, or represented by proxy, and entitled to vote thereat.

Voting powers of certain debenture stockholders if interest unpaid.

27. If in any year ending on the thirtieth day of June the interest on the five per cent debenture stock shall not be paid in full, and shall continue in default for the space of six calendar months and one week thereafter, then and thereupon the holders of such debenture stock shall have the right to vote at meetings of the shareholders of the amalgamated Company in the proportion of one vote for every one hundred dollars of such debenture stock, but if after such default the interest upon such debenture stock shall be paid in full for one year the right of voting thereupon hereby conferred shall cease and determine. The said power to vote in respect of such five per cent debenture stock shall cease altogether if the full interest is paid thereon for any three consecutive years.

Power to accept prior lien debenture stock in payment for land.

28. The directors of the amalgamated Company may, in their discretion, accept payment on account of the price of any of the amalgamated Company's lands sold after the agreement of amalgamation comes into effect by the transfer or surrender to the amalgamated Company of its prior lien debenture stock at par to be transferred or surrendered to the amalgamated Company by the holder thereof, and the prior lien debenture stock so transferred or surrendered shall be cancelled. When the prior lien debenture stock has been wholly redeemed then the five per cent debenture stock may in like manner be received and cancelled.

Duplicate seal.

29. The amalgamated Company may have a duplicate seal for the transaction of such of its business in Canada or the United States as the directors of the amalgamated Company from time to time designate, and the said seal may be used and affixed in such cases by such officer or officers as the directors may, by resolution from time to time, direct, and any instrument to which the said seal is so affixed shall be valid and binding upon the amalgamated Company. On or across the said seal the word "Canada" shall be cut or engraved, and the said seal shall only be used for the transaction of such business as is mentioned in this section.

Application of Railway Act.

30. *The Railway Act*, 1903, shall not apply to the new company, but upon the agreement of amalgamation coming into effect shall apply to the amalgamated Company, and to its railways, except only so far as it may be inconsistent with the express provisions of this Act and of the Acts set out in the schedule hereto.

Powers of constructing railways restricted.

31. The exercise by the amalgamated Company of any powers of constructing railways shall be subject to the provisions of the Acts relating to the Alberta Railway and Coal Company and the St. Mary's River Railway Company which are set out in the schedule to this Act, and in force at the date of the passing thereof.

32. All the provisions of *The North-west Irrigation Act*, which, at the date of the passing of this Act, relate to the Canadian North-west Irrigation Company and its undertaking, shall apply to the amalgamated Company's irrigation works and the conduct, management and operation thereof, and the exercise by the amalgamated Company of any powers of constructing irrigation works and conducting, managing and operating them, shall be subject to all the provisions of the Acts relating to the Canadian North-west Irrigation Company set out in the schedule to this Act, and in force at the date of the passing thereof. Irrigation powers restricted and defined.

33. This Act may be cited as *The Alberta Railway and Irrigation Amalgamation Act*, 1904. Title of Act.

SCHEDULE.

ACTS REFERRED TO.

Act.	Title.
1884, c. 86.....	An Act to incorporate the Alberta Railway and Coal Company.
1889, c. 50.....	An Act to incorporate the Alberta Railway and Coal Company.
1890, c. 85.....	An Act to amend the Act to incorporate the Alberta Railway and Coal Company.
1891, c. 77.....	An Act to amend the Acts relating to the Alberta Railway and Coal Company.
1892, c. 30.....	An Act respecting the Alberta Railway and Coal Company.
1893, c. 38.....	An Act respecting the Alberta Railway and Coal Company.
1895, c. 45.....	An Act respecting the Alberta Railway and Coal Company.
1901, c. 45.....	An Act respecting the Alberta Railway and Coal Company.
1903, c. 76.....	An Act respecting the Alberta Railway and Coal Company.
1893, c. 69.....	An Act to incorporate the Alberta Irrigation Company.
1896, c. 44.....	An Act to revive and amend the Act to incorporate the Alberta Irrigation Company.
1899, c. 93.....	An Act respecting the Alberta Irrigation Company, and to change its name to the Canadian North-west Irrigation Company.
1903, c. 96.....	An Act respecting the Canadian North-west Irrigation Company.
1900, c. 79.....	An Act to incorporate the St. Mary's River Railway Company.
1903, c. 187.....	An Act respecting the St. Mary's River Railway Company.

No. 85.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL.

An Act to incorporate the Alberta Railway and Irrigation Company, and to amalgamate therewith the Alberta Railway and Coal Company, the Canadian North-west Irrigation Company, and the St. Mary's River Railway Company.

First reading, April 27, 1904.

(PRIVATE BILL.)

MR. OLIVER.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1904

No. 86.] **BILL.** [1904.

An Act to amend the Criminal Code, 1892, respecting the punishment of Fraudulent Debtors.

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

1. Section 368 of *The Criminal Code*, 1892, is amended by adding the following after paragraph (*b*) thereof :— 1892, c. 29, s. 368 amended.

"(*c*) who, being a trader and indebted to an amount exceeding one thousand dollars, is unable to pay his creditors in full and has not, for five years next before such inability, kept such books of account as, according to the usual course of any trade or business in which he may have been engaged, are necessary to exhibit or explain his transactions, unless he be able to account for his losses to the satisfaction of the Court or Judge and to show that the absence of such books was not intended to defraud his creditors." Neglect to keep books of account.

No. 86.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL

An Act to amend the Criminal Code, 1892, respecting the punishment of Fraudulent Debtors.

First reading, April 27, 1904.

Mr. Bickerdike.

OTTAWA
Printed by S. E. Dawson
Printer to the King's most Excellent Majesty
1904

No. 88.] **BILL.** [1904.

An Act to amend the Railway Act, 1903.

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

1. Subsection 3 of section 230 of *The Railway Act*, 1903, is amended by striking out all the words after the word "rail" in the sixth line of the said subsection, and substituting therefor the following words: "Provided however that the Board may allow such filling to be left out from the month of December to the month of April in each year, both months included." 1903, c. 58, s. 230 amended.

No. 88.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL

An Act to amend The Railway Act, 1903.

First reading, April 28, 1904.

MR. LANCASTER.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1904

No. 90.] **BILL.** [1904.

An Act to incorporate the Bessemer and Barry's Bay Railway Company.

Preamble.

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

Incorporation.

Corporate name.

1. H. C. Farnum, H. L. Bingham, Booth, W. J. Sargent and H. L. Boldrick, together with such persons as become shareholders in the company, are incorporated under the name of "The Bessemer and Barry's Bay Railway Company," hereinafter called "the Company."

Declaratory.

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

Provisional directors.

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

Capital stock.

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

Head office.

5. The head office of the Company shall be in the village of Bessemer, in the township of Mayo, in the county of Hastings.

Annual meeting.

6. The annual meeting of the shareholders shall be held on the first Wednesday in September.

Directors.

7. The number of directors shall be five, one or more of whom may be paid directors.

Line of railway described.

8. The Company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches from the station of L'Amable on the Central Ontario Railway to a point on the Canada Atlantic Railway at or near Barry's Bay, passing through or near the villages of Bessemer, McArthur's Mills, Fort Stewart, Craigmont and Combermere, in the townships of Mayo, Carlow, Raglan, Radcliffe and Sherwood, in the counties Hastings and Renfrew, in the province of Ontario, and thence northerly and westerly through the district of Nipissing to a point on the Canadian Pacific Railway, at or near the village of Mattawa.

Issue of securities.

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

Agreement with another company.

10. Any agreement provided for in section 281 of *The Railway Act*, 1903, may be entered into between the Company and the Central Ontario Railway Company, the Irondale, Bancroft and Ottawa Railway Company, the Canada Atlantic Railway Company, or the Canadian Pacific Railway Company.

Other business.

11. The Company may carry on a mining, milling, reduction and development business, and in connection with such business may—

Mining and reduction of ores.

(*a*) prospect for, open, explore, develop, work, improve, maintain, and manage mines and mineral properties, and dig for, raise, crush, wash, smelt, assay, analyse, reduce and amalgamate and otherwise treat ores and minerals, whether belonging to the Company or not, and render them merchantable, and dispose thereof;

Mining properties and rights.

(*b*) acquire by purchase, lease, concession, license or otherwise, mines, mining lands, easement, mineral properties, or any interest therein, minerals and ores and mining claims, options, powers, privileges, water and other rights, patent-rights, letters patent of invention, processes, and mechanical or other contrivances, and either absolutely or conditionally, and either solely or jointly with others, and as principals, agents, contractors, or otherwise, and lease, mortgage, place under license, hypothecate, dispose of and otherwise deal therewith;

Tramways, telephones, telegraphs and water powers.

Buildings.

Merchandise.

(*c*) construct, maintain, and operate on the property of the Company, or on property controlled by the Company, tramways, telegraph or telephone lines, reservoirs, dams, flumes, race and other ways, water-powers, aqueducts, wells, roads, piers, wharfs, buildings, shops, stamping mills, and other works, machinery, plant and appliances of every description, and buy, sell, manufacture and deal in all kinds of goods, stores, implements, provisions, chattels and effects required by the Company;

Vessels.

(*d*) construct, acquire, charter, navigate and use steam and other vessels;

Shares in other companies.

(*e*) acquire and hold as the consideration for ores, metals or minerals sold or otherwise disposed of, or for goods, supplied or for work done by contract or otherwise, shares, debentures, bonds or other securities of any other company having objects similar to those of the Company, and dispose thereof;

Agreements with other companies.

(*f*) enter into any arrangement for sharing profits, union of interests, or co-operation with any person carrying on or about to carry on any business or transaction which may be of benefit to the Company;

Acquisition of other businesses.

(*g*) acquire and undertake all or any part of the assets, business, privileges, contracts, rights, obligations and liabilities of any person carrying on any part of the business which the Company is authorized to carry on, or possessed of property suitable for the purposes thereof;

Shares in road companies, etc.

(*h*) subscribe for and hold shares or stock in any company incorporated for the purpose of acquiring, holding, constructing, maintaining and keeping in repair roads, bridges, improvements in waterways, or other means of communication,

and drainage works, and other improvements, upon, through, over or adjacent to, or leading to or from the lands of such a company: Provided, that the consent of the shareholders shall be first obtained by resolution passed at a general meeting called for that purpose. Proviso.

12. The Company may construct and operate works for the production of electricity for motive power for its railways and for the lighting and heating of its rolling stock and other property, as well as for the mining, milling, reduction and development operations of the Company, and may sell or lease any such electricity not required for the purposes aforesaid. Electricity.

13. Nothing in the last two preceding sections contained shall be deemed to confer upon the Company any power to enter upon or take lands for the purposes of this section without the consent of the owners or occupiers of such lands. Expropriation of lands.

14. The Company may purchase lands for and erect power-houses, warehouses, elevators, docks, stations, work shops, machine shops, foundries and offices, and sell such land as is no longer required by the Company for such purposes. The Company may construct and operate such steam and other vessels as the directors deem requisite for the carriage of passengers, freight and other traffic in connection with its railway. Lands and works. Vessels. Transportation.

15. The Company may purchase the right to convey electricity required for the working of its railway and lighting or heating the same over, through or under lands other than its railway lands, and, with the consent of the councils of the municipalities affected, purchase the right to lay conduits under, or erect poles and wires on or over such lands as are determined by the Company, and along any public highways, or across any of the waters in this Province by the erection of the necessary fixtures, including posts, piers or abutments for sustaining the cords or wires of such lines, or the conduits for such electricity, upon and subject to such agreement in respect thereof as shall first be made between the Company and any private owners of the land affected, and between the Company and any municipality in which such works or any part thereof, or of the railway, may be situate, and under and subject to any by-laws of the council of such municipality passed in pursuance thereof. Conveyance of electricity over highways and other lands. Agreements with owners.

No. 90.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL.

An Act to incorporate the Bessemer and Barry's Bay Railway Company.

First reading, April 29, 1904.

(PRIVATE BILL.)

MR. NORTHRUP.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1904

No. 91.] **BILL.** [1904.

An Act respecting the Toronto and Hamilton Railway Company.

WHEREAS the Toronto and Hamilton Railway Company has, by its petition, prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition : Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :— Preamble. 1903, c. 196.

1. The Toronto and Hamilton Railway Company, hereinafter called "the Company," may construct and operate extensions of its railway from a point in or near the city of Hamilton, in the county of Wentworth, to some point on the International boundary line at or near Grand Island, or the town of Niagara Falls, in the county of Welland, and, with the consent of the proper authorities, beyond the limits of the province to a point in the state of New York; and also a branch line from a point on the railway hereby authorized to the city of St. Catharines, in the county of Lincoln, passing through or near the town of Thorold, and also to the town of Port Colborne, in the county of Welland. Extension of railway authorized. Branch line.

2. Subsection 2 of section 7 of chapter 196 of the statutes of 1903 is repealed. 1903, c. 196, s. 7 amended.

3. Section 15 of the said Act is repealed. Section 15 repealed.

4. The construction of the railways mentioned in the said Act and in this Act may be commenced within two years after the passing of this Act, and the railways may be finished and put in operation within five years after the passing of this Act, and if the Company's railway is not so commenced, or is not finished and put in operation, within the said respective periods, then the powers of construction granted to the Company shall cease and be null and void as respects so much of the railway as then remains uncompleted. Time for construction of railway.

No. 91.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL.

An Act respecting the Toronto and Hamilton Railway Company.

First reading, April 29, 1904.

(PRIVATE BILL.)

MR. CALVERT.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1904

No. 92.] **BILL.** [1904.

An Act respecting certain patents of William A. Damen.

WHEREAS William A. Damen, of the city of Toronto, in the county of York, has by his petition represented that he is the holder of letters patent issued under the seal of the Patent Office, viz: patent number fifty-two thousand eight hundred and thirty-nine, dated the seventh day of July, eighteen hundred and ninety-six, and patent number sixty thousand eight hundred and eighty-one dated the ninth day of August, eighteen hundred and ninety-eight, for improvements in vulcanizing apparatus; patent number sixty thousand eight hundred and eighty-two dated the ninth day of August, eighteen hundred and ninety-eight, and patent number sixty-eight thousand four hundred and eighty-three dated the twentieth day of August, nineteen hundred, for improvements in flexible tubing; and patent number sixty-eight thousand five hundred and fifty-four, dated the thirtieth day of August, nineteen hundred, for improvements in the covering of wires; and whereas the said William A. Damen has, by his petition, prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. Notwithstanding anything to the contrary in *The Patent Act*, or in the letters patent mentioned in the preamble, the time to construct or manufacture, in Canada, the patented invention under each and all of the said letters patent shall be deemed to have been duly extended until the first day of January, nineteen hundred and four, and such extensions shall have the same effect as if applied for and granted within the time prescribed. Extensions of patent.

2. If any person, other than any licensee has, in the period between the expiry of two years from the date of the said letters patent or of any authorized extension thereof and the first day of January, nineteen hundred and four, commenced to manufacture and sell, in Canada, any of the patented inventions covered by the said letters patent respectively, such person may continue to manufacture, use and sell such invention in as full and ample a manner as if this Act had not been passed. Rights of third persons saved.

No. 92.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL

An Act respecting certain patents of William A. Damen.

First reading, April 29, 1904.

(PRIVATE BILL.)

MR. CAMPBELL.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1904

No. 93.] **BILL.** [1904.

An Act respecting a certain patent of E. A. Small.

Preamble.

WHEREAS the estate of the late E. A. Small has, by its petition, represented that it is the holder and owner of a patent issued under the seal of the Patent Office, dated the sixteenth day of June, one thousand eight hundred and ninety-nine, being number fifty-nine thousand two hundred and ninety one, for a wardrobe for the protection, storing and convenient displaying of goods. And whereas the said estate has, by its petition, prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Commissioner of Patents may extend term of patent.

1. Notwithstanding anything to the contrary in *The Patent Act*, or in the patent mentioned in the preamble, the Commissioner of Patents may receive from the estate of the late E. A. Small a petition or petitions for a certificate or certificates of payment of further fees and the usual fees upon the said patent for the remainder of the term of eighteen years from the date of the said patent, and may grant and issue to the said estate the certificate or certificates of payment of further fees provided by *The Patent Act*, and an extension or extensions of the term or duration of the said patent to the full term of eighteen years, in as full and ample a manner as if the application therefor had been duly made within the first six years of the term of the said patent from the date of issue of the said patent.

Rights of third persons preserved.

2. If any person has, in the period between the fifteenth day of March, one thousand nine hundred and four, and the date of the first of the certificates hereinbefore authorized to be issued, commenced to manufacture, use and sell in Canada the invention covered by the said patent, such person may continue to manufacture, use and sell such invention in as full and ample a manner as if this Act had not been passed.

No. 93.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL.

An Act respecting a certain patent of E. A. Small.

First reading, April 29, 1904.

(PRIVATE BILL.)

MR. LOGAN.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1904

No. 94.] **BILL.** [1904.

An Act respecting the Timagami Railway Company.

Preamble.

1898, c. 87; 1900, c. 84; 1902, c. 106.

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

1898, c. 87, s. 1 amended.

1. Section 1 of chapter 87 of the statutes of 1898 is amended by striking out of the said section the names "Charles Alfred Marie Paradis, James Holdatch."

Section 6 repealed.

Provisional directors.

2. Section 6 of the said Act is repealed, and in lieu thereof it is enacted that Walter Adam Cockburn, Lancelot Edward Bolster, Henry Elwood McKee, John Henry Payne and Thomas E. McKee, of Sturgeon Falls, Ontario, John Craig, of London, England, and George C. Loveys, of Toronto, Ontario, shall be the provisional directors of the Timagami Railway Company.

1902, c. 106 repealed.

3. Chapter 106 of the statutes of 1902 is repealed.

Time for construction of railway.

4. The construction of the railway of the said company may be commenced within four years after the passing of this Act, and the railway may be finished and put in operation within seven years after the passing of this Act; and if the railway is not so commenced and such expenditure is not so made, or if the railway is not finished and put in operation, within the said respective periods, then the powers of construction granted to the said company by Parliament shall cease and be null and void as respects so much of the railway as then remains uncompleted.

No. 94.

4th Session, 9th Parliament, 4 Edward VII, 1904

BILL.

An Act respecting the Timagami Railway Company.

First reading, April 29, 1904.

(PRIVATE BILL.)

MR. MCCOOL.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1904

[CORRECTED COPY.]

No. 94.] **BILL.** [1904.

An Act respecting the Timagami Railway Company.

WHEREAS the Timagami Railway Company has, by its petition, prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. 1898, c. 87; 1900, c. 84; 1902, c. 106.

1. Section 1 of chapter 87 of the statutes of 1898 is amended by striking out of the said section the names "Charles Alfred Marie Paradis, James Holdatch." 1898, c. 87, s. 1 amended.

2. Section 6 of the said Act is repealed, and in lieu thereof it is enacted that Walter Adam Cockburn, Lancelot Edward Bolster, Henry Elwood McKee, John Henry Payne and Thomas E. McKee, of Sturgeon Falls, Ontario, John Craig, of London, England, and George C. Loveys, of Toronto, Ontario, shall be the provisional directors of the Timagami Railway Company. Section 6 repealed. Provisional directors.

3. Chapter 106 of the statutes of 1902 is repealed. 1902, c. 106 repealed.

4. The construction of the railway of the said company may be commenced within four years after the passing of this Act, and the railway may be finished and put in operation within seven years after the passing of this Act; and if the railway is not so commenced, or is not finished and put in operation, within the said respective periods, then the powers of construction granted to the said company by Parliament shall cease and be null and void as respects so much of the railway as then remains uncompleted. Time for construction of railway extended.

No. 94.

4th Session, 9th Parliament, 4 Edward VII, 1904.

[CORRECTED COPY.]

BILL.

An Act respecting the Timagami Railway Company.

First reading, April 29, 1904.

(PRIVATE BILL.)

MR. MCCOOL.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1904

No. 95.] **BILL.** [1904.

Act to incorporate the Vancouver Island Railway Company.

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

Incorporation. **1.** D. G. Macdonell,

together with such persons as become shareholders in the company, are incorporated under the name of the "Vancouver Island Railway Company," hereinafter called "the Company." Corporate name.

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

Capital stock, calls thereon. **3.** The capital stock of the Company shall be one million dollars. No one call thereon shall exceed ten per cent on the shares subscribed.

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

Annual meeting. **5.** The annual meeting of the shareholders shall be held on the first Monday in September.

Directors. **6.** The number of directors shall be three, one or more of whom may be paid directors.

Line of railway described. **7.** The Company may lay out, construct and operate a railway of the gauge of four feet, eight and one-half inches, from a point at or near Chatham Point, on Vancouver Island, Province of British Columbia, to Alberni, on the same island, via Comox; and also to a point on Quatsino Sound, on the west coast of the said island.

Issue of securities. **8.** The securities issued by the Company shall not exceed twenty-five thousand dollars per mile of the railway, and may be issued only in proportion to the length of railway constructed or under contract to be constructed.

No. 95.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL.

An Act to incorporate the Vancouver Island Railway Company.

First reading, May 6, 1904

(PRIVATE BILL.)

MR. MACPHERSON.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1904

No. 96.] **BILL.** [1904.

An Act to incorporate the Crawford Bay and St. Mary's Railway Company.

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

1. Henry Roy and Francis W. Rolt, both of the town of Rossland, in the Province of British Columbia, Jules J. Fleutot of the town of Frank in the District of Alberta, Joseph J. B. Gosselin, of Notre Dame de Stanbridge in the Province of Quebec, J. T. B. Caron of the city of Ottawa, in the Province of Ontario, and Edward Hoffman of the city of New York, in the State of New York, one of the United States, together with such persons as become shareholders in the company, are incorporated under the name of "The Crawford Bay and St. Mary's Railway Company," hereinafter called "the Company." Incorporation. Corporate name.

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

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

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

5. The head office of the Company shall be in the city of Nelson, in the Province of British Columbia. Head office.

6. The annual meeting of the shareholders shall be held on the first Tuesday in September. Annual meeting.

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

8. The Company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches from a point on or near Crawford Bay on Kootenay Lake in the district of West Kootenay, in the Province of British Columbia, thence easterly by the most convenient and feasible route through the valley of Crawford Creek and the valley of the St. Line of railway described.

Mary's River to a point at or near Fort Steele in the district of East Kootenay, in the Province of British Columbia.

Issue of securities.

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

General powers.

10. The Company may, in connection with its undertaking and for the purposes of its railway business—

Vessels. Transportation.

(*a.*) construct, own and maintain vessels, boats and ferries, and operate them upon any navigable waters in the Province of British Columbia;

Buildings. Tramways.

(*b.*) construct, acquire, lease and sell hotels, restaurants, docks, wharfs, elevators, warehouses, tramways or other buildings and works;

Mortgage of property.

(*c.*) mortgage and hypothecate any hotels, docks, wharfs, elevators, warehouses, tramways and vessels for the cost thereof; and pledge the revenue thereof for the payment of interest upon the bonds issued in respect thereof;

Lands and water powers. Electricity.

(*d.*) acquire lands and water powers for the generation of electrical and other power, and acquire, construct and operate all works, machinery and plant for the generation, transmission and distribution of electric and other power and energy, and utilize such powers and works for the purposes of heating and lighting, and dispose of power not required for the undertaking of the railway;

Express and warehousing.

(*e.*) carry on the business of expressmen, forwarding agents, wharfingers and warehousemen.

Expropriation powers.

11. If the Company requires lands for hotels, restaurants, wharfs, docks, elevators, tramways, warehouses or other works authorized by this Act, and cannot agree with the owner for the purchase thereof, the provisions of section 139 of *The Railway Act*, 1903, shall apply to the acquisition of such lands and the compensation to be paid therefor.

Telegraphs and telephones.

12. The Company may construct and operate telegraph and telephone lines upon its railways, and for the purpose of operating such lines, or exchanging and transmitting messages, may enter into contracts with any companies having telegraph or telephone powers, and may connect its own lines with the lines of, or may lease its own lines to, any such companies.

Rates and charges.

2. The Company may transmit messages for the public and collect rates or charges therefor, but no rate or charge shall be demanded or taken for the transmission of any message or for leasing or using the telegraphs or telephones of the Company, until is has been approved of by the Governor in Council, who may also revise such rates and charges from time to time.

R.S.C., c. 132.

3. *The Electric Telegraph Companies Act* shall apply to the telegraphic business of the Company.

Issue of paid up stock.

13. The directors may make and issue, as paid up stock, shares in the ordinary or debenture stock of the Company, whether subscribed for or not, and may allot and hand over such stock in payment for right of way, plant, rolling stock or material of any kind, and also for the services of solicitors,

contractors, or engineers, and in partial payment for the purchase, lease or other acquisition of railways, tramways, wharfs, lands, ships, appurtenances, franchises and other property which the Company is authorized under the provisions of any Act relating to it to acquire, construct, operate or own, and such issue and allotment of stock shall be binding on the Company, and such stock shall not be assessable for calls.

Agreements with other companies.

14. Any agreement provided for in section 281 of *The Railway Act*, 1903, may be entered into between the Company and the Canadian Pacific Railway Company and the Great Northern Railway Company, or any railway company or system whose line of railway runs in the Province of British Columbia.

No. 96.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL.

An Act to incorporate the Crawford Bay and St. Mary's Railway Company.

First reading, May 6, 1904.

(PRIVATE BILL.)

Mr. Macpherson.

OTTAWA
Printed by S. E. Dawson
Printer to the King's most Excellent Majesty
1904

No. 97.] **BILL.** [1904.

An Act respecting the Trans-Canada Railway Company.

Preamble.

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

1895, c. 68; 1897, c. 65; 1902, c. 108.

First meeting of shareholders.

1. Notwithstanding anything contained in the *The Railway Act*, 1903, or in the Acts relating to the Trans-Canada Railway Company, so soon as one million dollars of the capital stock have been subscribed and ten per cent thereon has been paid into some chartered bank in Canada, the provisional directors shall call a meeting of the shareholders of the said company at the place where the head office is situate, at such time as they think proper, giving the notice prescribed by section 61 of *The Railway Act*, 1903, at which meeting the shareholders who have paid at least ten per cent on the amount of stock subscribed for by them shall, from the persons qualified, elect the number of directors prescribed by the said company's Act of incorporation.

1903, c. 58.

Election of directors.

1902, c. 108, s. 1 repealed.

2. Section 1 of chapter 108 of the statutes of 1902 is repealed.

Time for construction extended.

3. The said company shall expend the sum of one million dollars upon the construction of its railway within four years after the passing of this Act, and may finish the railway and put it in operation within ten years after the passing of this Act; and if such expenditure is not so made, or if the railway is not finished and put in operation, within the said respective periods, then the powers granted to the said company by Parliament shall cease and be null and void as respects so much of the railway as then remains uncompleted.

No. 97.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL

An Act respecting the Trans-Canada Railway Company.

First reading, May 6, 1904.

(PRIVATE BILL.)

MR. GIRARD.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1904

No. 98.] **BILL.** [1904.

An Act respecting the Harbour of Port Arthur, in the Province of Ontario.

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

Interpretation.

1. In this Act, unless the context otherwise requires,—

"Ship."

(*a.*) The expression "ship" includes any vessel used in navigation or afloat on navigable waters, not propelled by oars;

"Master."

(*b.*) The expression "master" includes every person in command or in charge of the ship, except the pilot;

"Rates."

(*c.*) The expression "rates" means any due, rate, toll or duty, imposed under this Act.

Harbour of Port Arthur defined.

2. There shall be a harbour called the harbour of Port Arthur, in the province of Ontario, the limits of which shall include all the waters of Thunder Bay and the navigable portions of the rivers falling into Thunder Bay north and east of a line drawn from the point where the line dividing the towns of Fort William and Port Arthur strikes the waters of Thunder Bay to Thunder Cape lighthouse.

Appointment of harbour Commissioners.

3. The Governor in Council may appoint three commissioners to have the superintendence and control of the said harbour, and of all officers and servants appointed under the provisions of this Act, and to place and maintain the necessary buoys and beacons in and for the harbour.

Powers of Commissioners.

4. The Commissioners may, with the approval of the Governor in Council, make regulations defining the rights, powers and duties of the harbour master and the other officers and servants appointed by the Commissioners for the management and government of the harbour, provide for the erection and location of ballast and other whafrs, and establish rates to be paid for the use of ballast and other wharfs.

Penalties for breach of regulations.

2. By such regulations the Commissioners may impose penalties, not in any case exceeding one hundred dollars, for any breach of such regulations, with, in the case of continued breach thereof, a further penalty not exceeding ten dollars for every twelve hours during which such breach continues; and every breach of any such regulation shall be deemed an offence against this Act, and every such penalty shall be held to be a penalty imposed under this Act.

Annual report to Minister of Marine.

5. The Commissioners shall be under the control of the Minister of Marine and Fisheries, to whom they shall furnish

a report in writing, verified by oath, on or as soon as possible after the thirty-first day of December in each year, of the moneys received and expended by them, in such form and containing such details and particulars as the Minister directs.

Record of shipping and cargoes.

6. The Commissioners shall cause to be kept a book in which shall be entered, from day to day, the name and tonnage of each vessel arriving in the harbour or sailing therefrom, together with a description and the tonnage and value of cargoes entered inwards and outwards.

Harbour rates.

7. The Commissioners may, with the approval of the Governor in Council, establish rates, not exceeding one cent per ton on the registered tonnage of each ship over forty tons register, to be levied and collected as a harbour rate on all ships over forty tons register entering the harbour for any purpose.

Collection and disposal of rates.

2. The said rates shall be collected by the collector of customs at Port Arthur, who shall not grant clearance outwards to any ship until the rates are paid, and shall on the last day of March, June, September and December, or as soon thereafter as possible, pay over to the Commissioners the amounts so collected.

Appointment of officers.

8. The Commissioners, with the approval of the Minister, may appoint a harbour master, a deputy harbour master, and such other officers and servants as are found necessary, and fit and proper persons, not exceeding three in number, as police constables, and may pay such officers and servants such salaries as are approved by the Minister: Provided, that the salary of the harbour master shall not exceed four hundred dollars per annum.

Salary of harbour master.

Powers of constables.

2. The said constables, upon being duly sworn as such by any justice of the peace for the locality, shall, while so employed, obey all lawful orders of the Commissioners, and shall have in the harbour all the rights, powers and responsibility of constables duly appointed in Ontario, but for the purpose only of carrying out this Act and the criminal laws of the Dominion of Canada.

Expenditure of moneys by Commissioners.

9. The Commissioners shall pay out of any moneys received by them the cost of constructing and maintaining the buoys and beacons, the salaries of the harbour master and other officers and servants, and the other necessary expenses under this Act, and shall expend the remainder of such moneys for the improvement of the harbour and the navigation therein, and for the construction, maintenance and repair of breakwaters, piers, wharfs and other works: Provided, however, that no work of any description shall be commenced until the location, plans and estimates thereof have been approved by the Minister.

Proviso, as to work.

Recovery of penalties.

10. All penalties incurred under this Act may be recovered with costs in a summary manner; and all penalties recovered under this Act shall be paid to the Minister of Finance and Receiver General, and shall form part of the Consolidated Revenue Fund of Canada.

No. 98.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL

An Act respecting the Harbour of Port Arthur, in the Province of Ontario.

First reading, May 6, 1904.

MR. PRÉFONTAINE.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1904

No. 99.] **BILL.** [1904.

An Act respecting the Harbour of Fort William, in the Province of Ontario.

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

Interpretation.

1. In this Act, unless the context otherwise requires,—

"Ship."

(*a.*) The expression "ship" includes any vessel used in navigation or afloat on navigable waters, not propelled by oars;

"Master."

(*b.*) The expression "master" includes every person in command or in charge of the ship, except the pilot;

"Rates."

(*c.*) The expression "rates" means any due, rate, toll or duty, imposed under this Act.

Harbour of Fort William defined.

2. There shall be a harbour called the Harbour of Fort William, in the province of Ontario, the limits of which shall include all the waters of Thunder Bay and Lake Superior, and the navigable portions of all rivers emptying therein, south of the south-west boundary of the harbour of Port Arthur, west of a line drawn due south astronomically through Thunder Cape lighthouse, and north of the international boundary line.

Appointment of harbour Commissioners.

3. The Governor in Council may appoint three commissioners to have the superintendence and control of the said harbour, and of all officers and servants appointed under the provisions of this Act, and to place and maintain the necessary buoys and beacons in and for the harbour.

Powers of Commissioners.

4. The Commissioners may, with the approval of the Governor in Council, make regulations defining the rights, powers and duties of the harbour master and the other officers and servants appointed by the Commissioners for the management and government of the harbour, provide for the erection and location of ballast and other wharfs, and establish rates to be paid for the use of ballast and other wharfs.

Penalties for breach of regulations.

2. By such regulations the Commissioners may impose penalties, not in any case exceeding one hundred dollars, for any breach of such regulations, with, in the case of continued breach thereof, a further penalty not exceeding ten dollars for every twelve hours during which such breach continues; and every breach of any such regulation shall be deemed an offence against this Act, and every such penalty shall be held to be a penalty imposed under this Act.

Annual report to Minister of Marine.

5. The Commissioners shall be under the control of the Minister of Marine and Fisheries, to whom they shall furnish

a report in writing, verified by oath, on or as soon as possible after the thirty-first day of December in each year, of the moneys received and expended by them, in such form and containing such details and particulars as the Minister directs.

Record of shipping and cargoes.

6. The Commissioners shall cause to be kept a book in which shall be entered, from day to day, the name and tonnage of each vessel arriving in the harbour or sailing therefrom, together with a description and the tonnage and value of cargoes entered inwards and outwards.

Harbour rates.

7. The Commissioners may, with the approval of the Governor in Council, establish rates not exceeding one per cent per ton on the registered tonnage of each ship over forty tons register, to be levied and collected as a harbour rate on all ships over forty tons register entering the harbour for any purpose.

Collection and disposal of rates.

2. The said rates shall be collected by the collector of customs at Fort William, who shall not grant clearance outwards to any ship until the rates are paid, and shall on the last day of March, June, September and December, or as soon thereafter as possible, pay over to the Commissioners the amounts so collected.

Appointment of officers.

8. The Commissioners may, with the approval of the Minister, appoint a harbour master, a deputy harbour master, and such officers and servants as are found necessary and fit and proper persons, not exceeding three in number, as police constables, and may pay such officers and servants such salaries as are approved by the Minister: Provided that the salary of the harbour master shall not exceed four hundred dollars per annum.

Salary of harbour master.

Powers of constables.

2. The said constables, upon being duly sworn as such by any justice of the peace for the locality, shall, while so employed, obey all lawful orders of the Commissioners, and shall have in the harbour all the rights, powers and responsibility of constables duly appointed in Ontario, but for the purpose only of carrying out this Act and the criminal laws of Canada.

Expenditure of moneys by Commissioners.

9. The Commissioners shall pay out of any moneys received by them the cost of constructing and maintaining the buoys and beacons, the salaries of the harbour master and other officers and servants, and the other necessary expenses under this Act, and shall expend the remainder of such moneys for the improvement of the harbour and the navigation therein, and for the construction, maintenance and repair of breakwaters, piers, wharfs and other works: Provided, however, that no work of any description shall be commenced until the location, plans and estimates thereof have been approved by the Minister.

Proviso, as to work.

Recovery of penalties.

10. All penalties incurred under this Act may be recovered with costs in a summary manner; and all penalties recovered under this Act shall be paid to the Minister of of Finance and Receiver General, and shall form part of the Consolidated Revenue Fund of Canada.

No. 99.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL

An Act respecting the Harbour of Fort William, in the Province of Ontario.

First reading, May 6, 1904.

Mr. Préfontaine.

OTTAWA
Printed by S. E. Dawson
Printer to the King's most Excellent Majesty
1904

No. 100.] **BILL.** [1904.

An Act to amend the Pilotage Act.

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

Pilotage authority.

1. Notwithstanding anything in *The Pilotage Act*, the Governor in Council may, when it appears to him to be in the interest of navigation, appoint the Minister of Marine and Fisheries to be the pilotage authority for any pilotage district, or for any part thereof; and the Minister shall thereupon supersede the then existing pilotage authority for that district or part of a district.

R.S.C., c. 80.

No. 100.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL.

An Act to amend the Pilotage Act.

First reading, May 6, 1904.

Mr. Préfontaine.

OTTAWA
Printed by S. E. Dawson
Printer to the King's most Excellent Majesty
1904

No. 101.] **BILL.** [1904.

An Act to amend the Steamboat Inspection Act, 1898.

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

1. Subsection 1 of section 6 of *The Steamboat Inspection Act*, 1898, is amended by adding thereto the following paragraph:— 1903, c. 46, s. 6 amended.

"(*g.*) for the inspection of the machinery and equipment of steamboats propelled by gas, fluid, naptha, electricity, or any other mechanical or chemical power, and in the case of such vessels for making such changes in forms A and B of the second schedule hereto as he deems advisable." Regulations.

No. 101.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL.

An Act to amend the Steamboat Inspection Act, 1898.

First reading, May 6, 1904.

Mr. Préfontaine.

OTTAWA
Printed by S. E. Dawson
Printer to the King's most Excellent Majesty
1904

No. 102.] **BILL.** [1904.

An Act to amend the Shipping Casualties Act, 1901.

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

1. Section 2 of *The Shipping Casualties Act*, 1901, is amended by the addition of the following paragraph:— 1901. c. 35, s. 2 amended.

"(*g*) The expression 'pilot' means any person not belonging to a ship who has the conduct thereof." "Pilot" defined.

2. Section 4 of the said Act is repealed and the following is substituted therefor:— New section 4.

"4. The Minister may appoint a principal officer of Customs or any officer of the Government of Canada, or any person to make preliminary inquiries respecting such shipping casualties. Preliminary inquiry into shipping casualties.

"2. If, upon a preliminary inquiry, the officer holding it is of opinion that any loss, or damage, or the stranding of any ship, or any loss of life, has been caused by the wrongful act or default of the pilot in charge, or that such pilot has been guilty of any gross act of misconduct or drunkenness, the license of such pilot may be suspended by such officer until a formal investigation under this Act has been held and a further decision rendered upon the case: Provided that the term of suspension shall not exceed a period of three days, unless the Minister notifies such pilot within that time that a formal investigation will be held." Suspension of license. Proviso.

3. The following sections are added to the said Act:— Sections added.

"27. The license of any licensed pilot shall be subject to cancellation and suspension in the same manner that the certificate of a master, mate or engineer, is subject to cancellation or suspension under this Act, and the provisions of this Act relating to the manner in which such certificates shall be dealt with shall, so far as they are applicable, extend to pilots' licenses; or the court may fine any licensed pilot in any sum not exceeding one-half of the net income he derives from his service as a pilot, based upon his earnings for the previous year, and may make order for the payment of such fine by instalments or otherwise, as it deems expedient. Licensed pilots.

"2. Any penalty incurred under this section may be recovered in the name of His Majesty in a summary manner with costs under the provisions of Part LVIII of *The Criminal Code*, 1892." Recovery of penalties.

Inquiry final.

"**28.** An investigation or inquiry shall not be held under *The Pilotage Act* or the amendments thereto into any matter which has once been the subject of an investigation or inquiry under this Act."

No. 102.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL.

An Act to amend the Shipping Casualties Act, 1901.

First reading, May 6, 1904.

MR. PRÉFONTAINE.

OTTAWA
Printed by S. E. Dawson
Printer to the King's most Excellent Majesty
1904

No. 103.] **BILL.** [1904.

An Act to incorporate the Canadian Artillery Association.

Preamble.

WHEREAS the voluntary association now existing under the name of the Canadian Artillery Association has, by its petition, prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation.

1. Colonels the Right Honourable Matthew Lord Aylmer, William Henry Cotton, Charles E. Montizambert, Charles William Drury, C. B. and James F. Wilson, Lieutenant-Colonels De la Cherois T. Irwin, C.M.G., Archibald H. Macdonald, Frederick Minden Cole, Frank King, Crawford Lindsay, Edward G. Prior, John A. Longworth, Louis William Coutlée, F. H. Oxley, Robert W. Rutherford, Richard Costigan, R. L. Maltby, T. Lef. Boulanger, W. W. White, A. G. Hesslein and John S. Hendrie, Majors Robert Myles, W. H. Merritt, E. Laliberté, G. W. Stephens, William C. Good, L. J. O. Ducharme and N. F. MacNachtan, members of the voluntary association mentioned in the preamble, together with such persons as become members of the association hereby incorporated, are incorporated under the name of "The Canadian Artillery Association," hereinafter called "the Association."

Corporate name.

Existing officers and by-laws continued.

2. The officers and council of the said voluntary association at the time of the passing of this Act shall be the officers and council of the Association until the first general meeting of the Association or until their successors are elected, and the constitution, by-laws, rules and regulations of the said voluntary association at the time of the passing of this Act shall continue to be the constitution, by-laws, rules and regulations of the Association, so far as they are consistent with this Act, until repealed or amended in the manner prescribed by this Act.

Property to vest.

3. All property, real and personal, now belonging to the said voluntary association is hereby transferred to and vested in the Association, its successors and assigns.

Head office.

4. The head office of the Association shall be in the city of Ottawa, in the province of Ontario.

Election of officers.

5. At the first general meeting of the Association, and at each annual general meeting of the Association, the Association shall elect a president, four vice-presidents, and such members of the council as the Association may choose, from among the members of the Association.

Council of the Association.

6. The council of the Association shall consist of the ex-officio members entitled to vote at meetings of the Association, under its by-laws and of the members so elected.

Powers of council.

7. The council may in all things administer the affairs of the Association, make all contracts within the scope of the business and powers of the Association, do such other things as are required for the proper transactions of the affairs of the Association, and make by-laws for the following purposes :—

(*a.*) the appointments, duties and removal of all officers and servants of the Association, and their remuneration ;

(*b.*) the time and place of all meetings of the Association, council and committees, and the quorum thereof and voting at such meetings ;

(*c.*) the fees and membership of the Association ;

(*d.*) the filling of vacancies occurring in the council and committees ;

(*e.*) the conduct, in all other particulars, of the affairs of the Association, and for carrying out its objects and powers.

Executive committee of council.

8. The council, at its first meeting after each annual general meeting, shall elect from among its members a committee to be called the executive committee ; and the council may, by resolution, delegate to the executive committee power to make by-laws for any of the purposes mentioned in section 7 of this Act, which by-laws shall thereupon be of the same force and effect as if made by the council.

Objects of Association.

9. The objects and powers of the Association shall be—

(*a.*) to promote the developement of gunnery skill and the dissemination of artillery knowledge in Canada ;

(*b.*) to establish, regulate, control and carry on annual prize competitions for gunnery and other artillery subjects throughout Canada, with a view to the attainment of the greatest possible efficiency by the field and garrison artillery of Canada ;

(*c.*) to acquire, hold and dispose of such real and personal property as is necessary or desirable for the purposes of the Association, and to invest any surplus moneys of the Association as the council decides ;

(*d.*) to erect and furnish such buildings as are necessary for the purposes and objects of the Association, and to alienate, lease or dispose of the same ;

(*e.*) to borrow money upon mortgage of the real estate of the Association or any other security, for such time and for such purposes as it deems proper ;

(*f.*) to become a party to promissory notes and bills of exchange for the purposes or objects of the Association, as the council deems necessary or advisable ;

(*g.*) to affiliate other associations, corps and corporations having like objects.

10. No officer or member of the Association shall, as such, be personally liable for any debt, obligation or contract of the Association. No personal liability.

11. Every by-law, rule or regulation made by the council, or by the executive committee under its authority, shall have force until the next annual general meeting of the Association, and in default of confirmation thereat shall cease and become void ; provided that any by-law, rule or regulation made by the council or the executive committee may be repealed or amended by the Association at any annual general meeting or at any special general meeting called for that purpose. By-laws.

12. Upon the coming into force of this Act, the voluntary association shall cease to exist as such, and the Association hereby incorporated shall be bound and liable for all debts and obligations of the voluntary association. Liability for existing debts.

No. 103.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL.

An Act to incorporate the Canadian Artillery Association.

First reading, May 10, 1904.

Sir Frederick Borden.

OTTAWA
Printed by S. E. Dawson
Printer to the King's most Excellent Majesty
1904

No. 104.] **BILL.** [1904.

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

Preamble.

1890, c. 56; 1902, c. 105.

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

1902, c. 105, s. 2 repealed.

Collingwood extension.

Time for construction extended.

1. Section 4 of chapter 105 of the statutes of 1902 is repealed, and in lieu thereof it is enacted that, notwithstanding anything in *The Railway Act*, 1903, the extension of the railway of the Tilsonburg, Lake Erie and Pacific Railway Company, described in section 2 of the said chapter 105, may be proceeded with, finished and put in operation within five years after the passing of this Act, and if the said extension is not finished and put in operation within the said time the powers of construction granted to the said company shall cease and be null and void with respect to so much of the said extension as then remains uncompleted.

No. 104.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL.

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

First reading, May 11, 1904.

(PRIVATE BILL.)

MR. CALVERT.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1904

No. 105.] **BILL.** [1904.

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

Preamble.

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

1903, c. 143 amended.

1. Lines nine, ten and eleven of section 1 of chapter 143 of the statutes of 1903 are repealed, and the following substituted therefor :—

Line of railway.

"(*b.*) from a point on the Company's line southerly of Walkerville to a point on the Detroit River at or near Sandwich."

Time for construction.

2. The construction of the railways mentioned in the said Act and in this Act may be commenced within two years after the passing of this Act, and the said railways may be finished and put in operation within five years after the passing of this Act, and if the said railways are not so commenced, or are not finished and put in operation, within the said respective periods, then the powers of construction shall cease and be null and void as respects so much of the said railways as then remains uncompleted.

No. 105.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL.

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

First reading, May 13, 1904.

(PRIVATE BILL.)

MR. SUTHERLAND,
(Essex).

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1904

No. 106.] **BILL.** [1904.

An Act to incorporate the Chicoutimi and North-eastern Railway Company.

Preamble.

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

Incorporation.

1. Sir Adolphe P. Caron, C. Berkeley Powell, Johnston Edgerly, Robert V. Sinclair, Robert Sinclair and James A. Ellis, of the city of Ottawa, in the Province of Ontario, and J. G. Scott, Walter J. Ray, B. A. Scott, and E. J. Duggan, of the city of Quebec, in the Province of Quebec, together with such persons as become shareholders in the company, are incorporated under the name of "The Chicoutimi and North-eastern Railway Company," hereinafter called "the Company."

Corporate name.

Provisional directors.

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

Capital stock.

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

Head office.

4. The head office of the Company shall be in the city of Quebec, or such other place in Canada as the Company determines by by-law.

Annual meeting.

5. The annual meeting of the shareholders shall be held on the fourth Wednesday in September in each year.

Election of directors.

6. At such meeting the subscribers for the capital stock assembled, who have paid all calls due on their shares, shall choose not less than five nor more than nine persons to be directors of the Company, one or more of whom may be paid directors.

Line of railway described.

7. The Company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches from a point on the line of the Quebec and Lake St. John Railway in or near the town of Chicoutimi, in the Province of Quebec, thence in an easterly or north-easterly direction to some point on Rigolet Bay, or to some point on the Gulf of St. Lawrence or the Atlantic coast.

Powers of Company.

8. The Company may, in connection with its railway and for the purposes of its business,—

Ferries and vessels.

(*a.*) acquire, construct and run ferries, steam and other vessels for cargo, and passengers upon any navigable waters which the railway of the Company may connect with ;

Elevators.

(*b.*) construct and operate elevators upon its line of railway.

Telegraph and telephone lines.

9. The Company may construct and operate telegraph and telephone lines upon its railway, and for the purpose of operating such lines or exchanging or transmitting messages, may enter into contracts with any companies having telegraph or telephone powers and may connect its own lines with the lines of such companies or may lease its own line.

Rates to be approved.

2. The Company may transmit messages for the public and collect rates or charges therefor, but no rate or charge shall be demanded or taken for the transmission of any message or for leasing or using the telegraphs or telephones of the Company until it has been approved of by the Governor in Council, who may also revise such rates or charges from time to time.

R.S.C., c. 132.

3. *The Electric Telegraph Companies Act* shall apply to the telegraphic business of the Company.

Expropriation of land.

10. If the Company requires land for the construction of wharfs, docks or elevators, and cannot agree with the owner thereof for the purchase of such land, it may cause a map or plan and book of reference to be made of such land, and all the provisions of sections 107 to 111, both inclusive, of *The Railway Act* shall apply to the subject matter of this section and to the obtaining of such land and determining the compensation therefor.

Bond issue on property generally.

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

Mortgage to secure bonds.

12. For the purpose of securing the issue of such bonds the Company shall execute a mortgage or mortgages not inconsistent with law or with the provisions of this Act, in such form and containing such provisions as are approved by a resolution passed at a special general meeting of shareholders duly called for that purpose representing at least three-fourths in value of the shareholders of the Company.

Terms of mortgage.

2. The said mortgages shall be made to trustees appointed for this purpose at the said special general meeting, and may contain provisions establishing the amount secured upon the vessels or class of vessels or property, other than the railway, to which such mortgages relate, the rank and privilege to appertain to the bonds intended to be secured thereby, the rights and remedies to be enjoyed by the respective holders of such bonds, the mode of assuring the application of the pro-

ceeds of such bonds to the purposes for which they are to be issued, the rate of interest payable thereon, the place and time of payment of such interest and of the capital thereof, the creation of a sinking fund for the redemption of such bonds, and all the conditions, provisions and restrictions requisite for the effectual carrying out of the terms thereof, and for the protection of the holders of such bonds.

Power to bind tolls and revenues.

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

How bonds to rank.

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

Bond issue on railway.

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

Agreement with Quebec and Lake St. John Ry. Co.

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

Approval of shareholders and Governor in Council.

Notice of application for sanction.

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

Agreement to be filed with Secretary of State.

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

Time for construction limited.

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

No. 106.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL.

An Act to incorporate the Chicoutimi and North-eastern Railway Company.

First reading, May 13, 1904.

(PRIVATE BILL.)

MR. GERMAN.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1904

No. 107.] **BILL.** [1904

An Act to incorporate the Great Lakes and North-west Transportation Company.

Preamble.

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

Interpretation.

1. In this Act, unless the context otherwise requires,—

"Waterway."

(*a.*) the word "waterway" means waterways, canals and branches thereof, and includes every kind of work necessary or done for the purpose of carrying out the objects of this Act;

"Land."

(*b.*) the word "land," wherever used in *The Railway Act*, 1903, or in this Act, includes land covered by water;

"Vessel."

(*c.*) the word "vessel" includes any ship, barge, boat or raft passing through the waterway, or plying upon any lake or river connecting therewith;

"Goods."

(*d.*) the word "goods" includes any goods, merchandise, and commodities of whatsoever description passing through the waterway.

Incorporation.

2. John Arbuthnot and Douglas C. Cameron, of the city of Winnipeg, in the province of Manitoba; William Chaplin, of the city of St. Catharines, in the province of Ontario; Walter Miller McGee, of the city of Plainfield, in the state of New Jersey; Theodore Dana Dale, of the city of Montclair, in the state of New Jersey; Walter Hutchings Dodd, Charles David Pullen and Abraham Wendell Jackson, of the city of New York, in the state of New York; Charles E. Loomis, of the town of Attica, in the state of New York; James S. Williams, of the town of Glastonbury, in the state of Connecticut; Thomas W. Gleason, of the city of Buffalo, in the state of New York; Thomas Conlon, of the town of Thorold, in the province of Ontario; Welland D. Woodruff, of the city of St. Catherines, in the province of Ontario, together with such persons as become shareholders in the company, are incorporated under the name of "The Great Lakes and North-west Transportation Company," hereinafter called "the Company."

Corporate name.

Provisional directors.

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

Capital stock.

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

Head office.

5. The head office of the Company shall be in the city of Toronto, but shareholders' and directors' meetings, except the annual meeting, may be held either in Canada, or elsewhere, if so determined by the by-laws of the Company.

First general meeting.

6. So soon as twenty per cent of the capital stock has been subscribed, and ten per cent of the amount subscribed has been paid into some chartered bank in Canada, the provisional directors shall call a meeting of the shareholders of the Company at the head office, or at such other place in Canada as they determine, and at such time as they think proper, for the purpose of electing the first directors of the Company, and of transacting any other business that may be done at a shareholders' meeting; and notice in writing, signed by or on behalf of the provisional directors, of the date and place of holding such meeting, mailed, postage prepaid, to the post office address of each shareholder not less than ten days previously to the calling of such meeting shall be deemed sufficient notice of such meeting.

Annual meeting.

7. The annual meeting of the shareholders shall be held on the third Wednesday in January, or such other day as is fixed by by-law of the Company.

Directors.

8. The number of directors shall be fifteen, but the number may, by by-law of the Company, be reduced to not less than five. One or more directors may be paid directors, and directors may vote by proxy, such proxy being another director.

Business of Company.

9. The Company may—

Waterway.

(*a.*) construct and operate a navigable waterway, hereinafter called "the waterway," from a point or points on Lake Superior at or near the mouth of the Kaministiqua or Pigeon rivers, thence westerly to Rainy lake, thence by way of Rainy Lake, Rainy River, Lake of the Woods and Winnipeg River to Lake Winnipeg, thence by the way of Lake Winnipeg, Crosse Lake and Cedar Lake to the Saskatchewan River; or from Lake Winnipeg by the way of Red River, Assiniboia River, Lake Winnipegosis, Lake Manitoba, and Cedar Lake to the Saskatchewan River; and may improve the navigation of the Saskatchewan River and its tributaries, and for such purposes may utilize any lakes, rivers and streams along or near the waterway, and may deepen, widen and enlarge such lakes, rivers and streams;

Canals, railways, etc.

(*b.*) construct and operate canals, railways or other mechanical conveyances, necessary or convenient for connecting any lakes, rivers and streams on and near to the route of the waterway, or for connecting different portions of such rivers or streams, for the purpose of shortening distances or avoiding any portion of such rivers, streams or lakes as are found difficult to navigate or improve, and may, in operating such canals or mechanical conveyances, employ any kind of motive power;

Locks, tow-paths, etc.

(*c.*) construct, and operate by any kind of motive power locks, dams, tow-paths, branches, basins, feeders (to supply water from any lakes, rivers and reservoirs), cuttings, apparatus, appliances and machinery, for the construction and operation of the waterway;

(*d.*) enter upon and take such lands as are required for enlarging the said rivers and streams, and for making, preserving, maintaining and operating the waterway, and 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 constructing the waterway, on or out of the lands of any person adjoining or lying convenient thereto, and which are required for making or repairing the waterway and works incidental thereto, or connected therewith, or which may hinder, prevent or obstruct the making, using, completing, extending or maintaining the same, respectively, according to the intent and purpose of this Act; Expropriation of lands.

(*e.*) make, maintain and alter any places or passages over, under or through the waterway; Passages.

(*f.*) obtain, take and use, during the construction and operation of the waterway, from the rivers, lakes and streams or other sources of water supply near to the waterway, water sufficient for the purpose of constructing, maintaining, operating and using the waterway, and sufficient to establish and maintain a current at the rate, on the average, of three miles per hour through the navigable channel of the waterway, and the Company shall, in the exercise of the powers hereby granted, do as little damage as possible, and shall make full compensation to all persons interested for all damage by them sustained by reason of the exercise of such powers, and such damage, in case of disagreement, shall be settled in the manner provided for fixing compensation under *The Railway Act*, 1903; Water supply. Compensation for damages.

(*g.*) construct and operate, use, or lease or otherwise acquire and dispose of, terminals, harbours, wharfs, docks, piers, elevators and warehouses upon the waterway or the lands adjoining it; Harbours, warehouses, etc.

(*h.*) lay out, occupy, lease or otherwise dispose of water lots; use, lease, sell or otherwise dispose of the water brought by or for the waterway or works connected therewith, but not required therefor, and produce, generate, transmit, lease, sell and supply, or otherwise dispose of, hydraulic, electric or other power in connection with the works hereby authorized; but nothing in this paragraph shall be deemed to affect or impair the rights of other existing corporations; Water lots. Power. Proviso.

(*i.*) construct, acquire, operate and dispose of vessels for conveying freight and passengers through the waterway, or from the terminus thereof on Lake Superior to any point in Canada or elsewhere; Vessels.

(*j.*) acquire, dispose of and improve real estate; acquire and operate mills and mines; acquire, construct, operate or lease hotels and other buildings; acquire timber berths and rights, and manufacture and deal in the products of timber, and carry on the business of general merchants and manufacturers; Real property, mines, etc. Buildings. Timber. Merchandise.

(*k.*) construct and operate telegraph and telephone lines upon its property, for the purposes of its undertaking; and for the purpose of operating such lines, or exchanging and transmitting messages, may enter into contracts with any companies having telegraph or telephone powers, and may connect its own lines with the lines of, or may lease its own lines to, any such companies; Telegraphs and telephones.

Patent rights.

(*l.*) acquire by license, purchase or otherwise, all rights in letters patent, franchises and patent rights for the purposes of the works hereby authorized, and again dispose thereof;

Shares in other companies.

(*m.*) acquire and dispose of shares in any company any of whose powers are within the scope of those of the Company; provided that the powers hereby granted shall not in any case be exercised unless and until the directors have been expressly authorized by a by-law passed by them for the purpose, and sanctioned by a vote of not less than two-thirds in value of the shareholders present or represented by proxy at a special or general meeting of the Company duly called for considering the subject of the by-law.

Interference with drainage systems.

10. The Company shall make due provision for, take care and dispose of, all water and drainage to the extent to which it disturbs or interferes with artificial drains, natural streams or water-courses which the waterway crosses, touches or interferes with, and which are in existence at the time of the construction of the waterway.

Arbitration in case of disagreement.

11. When the Company and the owners or occupiers of private property entered upon cannot agree as to compensation for lands required for the construction or maintenance of any work authorized under this Act, or for damages to lands injured by such work, the matter shall be settled in the manner provided for obtaining title and fixing compensation under *The Railway Act*, 1903, so far as it is applicable.

Extent of land which may be expropriated.

12. The lands, ground or property to be taken or used, without the consent of the proprietors, for the canal and works, and the ditches, drains and fences to separate them from the adjoining lands, shall not together exceed two thousand feet in breadth, or such less width or breadth as is directed by the Governor in Council, except in places where basins and other works are required to be cut or made as necessary parts of the waterway, as shown on the plan to be approved, as hereinafter provided, by the Governor in Council, or where flooding or drowning of lands is unavoidable, on account of the construction of dams.

Basins for laying up vessels.

Dry docks.

13. The Company may open and cut ponds and construct basins, at such points as it deems expedient for the laying up and turning of vessels using the waterway, and may construct dry docks, slips and machinery for hauling out and repairing such vessels, and may lease, hire or operate the same.

Public beach.

14. The Company may take, use, occupy and hold, but not alienate, so much of the public beach or beach road, or of the land covered with the water of the rivers and lakes along through and across which the waterway may be constructed, start from, or terminate with, as is required for the works of the Company, and for making easy entrance to the waterway, and may construct such dams and works as it deems necessary to stop the waste of water from the said lakes and rivers, and to economize such water for the use of the waterway.

Bridges to be constructed.

15. The Company shall at every place where its works cross a highway or public road (unless exempted from the provisions of this section by the municipality having jurisdiction over such highway or public road) construct and maintain, to the satisfaction of the Governor in Council, such bridges, tunnels, ferries, or other means of passage over or under the waterway, as are sufficient for the reasonable use thereof by the public, and so that such highway or public road may be as little impeded as is reasonably necessary.

Power to acquire Government works.

16. If any lock, canal, dam, slide, boom, bridge or other work, the property of the Government of Canada, and whether now in its possession or leased to any person, is required by the Company for the purpose of its undertaking, the Company may, with the consent of the Governor in Council, and upon such terms as are agreed upon between the Company and the Government, take such lock, canal, dam, slide, boom, bridge or other work for the purposes of its undertaking.

Construction of work in sections.

17. The Company may construct any part of the waterway in sections, but before commencing the construction of any part the plans, locations, dimensions and all necessary particulars of such part shall be submitted to and approved of by the Governor in Council.

By-laws.

18. The Company may make by-laws, rules or regulations for the following purposes, that is to say :—

(*a.*) for regulating the speed at which, and the mode by which, vessels using the Company's works are to be propelled;

(*b.*) for regulating the hours of the arrival and departure of such vessels;

(*c.*) for regulating the loading or unloading of such vessels and the draught thereof;

(*d.*) for regulating the travelling and transportation upon, and the using and the working of, the waterway;

(*e.*) for maintaining, preserving and using the waterway and for governing all persons and vessels passing through the waterway.

Issue of securities.

19. The Company may issue and pledge or dispose of bonds, debentures or other securities as provided in *The Railway Act*, 1903, to the extent in all of twenty-five million dollars, and may issue such bonds, debentures or other securities, in one or more separate series, and limit the security for any series to such of the franchises, property, assets, rents and revenues of the Company, present or future, or both, as are described in the mortgage deed made to secure each separate series of bonds, debentures or other securities; and every such limited series of such bonds, debentures or other securities, if so issued, shall, subject to the provisions contained in section 112 of *The Railway Act*, 1903, form a first charge upon, and be limited to, the particular franchises, property, assets, rents and revenues of the Company with respect to which they are issued and which shall be described in the mortgage deed made to secure the same.

Issue of paid-up stock.

20. The directors may make and issue as paid up stock, shares in the Company whether subscribed for or not, and may allot and hand over such stock in payment for right of way, plant, rolling stock, docks, elevators, wharfs, telegraph and telephone lines, vessels, material and property of any kind, and for services rendered, and may sell and dispose of its stock at such discount and in such manner as may be authorized by by-law of the Company, and such issue and allotment of stock shall be binding on the Company, and such stock shall not be assessable for calls.

Measurement of vessels.

21. The owner or master of a vessel navigating the waterway shall permit such vessel to be gauged and measured, and every such owner or master who refuses to permit the same shall forfeit and pay the sum of two hundred dollars; and the proper officer of the Company may gauge and measure all vessels using the waterway, and his decision shall be final with respect to the tolls to be paid, and he may mark the tonnage or measurement on every vessel using the waterway, and such measurement, so marked by him, shall be evidence with respect to the tonnage in all questions respecting the tolls or dues to be paid to the Company.

Aid to Company.

22. The Company may receive in aid of the construction of the waterway, from any person or municipal corporation any gift or grant of land, money, debenture, property, concession or other benefit of any sort, either with or without conditions, and may enter into agreements for the carrying out of any such conditions.

Obstruction of waterway.

23. Every person who obstructs, interrupts or impedes navigation of the waterway, by the introduction of any timber or vessel or any other substance, or by any other means contrary to the provisions of this Act, or of the by-laws of the Company, shall, for every such offence, incur a penalty not exceeding five hundred dollars, and the Company may remove such obstruction at the expense of the owner thereof.

Crown may take over waterway.

24. His Majesty may, at any time, assume the possession and property of the waterway, and of all the rights and privileges of the Company, all of which shall, after such assumption, be vested in His Majesty, on giving to the Company one month's notice thereof, and on paying to the Company the value of the waterway, and the rights and privileges of the Company, which value shall be fixed by three arbitrators, or the majority of them, one to be chosen by the Government, another by the Company, and a third arbitrator by the two arbitrators; and the arbitrators may, in such valuation, take into account the expenditure of the Company, its property, the business of the waterway, and its past, present and prospective business, with interest from the time of the expenditure made therefor.

Time for construction of works limited.

25. If the construction of the works hereby authorized to be constructed, or some of them, is not commenced, and fifty thousand dollars are not expended thereon, within five years after the passing of this Act, or if at least the sum of one million dollars is not expended thereon within ten years after

the passing of this Act, then the powers granted by this Act shall cease and be null and void as respects so much of the waterway as then remains uncompleted.

26. *The Railway Act*, 1903, shall, so far as applicable, and when not inconsistent with this Act and except sections 25, 56, 117, subsection 2 of section 134, sections 138, 140, 179 to 191, both inclusive, 196 to 204, both inclusive, 211 to 231, both inclusive, 255, 304, 305, 306 and 307, apply to the Company and its undertaking. 1902, c. 58.

2. Wherever in *The Railway Act*, 1903, the expression "railway" occurs, it shall, unless the context otherwise requires, and in so far as it applies to the provisions of this Act, or to the Company, mean the waterway or other works hereby authorized to be constructed; and in any section of *The Railway Act*, 1903, relating to the collection of tolls, where the expressions "passengers" and "goods," or either of them, occur, such expressions shall be held to include any vessel passing through the waterway, whether laden or otherwise. "Railway" to mean "waterway." "Goods" to include "vessel."

27. *The Companies Clauses Act* shall not apply to the Company. R.S.C., c. 118.

No. 107.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL.

An Act to incorporate the Great Lakes and North-west Transportation Company.

First reading, May 13, 1904.

(PRIVATE BILL.)

MR. GERMAN.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1904

No. 108.] **BILL.** [1904.

An Act respecting the Canada Life Assurance Company.

Preamble. 1849, c. 168; 1879, c. 71; 1893, c. 76; 1899, c. 99.

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

1849, c. 168, s. 6 amended.

1. Section 6 of chapter 168 of the statutes of 1849, of the late Province of Canada, is amended by striking out the word "vice-president" in the third line, and substituting therefor the words "one or more vice-presidents, not exceeding three."

Officers.

1899, c. 99, s. 4 amended.

2. The section substituted for section 2 of chapter 71 of the statutes of 1879 by section 4 of chapter 99 of the statutes of 1899 is amended by striking out the word "last," in the seventh line, and substituting therefor the word "first," and also by striking out the words "that month," in the eighth and ninth lines, and substituting therefor the words "the next preceding month."

Date of annual meeting.

Number of directors and vice-presidents may be increased.

3. The directors of the Canada Life Assurance Company may by by-law increase the number of directors to a number not exceeding in the whole thirty, and the number of vice-presidents to a number not exceeding three, and may delegate any of their powers to a committee or committees consisting of not less than three of their number; provided that the number of directors elected by the policy-holders shall not be less at any time than two-fifths of the whole number of directors; and provided further that any such by-law shall not have effect until confirmed at an annual general meeting.

Proviso.

Term of office of directors.

4. Upon the election of any additional directors under the next preceding section, those elected by the stockholders shall be elected for terms of one, two and three years respectively, in equal proportions for each year, as nearly as may be, and those elected by the policy-holders shall be elected for terms of one, two and three years respectively, in equal proportions for each year, as nearly as may be.

No. 108.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL.

An Act respecting the Canada Life Assurance Company.

First reading, May 13, 1904.

(PRIVATE BILL.)

MR. CAMPBELL.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1904

No. 109.] **BILL.** [1904

An Act to incorporate the Montreal, Nipissing and Georgian Bay Railway Company.

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

1. James Henry Kennedy, of the city of St. Thomas, in the Province of Ontario, James Pearson, of the city of Toronto, in the said Province, John H. Taylor, of the township of York, in the county of York, in the said Province, Richard Lacy Dillon, of the city of Montreal, Arthur Ernest Osler, of the city of Toronto, and Arthur E. Ardagh, of the town of Orillia, in the Province of Ontario, together with such persons as become shareholders in the company, are incorporated under the name of "The Montreal, Nipissing and Georgian Bay Railway Company," hereinafter called "the Company." Incorporation. Corporate name.

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

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

4. The head office of the Company shall be in the city of Ottawa. Head office.

5. The annual meeting of the shareholders shall be held on the first Tuesday in September. Annual meeting.

6. The number of directors shall be five, one or more of whom may be paid directors. Directors.

7. The Company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches, (*a*) from a point on South East Bay at the east end of Lake Nipissing, thence south-easterly through the districts of Parry Sound and Nipissing and the county of Renfrew to the town of Arnprior, thence through the county of Carleton to the city of Ottawa, thence passing through the counties of Russell, Prescott and Glengarry, by the most feasible route to the city of Montreal, and (*b*) from the point of commencement westerly through the district of Parry Sound, along the south side of Lake Nipissing and the French River, to a point on Georgian Bay, at or near the mouth of the said river. Line of railway described.

Land, wharfs. Vessels.

8. The Company may, in connection with its business and for the purposes of its undertaking, where its railway touches on any navigable waters, acquire and hold land and water lots, and construct, own and operate wharfs, docks, warehouses and elevators, and steam and other vessels for carrying passengers and freight; may lease or mortgage, collectively or separately, the said lands, water lots, docks, wharfs, warehouses, elevators, steam and other vessels; and may collect wharfage and storage charges, freight and other dues, earnings and incomings to be derived from the use of its property, vessels, works and buildings, and the carrying on of its business.

Water powers. Electricity.

9. The Company may, in connection with its business and for the purposes of its undertaking, acquire and hold water powers, and such lands adjacent thereto as are necessary in the development, operation and use of such powers and approaches thereto, and may erect all buildings and erections and construct all works, machinery and plant, necessary in the development and transmission of electricity for motive power, heating and lighting, and may use the same in the operation of the Company's elevators and works.

Issue of securities.

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

Agreements with other companies.

11. Any agreement provided for in section 281 of *The Railway Act*, 1903, may be entered into between the Company and the Canadian Pacific Railway Company, the Grand Trunk Railway Company of Canada, the James Bay Railway Company, the Canada Atlantic Railway Company, and the Nipissing and Ottawa Railway Company.

Time for construction of railway limited.

12. If the construction of the railway is not commenced, and fifteen per cent on the amount of the capital stock is not expended thereon, within three years after the passing of this Act, or if the railway is not finished and put in operation within seven years after the passing of this Act, the powers of construction granted by this Act or by *The Railway Act*, 1903, shall cease and be null and void as respects so much of the railway as then remains uncompleted.

No. 109.

4th Session, 9th Parliament, 4 Edward V

BILL.

An Act to incorporate the N Nipissing and Georgian Bay Company.

First reading, May 13, 190

(PRIVATE BILL.)

MR. CAMPBI

OTTAWA
Printed by S. E. Dawson
Printer to the King's most Excellent Ma
1904

No. 110.] **BILL.** [1904.

An Act respecting the Ottawa Electric Company.

WHEREAS the Ottawa Electric Company has, by its petition, prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. 1894, c. 111.

1. Section 3 of chapter 111 of the statutes of 1894 is repealed, and the following is substituted therefor:— New section 3.

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

2. Paragraph (*d*) of section 7 of the said Act is amended by striking out all the words after the word "Company" in the third line thereof. Section 7 amended. Shares in other companies.

3. Section 12 of the said Act is amended by striking out the word "fifty" in the seventh line thereof and substituting therefor the words "seventy-five." Section 12 amended. Borrowing powers.

No. 110.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL.

An Act respecting the Ottawa Electric Company.

First reading, May 13, 1904.

(PRIVATE BILL.)

MR. CHAMPAGNE.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1904

No. 111.] **BILL.** [1904.

An Act respecting the Edmonton Street Railway Company.

Preamble.

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

1894, c. 71.

New section 2.

1. Section 2 of chapter 71 of the statutes of 1894 is repealed, and the following is substituted therefor:—

Head office.

"**2.** The head office of the Company shall be in the town of Edmonton, or in such other place in Canada as the Company determines by by-law."

Section 3 amended.

2. Section 3 of the said Act is amended by striking out the word "such" in the thirteenth line thereof.

Electricity.

Sections added.

3. The said Act is amended by inserting after section 3 thereof the following sections:—

"3A. The Company may—

General powers.

"(*a.*) acquire, use and dispose of any property, water powers, steam and other powers, and rights, easements and privileges, for the purpose of, or in connection with, the production, manufacture or supply of electricity and other energy for heat, light and power, and for any other purpose for which they may be used;

"(*b.*) produce, manufacture, use and, by means of poles, wires, conduits, machinery and other appliances, supply and dispose of electricity or other energy for traction, light, heat and power, and for any other purposes for which it may be used;

"(*c.*) locate, lease, acquire, work, improve and otherwise dispose of and sell mines, minerals, mining rights, timber and lands, and develop such mines, and crush, smelt, reduce, amalgamate and use the products of mines, whether belonging to the Company or not, and acquire, use and dispose of all buildings, machinery and plant requisite and necessary for operating the said mines;

"(*d.*) acquire, erect, use, operate and dispose of buildings, mills, works and machinery for the manufacture of articles from wood, pulp, pulp wood, paper and other products made from wood or wooden materials;

"(*e.*) acquire, use and dispose of all franchises, letters patent, patent rights and inventions, and use them for the purpose of its works and undertakings;

"(*f.*) purchase, lease, or otherwise acquire, hold, enjoy and manage lands, water lots, wharfs, dock-yards, slips, warehouses, elevators, offices, and other buildings at any point on the Saskatchewan River, or its tributaries, as it finds necessary and convenient for its purposes; construct any of such works or buildings and sell or otherwise dispose thereof for the purposes of the Company; carry on the business of warehousemen and wharfingers, and charge wharfage and other dues for the use of any such property; and acquire, construct and maintain railway and terminal facilities for affording access to, and communication with, such works and property.

Vessels.

Transportation.

"3B. The Company may, for the purposes of its business, build, charter, hire, or acquire, control and operate steam and other vessels for the carriage of passengers, mails and cargo on any part of the Saskatchewan River and its tributaries; may sell or otherwise dispose of any such vessels; may enter into agreements with the owners of such vessels for any of such purposes; may purchase grain and other freight for cargo; and may generally carry on the business of ship-owners and carriers by water.

Stock in other companies.

"3C. The Company may acquire, guarantee, pledge and dispose of stock, bonds, or other securities of any other company."

Section 10 repealed.

4. Section 10 of the said Act is repealed.

1902, c. 15.

5. Section 57 of *The Companies Act*, 1902, shall apply to the said company.

No. 111.

4th Session, 9th Parliament, 4 Edward

BILL.

An Act respecting the Edmont
Railway Company.

First reading, May 13, 19

(PRIVATE BILL.)

MR.

OTTAWA
Printed by S. E. Dawson
Printer to the King's most Excellent
1904

No. 112.] **BILL.** [1904.

An Act to amend the Act respecting the navigation of Canadian Waters.

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

1. Section 14 of chapter 79 of the Revised Statutes intituled *An Act respecting the navigation of Canadian Waters*, is amended by adding thereto the following subsection :— R.S.C., c. 79, s. 14 amended.

"2. The Governor in Council may repeal the whole or any part of the regulations for preventing collisions so far as they apply to the inland waters of Canada, and may make new regulations to be in force in such inland waters, and may direct to what inland waters such regulations shall apply; and all such regulations shall be published in *The Canada Gazette*." Regulations as to inland waters.

No. 112.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL

An Act to amend the Act respecting the navigation of Canadian Waters.

First reading, May 13, 1904.

Mr. Préfontaine.

OTTAWA
Printed by S. E. Dawson
Printer to the King's most Excellent Majesty
1904

No. 113.] **BILL.** [1904.

An Act respecting the Inspection of Grain.

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

SHORT TITLE.

1. This Act may be cited as *The Grain Inspection Act.* Short title.

INTERPRETATION.

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

(*a.*) The expression "Minister" means the Minister of Trade and Commerce; "Minister."

(*b.*) The expression "Department" means the Department of Trade and Commerce; "Department."

(*c.*) The expression "Grain" means and includes all kinds and varieties of grain, the inspection of which is provided for by this Act; "Grain."

(*d.*) The expression "Chief Inspector" means a chief inspector of grain appointed or continued in office under this Act; "Chief Inspector."

(*e.*) The expression "Inspector" means an inspector of grain appointed or continued in office under this Act; "Inspector."

(*f*) The expression "Deputy Inspector" means a deputy inspector of grain appointed or continued in office under this Act; "Deputy inspector."

(*g.*) The expression "Inspecting officer" means the inspector or deputy inspector by whom an inspection is made; "Inspecting officer."

(*h.*) The expression "Division" means an inspection division established under this Act; "Division."

(*i.*) The expression "District" means an inspection district established under this Act; "District."

(*j.*) The expressions "public elevator" and "grain warehouse" means respectively an elevator and a warehouse which receives grain for storage purposes only after such grain has been duly inspected under this Act; "Public elevator" and "grain warehouse."

(*k.*) The expression "Terminal elevator" means a public elevator located at any point declared by the Minister to be a terminal in which grain is stored in bulk, and in which the grain of different owners is binned together, for storage purposes only, or in which grain is stored in such a manner that the identity of the different lots or parcels cannot be accurately preserved, and doing business for a compensation; and the expression includes also a grain warehouse located at any such point and of the character described. "Terminal elevator."

PART I.

GENERAL PROVISIONS.

Inspection divisions, and chief inspectors.

3. The Governor in Council may, from time to time, establish inspection divisions in Canada, in and for which, respectively, it is expedient to appoint chief inspectors of grain, and may appoint a chief inspector for each such inspection division.

Duties.

4. A chief inspector shall have under the Minister the general supervision and control of inspectors and deputy inspectors in his division, and shall perform the duties hereinafter assigned to chief inspectors or from time to time assigned to them by the Governor in Council or the Minister.

Change of boundaries.

5. The Governor in Council may from time to time change the boundaries of any inspection division.

Inspection divisions.

6. The existing inspection divisions are hereby continued, subject to change of boundaries as hereinbefore provided; that is to say:—

Eastern inspection division.

(*a.*) The Eastern Inspection Division, which consists of all that portion of Ontario lying east of Port Arthur, and the provinces of Quebec, New Brunswick, Nova Scotia and Prince Edward Island;

Manitoba inspection division.

(*b.*) The Manitoba Inspection Division, which consists of the province of Manitoba, the North-west Territories, British Columbia, and that portion of the province of Ontario lying west of, and including, the existing district of Port Arthur.

Inspection sub-divisions.

7. The Governor in Council may, from time to time, establish inspection districts within any inspection division, and determine, and from time to time vary the boundaries of such districts, and in and for each such district may appoint an inspector and deputy inspectors of grain.

Local limits assigned to inspectors by the Minister.

8. Where the division has not been divided into districts or where districts have not been established therein, or where for any reason it is considered expedient so to do, the Governor in Council may appoint inspectors and deputy inspectors in and for any division, and in such case the Minister may, from time to time, assign to inspectors and deputy inspectors local limits within which they shall perform their duties under this Act.

Qualifications of inspectors; power to suspend.

9. Chief inspectors, inspectors and deputy inspectors shall hold office during pleasure, and shall be appointed only from among duly qualified persons, certified as such by a board of grain examiners as hereinafter provided. The chief inspector of any division shall have power to suspend any inspector or deputy inspector for cause.

Limitation of action.

10. An inspector or deputy inspector shall not ordinarily act as such except within the district for which he is appointed or the local limits, if any, assigned to him; but the Minister,

on the recommendation of the chief inspector of a division, may authorize and require any inspector or deputy inspector to act temporarily in another district or beyond such limits.

When local limits not assigned.

11. An inspector or deputy inspector who is appointed in and for a division, and to whom no local limits have been assigned, may act as such anywhere within the division.

Duties of inspecting officers.

12. It shall be the duty of inspecting officers to inspect grain when called upon so to do by the owner or possessor thereof or his authorized agent, and without unreasonable delay to issue his certificate of such inspection, specifying the grade of such grain ; but, before undertaking an inspection or issuing a certificate, an inspecting officer shall require the production of satisfactory evidence of ownership or possession or authorized agency.

Salaries.

13. Chief inspectors, inspectors and deputy inspectors shall respectively be paid such salaries as are determined by the Governor in Council.

Continuance of present officers in office.

14. All chief inspectors, inspectors and deputy inspectors of wheat and other grain, or of wheat and other grain and hay, at present in office, shall respectively, until otherwise provided, be chief inspectors, inspectors and deputy inspectors of grain under this Act in and for the divisions and districts respectively for which they have been appointed, or with authority to act within such local limits as have been assigned to them respectively, and shall be entitled in respect of their duties as such to the salaries or fees to which they have respectively been heretofore entitled in respect of the like duties, but nothing in this section shall affect the rights and powers of any existing inspector of wheat and other grain and hay in regard to the inspection of hay.

Inspection of hay.

Oath of inspectors.

15. Every chief inspector, inspector or deputy inspector shall, before acting as such, take and subscribe before a justice of the peace, an oath of office in the form or to the effect following :—

Form of oath.

I, A. B., do solemnly swear, that I will faithfully, truly and impartially, to the best of my judgment, skill and understanding, execute and perform the office of chief inspector of grain (or inspector of grain, or deputy inspector of grain) and that I will not, directly or indirectly, by myself or by any other person or persons deal, or trade in any grain on my account, or upon the account of any other person or persons, while I continue such chief inspector (*or* inspector, *or* deputy inspector). So help me God.

Grain examiners.

16. The Governor in Council may, from time to time, appoint in and for any division or district five fit and skilful persons, any three of whom shall be a quorum, to be a Board of Grain Examiners, to examine and test the ability and fitness of applicants for certificates of qualification to act as chief inspectors, inspectors, or deputy inspectors.

Oath of office.

17. The members of any such Board shall be known as grain examiners and shall hold office during pleasure, and each of them before acting as a grain examiner shall take before a justice of the peace, an oath in the form following, or to the same effect :—

I, A. B., do swear that I will not, directly or indirectly, personally or by means of any person or persons in my behalf receive any fee, reward or gratuity whatever by reason of any function of my office of grain examiner, except such as I am entitled to receive by law, and that I will therein well and truly, in all things, act without partiality, favour or affection, and to the best of my knowledge and understanding. So help me God.

Record of oaths.

18. The oaths taken by any chief inspector, inspector, deputy inspector or grain examiner under this Act, and any other oaths of office taken thereunder, shall remain in the custody of the justice of the peace administering them, and copies thereof respectively certified by the said justice of the peace shall be prima facie evidence of such oaths. A copy of every such oath, so certified, shall be filed in the Department.

Certificates to candidates for position of examiner.

19. Boards of Grain Examiners shall grant such certificates, and such only, as to the qualification of the candidates who present themselves for examination, as the knowledge and proficiency of such candidates require or justify.

Inspector must hold certificate.

20. No person shall be appointed as chief inspector, inspector, or deputy inspector in any division who has not been examined by, and received a certificate of qualification to act as chief inspector, inspector or deputy inspector from, the Board of Grain Examiners of the division or of some district therein.

Report to Department.

21. When a Board of Grain Examiners grants any certificate of qualification a report thereof shall forthwith be made to the Department.

Fees for examination of candidates.

22. Any Board of Grain Examiners may collect from each candidate coming before the Board for examination, before such examination is held, a fee not to exceed twenty dollars, such fee to be divided among the members of the Board in such manner as the Board directs.

Inspectors to give security.

23. Every chief inspector, inspector and deputy inspector shall, before acting as such, give security for the due performance of the duties of his office, in such sum as the Governor in Council directs, and such security shall avail to the Crown, and to all persons aggrieved by any breach of the conditions thereof.

Vacancy in office of inspector.

24. In the event of the death, resignation, dismissal or suspension of any inspector, his senior deputy inspector shall perform all the duties of the inspector until his successor is appointed, or until such suspension ceases.

Grading of grain.

25. Inspecting officers shall grade all grain in accordance with the grades defined in this Act, and samples shall be made under the direction of the chief inspector of each division

in accordance with such grades for the purpose of grading and of appeals therefrom to a grain survey board or to the chief inspector under the provisions hereinafter contained.

Commercial grades.

26. If a considerable portion of the crop of wheat or any other grain for any one year in any division has any marked characteristics which exclude it, to the prejudice of the producer, from the grade to which it otherwise belongs, special grades may be established therefor in the manner provided in the five sections next following, and shall be called and known as commercial grades.

Standards established by Grain Standards Board.

27. The Governor in Council may appoint, for any division or district, as a Grain Standards Board, such persons as he deems properly qualified, for the purpose of establishing, subject to the approval of the chief inspector, such commercial grades and of choosing samples of such grades to be the standards therefor.

Samples.

28. Such Grain Standards Board shall distribute portions of all standard samples so chosen to such persons as the Minister from time to time directs, and in the inspection of grain of the character described in section 27 inspecting officers shall be governed by the samples so chosen.

Special marks.

29. The packages containing the samples so distributed, and the certificates granted by inspecting officers in relation to such grain, shall be marked "commercial grade."

Summoning of Grain Standards Board.

30. A Grain Standards Board shall be summoned for the establishment of commercial grades and the selection of samples thereof whenever the chief inspector of the division notifies the chairman of the board that such a course is necessary.

Samples subject to approval by Governor in Council.

31. The Governor in Council may reject the standard samples chosen by a Grain Standards Board, if he deems them to be unfairly or improperly chosen; and in such case he shall forthwith cause others to be chosen in their place by such means as he thinks proper.

Grain Survey Board.

32. The Governor in Council may appoint for any division or district a Grain Survey Board composed of such number of fit and skilful persons as is in each case considered necessary or convenient, and such board shall have the powers and be charged with the duties hereinafter defined and set forth, which powers and duties shall be exercised and performed in accordance with any regulations made by the Governor in Council in that behalf.

By-laws by Board.

33. Any Grain Survey Board may make by-laws, not inconsistent with anything herein contained and subject to the approval of the Governor in Council, for the better carrying out of its business, and for the establishment of a tariff of fees for survey services.

Oath of office.

34. The members of a Grain Survey Board, before acting as such, shall take an oath of office in such form as is prescribed by the Governor in Council.

Appeal in case of disputes as to grading of grain.

35. Whenever, in a division or district for which a Grain Survey Board has been appointed and duly constituted, the owner or possessor of any grain inspected therein is not satisfied with the grading of such grain, he may appeal from such grading to the Grain Survey Board of the division or district, and thereupon the board shall, upon view of a proper sample of the grain respecting which the grading is in dispute, drawn or secured in a manner satisfactory to the board, and certified by an inspector or deputy inspector other than the inspecting officer whose grading is questioned, decide the matter in dispute, and the decision of the board shall be final, unless the owner or possessor of the grain or the inspecting officer, within twenty four hours after being notified thereof, makes further appeal to the chief inspector for the division, in which case the said chief inspector shall give a final decision to settle the proper grading of the grain: Provided that nothing in this section shall prevent the owner or possessor of the grain from appealing in the first place direct to the chief inspector, whose decision, upon view of a sample drawn or secured in a manner satisfactory to him and certified as aforesaid, shall be final and binding upon all parties: Provided always that no appeal shall be entertained in any case where the identity of the grain in dispute has not been preserved.

Proviso.

Proviso.

Costs of appeal.

2. If the opinion of the inspecting officer is confirmed by the determination arrived at by any of the methods in this section provided for, the costs of the appeal shall be paid by the owner or possessor of such grain.

Members of Boards *ad hoc*.

36. When a quorum of a Board of Grain Examiners, Grain Standards Board or Grain Survey Board cannot be obtained, the chief inspector of the division may name one or more fit and skilful persons as members of the board *ad hoc* so far as is necessary in order to make a quorum, and such members shall, before acting, be sworn in the same manner as the ordinary members of the board.

Members *ex officio*.

37. The Governor in Council may appoint a chief inspector of any division to be *ex-officio* a member of any Board of Grain Examiners, Grain Standards Board, or Grain Survey Board within his division.

Grading of grain.

38. No inspecting officer shall in any case make the grade of any lot of grain inspected by him above that of the poorest quality found therein, if he is satisfied that the grain has been improperly loaded for the purposes of deception.

Inspection after dark or in wet weather.

39. No inspecting officer shall inspect grain being laden or about to be laden on vessels or cars after dark or in wet weather, except on receipt, personally, or through the office of the chief inspector, of an application from the owner or possessor of the grain or his authorized agent, written upon one of the printed forms furnished by the Department and signed by such owner or his authorized agent, relieving him, the inspecting officer, from responsibility for damage which may be caused by such wet weather and for loss arising from errors liable to occur in an inspection under such circumstances; but in every case of such inspection, the inspecting officer shall be personally present when the grain is actually delivered on board.

Personal presence of officer.

Report of inspector.

40. The Minister may, from time to time, require any inspector or deputy inspector to make such returns or reports of his official acts to the Department, or to any officer thereof, board of trade, or chamber of commerce, and in such form, and containing such particulars and information as he deems expedient.

Account books.

2. Every inspector of grain shall keep a proper book or books in which he shall from time to time enter an account of all grain inspected and the amount paid for such inspection.

Books open to inspection.

41. For the purpose of verifying any statement made by an inspecting officer of the quantity of grain inspected by him at any elevator, the books kept in connection with such elevator shall at all times be open to inspection by any authorized officer of the Department.

Examination of grain in terminal elevators.

42. All inspectors and deputy inspectors of grain shall, at all times during ordinary business hours, be at full liberty to examine all grain stored in any public terminal elevator; and all proper facilities shall be extended to them by the warehouseman, his agents and servants, for an examination, and all parts of public terminal elevators shall be open to examination and inspection by any inspector or deputy inspector.

Refusal to inspect.

43. Every inspector or deputy inspector who, on application to him, made personally or by writing, left at his office on any lawful day between sunrise and sunset, by any owner or possessor of grain, neglects or refuses to proceed forthwith to such inspection, if he is not at the time of such application employed in inspecting elsewhere, shall, for every such neglect or refusal, forfeit and pay to the person so applying twenty dollars, over and above all the damages occasioned to the person complaining by such neglect or refusal, recoverable in a summary way before any one justice of the peace on the oath of one credible witness other than such complainant.

Penalty.

Violation of the Act.

44. Every inspector or deputy inspector who—

(*a*) without authority inspects grain out of the local limits for which he is appointed, or

(*b*) gives any wilfully false or untrue certificate, or

(*c*) connives at or is privy to any fraudulent evasion of this Act, or

(*d*) otherwise violates any provision of this Act

Penalty.

shall, for each such offence, on summary conviction before two justices of the peace be liable to a penalty of one hundred dollars, and shall forfeit his office, and be disqualified from ever after holding the same.

Unauthorized persons.

45. Every person, not thereunto duly authorized under this Act, who in any manner whatever assumes the title or office of inspector or deputy inspector, or issues any certificate purporting to establish the quality of any grain, shall for every such offence, on summary conviction before two justices of the peace, be liable to a penalty not exceeding one hundred dollars.

Penalty.

Fraudulent use of inspector's certificate.

46. Every person who, with a fraudulent intention, uses an inspector's certificate or bill of inspection in connection with grain other than the grain in connection with which such certificate or bill of inspection was issued, is guilty of an indictable offence and liable, on summary conviction thereof, to imprisonment for a term not exceeding three years or to a penalty not exceeding five hundred dollars, or to both.

Penalty.

Bribes, threats, or violence to influence inspector.

47. Any person who directly or indirectly gives, offers, or promises to give, or procure to be given, any bribe, recompense or reward to, or makes any collusive agreement with, any inspector or deputy inspector, or who makes use of, or threatens to make use of, any force, violence or restraint, or inflicts or threatens the infliction of any injury or loss upon or against any inspector or deputy inspector, or upon or against any other person, in order to improperly influence such inspector or deputy inspector in the performance of his duties under this Act, is guilty of an indictable offence and liable to imprisonment for a term not exceeding two years or to a penalty not exceeding two hundred dollars, or to both.

Penalty.

Limitation of time for commencing suits under this Act.

48. Every action brought against any person for anything done under this Act, or contrary to its provisions, shall be commenced within six months next after the right to bring such action accrued, and not afterwards; and the defendant therein may plead the general issue, and that the thing was done under this Act, and may give this Act and the special matter in evidence at any trial thereof; and if it appears so to have been done, then the judgment shall be for the defendant; and if the plaintiff is non-suited or discontinues his action after the defendant has appeared, or if judgment is given against the plaintiff, the defendant shall recover treble costs and have the like remedy therefor as defendants have in other cases.

Costs.

Sale by sample.

49. Nothing in this Act shall prevent any person from selling or buying grain by sample, regardless of its grades.

Fees.

50. The fees for the inspection of grain shall be as follows: For inspecting grain in sacks, one-third of a cent per cental; for inspecting grain in bulk, per car load, forty cents; in cargoes, per one thousand bushels, fifty cents.

Alteration of fees.

51. The Governor in Council may, from time to time, increase or reduce the fees for the inspection of grain, and may prescribe scales of fees differing from each other for the several divisions.

Payment of fees into Consolidated Fund.

52. The inspection fees upon grain within the several districts shall be paid by the inspectors into, and shall form part of, the Consolidated Revenue Fund of Canada.

Regulations.

53. The Governor in Council may make regulations, not inconsistent with this Act,—

For inspectors, boards of examiners, etc.

(*a*) for the guidance and government of chief inspectors, inspectors and deputy inspectors, boards of grain examiners, grain standards boards, and grain survey boards and members

of such boards respectively, and others concerned in the administration of the Act, and

(*b*) generally such as are deemed necessary, from time to time, for the carrying out of the provisions of the Act according to their true intent and meaning and for the better attainment of its objects— Other boards.

and may by any such regulations impose penalties for violations thereof not exceeding fifty dollars and costs, such penalties to be recoverable on summary conviction. Penalties for controvention.

54. The Governor in Council may also make regulations not inconsistent with this Act as to the method of dealing with terminal and public elevators and grain warehouses, and requiring the proprietors, lessees or managers of such elevators and warehouses to take out licenses and to pay any prescribed fees therefor, and to give security for the faithful performance of their duties as such, and their compliance with all laws relating thereto. Regulations as to terminal and public elevators.

PART II.

SPECIAL PEOVISIONS AS TO EASTERN INSPECTION DIVISION.

55. The provisions contained in this Part relate only to the Eastern Inspection Division, and they apply to all grain grown in that division, to the exclusion of any provisions in Part 1 of the Act inconsistent with them or dealing with like matters. Eastern Inspection Division.

56. All grain shipped from any public elevator within the Eastern Inspection Division shall be shipped out as graded into such elevators by the official inspectors; Provided that when grain has deteriorated or changed condition in storage, the inspectors shall only issue a certificate in accordance with the facts. Grain shipped from public elevator. Proviso.

57. If otherwise shipped, a certificate for a straight grade shall be refused and the quantity of each grade composing the mixed cargo (or car-load, if shipped by rail) shall be written across the face of the certificate. When otherwise shipped.

58. All grain of the same grade shall be kept together and stored only with grain of a similar grade: Provided, however, that should different grades be loaded together in the same compartment of any vessel at any point within the division, a certificate shall be issued for such mixed cargo, which certificate shall have written across its face a statement of the quantities of each grade entering into the composition of such mixed cargo; but no certificate for a straight grade shall be issued for such mixed cargo. Grain of same grade kept together. Proviso.

59. When any lot of grain is so situated that the inspecting officer cannot obtain such samples thereof as he considers necessary to a thorough inspection, inspection shall be refused. Refusal of inspection for lack of samples.

60. Duplicate inspection certificates shall accompany all grain inspected east of Port Arthur to its destination in Canada, and no reinspection shall be permitted unless there is Duplicate inspection certificates east of Port Arthur.

reason to believe that the grain has gone out of condition or has deteriorated in quality since it was originally inspected, in which case any inspecting officer may inspect such grain and if he finds that it has so gone out of condition or deteriotad, he shall issue a certificate in accordance with the facts; provided always that no such inspection shall take place unless the identity of the grain has been preserved.

PART III.

SPECIAL PROVISIONS AS TO MANITOBA INSPECTION DIVISION.

Manitoba Inspection Division.

61. The provisions contained in this Part relate only to the Manitoba Inspection Division, and they apply to all grain grown in that division, to the exclusion of any provisions in Part I of this Act inconsistent with them or dealing with like matters.

Samples of grading.

62. Inspectors shall be required and instructed, on and after the coming into force of this Act, to grade in accordance with this Act all grades defined therein, and samples shall be made in accordance therewith for the purpose of grading and surveys.

Convening of Grain Standards Board.

63. Should the climatic or other conditions result in the production of a considerable proportion of grain, other than oats, not capable of being included in the classification provided for in this Act, the Grain Standards Board for the division shall be convened for the selection of commercial grades and samples whenever the chairman of the said board is notified by the chief inspector or five members of the said board that such a course is necessary; and the inspectors shall grade all classes of grain which cannot be graded according to the said Act, in accordance with the commercial samples so selected by the board.

Limitation of time for furnishing samples.

64. The chief inspector and the inspectors for the division shall, not later than the first day of October in each year, furnish official samples of grain as established by them under this Act when requested to do so by any person, such sample to be accompanied by a specific statement that it is a sample of the official grade. The inspectors shall also supply cargo samples when required. For all samples so furnished the charges for samples inspectors shall make such charge as is approved by the Minister.

Charge for samples.

Inspection east of Winnipeg.

65. All wheat placed in public elevators or warehouses east of Winnipeg, in the division, shall be subject to inspection, both inwards and outwards.

Grain to be inspected in Winnipeg District.

66. All wheat produced in the North-west Territories and in Manitoba, passing through the Winnipeg District en route to points to the east thereof, shall be inspected at Winnipeg or a point within the district, and on all wheat so inspected, the inspection shall be final as between the western farmer or dealer and the Winnipeg dealer. Any wheat inspected

at Winnipeg or other western point shall be reinspected at Fort William or other terminal elevators in the division without additional charge ; but any wheat not inspected west of Fort William shall be inspected at that point, and a certificate shall be issued on payment of the usual fee : Provided that when, owing to extreme pressure of business, the Canadian Pacific Railway Company, or other transportation company, finds that cars containing wheat are being unduly delayed for inspection purposes in Winnipeg, then the Company upon notification to, and with the consent of, the chief inspector (or in his absence, the inspector), may remove a special number of cars to Fort William, without inspection at Winnipeg.

Re nspection at Fort William.

Proviso.

67. All grain shipped for eastern points from any public elevator within the division shall be shipped only as graded into such elevators by the official inspectors : Provided that when grain has deteriorated or changed condition in storage, the inspecting officer shall issue only a certificate in accordance with the facts.

Grain shipped as graded into elevators.

Proviso.

68. If otherwise shipped, a Manitoba certificate for a straight grade shall be refused, and the quantity of each grade composing the mixed cargo (or carload, if shipped by rail) shall be written across the face of the certificate.

Refusal of Manitoba certificate.

69. All grain of the same grade shall be kept together and stored only with grain of a similar grade, and a selection of different qualities of the same grade is prohibited : Provided, however, that should wheat of different grades be loaded together in the same compartment of any vessel, at any point within the division, a certificate shall be issued for such mixed cargo, which certificate shall have written across its face a statement of the quantities of each grade entering into the composition of such mixed cargo, but no certificate for a straight grade shall be issued for such mixed cargo.

Grain of same grade kept together.

Proviso.

70. The certificates of inspection given by inspecting officers shall in all cases accompany the grain to its destination. No certificate shall be issued east of the Manitoba Inspection Division for Manitoba grain, whether such grain goes forward in bulk orin cars : Provided, however, that should any person interested in such grain have reason to believe that it has gone out of condition or has deteriorated in quality since it was originally inspected, any inspector may at his request inspect such grain, and in case he finds that it is out of condition or has become deteriorated in quality he may issue a certificate in accordance with the facts.

Certificates of inspection to accompany grain.

East of Manitoba Inspection Division.

71. Should the Chief Grain Inspector find on investigation that wheat shipped from any elevator is being systematically reduced in quality below the general average quality of the wheat of similar grades in the bins of the public elevators, he shall instruct inspectors that no such wheat shall be allowed to pass inspection except on a lower grade. The Chief Inspector shall make an investigation into any such case, upon a written complaint being lodged with him.

Systematic reduction of quality.

Duties of Chief Inspector.

Appeal of grain owner to chief inspector.

72. In any case in the division where an inspecting officer inspects grain, and the owner or producer of such grain is dissatisfied with the grading of such grain by him, the said owner or producer may appeal therefrom to the chief inspector, who shall view a proper sample of the grain respecting which the grading is in dispute, drawn or secured in a manner satistory to the chief inspector, and give his decision thereon, which shall be final, unless the owner or producer, within twenty-four hours after receiving notification thereof, makes further appeal to the Grain Survey Board for the Division, in which case the said Board shall give a final decision to settle the proper grading of the grain in dispute: Provided that nothing in this section shall prevent the owner of the said grain appealing directly from the inspector to the said Board, whose decision in all cases shall be final and binding on all parties: Provided always that no appeal shall be considered in any case where the identity of the grain in dispute has not been preserved.

To Grain Survey Board.

Proviso.

Selected sample sealed and sent to chief inspector in case of dispute.

73. Whenever there is a difference of opinion between any farmer selling wheat and any wheat buyer as to the grading of such wheat, the farmer, while taking the price offered for his wheat as of lower grade than that to which, in his opinion, it belongs, may insist on a sample being selected and agreed on between buyer and seller, which sample, of at least two quarts in quantity, shall be parcelled and sealed and sent to the chief inspector; and the chief inspector shall grade the said wheat without delay and make a return of his grading to both parties; and if the chief inspector finds the said wheat to be of a higher grade than that on which the price had been already paid, then the said buyer shall pay to the farmer aforesaid the difference between the price already been paid and that which should have been paid in the first instance had the grade afterwards fixed by the chief inspector been agreed upon at the time of the sale.

Grain Survey Board.

74. The Grain Survey Board for the division shall consist of twelve competent persons, six of whom shall be nominated by the Board of Trade of the City of Winnipeg, and three each by the Minister of Agriculture of the Province of Manitoba and the Commissioner of Agriculture of the North-west Territorities, respectively, and approved by the Minister; and such Board shall be governed in the performance of their duties by such general regulations as are made by the Governor in Council.

Powers to make by-laws.

75. The said board may make by-laws, subject to the approval of the Governor in Council, for the better carrying on of their business, and for the establishment of a schedule of fees for survey services.

Offices in Winnipeg.

76. The offices of the said Board shall be in the City of Winnipeg; but for the purpose of better conducting any particular survey, they or any number duly appointed in any special case, may hold sittings at any other place in the division.

77. The members of the said board, before acting as such, shall take an oath of office in such form as is prescribed by the Minister. Oath of office.

78. The inspection fees upon grain inspected within the division shall be treated as advanced charges, to be paid by the carrier or warehouseman in whose possession the grain is at the time of its inspection, and shall be paid through the chief inspector into, and shall form part of, the Consolidated Revenue Fund of Canada, and accounts thereof shall be kept by the chief inspector in such manner and in such detail as is from time to time determined by the Minister. "Advanced charges."

79. In the case of uncleaned grain inspected in the division, the inspecting officer shall state in his certificate the percentage of dirt necessary to be cleaned out at terminals in order to clean the grain to the grade certified: Provided that where the grain is found to be excessively dirty, or when by reason of the admixture of other grain it is in the opinion of the inspecting officer impracticable to ascertain the percentage of dirt or such other grain to be removed, the inspecting officer may require the grain to be cleaned before granting a straight grade therefor. Certificate in case of uncleaned grain.

PART IV.

GRADES.

80. The grades of grain shall be as follows:— Qualities of grain.

Spring Wheat.

No. 1 spring wheat shall be sound and clean, weighing not less than sixty pounds to the bushel. Spring wheat.

No. 2 spring wheat shall be sound and reasonably clean, weighing not less than fifty-eight pounds to the bushel.

No. 3 spring wheat shall comprise all wheat not good enough to be graded as No. 2, weighing not less than fifty-six pounds to the bushel.

Rejected spring wheat shall comprise all spring wheat fit for warehousing, but too low in weight or otherwise unfit to be graded as No. 3.

Goose Wheat.

No. 1 Goose wheat shall be plump and clean, weighing not less than sixty-one pounds to the bushel. Goose wheat.

No. 2 Goose wheat shall be plump and reasonably clean, weighing not less than fifty-nine pounds to the bushel.

No. 3 Goose wheat shall comprise such as is not good enough to be graded as No. 2, reasonably clean, and weighing not less than fifty-five pounds to the bushel.

Winter Wheat.

Extra white winter wheat shall be pure white winter wheat, sound, plump and clean, weighing not less than sixty-two pounds to the bushel. Winter wheat

No. 1 white winter wheat shall be pure white winter wheat, sound, plump and clean, weighing not less than sixty pounds to the bushel.

No. 2 white winter wheat shall be white winter wheat, sound and reasonably clean, weighing not less than fifty-eight pounds to the bushel.

No. 1 red winter wheat shall be pure red winter wheat, sound, plump and clean, weighing not less than sixty-two pounds to the bushel.

No. 2 red winter wheat shall be red winter wheat, sound and reasonably clean, weighing not less than sixty pounds to the bushel.

No. 1 mixed winter wheat shall be white and red winter wheat mixed, sound, plump and clean, weighing not less than sixty-two pounds to the bushel.

No. 2 mixed winter wheat shall be white and red winter wheat mixed, sound, plump and clean, weighing not less than fifty-nine pounds to the bushel.

No. 3 winter wheat shall include winter wheat not clean and plump enough to be graded No. 2, weighing not less than fifty-seven pounds to the bushel.

Corn.

Corn.

No. 1 white corn shall be white, sound, dry, clean and in all other respects No. 1 corn.

No. 2 white corn shall be white, sound, dry and reasonably clean.

No. 3 white corn shall be white, sound, dry and reasonably clean, but otherwise unfit to be graded No. 2.

No. 1 yellow corn shall be yellow, sound, dry, clean and in all other respects No. 1 corn.

No. 2 yellow corn shall be yellow, sound, dry and reasonably clean.

No. 3 yellow corn shall be yellow, sound, dry and reasonably clean, but otherwise unfit to be graded No. 2.

No. 2 corn shall be mixed corn, sound, dry and reasonably clean.

No. 3 corn shall be mixed corn, dry and reasonably clean, but otherwise unfit to be graded No. 2.

All corn that is damp, dirty in a heating condition or from any other cause unfit for the preceding grades shall be graded "rejected".

Oats.

Oats.

No. 1 white oats shall be sound, clean and free from other grain and shall weigh not less than 35 pounds to the bushel.

No. 2 white oats shall be sound, reasonably clean and reasonably free from other grain and shall weigh not less than 34 pounds to the bushel.

No. 3 white oats shall be sound, but not clean enough to be graded No. 2, and shall weigh not less than 30 pounds to the bushel.

Black oats.—The grades of Nos. 1, 2 and 3 black oats shall correspond in all respects with the grades of Nos. 1, 2 and 3 white oats, except that the former shall be black.

Mixed oats.—The grades of Nos. 1, 2 and 3 mixed oats, shall correspond in all respects with the grades of Nos. 1, 2 and 3 white oats, except that the former shall be black and white mixed.

White clipped oats.—The grades of Nos. 1, 2 and 3 white clipped oats shall correspond in all respects with the grades of Nos. 1, 2 and 3 white oats, except that the former shall weigh not less than 38, 36 and 32 pounds to the bushel, respectively.

Rye.

Rye.

No. 1 rye shall be sound, clean and shall weigh not less than 58 pounds to the bushel.

No. 2 rye shall be sound, reasonably clean, and reasonably free from other grain, and shall weigh not less than 56 pounds to the bushel.

No. 3 rye shall be sound, but not clean enough to be graded No. 2 and shall weigh not less than 55 pounds to the bushel.

Rejected rye, shall include such as is unsound, musty, dirty or from any other cause unfit to be graded No. 3.

Barley.

Barley.

No. 1 barley shall be plump, bright, sound, clean and free from other grain.

No. 2 barley shall be reasonably clean and sound, but not bright and plump enough to be graded as No. 1, and shall be reasonably free from other grain, and weigh not less than 48 pounds to the bushel.

No. 3 extra barley shall be in all respects the same as No. 2 barley, except in colour, weighing not less than 47 pounds to the bushel.

No. 3 barley shall include shrunken or otherwise slightly damaged barley, weighing not less than 45 pounds to the bushel.

No. 4 barley shall include all barley equal to No. 3 weighing not less than 45 pounds to the bushel.

Peas.

Peas

No. 1 peas shall be white, clean, sound, not worm eaten, and free from bugs.

No. 2 peas shall be reasonably clean and sound and reasonably free from worm eaten and buggy peas.

No. 3 peas shall be such as are too dirty to be graded No. 2 or are worm eaten or buggy.

Marrowfat peas. The grades of 1, 2 and 3 marrowfat peas shall correspond in all respects with the preceding grades Nos. 1, 2 and 3 except that the former shall be of the white-eyed and black-eyed varieties.

Mixed peas shall be sound and contain a variety of peas not elsewhere classified.

Buckwheat.

Buckwheat.

No. 1 buckwheat shall be sound, clean, dry and free from other grain, weighing not less than 50 pounds to the bushel.

No. 2 buckwheat shall be sound, clean and dry, weighing not less than 48 pounds to the bushel.

No. 3 buckwheat shall be sound, but not clean enough to be graded as No. 2, weighing not less 45 pounds to the bushel.

All good buckwheat that is slightly damp, but fit for warehousing, or which is too dirty to be graded No. 3, shall be classed as "No grade," in the discretion of the inspector.

"No Established Grade," shall include all grain not classified in the foregoing.

Grain grown in Manitoba Division.

81. The following grades apply only to grain grown in the Manitoba Division, and in respect of the several kinds of grain specified shall so apply to the exclusion of the grades defined in section 80:—

Spring Wheat.

Spring wheat.

Extra Manitoba hard wheat shall weigh not less than sixty-two pounds per bushel, shall be plump, sound and well cleaned, and shall contain not less than eighty-five per cent of hard red Fife wheat.

No. 1 Manitoba hard wheat shall be plump, sound and well cleaned, weighing not less than sixty pounds to the bushel, and shall be composed of at least seventy-five per cent of hard red Fife wheat.

No. 1 hard white Fife wheat shall be sound and well cleaned weighing not less than sixty pounds to the bushel, and shall be composed of not less than sixty per cent of hard white Fife wheat, and shall not contain more than twenty-five per cent of soft wheat.

No. 1 Manitoba Northern wheat shall be sound and well cleaned, weighing not less than sixty pounds to the bushel, and shall be composed of at least sixty per cent of hard red Fife wheat.

No. 2 Manitoba Northern wheat shall be sound and reasonably clean of good milling qualities and fit for warehousing, weighing not less than fifty-eight pounds to the bushel, and shall be composed of at least forty-five per cent of hard red Fife wheat.

Any wheat not good enough to be graded as No. 2 Manitoba Northern, shall be graded No. 3 Manitoba Northern in in the discretion of the inspector.

Scoured wheat shall not be graded higher than No. 3 Manitoba Northern.

Oats.

Oats.

Extra No. 1 Manitoba oats shall be white, sound, clean and free from other grain; and shall weigh not less than 38 pounds to the bushel.

No. 1 Manitoba oats shall be sound, clean and free from other grain; shall contain 90 per cent of white oats, and shall weigh not less than 35 pounds to the bushel.

No. 2 Manitoba oats shall be sound, reasonably clean, reasonably free from other grain, and shall weigh not less than 34 pounds to the bushel.

Any oats not good enough to be graded No. 2 shall be graded No. 3 in the discretion of the inspector.

Barley.

No. 1 Manitoba barley shall be plump, bright, sound, clean and free from other grain. Barley.

No. 2 Manitoba barley shall be reasonably clean and sound but not bright and plump enough to be graded as No. 1, and shall be reasonably free from other grain, and weigh not less than forty-eight pounds to the bushel.

No. 3 extra Manitoba barley shall be in all respects the same as No. 2 barley, except in colour, weighing not less than forty-seven pounds to the bushel.

No. 3 Manitoba barley shall include shrunken or otherwise slightly damaged barley, weighing not less than forty-five pounds to the bushel.

No. 4 Manitoba barley shall include all barley equal to No. 3, weighing less than forty-five pounds to the bushel.

Rye.

No. 1 Manitoba rye shall be sound, plump and well cleaned. Rye.

No. 2 Manitoba rye shall be sound, reasonably clean and reasonably free from other grain.

All rye which is from any cause unfit to be graded as No. 2 rye, shall be graded as "rejected."

Flax Seed.

No. 1 North-western Manitoba flax seed shall be mature, sound, dry and sweet and contain no more than 12½ per cent of damaged seed, and weigh not less than 53 lbs. to the bushel of commercially pure seed. Flax Seed.

No. 1 Manitoba flax seed shall be mature, sound, dry and sweet and contain not more than 25 per cent of damaged seed and weigh not less than 52 lbs. to the bushel of commercially pure seed.

All flax seed which is immature or musty or which contains more than 25 per cent damaged seed, and is fit for warehousing and testing not less than 49 lbs. to the bushel of commercially pure seed, shall be "rejected."

Flax seed that is damp, warm, mouldy, musty or otherwise unfit for warehousing, shall be "No grade."

To test flax seed, one pound of average seed shall be taken from the sample tested, and the impurities or foreign matter therein shall be removed as near as possible by the use of two sieves of 32-gauge wirecloth, one with meshes 3 x 16 and the other with meshes 16 x 16. The percentage of impurities and weight per bushel of the commercially pure seed shall be determined by the use of proper testing scales.

PROVISIONS AS TO ALL GRAIN.

82. All good wheat that is slightly damp, or otherwise unfit for warehousing, shall be entered on the Inspector's books as "No grade", with the inspector's notations as to quality and condition. All good grain that contains a large admixture of other kinds of grain shall be classed "No grade". Damp wheat, entered as "no grade."

Heated wheat as "condemned."

2. All grain that is in a heating condition or is badly bin-burnt whatsoever grade it might otherwise be shall be reported and entered upon the Inspector's books as "condemned" with the inspector's notations as to quality and condition.

Unsound from other causes "rejected."

3. Any grain that is unsound, musty, dirty, smutty, sprouted, or from any other cause is unfit to be classed under any of the recognized grades, shall be classed "rejected".

Weighing of grain.

4. All grain shall be weighed and the weight per bushel recorded in the Inspector's book.

Grain not above No. 3.

5. No grain that has been subject to scouring or treatment by use of lime or sulphur shall be graded higher than No. 3.

Weight not alone to determine grade.

6. In the Inspection of grain the weight shall not alone determine the grade.

Inspector's reasons to be entered in book.

7. All Inspectors shall make their reasons for grading grain, when necessary, fully known by notation on their book.

PART V.

FOREIGN GRAIN.

Inspection of foreign grain.

83. Inspection officers shall, when required, inspect grain of United States produce passing through Canada in transit to to the United Kingdom or to a foreign country, and shall grant certificates therefor based on Standards Samples of such grain established as hereinafter provided.

2. Standard samples for grain of United States produce may be established by the Grain Survey Board of any division or district, subject to the approval of the Chief Inspector of the division, and shall be known as the standard for United States grain of that division or district.

3. Should the Chief Inspector not approve of such standard samples, the Governor in Council may reject them if he deems them to have been unfairly or improperly chosen, and in such case he shall forthwith cause others to be chosen in their place by such means as he thinks proper.

4. Standard samples as so established shall be distributed by the Grain Survey Board to such persons as the Minister from time to time directs. For all samples so furnished the chief Inspector shall make such charge as is approved by the Minister.

5. Every certificate issued for such grain shall state that it is of United States production and that the grade given thereon is that established by the Grain Survey Board appointed by the Governor in Council for the division or district wherein the inspection takes place.

6. The fees for the inspection of such grain shall be the same as provided by this Act in the case of Canadian grain.

7. Appeals from the grading of foreign grain by inspection officers may be made to the Grain Survey Board, as provided for in the case of Canadian grain.

8. The provisions as to all grain in section 82 shall apply to Foreign Grain.

PART VI.

REPEAL.

R.S.C., c. 99, repealed.

84. All the provisions of the *General Inspection Act*, being chapter 99 of the Revised Statutes, and of any Act in amendment thereof, (except section 1 of chapter 24 of the statutes of 1903), in so far and in so far only as such provisions relate to grain and the inspection thereof, are hereby repealed and the provisions of this Act are substituted therefor.

Exception.

Order in Council of 9th January, 1889.

85. The order of the Governor in Council of the ninth day of January, 1889, respecting the inspection of staple articles, is repealed in so far and in so far only as it purports to establish inspection divisions for the inspection of grain.

No. 113.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL.

An Act respecting the Inspection of Grain.

First reading, May 16, 1904.

SIR RICHARD CARTWRIGHT.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1904

No. 113.] **BILL.** [1904.

An Act respecting the Inspection of Grain.

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

HIS 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 Grain Inspection Act.*

INTERPRETATION.

Interpretation. "Minister." "Department." "Grain." "Chief Inspector." "Inspector." "Deputy inspector." "Inspecting officer." "Division." "District." "Public elevator" and "grain warehouse." "Public terminal elevator."

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

(*a.*) The expression "Minister" means the Minister of Trade and Commerce;

(*b.*) The expression "Department" means the Department of Trade and Commerce;

(*c.*) The expression "Grain" means and includes all kinds and varieties of grain, the inspection of which is provided for by this Act;

(*d.*) The expression "Chief Inspector" means a chief inspector of grain appointed or continued in office under this Act;

(*e.*) The expression "Inspector" means an inspector of grain appointed or continued in office under this Act;

(*f*) The expression "Deputy Inspector" means a deputy inspector of grain appointed or continued in office under this Act;

(*g.*) The expression "Inspecting officer" means the inspector or deputy inspector by whom an inspection is made;

(*h.*) The expression "Division" means an inspection division established under this Act;

(*i.*) The expression "District" means an inspection district established under this Act;

(*j.*) The expressions "public elevator" and "grain warehouse" mean respectively an elevator and a warehouse which receives grain for storage purposes only after such grain has been duly inspected under this Act;

(*k.*) The expression "Public Terminal elevator" means a public elevator located at any point declared by the Minister to be a terminal in which grain is stored in bulk, and in which the grain of different owners is binned together, for storage purposes only, or in which grain is stored in such a manner that the identity of the different lots or parcels cannot

be accurately preserved, and doing business for a compensation; and the expression includes also a grain warehouse located at any such point and of the character described.

PART I.

GENERAL PROVISIONS.

Inspection divisions, and chief inspectors.

3. The Governor in Council may, from time to time, establish inspection divisions in Canada, in and for which, respectively, it is expedient to appoint chief inspectors of grain, and may appoint a chief inspector for each such inspection division, or for more than one such division.

Duties.

4. A chief inspector shall have under the Minister the general supervision and control of inspectors and deputy inspectors in his division, and shall perform the duties hereinafter assigned to chief inspectors or from time to time assigned to them by the Governor in Council or the Minister.

Change of boundaries.

5. The Governor in Council may from time to time change the boundaries of any inspection division.

Inspection divisions.

6. The existing inspection divisions are hereby continued, subject to change of boundaries as hereinbefore provided; that is to say:—

Eastern inspection division.

(*a.*) The Eastern Inspection Division, which consists of all that portion of Ontario lying east of Port Arthur, and the provinces of Quebec, New Brunswick, Nova Scotia and Prince Edward Island;

Manitoba inspection division.

(*b.*) The Manitoba Inspection Division, which consists of the province of Manitoba, the North-west Territories, British Columbia, and that portion of the province of Ontario lying west of, and including, the existing district of Port Arthur.

Inspection subdivisions.

7. The Governor in Council may, from time to time, establish inspection districts within any inspection division, and determine, and from time to time vary the boundaries of such districts, and in and for each such district may appoint an inspector and deputy inspectors of grain.

Local limits assigned to inspectors by the Minister.

8. Where the division has not been divided into districts or where districts have not been established therein, or where for any reason it is considered expedient so to do, the Governor in Council may appoint inspectors and deputy inspectors in and for any division, and in such case the Minister may, from time to time, assign to inspectors and deputy inspectors local limits within which they shall perform their duties under this Act.

Qualifications of inspectors; power to suspend.

9. Chief inspectors, inspectors and deputy inspectors shall hold office during pleasure, and shall be appointed only from among duly qualified persons, certified as such by a board of grain examiners as hereinafter provided. The chief inspector of any division shall have power to suspend any inspector or deputy inspector for cause.

10. An inspector or deputy inspector shall not ordinarily act as such except within the district for which he is appointed or the local limits, if any, assigned to him; but the Minister, on the recommendation of the chief inspector of a division, may authorize and require any inspector or deputy inspector to act temporarily in another district or beyond such limits. Limitation of action.

11. An inspector or deputy inspector who is appointed in and for a division, and to whom no local limits have been assigned, may act as such anywhere within the division. When local limits not assigned.

12. It shall be the duty of inspecting officers to inspect grain when called upon so to do by the owner or possessor thereof or his authorized agent, and without unreasonable delay to issue his certificate of such inspection, specifying the grade of such grain; but, before undertaking an inspection or issuing a certificate, an inspecting officer shall require the production of satisfactory evidence of ownership or possession or authorized agency. Duties of inspecting officers.

13. Chief inspectors, inspectors and deputy inspectors shall respectively be paid such salaries as are determined by the Governor in Council. Salaries.

14. All chief inspectors, inspectors and deputy inspectors of wheat and other grain, or of wheat and other grain and hay, at present in office, shall respectively, until otherwise provided, be chief inspectors, inspectors and deputy inspectors of grain under this Act in and for the divisions and districts respectively for which they have been appointed, or with authority to act within such local limits as have been assigned to them respectively, and be entitled in respect of their duties as such to the salaries or fees to which they have respectively been heretofore entitled in respect of the like duties, but nothing in this section shall affect the rights and powers of any existing inspector of wheat and other grain and hay in regard to the inspection of hay. Continuance of present officers in office. Inspection of hay.

15. Every chief inspector, inspector or deputy inspector shall, before acting as such, take and subscribe before a justice of the peace, an oath of office in the form or to the effect following:— Oath of inspectors.

I, A. B., do solemnly swear, that I will faithfully, truly and impartially, to the best of my judgment, skill and understanding, execute and perform the office of chief inspector of grain (or inspector of grain, or deputy inspector of grain) and that I will not, directly or indirectly, by myself or by any other person or persons deal, or trade in any grain on my account, or upon the account of any other person or persons, while I continue such chief inspector (*or* inspector, *or* deputy inspector). So help me God. Form of oath.

16. The Governor in Council may, from time to time, appoint in and for any division or district such number of fit and skilful persons as he deems properly qualified, to be a Board of Grain Examiners, to examine and test the ability and fitness of applicants for certificates of qualification to act as chief inspectors, inspectors, or deputy inspectors. Grain examiners.

Oath of office.

17. The members of any such Board shall be known as grain examiners and shall hold office during pleasure, and each of them before acting as a grain examiner shall take before a justice of the peace, an oath in the form following, or to the same effect:—

I, A. B., do swear that I will not, directly or indirectly, personally or by means of any person or persons in my behalf receive any fee, reward or gratuity whatever by reason of any function of my office of grain examiner, except such as I am entitled to receive by law, and that I will therein well and truly, in all things, act without partiality, favour or affection, and to the best of my knowledge and understanding. So help me God.

Record of oaths.

18. The oath of office required under this Act, taken by any chief inspector or other inspecting officer, weighmaster or assistant weighmaster, or by any member of a board of grain examiners, or by any member of a grain survey board, shall be transmitted to and be filed in the Department, and the justice of the peace administering the oath shall keep in his custody a copy thereof certified by him as such; and any copy so certified by such justice of the peace or by the Deputy Minister of Trade and Commerce shall be prima facie evidence of such oath.

Certificates to candidates for position of examiner.

19. Boards of Grain Examiners shall grant such certificates, and such only, as to the qualification of the candidates who present themselves for examination, as the knowledge and proficiency of such candidates require or justify.

Inspector must hold certificate.

20. No person shall be appointed as chief inspector, inspector, or deputy inspector in any division who has not been examined by, and received a certificate of qualification to act as chief inspector, inspector or deputy inspector from, the Board of Grain Examiners of the division or of some district therein.

Report to Department.

21. When a Board of Grain Examiners grants any certificate of qualification a report thereof shall forthwith be made to the Department.

Fees for examination of candidates.

22. Every Board of Grain Examiners shall collect from each candidate coming before the Board for examination, before such examination is held, a fee not to exceed twenty dollars, such fee to be divided among the members of the Board in such manner as the Board directs.

Inspectors to give security.

23. Every chief inspector, inspector and deputy inspector shall, before acting as such, give security for the due performance of the duties of his office, in such sum as the Governor in Council directs, and such security shall avail to the Crown, and to all persons aggrieved by any breach of the conditions thereof.

Vacancy in office of inspector.

24. In the event of the death, resignation, dismissal or suspension of any inspector, his senior deputy inspector shall perform all the duties of the inspector until his successor is appointed, or until such suspension ceases.

Grading of grain.

25. Inspecting officers shall grade all grain in accordance with the grades defined in this Act, and samples shall be made under the direction of the chief inspector of each division in accordance with such grades for the purpose of grading and of appeals therefrom to a grain survey board or to the chief inspector under the provisions hereinafter contained.

Samples to be furnished.

26. The chief inspectors and the inspectors for the division shall, not later than the first week in October in each year, furnish official standards of grain as established by them under this Act, when requested to do so by any person; and each standard shall be accompanied by a specific statement that it is a sample of the official grade. For all samples so furnished the inspector shall make such charge as is approved by the Minister.

Commercial grades.

27. If a considerable portion of the crop of wheat or any other grain for any one year in any division has any marked characteristics which exclude it, to the prejudice of the producer, from the grade to which it otherwise belongs, special grades may be established therefor in the manner provided in the four sections next following, and shall be called and known as commercial grades.

Standards established by Grain Standards Board.

28. The Governor in Council may appoint, for any division or district, as a Grain Standards Board, such number of fit and skilful persons as he deems properly qualified, for the purpose of establishing such commercial grades and of choosing samples of such grades to be the standards therefor; and the appointment of such persons by the Governor in Council shall be held to be permanent and effective until superseded and replaced by other appointments by the Governor in Council for that purpose; and to persons so appointed shall only select and establish the standards found necessary, to be designated as "commercial grade"; and in the inspection of all grain other than that subject to be graded as commercial grade, the inspectors shall be governed by the grades established by this Act.

Standards.

Samples.

29. The chief inspector shall distribute portions of all standard samples so chosen to such persons as the Minister from time to time directs, and in the inspection of grain of the character described in section 27 inspecting officers shall be governed by the samples so chosen.

Special marks.

30. The packages containing the samples so distributed, and the certificates granted by inspecting officers in relation to such grain, shall be marked "commercial grade."

Summoning of Grain Standards Board.

31. A Grain Standards Board shall be summoned for the establishment of commercial grades and the selection of samples thereof whenever the chief inspector of the division or three members of the board notify the chairman of the board that such a course is necessary.

Grain Survey Board.

32. The Governor in Council, on the recommendation of the Boards of Trade of Toronto and Montreal respectively, may

appoint for any eastern division or district a Grain Survey Board composed of such number of fit and skilful persons as is in each case considered necessary or convenient, and such board shall have the powers and be charged with the duties hereinafter defined and set forth, which powers and duties shall be exercised and performed in accordance with any regulations made by the Governor in Council in that behalf.

By-laws by Board.

33. Any Grain Survey Board may make by-laws, not inconsistent with anything herein contained and subject to the approval of the Governor in Council, for the better carrying out of its business, and for the establishment of a tariff of fees for survey services, subject to the provision of section 25 of this Act.

Oath of office.

34. The members of a Grain Survey Board, before acting as such, shall take an oath of office in such form as is prescribed by the Governor in Council.

Appeal in case of disputes as to grading of grain.

35. Whenever, in a division or district for which a Grain Survey Board has been appointed, the owner or possessor of any grain inspected therein is not satisfied with the inspecting officer's grading of such grain, he may appeal therefrom to the Chief Inspector, who shall view a proper sample of the grain respecting which the grading is in dispute, drawn or secured in a manner satisfactory to him, and give his decision thereon, which shall be final, unless the owner or possessor, within twenty-four hours after receiving the notification thereof, makes further appeal to the Grain Survey Board for the division or district, in which case the said Board shall give a final decision to settle the grading of the grain in dispute; but nothing in this section shall prevent the owner or possessor of the grain appealing directly from the inspecting officer to the said Board, whose decision in all cases shall be final and binding on all parties, and the inspecting officer shall issue a certificate accordingly: Provided always that no appeal shall be considered in any case where the identity of the grain in dispute has not been preserved.

Proviso.

Costs of appeal.

2. If the grading of the inspecting officer is confirmed by the Board, the costs of the appeal shall be paid by the owner or possessor of the grain, otherwise by the inspecting officer; but the costs shall not in any case exceed the sum of five dollars.

Members *ex officio*.

36. The Governor in Council may appoint a chief inspector of any division to be *ex-officio* a member of any Board of Grain Examiners, Grain Standards Board, or Grain Survey Board within his division.

Grading of grain.

37. No inspecting officer shall in any case make the grade of any lot of grain inspected by him above that of the poorest quality found therein, if he is satisfied that the grain has been improperly loaded for the purposes of deception.

Inspection after dark or in wet weather.

38. No inspecting officer shall inspect grain being laden or about to be laden on vessels or cars after dark or in wet weather, except on receipt, personally, or through the office of the

chief inspector, of an application from the owner or possessor of the grain or his authorized agent, written upon one of the printed forms furnished by the Department and signed by such owner or his authorized agent, relieving him, the inspecting officer, from responsibility for damage which may be caused by such wet weather, darkness, or for loss arising from errors liable to occur in an inspection under such circumstances ; but in every case of such inspection, the inspecting officer shall be personally present when the grain is actually delivered on board.

Personal presence of officer.

39. The Minister may, from time to time, require any inspector or deputy inspector to make such returns or reports of his official acts to the Department, or to any officer thereof, board of trade, or chamber of commerce, in such form, and containing such particulars and information as he deems expedient.

Report of inspector.

40. Every inspector of grain shall keep a proper book or books in which he shall from time to time enter an account of all grain inspected and the amount paid for such inspection.

Account books.

41. For the purpose of verifying any statement made by an inspecting officer of the quantity of grain inspected or weighed by him at any elevator, the books kept in connection with such elevator shall at all times be open to inspection by any authorized officer of the Department.

Books open to inspection.

42. All inspectors and deputy inspectors of grain shall, at all times during ordinary business hours, be at full liberty to examine all grain stored in any public terminal elevator ; and all proper facilities shall be extended to them by the warehouseman, his agents and servants, for an examination, and all parts of public terminal elevators shall be open to examination and inspection by any inspector or deputy inspector.

Examination of grain in terminal elevators.

43. Every inspector or deputy inspector who, on application to him, made personally or by writing, left at his office on any lawful day between sunrise and sunset, by any owner or possessor of grain, neglects or refuses to proceed forthwith to such inspection, if he is not at the time of such application employed in inspecting elsewhere, shall, for every such neglect or refusal, forfeit and pay to the person so applying twenty dollars, over and above all the damages occasioned to the person complaining by such neglect or refusal, recoverable in a summary way before any one justice of the peace on the oath of one credible witness other than such complainant.

Refusal to inspect.

Penalty.

44. Every inspector or deputy inspector who—

Violation of the Act.

(*a*) without authority inspects grain out of the local limits for which he is appointed, or

(*b*) gives any wilfully false or untrue certificate, or

(*c*) connives at or is privy to any fraudulent evasion of this Act, or

(*d*) otherwise violates any provision of this Act

Penalty.

shall, for each such offence, on summary conviction before two justices of the peace be liable to a penalty of one hundred dol-

lars, and shall forfeit his office, and be disqualified from ever after holding the same.

Unauthorized persons.

45. Every person, not thereunto duly authorized under this Act, who in any manner whatever assumes the title or office of inspector or deputy inspector, or issues any certificate purporting to establish the quality of any grain or hay, shall for every such offence, on summary conviction, be liable to a penalty not exceeding one hundred dollars or to imprisonment not exceeding three months.

Penalty

Fraudulent use of inspector's certificate.

46. Every person who, with a fraudulent intention, uses an inspector's certificate or bill of inspection in connection with grain other than the grain in connection with which such certificate or bill of inspection was issued, is guilty of an indictable offence and liable to imprisonment for a term not exceeding three years or to a penalty not exceeding five hundred dollars, or to both.

Penalty.

Bribes, threats, or violence to influence inspector.

47. Any person who directly or indirectly gives or offers, or promises to give, or procure to be given, any bribe, recompense or reward to, or makes any collusive agreement with, any inspector or deputy inspector, or who makes use of, or threatens to make use of, any force, violence or restraint, or inflicts or threatens the infliction of any injury or loss upon any inspector or deputy inspector, or upon any other person, in order to improperly influence such inspector or deputy inspector in the performance of his duties under this Act, is guilty of an indictable offence and liable to imprisonment for a term not exceeding two years or to a penalty not exceeding two hundred dollars, or to both.

Penalty.

Limitation of time for commencing suits under this Act.

48. Every action brought against any person for anything done under this Act, or contrary to its provisions, shall be commenced within six months next after the right to bring such action accrued, and not afterwards; and the defendant therein may plead the general issue, and that the thing was done under this Act, and may give this Act and the special matter in evidence at any trial thereof; and if it appears so to have been done, then the judgment shall be for the defendant; and if the plaintiff is non-suited or discontinues his action after the defendant has appeared, or if judgment is given against the plaintiff, the defendant shall recover all costs and have the like remedy therefor as defendants have in other cases.

Costs.

Sale by sample.

49. Nothing in this Act shall prevent any person from selling or buying grain by sample, regardless of its grades.

Fees.

50. The fees for the inspection of grain shall be as follows: For inspecting grain in sacks, one-third of a cent per cental; for inspecting grain in bulk, per car load, forty cents; in cargoes, per one thousand bushels, fifty cents.

Alteration of fees.

51. The Governor in Council may, from time to time, increase or reduce the fees for the inspection of grain, and may prescribe scales of fees differing from each other for the several divisions.

52. The inspection fees upon grain within the several districts shall be paid by the inspectors into, and shall form part of, the Consolidated Revenue Fund of Canada. Payment of fees into Consolidated Fund.

53. The Governor in Council may make regulations, not inconsistent with this Act,— Regulations.

(*a*) for the guidance and government of chief inspectors, inspectors and deputy inspectors, boards of grain examiners, grain standards boards, grain survey boards and members of such boards respectively, and others concerned in the administration of the Act, and For inspectors, boards of examiners, etc.

(*b*) generally such as are deemed necessary, from time to time, for the carrying out of the provisions of the Act according to their true intent and meaning and for the better attainment of its objects— Other boards.

and may by any such regulations impose penalties for violations thereof not exceeding fifty dollars and costs, such penalties to be recoverable on summary conviction. Penalties for contravention.

54. The Governor in Council may also make regulations not inconsistent with this Act as to the method of dealing with terminal and public elevators and grain warehouses, and requiring the proprietors, lessees or managers of such elevators and warehouses to take out licenses and to pay any prescribed fees therefor, and to give security for the faithful performance of their duties as such, and their compliance with all laws relating thereto. Regulations as to terminal and public elevators.

55. The Governor in Council may appoint in and for each division a chief weighmaster, whose duties and powers shall be defined by Order in Council, and may also, in any place where inspection of grain is authorized under this Act, or where is situate any public terminal elevator, appoint a weighmaster and such assistants as are necessary; and such weighmasters and assistants shall receive such compensation, by fees or otherwise, as is determined by the Governor in Council. Appointments of chief weighmaster and assistants east of Manitoba.

2. Every weighmaster or assistant weighmaster so appointed shall, before exercising the duties of his office, subscribe to an oath of office and furnish a guarantee bond in such amount as the Minister of Trade and Commerce directs. Oath of office and bond.

56. The offices of chief weighmaster and chief inspector in each division may be combined until otherwise ordered by the Governor in Council. Combination of offices.

57. The weighmasters and assistants in each division shall, under the direction of the chief weighmaster, supervise and have exclusive control of the weighing of grain inspected, subject to inspection or otherwise, or received into or shipped out from public terminal elevators. Powers and duties of weighmasters.

58. Every such weighmaster or assistant shall give upon demand to any person having weighing done by him, a certificate under his hand, showing the amount of each weight, the number of each car or cargo weighed, the initial of the car, the place where weighed, the date of weighing and the contents of Certificate as evidence.

the car or cargo, and such certificate shall be, in all cases, prima facie evidence of the facts therein contained.

Record to be kept.

59. All weighmasters and their assistants shall make true weights, under the penalties in this Act provided, and keep a correct record of all weighing done by them at the places for which they are appointed, in which record shall be entered an accurate account of all grain weighed, or the weighing of which was supervised by them or their assistants, giving the amount of each weight, the number of each car weighed, the initial letter of each car or the name of each vessel, the place where weighed, the date of weighing, and the contents of the car or cargo.

Fees.

60. The fees for the weighing of grain shall be such as are determined by the Governor in Council, who may from time to time increase or reduce them.

Rules and regulations.

61. The chief weighmaster may adopt rules and regulations for the weighing of grain in his division subject to the approval of the Minister of Trade and Commerce.

Interfering with weighmaster.

62. If any owner, lessee or other occupant of any terminal elevator, by himself or by his agent or employee, refuses or prevents a weighmaster or any of his assistants from having access to such elevator or to any scales therein or connected therewith, in the regular performance of their duties in supervising the weighing of grain in accordance with this Act, he shall, upon summary conviction, be liable to a penalty not exceeding one hundred dollars for each offence.

Penalty.

PART II.

SPECIAL PROVISIONS AS TO EASTERN INSPECTION DIVISION.

Eastern Inspection Division.

63. The provisions contained in this Part relate only to the Eastern Inspection Division, and they apply to all grain grown in that division, to the exclusion of any provisions in Part 1 of the Act inconsistent with them or dealing with like matters.

Grain shipped from public elevator.

64. All grain shipped from any public elevator within the Eastern Inspection Division shall be shipped out as graded into such elevators by the inspecting officers; provided however, that should any person interested in such grain have reason to believe that it has gone out of condition or has deteriorated in quality since it was originally inspected, any inspector may, at his request, re-inspect such grain; and in case he finds that it is out of condition or has become deteriorated in quality he shall endorse across the face of the original certificate a statement of the facts, with the date and place where the re-inspection was made, and shall attach his signature thereto; but under no circumstances shall such grain be mixed or re-graded.

Re-inspection if deteriorate alleged.

When otherwise shipped.

65. If otherwise shipped, a certificate for a straight grade shall be refused and the quantity of each grade composing the

mixed cargo (or car-load, if shipped by rail) shall be written across the face of the certificate.

Grain of same grade kept together.

66. All grain of the same grade shall be kept together and stored only with grain of a similar grade: Provided, however, that should different grades be loaded together in the same compartment of any vessel at any point within the division, a certificate shall be issued for such mixed cargo, which certificate shall have written across its face a statement of the quantities of each grade entering into the composition of such mixed cargo; but no certificate for a straight grade shall be issued for such mixed cargo.

Proviso.

Refusal of inspection for lack of samples.

67. When any lot of grain is so situated that the inspecting officer cannot obtain such samples thereof as he considers necessary to a thorough inspection, inspection shall be refused.

Duplicate inspection certificates east of Port Arthur.

68. Duplicate inspection certificates shall accompany all grain inspected east of Port Arthur to its destination in Canada, and no reinspection shall be permitted unless there is reason to believe that the grain has gone out of condition or has deteriorated in quality since it was originally inspected, in which case any inspecting officer may inspect such grain and if he finds that it has so gone out of condition or deteriotad, he shall issue a certificate in accordance with the facts; provided always that no such inspection shall take place unless the identity of the grain has been preserved.

Fees to be advanced charges.

69. All inspection and weighing fees shall be treated as "Advanced Charges" to be paid by the carrier in whose possession the grain is at the time of its inspection.

PART III.

SPECIAL PROVISIONS AS TO MANITOBA INSPECTION DIVISION.

Manitoba Inspection Division.

70. The provisions contained in this Part relate only to the Manitoba Inspection Division, and they apply to all grain grown in that division, to the exclusion of any provisions in Part I of this Act inconsistent with them or dealing with like matters.

Samples of grading.

71. Inspecting officers shall be required and instructed, on and after the coming into force of this Act, to grade in accordance with this Act all grain defined therein, and standard samples shall be made in accordance therewith for the purpose of grading and surveys.

Convening of Grain Standards Board.

72. Should the climatic or other conditions result in the production of a considerable proportion of grain, other than oats, not capable of being included in the classification provided for in this Act, the Grain Standards Board for the division shall be convened for the selection of commercial grades and samples whenever the chairman of the said board is notified by the chief inspector or five members of the said board that such a course is necessary; and inspecting officers

shall grade all classes of grain which cannot be graded according to this Act, in accordance with the commercial samples so selected by the board.

Limitation of time for furnishing samples.

73. The chief inspector and the inspectors for the division shall, not later than the first day of October in each year, furnish official samples of grain as established by them under this Act when requested to do so by any person, such sample to be accompanied by a specific statement that it is a sample of the official grade. The inspectors shall also supply cargo samples when required. For all samples so furnished the inspectors shall make such charge as is approved by the Minister.

Charge for samples.

Inspection east of Winnipeg.

74. All grain placed in public elevators or warehouses east of Winnipeg, in the division, shall be subject to inspection, both inwards and outwards.

Grain to be inspected in Winnipeg District.

75. All grain produced in the North-west Territories and in Manitoba, passing through the Winnipeg District en route to points to the east thereof, shall be inspected at Winnipeg or a point within the district, and on all grain so inspected, the inspection shall be final as between the western farmer or dealer and the Winnipeg dealer. Any grain inspected at Winnipeg or other western point may be reinspected at Fort William or other terminal elevators in the division without additional charge ; but any grain not inspected west of Fort William shall be inspected at that point, and a certificate shall be issued on payment of the usual fee :

Reinspection at Fort William.

Proviso.

Provided that when, owing to extreme pressure of business, the Canadian Pacific Railway Company, or other transportation company, finds that cars containing grain are being unduly delayed for inspection purposes in Winnipeg, then the Company upon notification to, and with the consent of, the chief inspector (or in his absence, the inspector), may remove a special number of cars to Fort William, without inspection at Winnipeg.

Grain shipped as graded into elevators.

76. All grain shipped for eastern points from any public elevator within the division shall be shipped only as graded into such elevators by the inspecting officers : Provided that when grain has deteriorated or changed condition in storage, the inspecting officer shall issue only a certificate in accordance with the facts.

Proviso.

Refusal of Manitoba certificate.

77. If otherwise shipped, a Manitoba certificate for a straight grade shall be refused, and the quantity of each grade composing the mixed cargo (or carload, if shipped by rail) shall be written across the face of the certificate.

Grain of same grade kept together.

78. All grain of the same grade shall be kept together and stored only with grain of a similar grade, and a selection of different qualities of the same grade is prohibited : Provided, however, that should grain of different grades be loaded together in the same compartment of any vessel, at any point within the division, a certificate shall be issued for such mixed cargo, which certificate shall have written across its face a

Proviso.

statement of the quantities of each grade entering into the composition of such mixed cargo, but no certificate for a straight grade shall be issued for such mixed cargo.

Certificates of inspection to accompany grain.

79. The certificates of inspection given by inspecting officers shall in all cases accompany the grain to its destination. No certificate shall be issued east of the Manitoba Inspection Division for Manitoba grain, whether such grain goes forward in bulk orin cars : Provided, however, that should any person interested in such grain have reason to believe that it has gone out of condition or has deteriorated in quality since it was originally inspected, any inspector may at his request inspect such grain, and in case he finds that it is out of condition or has become deteriorated in quality he shall endorse across the face of the original certificate a statement of the facts, with the date and place where the re-inspection was made, and shall attach his signature thereto ; but under no circumstances shall such grain be mixed or re-graded.

East of Manitoba Inspection Division.

Systematic reduction of quality.

80. When grain shipped from any elevator is being systematically reduced in quality below the general average quality of the grain of similar grades in the bins of the public elevators, the chief inspector shall instruct inspecting officers that no such grain shall be allowed to pass inspection except on a lower grade. The inspectors shall at all times keep careful watch on grain received into terminal elevators, and, if they find any grain being received as above described, shall at once notify the chief inspector, who shall make an investigation forthwith and take action accordingly.

Investigation by Chief Inspector.

Appeal in case of dispute as to grading.

81. Whenever, in a division or district for which a Grain Survey Board has been appointed, the owner or possessor of any grain inspected therein is not satisfied with the inspecting officer's grading of such grain, he may appeal therefrom to the Chief Inspector, who shall view a proper sample of the grain respecting which the grading is in dispute, drawn or secured in a manner satisfactory to him, and give his decision thereon, which shall be final unless the owner or possessor, within twenty-four hours after receiving the notification thereof, makes further appeal to the Grain Survey Board for the division or district, in which case the said Board shall give a final decision to settle the grading of the grain in dispute ; but nothing in this section shall prevent the owner or possessor of the said grain appealing directly from the inspecting officer to the said Board, whose decision in all cases shall be final and binding on all parties, and the inspecting officer shall issue a certificate accordingly : Provided always that no appeal shall be considered in any case where the identity of the grain in dispute has not been preserved.

Proviso.

Costs of appeal.

2. If the grading of the inspecting officer is confirmed by the Board the costs of the appeal shall be paid by the owner or possessor of the grain, otherwise by the inspecting officer ; but the costs shall not in any case exceed the sum of five dollars.

Selected sample sealed and sent to

82. Whenever there is a difference of opinion between any farmer selling wheat and any wheat buyer as to the

chief inspector in case of dispute.

grading of such wheat, the farmer, while taking the price offered for his wheat as of lower grade than that to which, in his opinion, it belongs, may insist on a sample being selected and agreed on between buyer and seller, which sample, of at least two quarts in quantity, shall be parcelled and sealed and sent to the chief inspector; and the chief inspector shall grade the said wheat without delay and make a return of his grading to both parties; and if the chief inspector finds the said wheat to be of a higher grade than that on which the price had been already paid, then the said buyer shall pay to the farmer aforesaid the difference between the price already been paid and that which should have been paid in the first instance had the grade afterwards fixed by the chief inspector been agreed upon at the time of the sale.

Grain Survey Board.

83. The Grain Survey Board for the division shall consist of twelve competent persons, six of whom shall be nominated by the Board of Trade of the City of Winnipeg, and three each by the Minister of Agriculture of the Province of Manitoba and the Commissioner of Agriculture of the North-west Territorities, respectively, and approved by the Minister; and such Board shall be governed in the performance of their duties by such general regulations as are made by the Governor in Council.

Powers to make by-laws.

84. The said board may make by-laws, subject to the approval of the Governor in Council, for the better carrying on of their business, and for the establishment of a schedule of fees for survey services.

Offices in Winnipeg.

85. The offices of the said Board shall be in the City of Winnipeg; but for the purpose of better conducting any particular survey, they or any number duly appointed in any special case, may hold sittings at any other place in the division.

Oath of office.

86. The members of the said board, before acting as such, shall take an oath of office in such form as is prescribed by the Minister.

"Advanced charges."

87. The inspection fees upon grain inspected within the division shall be treated as advanced charges, to be paid by the carrier or warehouseman in whose possession the grain is at the time of its inspection, and shall be paid through the chief inspector into, and shall form part of, the Consolidated Revenue Fund of Canada, and accounts thereof shall be kept by the chief inspector in such manner and in such detail as is from time to time determined by the Minister.

Certificate in case of uncleaned grain.

88. In the case of uncleaned grain inspected in the division, the inspecting officer shall state in his certificate the percentage of dirt necessary to be cleaned out at terminals in order to clean the grain to the grade certified: Provided that where the grain is found to be excessively dirty, or when by reason of the admixture of other grain it is in the opinion of the inspecting officer impracticable to ascertain the percentage of dirt or such other grain to be removed, the inspecting officer

may require the grain to be cleaned before granting a straight grade therefor.

PART IV.

GRADES.

89. The grades of grain shall be as follows :— Qualities of grain.

Spring Wheat.

No. 1 spring wheat shall be sound and clean, weighing not less than 60 pounds to the bushel. Spring wheat.

No. 2 spring wheat shall be sound and reasonably clean, weighing not less than 58 pounds to the bushel.

No. 3 spring wheat shall comprise all sound wheat not good enough to be graded as No. 2, weighing not less than 56 pounds to the bushel.

Rejected spring wheat shall comprise all spring wheat fit for warehousing, but too low in weight or otherwise unfit to be graded as No. 3.

Goose Wheat.

No. 1 Goose wheat shall be plump and clean, weighing not less than 61 pounds to the bushel. Goose wheat.

No. 2 Goose wheat shall be plump and reasonably clean, weighing not less than 59 pounds to the bushel.

No. 3 Goose wheat shall comprise such as is not good enough to be graded as No. 2, reasonably clean, and weighing not less than fifty-five pounds to the bushel.

Winter Wheat.

Extra white winter wheat shall be pure white winter wheat, sound, plump and clean, weighing not less than 62 pounds to the bushel. Winter whea

No. 1 white winter wheat shall be pure white winter wheat, sound, plump and clean, weighing not less than 60 pounds to the bushel.

No. 2 white winter wheat shall be white winter wheat, sound and reasonably clean, weighing not less than 58 pounds to the bushel.

No. 1 red winter wheat shall be pure red winter wheat, sound, plump and clean, weighing not less than 62 pounds to the bushel.

No. 2 red winter wheat shall be red winter wheat, sound and reasonably clean, weighing not less than 60 pounds to the bushel.

No. 1 mixed winter wheat shall be white and red winter wheat mixed, sound, plump and clean, weighing not less than 61 pounds to the bushel.

No. 2 mixed winter wheat shall be white and red winter wheat mixed, sound, plump and clean, weighing not less than 59 pounds to the bushel.

No. 3 winter wheat shall include winter wheat not clean and plump enough to be graded No. 2, weighing not less than 57 pounds to the bushel.

Corn.

Corn.

No. 1 white corn shall be white, sound, dry, clean and in all other respects No. 1 corn.

No. 2 white corn shall be white, sound, dry and reasonably clean.

No. 3 white corn shall be white, sound, dry and reasonably clean, but otherwise unfit to be graded No. 2.

No. 1 yellow corn shall be yellow, sound, dry, clean and in all other respects No. 1 corn.

No. 2 yellow corn shall be yellow, sound, dry and reasonably clean.

No. 3 yellow corn shall be yellow, sound, dry and reasonably clean, but otherwise unfit to be graded No. 2.

No. 2 corn shall be mixed corn, sound, dry and reasonably clean.

No. 3 corn shall be mixed corn, dry and reasonably clean, but otherwise unfit to be graded No. 2.

All corn that is damp, dirty in a heating condition or from any other cause unfit for the preceding grades shall be graded "rejected".

Oats.

Oats.

No. 1 white oats shall be sound, clean and free from other grain and shall weigh not less than 34 pounds to the bushel.

No. 2 white oats shall be sound, reasonably clean and reasonably free from other grain and shall weigh not less than 32 pounds to the bushel.

No. 3 white oats shall be sound, but not clean enough to be graded No. 2, and shall weigh not less than 30 pounds to the bushel.

No. 4 white oats shall be sound, but otherwise not equal to No. 3, and shall weigh not less than 28 pounds to the bushel.

Black oats.—The grades of Nos. 1, 2, 3 and 4 black oats shall correspond in all respects with the grades of Nos. 1, 2, 3 and 4 white oats, except that the former shall be black.

Mixed oats.—The grades of Nos. 1, 2, 3 and 4 mixed oats, shall correspond in all respects with the grades of Nos. 1, 2, 3 and 4 white oats, except that the former shall be black and white mixed.

White clipped oats.—The grades of Nos. 1, 2, 3 and 4 white clipped oats shall correspond in all respects with the grades of Nos. 1, 2, 3 and 4 white oats, except that the former shall weigh not less than 38, 36 and 34 pounds to the bushel, respectively.

Rye.

Rye.

No. 1 rye shall be sound, clean and shall weigh not less than 58 pounds to the bushel.

No. 2 rye shall be sound, reasonably clean, and reasonably free from other grain, and shall weigh not less than 56 pounds to the bushel.

No. 3 rye shall be sound, but not clean enough to be graded No. 2 and shall weigh not less than 55 pounds to the bushel.

Rejected rye, shall include such as is unsound, musty, dirty or from any other cause unfit to be graded No. 3.

Barley.

Barley. No. 1 barley shall be plump, bright, sound, clean and free from other grain.

No. 2 barley shall be reasonably clean and sound, but not bright and plump enough to be graded as No. 1, and shall be reasonably free from other grain, and weigh not less than 48 pounds to the bushel.

No. 3 extra barley shall be in all respects the same as No. 2 barley, except in weight and colour, weighing not less than 47 pounds to the bushel.

No. 3 barley shall include shrunken barley, weighing not less than 45 pounds to the bushel.

No. 4 barley shall include all barley equal to No. 3 weighing not less than 44 pounds to the bushel.

Peas.

Peas. No. 1 peas shall be white, clean, sound, not worm eaten, and free from bugs.

No. 2 peas shall be reasonably clean and sound and reasonably free from worm eaten and buggy peas.

No. 3 peas shall be such as are too dirty to be graded No. 2 or are worm eaten or buggy.

Marrowfat peas. The grades of 1, 2 and 3 marrowfat peas shall correspond in all respects with the preceding grades Nos. 1, 2 and 3 except that the former shall be of the white-eyed and black-eyed varieties.

Mixed peas shall be sound and may contain a variety of peas not elsewhere classified.

Buckwheat.

Buckwheat. No. 1 buckwheat shall be sound, clean, dry and free from other grain, weighing not less than 50 pounds to the bushel.

No. 2 buckwheat shall be sound, clean and dry, weighing not less than 48 pounds to the bushel.

No. 3 buckwheat shall be sound, but not clean enough to be graded as No. 2, weighing not less 45 pounds to the bushel.

All good buckwheat that is slightly damp, but fit for warehousing, or which is too dirty to be graded No. 3, shall be classed as "No grade," in the discretion of the inspector.

"No Established Grade," shall include all grain not classified in the foregoing.

Grain grown in Manitoba Division. **90.** The following grades apply only to grain grown in the Manitoba Division, and in respect of the several kinds of grain specified shall so apply to the exclusion of the grades defined in section 80:—

Spring Wheat.

Spring wheat. Extra Manitoba hard wheat shall weigh not less than 62 pounds per bushel, shall be plump, sound and well cleaned, and shall contain not less than eighty-five per cent of hard red Fife wheat.

No. 1 Manitoba hard wheat shall be plump, sound and well cleaned, weighing not less than 60 pounds to the bushel, and shall be composed of at least seventy-five per cent of hard red Fife wheat.

No. 1 hard white Fife wheat shall be sound and well cleaned weighing not less than 60 pounds to the bushel, and shall be composed of not less than sixty per cent of hard white Fife wheat, and shall not contain more than twenty-five per cent of soft wheat.

No. 1 Manitoba Northern wheat shall be sound and well cleaned, weighing not less than 60 pounds to the bushel, and shall be composed of at least sixty per cent of hard red Fife wheat.

No. 2 Manitoba Northern wheat shall be sound and reasonably clean of good milling qualities and fit for warehousing, weighing not less than 58 pounds to the bushel, and shall be composed of at least forty-five per cent of hard red Fife wheat.

Any wheat not good enough to be graded as No. 2 Manitoba Northern, shall be graded No. 3 Manitoba Northern in in the discretion of the inspector.

Scoured wheat shall not be graded higher than No. 3 Manitoba Northern.

Oats.

Oats.

Extra No. 1 Manitoba oats shall be white, sound, clean and free from other grain, shall contain 95 per cent of white oats, and shall weigh not less than 38 pounds to the bushel.

No. 1 Manitoba oats shall be sound, clean and free from other grain ; shall contain 90 per cent of white oats, and shall weigh not less than 35 pounds to the bushel.

No. 2 Manitoba oats shall be sound, reasonably clean, reasonably free from other grain, and shall weigh not less than 34 pounds to the bushel.

No. 3 oats shall be sound but not clean enough or sufficiently free from other grain to be graded as No. 2, and shall weigh not lnss than 34 pounds to the bushel.

Any oats not good enough to be graded No. 2 shall be graded No. 3 in the discretion of tne inspector.

Barley.

Barley.

No. 1 Manitoba barley shall be plump, bright, sound, clean and free from other grain.

No. 2 Manitoba barley shall be reasonably clean and sound but not bright and plump enough to be graded as No. 1, and shall be reasonably free from other grain, and weigh not less than 48 pounds to the bushel.

No. 3 extra Manitoba barley shall be in all respects the same as No. 2 barley, except in colour, weighing not less than 47 pounds to the bushel.

No. 3 Manitoba barley shall include shrunken or otherwise slightly damaged barley, weighing not less than 45 pounds to the bushel.

No. 4 Manitoba barley shall include all barley equal to No. 3, weighing less than 45 pounds to the bushel.

Rye.

No. 1 Manitoba rye shall be sound, plump and well cleaned. Rye.
No. 2 Manitoba rye shall be sound, reasonably clean and reasonably free from other grain.
All rye which is from any cause unfit to be graded as No. 2 rye, shall be graded as "rejected."

Flax Seed.

No. 1 North-western Manitoba flax seed shall be mature, sound, dry and sweet and contain no more than 12½ per cent of damaged seed, and weigh not less than 53 lbs. to the bushel of commercially pure seed. Flax Seed.
No. 1 Manitoba flax seed shall be mature, sound, dry and sweet and contain not more than 25 per cent of damaged seed and weigh not less than 52 lbs. to the bushel of commercially pure seed.
All flax seed which is immature or musty or which contains more than 25 per cent damaged seed, and is fit for warehousing and testing not less than 49 lbs. to the bushel of commercially pure seed, shall be "rejected."
Flax seed that is damp, warm, mouldy, musty or otherwise unfit for warehousing, shall be "No grade."
To test flax seed, one pound of average seed shall be taken from the sample tested, and the impurities or foreign matter therein shall be removed as near as possible by the use of two sieves of 32-gauge wirecloth, one with meshes 3 x 16 and the other with meshes 16 x 16 to the square inch. The percentage of impurities and weight per bushel of the commercially pure seed shall be determined by the use of proper testing scales.

PROVISIONS AS TO ALL GRAIN.

91. All good grain that is slightly damp, or otherwise unfit for warehousing, shall be entered on the inspecting officer's books as "No grade," with his notations as to quality and condition. All good grain that contains a large admixture of other kinds of grain shall be classed "No grade". Damp wheat entered as "no grade."

2. All grain that is in a heating condition or is badly burnt whatsoever grade it might otherwise be shall be reported and entered upon the inspecting officer's books as "condemned" with the inspector's notations as to quality and condition. Heated wheat as "condemned."

3. Any grain that is unsound, musty, dirty, smutty, sprouted, or from any other cause is unfit to be classed under any of the recognized grades, shall be classed "rejected". Unsound from other causes "rejected."

4. All grain shall be weighed and the weight per bushel recorded in the inspecting officer's book. Weighing of grain.

5. No grain that has been subject to scouring or treatment by use of lime or sulphur shall be graded higher than No. 3. Grain not above No. 3.

6. In the inspection of grain the weight shall not alone determine the grade. Weight not alone to determine grade.

7. All inspecting officers shall make their reasons for grading grain, when necessary, fully known by notation on their book. Inspector's reasons to be entered in book.

PART V.

FOREIGN GRAIN.

Inspection of foreign grain.

92. Inspecting officers shall, when required, inspect grain of United States production passing through Canada in transit to the United Kingdom or to a foreign country, and shall grant certificates therefor based on Standard Samples of such grain established as hereinafter provided.

2. Standard samples for grain of United States production may be established yearly by the Grain Survey Board of any division or district, and shall be known as the standards for United States grain of that division or district. The chief inspector shall be a member of this Survey Board.

3. The Governor in Council may reject such standard samples if he deems them to have been unfairly or improperly chosen, and in such case he shall forthwith cause others to be chosen in their place by such means as he thinks proper.

4. Standard samples as so established shall be distributed by the Grain Survey Board to such persons as the Minister from time to time directs. For all samples so furnished the chief Inspector shall make such charge as is approved by the Minister.

5. Every certificate issued for such grain shall state that it is of United States production and that the grade given thereon is that established by the Grain Survey Board appointed by the Governor in Council for the division or district wherein the inspection takes place.

6. The fees for the inspection of such grain shall be the same as provided by this Act in the case of Canadian grain.

7. Appeals from the grading of foreign grain by inspecting officers may be made to the Grain Survey Board, as provided for in the case of Canadian grain.

8. The provisions as to all grain in section 91 shall apply to Foreign Grain.

PART VI.

REPEAL.

R.S.C., c. 99, repealed.

Exception.

93. All the provisions of the *General Inspection Act*, being chapter 99 of the Revised Statutes, and of any Act in amendment thereof, (except section 1 of chapter 24 of the statutes of 1903), in so far and in so far only as such provisions relate to grain and the inspection thereof, are hereby repealed and the provisions of this Act are substituted therefor.

Order in Council of 9th January, 1889.

94. The order of the Governor in Council of the ninth day of January, 1889, respecting the inspection of staple articles, is repealed in so far and in so far only as it purports to establish inspection divisions for the inspection of grain.

No. 113.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL.

An Act respecting the Inspection of Grain.

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

SIR RICHARD CARTWRIGHT.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1904

No. 114.] **BILL.** [1904.

An Act respecting the Western Assurance Company.

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

1. Section 2 of chapter 162 of the statutes of the province of Canada, of 1851, as amended by section 1 of chapter 81 of the statutes of 1875, is amended by striking out of the first and second lines thereof the words "That a share in the stock of the said Company shall be ten pounds, and the number of shares shall not exceed ten thousand, and"; and in lieu thereof it is enacted that the par value of the shares of the Western Assurance Company, hereinafter called "the Company," shall, except so far as altered or affected by the provisions of this Act, be forty dollars. 1851, c. 162, s. 2 amended. Par value of shares.

2. Sections 2, 3, 4, 5 and 6 of chapter 102 of the statutes of 1887 are repealed. 1887, c. 102 amended.

3. If the paid up capital stock of the Company should, at any time, be impaired,—and the capital stock shall, for this purpose, be deemed to be impaired when, according to the method of calculation adopted by the Superintendent of Insurance, the assets of the Company, exclusive of its paid up capital, are insufficient to meet its liabilities—the directors may, from time to time, upon being duly authorized by resolution approved of by two-thirds of the votes of the shareholders present or represented by proxy at a special general meeting of the Company called to consider the same, pass a by-law for reducing or writing off the paid up capital stock of the Company any amount which they have been authorized by the shareholders, as aforesaid, to write off such paid up capital stock, and the issued stock of the Company shall be reduced by the amount of the reduction in the paid up portion thereof. Capital stock may be reduced if impaired. Approval of shareholders.

2. Such reduction in the paid up capital stock may be effected either by reducing the par value of the shares, or by reducing the n mber of shares and issuing to the shareholders a lesser number of shares, proportionate, as nearly as possible, in amount to their respective holdings as reduced, according to a scheme to be determined by the directors and embodied in the said by-law, and such scheme and such by-law shall provide for the disposition of fractional shares where Method of reduction.

necessary, and the directors may call in and cancel the shares so reduced, and issue new shares and certificates therefor as may be deemed expedient, and the register of the Company shall be amended in accordance with every change in the shares thereof.

Issue of new stock.

4. The Company may, from time to time, reissue or issue new stock of the Company to the amount by which the paid up capital stock has been reduced or written off under the provisions of this Act, but so that the whole capital stock shall not exceed, at any time, the sum of two million dollars, and such new stock shall rank in all respects *pari passu* with the existing stock, and such new stock may, notwithstanding any thing in the Acts respecting the Company, be issued, allotted and called in from time to time in such manner as the directors determine: Provided, however, that such new issue of stock shall first be offered for subscription to the shareholders, in proportion as nearly as possible to their respective holdings.

Par value of new stock.

5. In the event of the directors reducing the par value of the stock, the new stock shall be issued at such reduced par value.

Reduction of capital by reason of existing impairment.

6. The provisions of this Act shall apply to an existing impairment of the paid up capital stock, and the directors may pass a by-law reducing or writing off the present paid up capital stock—in respect of the said impairment—such an amount as is authorized by resolution of the shareholders approved as by this Act provided, and such resolution may be validly passed at a special general meeting of the shareholders to be held on the ninth day of June, one thousand nine hundred and four (or at any adjournment thereof), called for the purpose of passing a resolution authorizing the directors to pass a by-law for reducing or writing off a portion of the paid up capital stock, notwithstanding that notice of such meeting was given prior to the passing of this Act.

Stock to be sold at par.

7. No stock shall be sold or allotted at a less price than par.

Creditors' rights and shareholders' liabilities not affected.

8. Nothing in this Act contained, or done under the provisions thereof, shall affect the liability of the Company, or its shareholders, to the creditors thereof, nor the liability of the holders of shares unpaid, or not fully paid up, to pay in full the amount of such shares at the par value at which such shares were sold, subscribed for, issued or allotted.

No. 114.

4th Session, 9th Parliament, 4 Edward

BILL.

An Act respecting the Western A Company.

First reading, May 17, 1904

(PRIVATE BILL.)

MR. McC

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent M
1904

No. 115.] **BILL.** [1904.

An Act respecting the British America Assurance Company.

Preamble.

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

1882, c. 99, s. 4 repealed.

1. Section 4 of chapter 99 of the statutes of 1882 is repealed, and in lieu thereof it is enacted that the par value of the shares of the British America Assurance Company, hereinafter called "the Company," shall, except so far as altered or affected under the provisions of this Act, be fifty dollars.

Par value of shares.

1893, c. 75, s. 6 repealed.

2. Section 6 of chapter 75 of the statutes of 1893 is repealed.

Capital stock may be reduced if impaired.

3. If the paid up capital stock of the Company should at any time be impaired—and the capital stock shall, for this purpose, be deemed to be impaired when, according to the method of calculation adopted by the Superintendent of Insurance, the assets of the Company, exclusive of its paid up capital, are insufficient to meet its liabilities—the directors may, so often as the same shall happen, pass a by-law to reduce or write off the paid up capital stock such amount as they determine, and the issued stock of the Company shall be reduced by the amount of the reduction in the paid up portion thereof: Provided, that no by-law for the said purpose shall be valid unless it is approved by two-thirds of the votes of the shareholders present or represented by proxy at a special general meeting of the Company called to consider such by-law.

Approval of shareholders.

Method of reduction.

2. Such reduction in the paid up capital stock may be effected either by reducing the par value of the shares or by reducing the number of shares and issuing to the shareholders a lesser number of shares, proportionate, as nearly as possible, in amount to their respective holdings as reduced, according to a scheme to be determined by the directors and embodied in the said by-law—and such scheme and such by-law shall provide for the disposition of fractional shares where necessary, —and the directors may call in and cancel the shares so reduced, and issue new shares and certificates therefor, as may be deemed expedient, and the register of the Company shall be amended in accordance with every change in the shares thereof.

Reduction of capital by reason of existing impairment.

4. The provisions of this Act shall apply to an existing impairment of the paid up capital stock, and a resolution of the shareholders approving of a by-law of the directors reducing or writing off a portion of the paid up capital stock, passed in the manner provided by this Act, may be validly passed at a special general meeting of the shareholders to be held on the eighth day of June, one thousand nine hundred and four, (or at any adjournment thereof), called for the purpose of confirming such by-law, notwithstanding that notice of such meeting was given prior to the passing of this Act.

Par value of new stock.

5. In the event of the directors reducing the par value of the stock, any stock issued thereafter shall be issued at such reduced par value, and shall rank in all respects *pari passu* with the existing stock.

New stock to be offered to shareholders.

6. Every new issue of stock shall first be offered for subscription to the shareholders in proportion as nearly as possible to their respective holdings.

Stock to be sold at par.

7. No stock shall be sold or allotted at a less price than par.

Creditors' rights and shareholders' liabilities not affected.

8. Nothing in this Act contained, or done under the provisions hereof, shall affect the liability of the Company, or its shareholders, to the creditors thereof, nor the liability of the holders of shares unpaid or not fully paid up, to pay in full the amount of such shares at the par value at which such shares were sold, subscribed for, issued or allotted.

Power of directors to make by-laws.

9. The directors may make such by-laws and regulations as to them seem necessary for regulating the calling of meetings of the Company and the management of the Company's affairs

No. 115.

4th Session, 9th Parliament, 4 Edward V

BILL

An Act respecting the British Assurance Company.

First reading, May 17, 19

(PRIVATE BILL.)

MR. McC

OTTAWA
Printed by S. E. Dawson
Printer to the King's most Excellent M
1904

No. 116.] **BILL.** [1904.

An Act respecting certain patents of the Canadian General Electric Company, Limited, and others.

Preamble.

WHEREAS the Canadian General Electric Company, Limited, is the purchaser and holder of certain letters patent issued under the seal of the Patent Office, for the construction of steam turbine machinery, dated the tenth day of December, one thousand eight hundred and ninety-six, being numbers fifty-four thousand three hundred and thirteen, fifty-four thousand three hundred and fourteen, fifty-four thousand three hundred and fifteen, which letters patent are registered in the name of Charles G. Curtis; and whereas the Canadian General Electric Company, Limited, is the purchaser and holder of certain other letters patent issued under the seal of the Patent Office, for the construction of steam turbine machinery, dated the twenty-eighth day of January, one thousand nine hundred and two, being number seventy-four thousand five hundred and fifty-eight, and also dated the fourth day of August, one thousand nine hundred and three, being number eighty-two thousand two hundred and seventy-three, which last two letters patent are registered in the name of "The International Curtis Steam Turbine Company"; and whereas the said Canadian General Electric Company, Limited, Charles G. Curtis, and the International Curtis Steam Turbine Company have by their petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Time for importation extended.

1. Notwithstanding anything to the contrary in *The Patent Act*, as amended by chapter 46 of the statutes of 1903, or in the said letters patent mentioned in the preamble, the Commissioner of Patents may grant to the Canadian General Electric Company, Limited, Charles G. Curtis, and the International Curtis Steam Turbine Company, or their legal representatives or assigns, an extension of time up to the end of the year one thousand nine hundred and five, and beyond the period limited by sections 4 and 6 of the said Act to amend *The Patent Act*, during which he or they may import or cause to be imported into Canada the inventions covered by the five recited several letters patent; and the want of construction or manufacture of the inventions the subject matter of the said letters patent, in the past and during the period granted by this Act, in Canada, and any such importations of the said patented inventions during the said period granted by this Act shall in no wise cause forfeiture of any rights acquired under the said letters patent.

No. 116.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL.

An Act respecting certain patents of the Canadian General Electric Company, Limited, and others.

First reading, May 17, 1904.

(PRIVATE BILL.)

MR. GRANT.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1904

No. 117.] **BILL.** [1904.

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

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

1. Section 48 of *The North-west Territories Representation Act*, chapter 7 of the Revised Statutes of Canada, is amended by adding thereto the following subsections:— R.S.C., c. 7, s. 48 amended.

"2. Every enumerator shall attach to each of the two copies of the voters' list which are by section 30 of this Act required to be posted up by him within each polling division, a written notice which shall be signed by him and shall designate a place and time where and when electors may conveniently find him during at least two consecutive hours on every day, except Sunday, of the eight days next before the polling day, for the purpose of applying to him for such certificates. Notice by enumerator.

"3. In issuing such certificates every enumerator shall comply with the following requirements:— Issue of certificates.

"(*a.*) not more than three certificates shall be issued to the agents of any candidate;

"(*b.*) the certificate shall bear the date of its issue and be signed by the enumerator;

"(*c.*) the certificates issued by each enumerator shall be numbered consecutively in the order of issue;

"(*d.*) the certificates shall not be issued in blank;

"(*e.*) the certificate shall contain in writing the name of the person to whom it is issued, and shall state that he is a qualified elector, the polling division in which he is entitled to vote, and, if he is a deputy returning officer, agent or poll clerk, the polling station for which he is appointed."

2. Section 49 of the said Act is hereby amended by adding thereto the following words:—"and the voter shall file with the deputy returning officer the certificate provided for in section 48 of this Act; and opposite the voter's name in the poll book shall be entered a memorandum that he has voted under such certificate, and the number of the certificate." Section 49 amended.

No. 117.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL.

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

First reading, May 19, 1904.

Mr. Casgrain.

OTTAWA
Printed by S. E. Dawson
Printer to the King's most Excellent Majesty
1904

No. 118.] **BILL.** [1904.

An Act to amend the Yukon Territory Representation Act, 1902.

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

1. *The Yukon Territory Representation Act*, 1902, is amended as follows :— 1902, c. 37 amended.

(*a.*) by adding after the word "election" in the last line of section 4 the following words, "and whose name appears on the voters' list in force at the time of the said election;" Section 4.

(*b.*) by adding after subsection 1 of section 6 the following words, "provided that in the case of a general election, the day so fixed shall not be later than one calendar month after the day fixed for the nomination of candidates in the other parts of the Dominion, under section 27 of *The Dominion Elections Act*, 1900;" Section 6.

(*c.*) by adding after subsection 1 of section 28 the following words, "provided that in every polling division in which a detachment of the Northwest Mounted Police is located, the officer commanding such detachment shall be appointed as such enumerator;" Section 28.

(*d.*) by replacing the word "thirty" in the fifth line of subsection 3 of the said section by the words "forty-five;" Section 28.

(*e.*) by replacing the word "fifteen" in the third line of section 30 by the word "thirty;" Section 30.

(*f.*) by adding after the words "credible persons" in the third line of section 31 the words "by statutory declaration filed with him," and after the word "satisfied" in the ninth line of the said section the words "by the statutory declarations of at least two credible persons," and by substituting for the word "may" in the eleventh line the word "shall;" Section 31.

(*g.*) by replacing the word "two" in the fifth line of section 32 by the word "fifteen" and by adding the following as subsection 2 to the said section 32 "and such lists so revised which shall be the voters' list for the election, shall remain in the possession of the enumerator until the polling day, or be delivered to the deputy returning officer as hereinafter provided by section 33. The enumerator, or the deputy returning officer, as the case may be, shall be bound to give communication of said list to any person applying for the same, and shall forthwith post up two copies of said list in two of the most public places within such polling division as provided by section 30;" Section 32.

(*h.*) by striking out in section 33 all the words after the word "division" in the sixth line; Section 33.

(*i.*) by striking out section 46. Section 46.

Sections added.

2. The following sections are added to the said Act :—

Duty of enumerator.

"**56.** Each enumerator shall, within two weeks after the polling day, deposit or transmit by registered package to the Clerk of the Territorial Court, who shall keep them for the space of six months from the date of the receipt thereof, a copy of the voters' list prepared by him under this Act properly certified by him, together with all statutory declarations filed with him in connection with said voters' list or in any manner relating thereto."

Penalty for contravention of Act by enumerator.

"**57.** Any enumerator who is guilty of any wilful misfeasance, or any wilful act or omission, in violation of this Act shall forfeit for any such misfeasance, act or omission, a sum not exceeding five hundred dollars, in addition to the amount of all actual damages thereby occasioned to the person aggrieved by any such misfeasance, act or omission."

New form O.

3. The schedule of forms to the said Act is amended by replacing form "O" by the following :—

"O.

"*Oaths to be taken by electors.*

"No. 1.

"You do swear that you are of the male sex and a British subject, that you are not an Indian, that you are of the full age of twenty-one years, and that you have resided in the Yukon Territory for at least twelve months immediately preceding the issue of the writ of election : So help you God.

"No. 2.

"You swear—

"That you have not been disfranchised under the provisions of the *Act to disfranchise voters who have taken bribes*, or for corrupt practices under *The Dominion Elections Act*, 1900 ;

"That you have not voted before at this election, either at this or at any other polling place ;

"That you have not received anything, that you do not expect anything, nor has anything been promised you directly or indirectly, to induce you to vote at this election, either for loss of time, travelling expenses, hire of team, or for any other service connected therewith ;

"That you 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 ;

"That you are not otherwise disqualified from voting at this election. So help you God."

No. 118.

4th Session, 9th Parliament, 4 Edward

BILL.

An Act to amend the Yukon Representation Act, 190

First reading, May 19, 19

MR. CAS

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Ma
1904

No. 119.] **BILL.** [1904.

An Act to amend the Canada Temperance Act.

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

1. Section 100 of *The Canada Temperance Act* is repealed and the following is substituted therefor :— R.S.C., c. 99, new s. 100.

"**100.** Every one who, by himself, his clerk, servant or agent, exposes or keeps for sale, or directly or indirectly, on any pretense or by any device, sells or barters, or in consideration of the purchase of any other property, gives to any other person any intoxicating liquor, in violation of the second part of this Act, shall, on summary conviction, be liable to a penalty for the first offence of not less than fifty dollars, or imprisonment for a term not exceeding one month, with or without hard labour, and for a second offence to a fine of not less than one hundred dollars, or imprisonment for two months, with or without hard labour, and for the third and every subsequent offence, to imprisonment for a term not exceeding four months, with or without hard labour. Penalty for sale in violation of second part of this Act.

"2. Every one who, in the employment or on the premises of another, so exposes or keeps for sale, or sells or barters, or gives in violation of the second part of this Act, any intoxicating liquor, is equally guilty with the principal, and shall, on summary conviction, be liable to the same penalty or punishment. Punishment of employee who sells.

"3. All intoxicating liquors, with respect to which any such offence has been committed, and all kegs, barrels, cases, bottles, packages or receptacles of any kind in which such liquors are contained, shall be forfeited." Forfeiture.

No. 119.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL.

An Act to amend the Canada Temperance Act.

First reading, May 25, 1904.

MR. LAW.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1904

No. 120.] **BILL.** [1904

An Act respecting the Montreal Terminal Railway Company.

Preamble.

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

Que., 1893, c. 70; 1894, c. 83; 1896 (1st Sess.) c. 27; 1898, c. 79; 1899, c. 76.

1899, c. 76, s. 5 amended.

1. Section 5 of chapter 76 of the statutes of 1899 is amended by adding the following paragragh thereto:—

Branch lines in certain counties.

"(*f.*) branch or circuit lines to be operated by electricity in the counties of Hochelaga, Maisonneuve, Jacques Cartier, Laval, Terrebonne, l'Assomption, Montcalm and Joliette; provided that the Company shall not construct or operate such branch or circuit lines along any highway or public place without first obtaining the consent, expressed by by-law, of the municipality having jurisdiction over the highway or public place, and upon terms to be agreed on with the municipality."

Consent of municipality.

Powers to acquire and operate works.

2. The Montreal Terminal Railway Company may acquire, construct and operate works for the development, production, transmission, transformation, sale and distribution of electricity and power for any purpose for which electricity or power can be used, including heat and light; and may construct, maintain and operate lines of wire, poles (or use the poles erected for the use of the railway), tunnels, conduits and other works in the manner and to the extent required for such purposes; and conduct, store, sell and supply electricity and other power; and, with such lines of wires, poles, conduits, motors or other conductors or devices, conduct, convey, furnish or receive electricity to or from any person at any place, through, over, along or across any highway along its right of way.

Wires, poles, etc.

Electric and other power.

3. The said company may acquire electric or other power or energy, which may be transmitted and delivered to any place in the municipalities through which the railway is authorized to be built, and may receive, transform, transmit, distribute, supply and dispose of such power or energy in any form.

1896 (First Session), c. 27, s. 5 repealed.

4. Section 5 of chapter 27 of the statutes of 1896 (First Session), as amended by section 3 of chapter 79 of the statutes of 1898, is repealed, and in lieu thereof it is enacted that if the railway of the said company is not finished and put in opera-

No. 121.

4th Session, 9th Parliament, 4 Edward VII, 1904

BILL

An Act respecting the Century Life Insurance Company.

First reading, May 27, 1904.

(PRIVATE BILL.)

MR. MORRISON.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1904

No. 122.] **BILL.** [1904.

An Act respecting the Ottawa Fire Insurance Company.

WHEREAS the Ottawa Fire Insurance Company has, by its petition, represented that it was incorporated by letters patent under the Great Seal of Ontario, dated the thirtieth day of September, one thousand eight hundred and ninety-nine, issued pursuant to "The Ontario Insurance Act," being chapter 203 of the Revised Statutes of Ontario of 1897, and has, since the twenty-second day of February, one thousand nine hundred, under license issued pursuant to *The Insurance Act*, carried on the business of fire insurance in Canada; and whereas the said company has, by its petition, prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. R. S. O., 1897, c. 203.

1. The Ottawa Fire Insurance Company, hereinafter called "the Company," as now organized and constituted under the said letters patent, and the statute mentioned in the preamble and amendments thereto, is declared to be a body corporate and politic within the legislative authority of the Parliament of Canada; and this Act and *The Insurance Act* shall apply to the Company and its business instead of "The Ontario Insurance Act": Provided that nothing in this section shall affect at any time any right or privilege acquired or any liability incurred under the above-mentioned statutes of Ontario up to and at the time of the passing of this Act, to all of which rights and privileges the Company shall continue to be entitled, and to all of which liabilities the Company shall continue to be subject. Incorporation. R.S.C., c. 124. Existing rights not affected.

2. The head office of the Company shall be in the city of Ottawa, in the Province of Ontario; but branch offices, sub-boards or agencies may be established and maintained, either within Canada or elsewhere, in such manner as the directors from time to time direct. Head office. Branch offices.

3. All the assets, rights, effects and properties, real and personal, of whatever kind and wheresoever situated, belonging to the company as constituted under the said letters patent, or to which it is, or may be, or become entitled, are declared to be vested in the Company. All rights and properties vested in the Company.

4. The subscribed capital stock of five hundred thousand dollars, divided into five thousand shares of one hundred Capital stock reduced and divided.

dollars each, is hereby reduced to two hundred and fifty thousand dollars, divided into five thousand shares of fifty dollars each. To effect such reduction paid up capital to the extent of thirty dollars per share on each of the subscribed shares, is hereby cancelled, and the liability in respect of uncalled capital to the extent of twenty dollars per share on each of the subscribed shares, is hereby extinguished. The amounts paid on the one hundred dollar subscribed shares over and above the said sum of thirty dollars per share hereby cancelled shall be credited on the subscribed fifty-dollar shares created by this Act.

Mode of reduction.

Unsubscribed stock divided.

2. The unsubscribed capital stock of five hundred thousand dollars, divided into five thousand shares of one hundred dollars each, is hereby divided into ten thousand shares of fifty dollars each.

Relative value of old and new shares.

5. The shareholders of the company as constituted under the said letters patent are hereby declared to be holders respectively of the fifty-dollar shares in the Company to the same extent, subject to the said cancellation of capital and the said extinguishment of liability, as they are holders respectively of the one hundred-dollar shares in the company as constituted under the said letters patent.

Liability of shareholders not affected

6. Nothing in this Act shall be so construed as to lessen the liability of the shareholders of the Company to the present creditors, or to the present policy-holders thereof.

Calls.

7. The directors may from time to time make such calls as they think fit upon the shareholders in respect of all moneys unpaid on the fifty-dollar shares held by them respectively. Such calls shall be payable at such times and places and in such payments or instalments as the directors appoint.

Capital may be increased.

8. The directors may increase the amount of the capital stock, from time to time, from seven hundred and fifty thousand dollars to an amount not exceeding one million dollars; but the stock shall not be increased until a resolution of the directors authorizing such increase has first been submitted to and confirmed by two-thirds in value of the shareholders present or represented by proxy at a special general meeting of the shareholders duly called for that purpose.

Approval of shareholders.

Present directors continued.

9. The present board of directors of the Company shall continue to be the directors of the Company until their successors are appointed and all by-laws, rules and regulations of the Company not contrary to law or inconsistent with this Act shall continue in force until amended or repealed in pursuance of the provisions of *The Companies Clauses Act.*

Number of directors.

10. The affairs of the Company shall be managed by a board of such number of directors, not more than twelve and not less than seven, as the by-laws prescribe.

Meetings.

11. A general meeting of the Company shall be called once in each year at its head office; and at such meeting a statement of the affairs of the Company shall be submitted by the

directors. Special general meetings may be called in such manner as the by-laws prescribe.

Business of Company.

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

Re-insurance.

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

Risks of other companies.

3. The Company may also undertake the re-insurance of the risks of other companies.

Investment in foreign securities.

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

Borrowing powers.

14. The directors may, from time to time, at their discretion borrow any sum or sums of money upon the Company's credit and for the purposes of the Company, but so that the amount at any one time owing in respect of moneys so borrowed shall not, without the sanction of a general meeting of the Company, exceed the amount of the paid-up capital. The directors may secure the repayment of such moneys so borrowed by the issue of debentures or debenture stock of the Company charged upon all or any part of the property of the Company (both present and future), including its uncalled capital for the time being, or by mortgage upon all or any part of the Company's real property, or in such other manner as the directors think fit.

Real property.

15. The Company may acquire, hold, convey, lease or otherwise dispose of any real property required in part or wholly for the purposes, use or accommodation of the Company, but the annual value of such property held in any province of Canada shall not exceed five thousand dollars, except in the Province of Ontario, where it shall not exceed ten thousand dollars.

R.S.C., c. 124.

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

R.S.C., c. 119.

17. *The Companies Clauses Act*, except sections 7, 18 and 39 thereof, shall apply to the Company, and shall be incorporated with and form part of this Act, in so far as it is not inconsistent with any of the provisions of *The Insurance Act* or of this Act.

No. 122.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL

An Act respecting the Ottawa Fire Insurance Company.

First reading, May 27, 1904.

(PRIVATE BILL.)

MR. ROSAMOND.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1904

No. 122.] **BILL.** [1904.

An Act respecting the Ottawa Fire Insurance Company.

(Reprinted as proposed to be amended in the Banking and Commerce Committee.)

Preamble.

WHEREAS the Ottawa Fire Insurance Company has, by its petition, represented that it was incorporated by letters patent under the Great Seal of Ontario, dated the thirtieth day of September, one thousand eight hundred and ninety-nine, issued pursuant to "The Ontario Insurance Act," being chapter 203 of the Revised Statutes of Ontario of 1897, and has, since the twenty-second day of February, one thousand nine hundred, under license issued pursuant to *The Insurance Act*, carried on the business of fire insurance in Canada; and whereas the said company has, by its petition, prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

R. S. O., 1897, c. 203.

R.S.C., c. 124.

Incorporation.

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

Corporate name.

Capital stock.

2. The capital stock of the new Company shall be one million dollars, divided into twenty thousand shares of fifty dollars each.

Declaratory as to reduced shares and amounts payable thereon.

3. The shareholders of the old Company are hereby declared to be holders respectively of as many fifty-dollar shares in the new Company as they are holders respectively of one-hundred-dollar shares in the old Company, but only the sums which have been, or may hereafter be, paid by such shareholders respectively on the issued one-hundred-dollar shares of the old Company over and above thirty dollars per share shall be credited as paid on the fifty-dollar shares of the new Company. The liability of shareholders of the new Company upon the said fifty-dollar shares in the new Company, so held by them respectively, shall amount per share only to the difference between the sum so credited as paid upon each share and fifty dollars. Nothing in this Act shall affect the liability of shareholders of the old Company, who have not paid the calls already made upon the one-hundred-dollars shares of the old Company, to pay the said calls.

Liability of shareholders of old Company.

4. Nothing in this Act shall be so construed as to lessen the liability of the shareholders of the old Company to the present creditors or to the present policy-holders of the old Company.

Proviso.

Provided however, that any payment made upon the shares in the new Company shall reduce the said liability of the shareholders of the old Company to the same amount.

Liability of new Company for obligations of old Company.

5. The new Company shall be liable for and subject to, and shall pay, discharge, carry out and perform all the debts, liabilities, obligations and contracts of the old Company; and any person having any claim, demand, right, cause of action or complaint against the old Company, or to whom the old Company is under any obligation, liability or contract, shall have the same rights and powers with respect thereto and to the collection and enforcement thereof from and against the new Company as such person has against the old Company:

Proviso.

Provided, however, that the shareholders of the new Company shall not be individually liable under section 30 of *The Companies Clauses Act* in respect of their shares in the new Company to such person unless such person abandons his rights in respect of the shares in the old Company.

Acquisition of old Company's assets.

6. All the assets, rights, effects and properties, real, personal and mixed of whatever kind and wheresoever situated, belonging to the old Company, or to which it is, or may be, or may become, entitled shall be vested in the new Company upon due execution of the indenture in the schedule to this Act, but shall remain subject to existing mortgages or liens, if any.

Calls.

7. The directors may from time to time make such calls as they think fit upon the shareholders in respect of all moneys unpaid on the fifty-dollar shares in the new Company held by them respectively. Such calls shall be payable at such times and places and in such payments or instalments as the directors appoint.

Existing presidents, directors and by-laws continued.

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

Number of directors.

9. The affairs of the new Company shall be managed by a board of such number of directors, not more than twelve and not less than seven, as the by-laws prescribe.

Head office.

10. The head office of the new Company shall be in the city of Ottawa, in the Province of Ontario; but branch offices, sub-boards or agencies may be established and maintained, either within Canada or elsewhere, in such manner as the directors from time to time direct.

Meetings.

11. A general meeting of the new Company shall be called once in each year at its head office; and at such meeting a

statement of the affairs of the new Company shall be submitted by the directors. Special general meetings may be called in such manner as the by-laws prescribe.

Business of Company.

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

Re-insurance.

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

Risks of other companies.

3. The new Company may also undertake the re-insurance of the risks of other companies.

Investment in foreign securities.

13. The new Company may invest or deposit such portion of its funds in foreign securities as is necessary for the maintenance of any foreign branch.

Borrowing powers.

14. The directors may, from time to time, at their discretion borrow any sum or sums of money upon the new Company's credit and for the purposes of the new Company, but so that the amount at any one time owing in respect of moneys so borrowed shall not, without the sanction of a general meeting of the new Company, exceed the amount of the paid-up capital. The directors may secure the repayment of such moneys so borrowed by the issue of debentures of the new Company charged upon all or any part of the property of the new Company, or by mortgage upon all or any part of the new Company's real property, or in such other manner as the directors think fit.

Real property.

15. The new Company may acquire, hold, convey, lease or otherwise dispose of any real property required in part or wholly for the purposes, use or accommodation of the new Company, but the annual value of such property held in any province of Canada shall not exceed five thousand dollars, except in the Province of Ontario, where it shall not exceed ten thousand dollars.

R.S.C., c. 124.

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

R.S.C., c. 119.

17. *The Companies Clauses Act*, except sections 7, 18 and 39 thereof, shall apply to the new Company, and shall be incorporated with and form part of this Act, in so far as it is not inconsistent with any of the provisions of *The Insurance Act* or of this Act.

When Act to take effect.

18. This Act shall not take effect unless and until it has been accepted and approved of by a vote of not less than three-

fourths in value of the shareholders of the old Company present or represented by proxy at any general meeting of the old Company duly called for the purpose of considering this Act.

SCHEDULE.

This indenture, made the _____ day of _____, 1904, between the Ottawa Fire Insurance Company, incorporated by Ontario letters patent, of the first part, hereinafter called "the old Company," and the Ottawa Fire Insurance Company, incorporated by an Act of the Parliament of Canada, of the second part, hereinafter called "the new Company;"

Whereas the shareholders of the old Company have accepted and approved of the new Company's Act of incorporation, being chapter of the statutes of Canada of 1904, intituled "An Act to incorporate the Ottawa Fire Insurance Company," and, by the resolutions of shareholders duly passed in that behalf, the _____ day of _____ was fixed as the date from which the said Act should take effect;

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

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

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

No. 122.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL

An Act respecting the Ottawa Fire Insurance Company.

(Reprinted as proposed to be amended in the Banking and Commerce Committee.)

(PRIVATE BILL.)

MR. ROSAMOND.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1904

No. 123.] **BILL.** [1904.

An Act to incorporate the Kingston and Dominion Central Railway Company.

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

1. Edward J. B. Pense, Arthur B. Cunningham, John McDonald Mowat, William Gardner Craig, John Curson and Edward Mooers, all of the city of Kingston, John Henry Whelan, of the village of Westport, and Frank Edgerton Smith, of the town of Prescott, together with such persons as become shareholders in the company, are incorporated under the name of "The Kingston and Dominion Central Railway Company," hereinafter called "the Company." Incorporation. Corporate name.

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

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

4. The head office of the Company shall be in the city of Kingston, in the Province of Ontario. Head office.

5. The annual meeting of the shareholders shall be held on the first Monday in September. Annual meeting.

6. The number of directors shall be five, one or more of whom may be paid directors. Number of directors.

7. The Company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches from a point in or near the city of Kingston, in the county of Frontenac, to near or through Newboro and Westport, in the county of Leeds, thence in a generally westerly direction to some point on the Georgian Bay between Parry Sound and Midland. Line of railway described.

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

Agreements with other companies.

9. Any agreement provided for in section 281 of *The Railway Act*, 1903, may be entered into between the Company and the Grank Trunk Railway Company of Canada, the Brockville, Westport and North-western Railway Company, and the Kingston and Pembroke Railway Company.

No. 123.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL

An Act to incorporate the Kingston and Dominion Central Railway Company.

First reading, May 27, 1904.

(PRIVATE BILL.)

MR. HARTY.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1904

No. 124.] **BILL.** [1904.

An Act to amend the General Inspection Act.

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

1. *The General Inspection Act*, chapter 99 of the Revised Statutes, is amended by adding thereto the following sections :— R.S.C., c. 99, sections added.

"BINDER TWINE.

"**120.** In the following provisions respecting binder twine the word "dealer" shall be held to mean the person or firm manufacturing, or importing, or having in his or its possession for sale, or exposing or offering for sale, any binder twine. "Dealer" defined.

"**121.** Upon or attached to every ball of binder twine sold or offered for sale in Canada there shall be a label with the name of the dealer and the number of feet of twine per pound in the ball marked or stamped thereon. Labels.

"**122.** Every dealer who sells, offers for sale, or has in his possession any ball of binder twine not labelled with the name of the dealer as required by the next preceding section shall be liable to a penalty of not less than twenty-five cents and not more than one dollar for each such ball. Penalty for not marking dealer's name.

"2. Every dealer who sells, offers for sale, or has in his possession any ball of binder twine not properly and correctly labelled with the number of feet of twine per pound in the ball as required by the next preceding section shall be liable to a penalty of not less than one dollar and not more than five dollars for each ball of such binder twine : Provided that no deficiency in the number of feet of twine contained in any ball shall be deemed to be a contravention of this subsection unless the deficiency exceeds five per cent of the length indicated by the label. Penalty for not marking number of feet of twine per pound. Proviso.

"3. All balls of binder twine not properly and correctly labelled in accordance with the provisions of the next preceding section shall be confiscated to the Crown, and may be confiscated upon view by the inspector of binder twine. Confiscation of twine not correctly labelled.

"4. If it is shown that in any lot of binder twine one ball of binder twine in every twenty or less number of balls of binder twine in the lot are not properly and correctly labelled, it shall be prima facie evidence that all the balls in the lot are not properly and correctly labelled, and the burden of proof shall lie upon the dealer to show that the balls in the lot are properly and correctly labelled. Evidence of improper labelling.

Examination of packages.

Obstructing examiner.

"**123.** The inspector of binder twine or any other person charged with the enforcement of the provisions of this Act relating to binder twine may enter upon any premises and make an examination of any packages of binder twine, whether such packages are on the premises of a dealer or are on other premises, or are in the possession of a railway or steamship company; and any person who obstructs or refuses to permit the making of any such examination shall be liable to a penalty not exceeding five hundred dollars and not less than twenty-five dollars, together with the costs of prosecution, and in default of payment of such penalty and costs shall be liable to imprisonment, with or without hard labour, for a term not exceeding six months, unless such penalty and costs are sooner paid."

1902, c. 32 repealed.

2. Chapter 32 of the statutes of 1902 is repealed.

Application of Act.

3. Nothing in this Act shall be construed as affecting any dealer with respect to stocks of twine actually in his possession on the fifteenth day of May, one thousand nine hundred and two.

No. 124.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL

An Act to amend the General Inspection Act.

First reading, May 27, 1904.

SIR RICHARD CARTWRIGHT.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1904

No. 125.] **BILL.** [1904.

An Act respecting the Inspection and Sale of Seeds.

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

1. This Act may be cited as *The Seed Control Act*, 1904. Short title.

2. This Act shall come into operation on the first day of July, nineteen hundred and five. Commencement.

3. No person shall sell, or offer, expose or have in his possession for sale, for the purpose of seeding, any seeds of cereals, grasses, clovers or forage plants containing any seeds of the following weeds:—Wild Mustard or Charlock, (*Brassica Sinapistrum*, Boiss); Tumbling Mustard, (*Sisymbrium sinapistrum*, Crantz.); Hare's Ear Mustard, (*Coringia orientalis*, Dumort.); Ball Mustard, (*Neslia paniculata*, L. Desv.); Field Pennycress or Stinkweed, (*Thlaspi arvense*, L.); Wild Oats, (*Avena fatua*, L. and *àvena strigosa*, Schreb.); Bindweed, (*Convolvulus arvensis*, L.); Perennial Sow-Thistle, (*Sonchus arvensis*, L.); Ragweed, (*Ambrosia artemisiaefolia*, L.); Great Ragweed, (*Ambrosia trifida*, L.); Purple Cockle, (*Lychnis Githago*, Lam.); Cow Cockle, (*Vaccaria Vaccaria*, (L.) Britton); Orange Hawkweed or Paint Brush, (*Hieracium aurantiacum*, L. and *Hieracium praealtum*, Vill.); Ergot of Rye, (*Claviceps purpurea*, Tul.), unless each and every receptacle, package, sack or bag containing such seeds, or a label securely attached thereto, is marked in a plain and indeliable manner— Seeds to be free from seeds of certain weeds. Marks on packages.

(*a.*) with the initials of the Christian names, and the full surname and address of the wholesale or retail seller; Seller's name and address.

(*b.*) with the name of the kind or kinds of seed; Kind of seed.

(*c.*) with the common name or names of the aforenamed weeds the seeds of which are present in the seed sold or offered, exposed or had in possession for sale. Names of weeds.

4. No person shall sell, or offer, expose or have in his possession for sale, any seeds of timothy, red clover, alsike, or any mixture containing the said seeds, in or from any receptacle, package, sack or bag upon which is marked "No. 1" or any other designation which represents such seeds as of first quality, unless they are free from the seeds of weeds named in section 3 of this Act and are also free from the seeds of White Cockle, (*Lychnis vespertina*, Sibth.), Night-Flowering Catchfly, (*Silene noctiflora*, L.), False Flax, (*Camelina sativa*, Crantz.), Canada Thistle, (*Onicus arvensis*, Hoffm.), Ox-eye Daisy, (*Chrysanthemum Leucanthemum*, L.), Curled Dock, Grades.

(*Rumex Crispus*, L.), Blue Weed, (*Echium vulgare*, L.), Ribgrass, (*Plantago lanceolata*, L.), Chicory, (*Cichorium Intybus*, L.), and contain out of every one hundred seeds not less than ninety-nine seeds of the kind or kinds represented, or seeds of other useful and harmless grasses and clovers, of which ninety-nine seeds ninety seeds must be germinable.

Regulations by Governor in Council.

5. The Governor in Council may make regulations determining the maximum proportion of seeds of the weeds named in sections 3 and 4 of this Act, that may be tolerated in any seeds which shall, within the meaning of the said sections, be considered as free from the seeds of the said weeds.

Proportion of prohibited seeds of weeds allowed.

6. No person shall sell, or offer, expose or have in his possession for sale, for the purpose of seeding in Canada, any seeds of timothy, alsike or red clover, or any mixture containing the said seeds, if the seeds of the weeds named in sections 3 and 4 of this Act are present in a greater proportion than three to one thousand of the seed sold, or offered, exposed or held in possession for sale.

Exemptions from Act.

7. The provisions contained in this Act shall not apply to—

(*a.*) any person growing or selling seeds for the purpose of food;

(*b.*) any person selling seeds direct to merchants to be cleaned or graded before being offered for sale for the purpose of seeding;

(*c.*) seed that is held in storage for the purpose of being re-cleaned, and which has not been offered, exposed or held in possession for sale for the purpose of seeding; or

(*d.*) seed that is grown and sold by any farmer on his own premises, unless the purchaser of the said seed obtains from the seller at the time of the sale thereof a certificate that the said seed is supplied to him subject to the provisions of this Act.

Penalties.

8. Every person who, by himself or through the agency of another person, violates any of the provisions of sections 3, 4 and 5 of this Act shall, for each offence, upon summary conviction, be liable to a fine for the first offence not exceeding five dollars and not less than one dollar, and for each subsequent offence not exceeding twenty-five dollars and not less than five dollars, together with the costs of prosecution, for each receptacle, package, sack or bag in or from which seeds are sold, offered, exposed or had in possession for sale contrary to the provisions of the said sections; and in default of paying such fine and costs, shall be liable to imprisonment, for a term not exceeding one month, unless such fine and the costs of enforcing it are sooner paid.

Who shall be *prima facie* liable.

9. The person on whose behalf any seed is sold, offered, exposed, or had in possession for sale, contrary to the provisions of the foregoing sections of this Act, shall be *prima facie* liable for the violation of this Act.

Examination of seeds.

10. Any person charged with the enforcement of this Act may enter upon any premises to make any examination of any seeds, receptacles, packages, sacks or bags of seeds whether

such seeds, receptacles, packages, sacks or bags of seeds are on the premises of the owner, or on other premises, or in the possession of a railway or steamship company, and may take any samples of the said seeds from any receptacle, package, sack or bag, for which samples the owner of the seed shall be paid in accordance with the amount of seed thus taken and its current value; and any person who obstructs or refuses to permit the making of any such examination, or the taking of any such samples of seeds, shall, upon summary conviction, be liable to a penalty not exceeding five hundred dollars and not less than twenty-five dollars, together with the cost of prosecution, and in default of payment of the said penalty and costs, shall be liable to imprisonment for a term not exceeding six months, unless the said penalty and costs of enforcing it are sooner paid.

Payment of samples.

Penalty for preventing examination.

11. Any inspector, informant or complainant who finds or suspects seeds to be sold, offered, exposed or had in possession for sale for the purpose of seeding in violation of the provisions of this Act, shall take a sample from the said seeds and forward it to such person as the Governor in Council appoints as an official seed analyst to examine and report upon any seed submitted for analysis under the provisions of this Act.

Samples to be sent to official seed analyst.

12. Any sample of seed taken for official analysis under the provisions of this Act shall be taken in the presence of—

(*a.*) the person who sold or offered, exposed or had in his possession for sale the said seeds, or

(*b.*) two impartial or non-interested witnesses, and—

in accordance with the rules for seed testing prescribed by the Minister of Agriculture, and shall be inclosed in a sealed package together with a certified statement of the inspector, informant or complainant, which shall include the name and address of the person who sold, or offered, exposed or had in his possession for sale, the seeds from which the said sample was taken, the manner in which the receptacle, package, sack or bag was marked, and the section or sections of this Act in violation of which the said seeds were found or suspected to be sold or offered, exposed or had in possession for sale.

To be taken in presence of seller or two witnesses.

Certificate to accompany samples.

13. Any sample of seeds taken from any seed which are found or suspected to be sold in violation of the provisions of this Act shall be taken and forwarded to an official seed analyst within seven days, from the date on which the seeds entered into the personal possession and became the property of the purchaser.

Samples to be sent within seven days

14. It shall be the duty of any official seed analyst to examine any seeds sent to him in accordance with the provisions of this Act, by following the methods for testing seeds prescribed by the Minister of Agriculture, and to send one certificate of analysis of the said seeds to the inspector, informant or complainant from whom they were received, and one certificate to the seller of the said seeds, and to place one certificate on file in the Department of Agriculture.

Analysis and certificate.

Certificate as evidence.

15. The certificate of analysis of any official seed analyst on any sample of seeds forwarded to him under this Act shall be accepted as evidence in any prosecution of any person who may have sold or offered, exposed or had in possession for sale any seeds in violation of the provisions of this Act.

Place of offence.

16. In any complaint, information or conviction under this Act, the matter complained of may be declared, and shall be held to have arisen, within the meaning of Part LVIII. of *The Criminal Code*, 1892, at the place where the seed was sold or offered, exposed or had in possession for sale.

Regulations by Governor in Council.

17. The Governor in Council may make such regulations as he considers necessary in order to secure the efficient enforcement and operation of this Act; and may by such regulations impose penalties not exceeding fifty dollars on any person offending against them; and the regulations so made shall be in force from the date of their publication in *The Canada Gazette* or from such other date as is specified in the proclamation in that behalf; and the violation of any such regulation shall be deemed an offence against this Act and punishable as such.

No. 125.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL.

An Act respecting the Inspection and Sale of Seeds.

First reading, May 28, 1904.

MR. FISHER.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1904

No. 126.] **BILL.** [1904.

An Act respecting certain patents of Siegfried Gironcoli.

Preamble.

WHEREAS Siegfried Gironcoli of Klagenfurt, in the province of Corinthia, in the Empire of Austria, has, by his petition, represented that he is the holder and owner of a patent issued under the seal of the Patent Office, dated the ninth day of April, one thousand nine hundred, for new and useful improvements in processes of preserving meats, being patent number sixty-six thousand nine hundred and sixty-two; and that an extension of time of one year within which the manufacture of the invention covered by the said patent might be commenced in Canada was granted to the said Gironcoli, which extension expired on the ninth day of April, one thousand nine hundred and three; and whereas the said Gironcoli has, by his petition, prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Patent declared to be still in force.

1903, c. 46.

1. Notwithstanding anything in *The Patent Act* or in the patent mentioned in the preamble, the said patent is declared not to have become null and void and not to have ceased and determined under paragraph (*a*) of section 4 of chapter 46 of the statutes of 1903, and will not become null and void and shall not cease and determine if, within one year after the passing of this Act, the manufacture under the said patent is commenced, and after such commencement is continuously carried on in Canada, in such a manner that any party desiring to use it may obtain it, or cause it to be made for him at a reasonable price, at some manufactory or establishment for making or constructing it in Canada.

Manufacture to be commenced within one year.

Commissioner of Patents may make order respecting conditions as to manufacture.

2. Notwithstanding anything in *The Patent Act*, or in section 7 of chapter 46 of the statutes of 1903, the Commissioner of Patents may receive a petition and, if in his discretion he thinks proper, grant an order under the said section 7, that such patent, instead of being subject to the conditions set forth in paragraph (*a*) of section 4 of chapter 46 of the statutes of 1903, shall be subject to the conditions set forth in paragraphs (*a*), (*b*), (*c*) and (*d*) of the said section 7.

Commissioner of Patents may extend time for commencing construction.

3. Notwithstanding anything in the said patent, or in *The Patent Act*, or in section 5 of chapter 46 of the statutes of 1903, the Commissioner of Patents may receive from the holder of the said patent from time to time a petition or petitions pray-

ing for an extension of time within which to commence the manufacture of the invention in Canada, and may, in his discretion, grant such petitions from time to time.

Certain rights saved.

4. If any person has, in the period between the ninth day of April, one thousand nine hundred and three, and the second day of April, one thousand nine hundred and four, commenced to manufacture, sell and use in Canada the invention covered by the said patent, such person may continue to manufacture, use and sell such invention in as full and ample a manner as if this Act had not been passed.

No. 126.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL.

An Act respecting certain patents of Siegfried Gironcoli.

First reading, May 31, 1904.

(PRIVATE BILL.)

MR. MACKINNON.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1904

No. 127.] **BILL.** [1904.

An Act to amend the Act providing for the payment of bounties on lead contained in lead-bearing ores mined in Canada.

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

1. Section 5 of chapter 31 of the statutes of 1903, intituled *An Act to provide for the payment of bounties on lead contained in lead-bearing ores mined in Canada*, is repealed, and the following is substituted therefor :— 1903, c. 31, new s. 5.

"**5.** Payment of the said bounty may be made on all such lead-bearing ores mined in Canada and delivered at a smelter in Canada on or after the first day of July, one thousand nine hundred and three; and the said bounties shall cease and determine on the thirtieth day of June, one thousand nine hundred and eight." Duration of Act.

No. 127.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL

An Act to amend the Act providing for the payment of bounties on lead contained in lead-bearing ores mined in Canada.

First reading, May 31, 1904.

Sir Richard Cartwright.

OTTAWA
Printed by S. E. Dawson
Printer to the King's most Excellent Majesty
1904

No. 128.] **BILL.** [1904.

An Act to prohibit the importation, manufacture, or sale of cigarettes.

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

Manufacture and sale prohibited.

1. No person, by himself, or by his clerk, servant, employee or agent, shall, for himself or any one else, directly or indirectly, or upon any pretence, or by any device, manufacture, sell, expose, keep, or offer for sale, or give away any cigarette, cigarette papers, or cigarette wrappers or any substitute for such wrappers, or shall keep or own, or be in any way concerned, engaged or employed in owning or keeping, any cigarettes or cigarette papers or wrappers, or shall authorize or permit any of these things to be done.

Importation prohibited.

2. No cigarettes, cigarette papers or wrappers shall be imported into Canada or entered for consumption therein, and all cigarettes, cigarette papers or wrappers, or papers intended as such, shall be subject to seizure by any officer of Customs or Inland Revenue; and they, with the packages in which they are contained, shall be subject to be seized and forfeited to His Majesty, and shall be disposed of under regulations made by the Governor in Council.

Penalties.

3. Any person who, by himself, or by another, contravenes the provisions of this Act in any manner shall incur a penalty not exceeding one hundred dollars, and not less than twenty dollars, for a first offence, and in default of payment shall be liable to imprisonment for a term not exceeding six months, and not less than one month, and for a second offence he shall be liable to imprisonment, without the option of a fine, for a term not exceeding one year and not less than six months.

Prosecutions.

4. Any prosecution for any such penalty or punishment may be brought by or in the name of any person, and may be tried by any district magistrate, police magistrate, or justice of the peace; and the provisions of *The Criminal Code*, 1892, relating to summary convictions shall apply to proceedings under this Act.

Commencement of Act.

5. This Act shall come into force on the first day of January, one thousand nine hundred and five.

No. 128.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL.

An Act to prohibit the importation, manufacture, or sale of cigarettes.

First reading, June 2, 1904.

MR. MACLAREN,
(Huntingdon.)

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1904

No. 129.] **BILL.** [1904.

An Act respecting certain patents of Edwin R. Cahoone.

Preamble.

WHEREAS Edwin Ruthven Cahoone, of the city of Troy, in the state of New York, one of the United States, has, by his petition, represented that he is the holder of certain patents issued under the seal of the Patent Office, viz.:— patent number sixty-four thousand three hundred and five, dated the eleventh day of October, one thousand eight hundred and ninety-nine, for improvements in stoves and ranges, and patent number seventy-three thousand one hundred and eighteen, dated the seventeenth day of September, one thousand nine hundred and one, for improvements in stoves; and whereas the said Edwin Ruthven Cahoone has prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Time for construction and manufacture extended.

1. Notwithstanding anything in *The Patent Act*, as amended by chapter 46 of the statutes of 1903, or in the patents mentioned in the preamble, the failure to construct or manufacture, in Canada, the patented invention under each of the said patents shall be deemed not to have affected the validity of the said patents, but the time for such construction or manufacture shall be deemed to have been duly extended up to the end of one year from the passing of this Act, and such extensions shall have the same effect as if applied for and granted within the time prescribed.

Certain rights saved.

2. If any person, other than any licensee, has, in the period between the expiry of two years from the date of the said patents and the date of the passing of this Act, commenced to manufacture, use and sell in Canada either of the patented inventions covered by the said patents, such person may continue to manufacture, use and sell such invention in as full and ample a manner as if this Act had not been passed.

No. 129.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL.

An Act respecting certain patents of Edwin R. Cahoone.

First reading, June 3, 1904.

(PRIVATE BILL.)

MR. GERMAN.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1904

No. 130.] **BILL.** [1904.

An Act respecting the Huron and Ontario Railway Company.

WHEREAS the Huron and Ontario Railway Company has, by its petition, prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. 1896 (1st Sess.), c. 20. 1903, c. 130.

1. Section 11 of chapter 20 of the statutes of 1896 (First Session) is amended by striking out the word "ten" in the second line thereof and substituting therefor the word "twenty." 1896 (1st Sess.), c. 20, s. 11 amended. Issue of securities.

No. 130.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL.

An Act respecting the Huron and Ontario Railway Company.

First reading, June 3, 1904.

(PRIVATE BILL.)

MR. ROSS,
(Ontario.)

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1904

No. 131.] **BILL.** [1904.

An Act to incorporate the Farmers Bank of Canada.

Preamble.

WHEREAS the persons hereinafter named have, by their petition, prayed that an Act be passed for the purpose of establishing a bank in Canada, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Incorporation. Corporate name.

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

Capital stock.

2. The capital stock of the Bank shall be one million dollars.

Chief office.

3. The chief office of the Bank shall be at the city of Toronto.

Provisional directors.

4. James Gallagher, of the village of Teeswater, John Watson, of the town of Listowel, John Ferguson and Alexander Fraser, both of the city of Toronto, and Alexander Shepherd Lown, of the village of Drayton, shall be the provisional directors of the Bank.

Duration of Act. 1890, c. 31.

5. This Act shall, subject to the provisions of section 16 of *The Bank Act*, remain in force until the first day of July, in the year one thousand nine hundred and eleven.

No. 131.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL

An Act to incorporate the Farmers Bank of Canada.

First reading, June 3, 1904.

(PRIVATE BILL.)

MR. GUTHRIE.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1904

No. 132.] **BILL.** [1904.

An Act to amend the Railway Act, 1903.

IN amendment of *The Railway Act*, 1903, His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :— 1903, c. 58.

Ascertainment of net earnings of Eastern Division of Grand Trunk Pacific Ry.

1. In order to the ascertainment of the true net earnings of the Eastern Division of the Grand Trunk Pacific Railway for the purposes of the scheduled agreements referred to in the Act of the present session intituled *An Act to amend the National Transcontinental Railway Act*, the Board of Railway Commissioners of Canada shall, upon the request of the Minister of Railways and Canals, enquire into, hear and determine any question as to the apportionment of any through rate or rates between the Grand Trunk Pacific Railway Company and any other transportation company, whether such company is or is not a railway company, or, if a railway company, whether it is or is not as such subject to the legislative jurisdiction of the Parliament of Canada, for the purpose of determining whether such apportionment is just and reasonable, having due regard to the interests of the Government of Canada as owner of the said Eastern Division and of the Intercolonial Railway, and to the provisions of *The National Transcontinental Railway Act*, and of the said Act of the present session, and of the said scheduled agreements,—which Acts and agreements are hereby declared to be part of the special Act of or respecting the Grand Trunk Pacific Railway Company within the meaning of paragraph (*w.*) of section 2 of *The Railway Act*, 1903 ; and in any such case the fact that the Grand Trunk Pacific Railway Company has agreed to such apportionment shall be material evidence only and not conclusive ; and such net earnings shall then be ascertained upon the basis of the receipt by the Grand Trunk Pacific Railway Company of such share of such through rate or rates as, in the opinion of the said Board, that company should have received under a just and reasonable apportionment.

Majority of directors of subsidized company to be British subjects.

Proviso.

2. The majority of the directors of any company which has heretofore received, or hereafter receives, from the Government of Canada, under any Act of the Parliament of Canada, aid towards the construction of its railway or undertaking, or any part thereof, shall be British subjects : Provided that this section shall not, until the thirty-first day of January, one thousand nine hundred and five, apply to any company the majority of whose directors are not British subjects when this Act comes into force.

No. 132.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL

An Act to amend the Railway Act, 1903.

First reading, June 6, 1904.

MR. FITZPATRICK.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1904

No. 132.] **BILL.** [1904.

An Act to amend the Railway Act, 1903.

(Reprinted as amended in Committee of the Whole.)

IN amendment of *The Railway Act*, 1903, His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :— 1903, c. 58.

Orders of Railway Committee of Privy Council made under former Acts.

1. Notwithstanding anything contained in *The Railway Act*, 1903, the Governor in Council shall have, and shall be deemed to have had since the date upon which the said Act came into force, power, authority and jurisdiction to sanction, confirm, rescind, change or vary, or to take other action upon, any report, order or decisien of the Railway Committee of the Privy Council made before the said date under the Railway Act of 1888, or any Act in amendment thereof, in as full and ample a manner as if *The Railway Act*, 1903, had not been passed, or had not come into force, and as if the said Railway Act of 1888 and the said Acts in amendment thereof had not been repealed ; and any order or decision so sanctioned or confirmed shall have the same validity, force and effect as if the said order or decision had been so sanctioned or confirmed prior to the issue thereof.

New section.

2. *The Railway Act*, 1903, is amended by inserting after section 6 the following section :—

Provincial Sunday observance laws to apply to local railways.

"6A. Notwithstanding anything in this Act or in any other Act, every railway, steam or electric street railway, and tramway, wholly situate within one province of Canada, but, in its entirety or in part, declared by the Parliament of Canada to be a work for the general advantage of Canada, and every person employed thereon, in respect of such employment, and every person, company, corporation or municipality owning, controlling or operating it wholly or partly, in respect of such ownership, control or operation, shall, notwithstanding such declaration, be subject to any Act of the legislature of the province in which it is situate, prohibiting or regulating work, business or labour upon the first day of the week, commonly called Sunday, which is in force at the time of the passing of this Act; and every such Act is hereby, in so far as it is in other respects within the powers of the legislature, confirmed and ratified, and made as valid and effectual for the purposes of this section as if it had been duly enacted by the Parliament of Canada.

Confirmation of provincial law by Governor in Council.

"2. The Governor in Council may at any time and from time to time by proclamation confirm, for the purposes of this section, any Act of the legislature of any province passed after the passing of this Act for the prohibition or regulation of work, business or labour upon the first day of the week,

commonly called Sunday ; and from and after the date of any such proclamation the Act thereby confirmed, in so far as it is in other respects within the powers of the legislature, shall for the purposes of this section be confirmed and ratified and made as valid and effectual as if it had been enacted by the Parliament of Canada ; and, notwithstanding anything in this Act or in any other Act, every railway, steam or electric street railway, and tramway, wholly situate within such province, but declared by the Parliament of Canada to be, in its entirety or in part, a work for the general advantage of Canada, and every person employed thereon, in respect of such employment, and every person, company, corporation or municipality owning, controlling or operating it wholly or partly, in respect of such ownership, control or operation, shall thereafter, notwithstanding such declaration, be subject to the Act so confirmed in so far as that Act is otherwise *intra vires* of the legislature."

Ascertainment of net earnings of Eastern Division of Grand Trunk Pacific Ry.

3. In order to the ascertainment of the true net earnings of the Eastern Division of the Grand Trunk Pacific Railway for the purposes of the scheduled agreements referred to in the Act of the present session intituled *An Act to amend the National Transcontinental Railway Act*, the Board of Railway Commissioners of Canada shall, upon the request of the Minister of Railways and Canals, enquire into, hear and determine any question as to the apportionment of any through rate or rates between the Grand Trunk Pacific Railway Company and any other transportation company, whether such company is or is not a railway company, or, if a railway company, whether it is or is not as such subject to the legislative jurisdiction of the Parliament of Canada, for the purpose of determining whether such apportionment is just and reasonable, having due regard to the interests of the Government of Canada as owner of the said Eastern Division and of the Intercolonial Railway, and to the provisions of *The National Transcontinental Railway Act*, and of the said Act of the present session, and of the said scheduled agreements,—which Acts and agreements are hereby declared to be part of the special Act of or respecting the Grand Trunk Pacific Railway Company within the meaning of paragraph (*w.*) of section 2 of *The Railway Act*, 1903 ; and in any such case the fact that the Grand Trunk Pacific Railway Company has agreed to such apportionment shall be material evidence only and not conclusive ; and such net earnings shall then be ascertained upon the basis of the receipt by the Grand Trunk Pacific Railway Company of such share of such through rate or rates as, in the opinion of the said Board, that company should have received under a just and reasonable apportionment.

Majority of directors of subsidized company to be British subjects.

Proviso.

4. The majority of the directors of any company which has heretofore received, or hereafter receives, from the Government of Canada, under any Act of the Parliament of Canada, aid towards the construction of its railway or undertaking, or any part thereof, shall be British subjects : Provided that this section shall not, until the thirty-first day of January, one thousand nine hundred and five, apply to any company the majority of whose directors are not British subjects when this Act comes into force.

No. 132.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL

An Act to amend the Railway Act, 1903.

(Reprinted as amended in Committee of the Whole.)

MR. FITZPATRICK.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1904

No. 133.] **BILL.** [1904.

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

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

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

"**23.** The Supreme Court shall have, hold and exercise an appellate, civil and criminal jurisdiction within and throughout Canada, in all matters relating to the constitution or to the laws of Canada ; in cases of admiralty, or relating to marine law ; in cases wherein the Government of Canada is a party ; and in cases between two or more provinces, or between residents of different provinces, or between residents of the same province claiming real property under titles acquired in different provinces, or between a province and residents therein or subjects of a foreign State. Jurisdiction of Supreme Court.

No. 133.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL.

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

First reading, June 8, 1904.

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

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1904

No. 135.] **BILL.** [1904

An Act respecting Labour Union Labels.

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

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

(*a.*) The expression "labour union" means any and every association of workingmen or of workingwomen, or of workingmen and workingwomen. "Labour union."

(*b.*) The expression "label" means a label, trade mark, term, design, word, letter, emblem, figure, sign, seal, stamp, diagram, ticket, device or form of advertisement registered in accordance with the provisions of this Act. "Label."

(*c.*) The expression "Minister" means the Minister of Agriculture, and does not include the Deputy Minister unless herein so expressly provided. "Minister."

2. Every labour union which before the passing of this Act, has adopted or used, or which hereafter adopts or uses a label to designate, make known or distinguish any goods, wares, merchandise or other product of labour as having been made, manufactured, produced, prepared, packed, handled or put on sale by such labour union, or by a member or members thereof, may register such label in the Department of Agriculture, by leaving two copies, counterparts or facsimiles thereof with the Minister, or his deputy, along with one application for the registration of the label, and by filing therewith a declaration made by the president, secretary or other officer of such labour union, specifying the name of the labour union on behalf of which such label is being registered, the class of merchandise and a description of the goods to which it hasbeen or is intended to be appropriated, and stating that, to the best of his knowledge, information and belief, the labour union on behalf of which the application for registration is being made has the right to the use of the same, that no other person, firm, labour union, association or corporation has the right to such use, either in the identical form or in any such near resemblance thereto as may be calculated to deceive, and that the facsimiles or counter-parts are true and correct; and, thereafter such labour union shall have the exclusive right to use such label for the purposes aforesaid. Registration of label. Declaration to be made. Exclusive right to use label.

2. The Deputy Minister shall deliver to the labour union so registering as aforesaid a certificate of such registration to the effect that such label has been duly registered in accordance with the provisions of this Act, and such certificate shall have attached to or incorporated with it a copy, counterpart or fac- Certificate of registration. Contents.

simile of such label, and shall also set forth the day, month and year of the entry thereof in the proper register, the name of the labour union registering such label, the number of such label and the number or letter employed to denote or correspond to the registration; and such certificate in the absence of proof to the contrary, shall be sufficient proof in all Courts in Canada of the label, of its adoption by the labour union, of the name of the labour union, of the registration, of the commencement and term of registry, of the labour union named being the owner or proprietor of the label, and of compliance with the provisions of this Act; and, generally, the writing purporting to be so signed shall be received as *primâ facie* evidence of the facts therein stated without proof of the signature of the officer signing the same.

Effect as evidence.

Duplicate certificate to be supplied.

3. The Deputy Minister shall deliver to the labour union so registering or causing to be so registered as many duly attested certificates as such labour union may apply for on payment of the fees hereinafter provided for.

Misleading labels not to be registered.

4. The Deputy Minister shall not record for any person, firm, labour union, association or corporation any label that might, possibly, be mistaken for one already registered by or on behalf of any labour union.

Appeal from Deputy Minister.

3. Where the Deputy Minister refuses to register a label under this Act, an appeal may, in such case, be taken by the labour union aggrieved to the Minister, whose decision shall be final.

Cancellation of label.

4. Any labour union that has registered a label may petition for the cancellation of the same, and the Deputy Minister on receiving such petition may cause the said label to be so cancelled, and the same shall be considered void and of no effect after such cancellation.

Transfer of right to label.

2. Every such labour union may, if at any time it becomes merged in or affiliated with any other labour union, serve the Deputy Minister with notice of the fact and of its desire to have the label which has been registered in its name transferred to the name of such other labour union, and such transfer shall be made accordingly and such transferee shall have all and the same rights as the labour union that first registered such label.

Duration of right to label.

5. The exclusive right acquired for a label, when registered, shall be valid for the term of twenty-five years, but may be renewed before the expiration of the said term, by the labour union which has registered the same or by its transferee, for another term of twenty-five years, and so on from time to time; but every such renewal shall be registered before the expiration of the current term of twenty-five years.

Renewal.

Registration of renewal.

Union's consent to use of label.

6. If in any case the consent of the labour union registering such label is or has been given to the user thereof, the subsequent withdrawal of such consent shall have no effect, so far as anything done under the prior consent is concerned.

7. It shall be unlawful for any person, firm, labour union, association or corporation, other than the labour union registering such label, unless with the consent of such labour union,— Offences.

(*a.*) to mark any goods or any articles of any description whatever with any such label or with any part thereof, whether by applying such label or any part thereof to the article itself or to any package or thing containing such article or by using any package or thing so marked which has been used by the labour union which has registered such label; or Unauthorized use of label.

(*b.*) to knowingly sell, offer for sale or dispose of any article marked with such label or any part thereof; or Sale of goods labeled without authority.

(*c.*) to counterfeit or imitate any such label; or Counterfeiting.

(*d.*) to sell, offer for sale or dispose of, or in any way utter or circulate any counterfeit or imitation of any such label; or Selling, etc., conterfeit labels.

(*e.*) to keep or have in his possession with intent that the same shall be sold or disposed of, any goods, wares, merchandise, or other product of labour to which or on which any such counterfeit or imitation is printed, painted, stamped, impressed, or otherwise displayed; or Having possession of goods marked with counterfeit label.

(*f.*) to knowingly sell, offer for sale or dispose of any goods, wares, merchandise or other product of labour contained in any box, case, can or package to which or on which any such counterfeit or imitation is attached, fixed, painted, printed, stamped, impressed or displayed; or Selling, etc., goods in packages marked with counterfeit label.

(*g.*) to procure either for himself or on behalf of any other person, firm, labour union, association or corporation, the registering of any label under the provisions of this Act by making any false or fraudulent representation or declaration verbally or in writing or by any fraudulent means whatever; or Procuring registration by false representations, etc.

(*h.*) to use or display the genuine label of any such labour union which has registered the same as required by this Act in any manner not authorized by such labour union; or Using label in unauthorized way.

(*i.*) to use the name or seal of any such labour union or officer thereof in and about the sale of goods or otherwise not being authorized to so use the same by such labour union; or Using name of labour union, etc., without authority.

(*j.*) to make any die, block, machine or other instrument for the purpose of forging or being used for forging a label; or Making instruments for forging label.

(*k.*) to dispose of or have in his possession any die, block, machine or other instrument for the purpose of forging a label; or Disposal or possession of such instruments.

(*l.*) to cause any of such things to be done. Procuring above offences.

8. Every person, firm, labour union, association or corporation contravening the provisions or any of the provisions of the next preceding section shall be guilty of an offence and liable, for each such offence on summary conviction, to a fine not exceeding five hundred dollars or to imprisonment for a period not exceeding one year or to both fine and imprisonment; and such fine may be levied by warrant of distress under the hand and seal of the magistrate and shall be paid to the labour union which has registered such label, together with the costs incurred in enforcing and recovering the same. Penalties. Recovery. To be paid to labour union.

2. Every complaint under this section may be made by a member of the labour union which has registered the label as in this Act provided. Who may be complainant.

Right to maintain civil action.

9. An action or suit may be maintained in any Court of Record having jurisdiction to the amount claimed, by any labour union, or by a member or members of such labour union, which has complied with the provisions of this Act as to registration, against any person, firm, labour union, association or corporation contravening the provisions or any of the provisions of this Act.

No action to lie against labour union except for purposes of Act.

10. Nothing in this Act contained shall enable any suit, action, garnishee, interpleader or other proceeding to be brought, had or maintained against a labour union, except for the purposes of this Act.

Procedure for issue of search warrant.

11. When complaint in writing, verified by affidavit, is made to any court or officer having authority to issue search warrants, showing that complainant has reason to believe that counterfeits or imitations of any label registered as in this Act provided, or tools, cuts, plates, dies, blocks, machinery or materials prepared or provided for the making of such counterfeits or imitations, are concealed in any building, receptacle or place (particularly describing the same), such court or officer shall, if satisfied that there is reasonable cause for such belief, issue a warrant to search such building, receptacle or place for the articles described in the complaint.

Form of search warrant.

1892, c. 29.

12. Search warrants issued under this Act shall be in the form prescribed by *The Criminal Code*, 1892, so far as such form is applicable, and shall be directed to and be served and returned by the same officers in the same manner as search warrants in other cases in the said Code provided for; and the proceedings and practice after such return shall conform as nearly as may be to the practice and proceedings in regard to search warrants in such other cases.

Label not to be attached without consent of owner of goods.

13. Notwithstanding anything in this Act contained no label shall be put or placed upon any goods, wares, merchandise or other product of labour without the consent of the owner or proprietor of such goods, wares, merchandise or other product of labour first had and obtained.

No. 135.

4th Session, 9th Parliament, 4 Edward

BILL.

An Act respecting Labour Unio

First reading, June 13, 1

Mr. Smit
(Van

OTTAWA
Printed by S. E. Dawson
Printer to the King's most Excellent M
1904

No. 136.] **BILL.** [1904.

An Act respecting the Similkameen and Keremeos Railway Company.

Preamble.

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

1901, c. 84.

Powers of construction revived.

1. The powers of construction granted to the Similkameen and Keremeos Railway Company by chapter 84 of the statutes of 1901 are revived and declared to be in force.

Time for construction extended.

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

No. 136.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL.

An Act respecting the Similkameen and Keremeos Railway Company.

First reading, June 15, 1904.

(PRIVATE BILL.)

MR. MORRISON.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1904

No. 137.] **BILL.** [1904.

An Act respecting certain patents of the Canadian Office and School Furniture Company, Limited.

Preamble.

WHEREAS the Canadian Office and School Furniture Company, Limited, of Preston, in the county of Waterloo, and Province of Ontario, has, by its petition, represented that it is the holder and owner of certain patents issued under the seal of the Patent Office, namely :—patent number fifty eight thousand five hundred and forty-one, dated the third day of January, one thousand eight hundred and ninety-eight, for improvements in combined desk and seat: patent number fifty-eight thousand six hundred and seventeen, dated the eighth day of January, one thousand eight hundred and ninety-eight, for improvements in friction side clamps, and patent number fifty-eight thousand nine hundred and sixty-four, dated the ninth day of February, one thousand eight hundred and ninety-eight, for improvements in chairs ; and whereas the said company has prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

Commissioner of Patents may extend duration of patents.

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

Certain rights saved.

2. If any person, other than any licensee, has, in the period between the expiry of six years from the date of the said patents and the thirtieth day of May, one thousand nine hundred and four, commenced to manufacture, use and sell, in Canada, any of the patented inventions covered by the said patents respectively, such person may continue to manufacture, use and sell such invention in as full and ample a manner as if this Act had not been passed: Provided that the exemption shall not extend to any person having commenced the construction or manufacture of the said invention before the expiry of the patent, without the consent of the holder of such patent.

Proviso.

No. 137.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL.

An Act respecting certain patents of the Canadian Office and School Furniture Company, Limited.

First reading, June 15, 1904.

(PRIVATE BILL.)

MR. CLARE.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1904

No. 140.] **BILL.** [1904.

An Act respecting the Alliance Bank of Canada.

Preamble.

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

1903, c. 79.

Certificate authorizing commencement of business.

1. Notwithstanding anything in *The Bank Act*, or in chapter 79 of the statutes of 1903 incorporating the Alliance Bank of Canada, the Treasury Board may, within two years from the twenty-fourth day of October, one thousand nine hundred and three, give to the said bank the certificate required by section 14 of *The Bank Act*.

Powers to cease if certificate not granted.

2. In the event of the said bank not obtaining the said certificate from the Treasury Board within the time aforesaid, the rights, powers and privileges conferred on the said bank by the said Act of incorporation and by this Act shall thereupon cease and determine, but otherwise shall remain in full force and effect notwithstanding section 16 of *The Bank Act*.

No. 140.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL

An Act respecting the Alliance Bank of Canada.

First reading, June 20, 1904.

(PRIVATE BILL.)

MR. RUSSELL.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1904

No. 142.] **BILL.** [1904.

An Act respecting the Rio de Janeiro Light and Power Company, Limited, and to change its name to "The Rio de Janeiro Tramway, Light and Power Company, Limited."

Preamble.

WHEREAS the Rio de Janeiro Light and Power Company, Limited, has, by its petition, represented that it is incorporated under the provisions of *The Companies Act*, 1902, and has prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1902, c. 15.

Name changed.

1. The name of the Rio de Janeiro Light and Power Company, Limited, hereinafter called "the Company," is changed to "The Rio de Janeiro Tramway, Light and Power Company, Limited," but such change of name shall not in any way impair, alter or affect the rights or liabilities of the Company, nor in anywise affect any suit or proceeding now pending, or judgment existing, either by, or in favour of, or against the Company, which, notwithstanding such change in the name of the Company, may be prosecuted, continued, completed and enforced as if this Act had not been passed.

Existing rights saved.

Powers of Company in Republic of Brazil.

2. Subject to the laws in force in the Republic of Brazil, and with such legislative, governmental, municipal or other authority, concession, license or consent as is necessary, the Company may, within the Republic of Brazil, survey, lay out, construct, complete, maintain and operate, and from time to time extend, remove and change as required, double or single, iron or steel railways and branches, side tracks, turnouts and tramways for the passage of cars, carriages and other vehicles adapted thereto, upon and along streets, highways and other public places, and upon and along lands purchased, leased or otherwise acquired by the Company, also telegraph and telephone lines and works in connection therewith, and allow the use of the said railways and other works by lease, license or otherwise for reward, and take, transmit and carry for reward telegrams, messages, passengers and freight, including mails, express and other freight upon or by means thereof, by force or power of animals, or by steam, pneumatic, electric or mechanical power, or by a combination of them or any of them, and also may there acquire by purchase, lease or otherwise upon such terms and conditions as are agreed upon, and maintain and operate for reward any existing or future lines of railway, tramway, telegraph and telephone, and for all or any of the purposes aforesaid, the Company may enter into and carry out such contracts, concessions and agreements as it thinks necessary.

Railways.

Tramways.

Telegraphs.

Telephones.

Carriers.

Acquisition of properties of other companies.

No. 142.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL.

An Act respecting the Rio de Janeiro Light and Power Company, Limited, and to change its name to "The Rio de Janeiro Tramway, Light and Power Company, Limited."

First reading, June 21, 1904.

(PRIVATE BILL.)

MR. CALVERT.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1904

No. 143.] **BILL.** [1904.

An Act respecting the New Brunswick Southern Railway Company.

Preamble. WHEREAS the New Brunswick Southern Railway Company was incorporated by chapter 74 of the statutes of 1901 of the Province of New Brunswick, and certain other powers were conferred upon the said company by chapter 102 of the statutes of 1903 of the said province; and whereas the said company has, by its petition, prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

N.B., 1901, c. 74; N.B., 1903, c. 102.

Meaning of "the Company." **1.** In this Act the expression "the Company" means the body corporate and politic heretofore created by chapter 74 of the statutes of 1901 of the Province of New Brunswick under the name of "The New Brunswick Southern Railway Company."

Declaratory. **2.** The railway and works which the Company, by the Acts mentioned in the preamble, has been empowered to undertake and operate are declared to be a work for the general advantage of Canada.

Acts done under provincial Acts confirmed. **3.** Nothing in this Act, or in *The Railway Act*, 1903, shall invalidate any action heretofore taken by the Company pursuant to powers contained in the Acts mentioned in the preamble, and the powers and privileges granted by the said Acts are hereby confirmed.

Power to build an international bridge. **4.** At such point as the Governor in Council approves, the Company may, for the purpose of connecting with the Washington County Railroad, in the State of Maine, one of the United States, construct, maintain and use a bridge over the St. Croix River at or near St. Stephen or Milltown, with all the necessary approaches, both for railway purposes and for the passage of pedestrians, vehicles, cars or carriages, propelled or drawn by electrical, horse or other motive power, and may lay tracks on the said bridge for the passage of railway and other cars, and may charge tolls for the passage of cars, vehicles and pedestrians over the said bridge, but no toll or charge shall be demanded or taken until it has been approved of by the Governor in Council, who may also revise such tolls and charges from time to time.

Tolls to be approved.

Joint commission for regulating bridge.

5. In case the state of Maine or the United States shall, at any time after the final completion of the bridge, provide for the appointment of a commission for regulating the working of the said bridge, the use thereof, and the compensation to be made therefor, and for settling any dispute in respect thereof, the Governor in Council may join in the appointment of the said commission on such terms as he shall think proper, and appoint one or more persons as members of the said commission; and in the event of any such appointment the said commissioners shall have the power hereby conferred on the Governor in Council, and the decisions of the said commissioners shall be final and conclusive, to the extent to which they are final and conclusive by virtue of the provisions which may be made by the state of Maine or the United States.

No. 143.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL

An Act respecting the New Brunswick Southern Railway Company

First reading, June 23, 1904.

(PRIVATE BILL.)

MR. GIBSON.

OTTAWA
Printed by S. E. Dawson
Printer to the King's most Excellent Majesty
1904

No. 144.] **BILL.** [1904

An Act to amend the Act of the present session respecting the Temiscouata Railway Company.

WHEREAS there is an omission in the Act passed during the present session intituled *An Act respecting the Temiscouata Railway Company*, which it is expedient to correct: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. Section 15 of the Act mentioned in the preamble to this Act is amended by inserting the words "the Canadian Northern Railway Company" immediately after the words "the Canadian Pacific Railway Company." 1904, c. , s. 15 amended.

No. 144.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL

An Act to amend the Act of the present session respecting the Temiscouata Railway Company.

First reading, June 27, 1904.

MR. FITZPATRICK.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1904

No. 145.] **BILL.** [1904.

An Act to amend the Animal Contagious Diseases Act, 1903.

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

1. Paragraph (*e*) of section 2 of *The Animal Contagious Diseases Act*, 1903, chapter 11 of the statutes of 1903, is amended by adding after the word "farcy" in the third line of the said paragraph, the words "maladie du coït." 1903, c. 11, s. 2 amended.

2. Subsection 2 of section 12 of the said Act is amended by striking out the fourth and fifth lines thereof. Section 12 amended.

3. Subsection 3 of the said section 12 is amended by striking out the words from "but" to "dollars", both words included, in the fourth, fifth and sixth lines thereof. Subsection 3 amended.

4. Subsection 4 of the said section 12 is amended by adding at the end thereof the following :— Subsection 4 amended.

"but shall not exceed, in the case of grade animals, two hundred dollars for each horse, sixty dollars for each head of cattle, and fifteen dollars for each pig or sheep; and in the case of pure bred animals, five hundred dollars for each horse, two hundred dollars for each head of cattle, and fifty dollars for each pig or sheep." Valuation.

No. 145.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL.

An Act to amend the Animal Contagious Diseases Act, 1903.

First reading, June 27, 1904.

MR. FISHER.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1904

No. 147.] **BILL.** [1904.

An Act to amend the Acts relating to Naturalization and Aliens.

Preamble.

WHEREAS doubts have arisen as to the jurisdiction under *The Naturalization Act*, as amended by chapter 38 of the statutes of 1903, of circuit courts in and for territorial divisions of districts or counties in the province of Quebec, and it is expedient to remove such doubts and to make valid the exercise of such jurisdiction since the last mentioned Act was passed: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

R.S.C., c. 113, s. 11 amended.

1. Section 11 of *The Naturalization Act*, chapter 113 of the Revised Statutes, as that section is enacted by section 1 of chapter 38 of the statutes of 1903, is amended by striking out the sixth and seventh lines thereof and substituting the following therefor:—"In Quebec, to any circuit court within the territorial limits of the jurisdiction of which the alien resides."

Retroaction.

2. The circuit courts in and for territorial divisions of districts and counties in the province of Quebec are hereby declared to have had jurisdiction under *The Naturalization Act*, as so amended, on and since the thirteenth day of August, 1903, as if the said section 11 had been enacted by chapter 38 of the statutes of 1903 in the form of that section as amended by this Act.

No. 147.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL.

An Act to amend the Acts relating to Naturalization and Aliens.

First reading, June 30, 1904.

MR. FITZPATRICK.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1904

No. 148.] **BILL.** [1904.

An Act to amend the Dominion Elections Act, 1900.

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

1. Section 24 of *The Dominion Elections Act*, 1900, is repealed, and the following is substituted therefor:— 1900, c. 12, new s. 24.

"**24.** Within the shortest possible time after the reception of the writ in the electoral districts of the east riding of Algoma, the west riding of Algoma and Nipissing, in the province of Ontario, of Chicoutimi and Saguenay, and Gaspé, in the province of Quebec, and of Comox-Atlan, Kootenay and Yale-Cariboo, in the province of British Columbia, and within eight days after its reception in the other electoral districts of Canada, the returning officer shall, by a proclamation under his hand, issued in the English and French languages in every electoral district in the province of Quebec and in the province of Manitoba, and in the English language only in the other electoral districts, indicate— Proclamation by returning officer.

"(*a.*) the place and time fixed for the nomination of candidates;

"(*b.*) The day on which the poll for taking the votes of the electors is to be held, in case a poll is demanded;

"(*c.*) the several polling stations fixed by him, including those fixed under the next preceding section, and the territorial limits to which they respectively apply;

"(*d.*) the time when and the place where the returning officer will add up the number of votes given to the several candidates.

"2. Such proclamation shall be in the form E." Form.

2. Subsection 2 of section 27 of the said Act is repealed, and the following is substituted therefor:— Section 27 amended.

"2. At every general election he shall fix one and the same day for the nomination of candidates in all the electoral districts, except in the electoral districts of the east riding of Algoma, the west riding of Algoma and Nipissing, in the province of Ontario, of Chicoutimi and Saguenay and Gaspé, in the province of Quebec, and of Comox-Atlin, Kootenay and Yale-Cariboo, in the province of British Columbia." Nomination day for general election.

3. Section 29 of the said Act is repealed, and the following is substituted therefor:— New s. 29.

"**29.** In the electoral districts of the east riding of Algoma, the west riding of Algoma and Nipissing, in the province of Ontario, of Chicoutimi and Saguenay and Gaspé, in the pro- Nomination and polling days in certain districts.

vince of Quebec, and of Comox-Atlin, Kootenay and Yale-Cariboo, in the province of British Columbia, the returning officers shall fix the day for the nomination of candidates, and also the day and places for holding the polls; the nomination in the said electoral districts shall take place not less than eight days after the proclamation hereinbefore required has been posted up,—neither the last day of posting it up nor the day of nomination being reckoned; and the day for holding the polls shall be at as early a date thereafter as possible, but not less than seven days after nomination, and at a general election it shall, if possible, be the same day as that fixed by the Governor General for the other electoral districts, but not sooner."

Commencement of Act.

4. This Act shall take effect only upon dissolution of the present parliament.

No. 148.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL.

An Act to amend the Dominion Elections Act, 1900.

First reading, July 4, 1904.

Mr. FITZPATRICK.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1904

No. 149.] **BILL.** [1904.

An Act to amend the Representation Act, 1903.

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

1. Sections 7 and 8 of *The Representation Act*, 1903, are repealed. 1903, ss. 7 and 8 repealed.

2. That part of the schedule to the said Act which deals with the province of Ontario is amended by repealing paragraphs 25 and 32 thereof and substituting therefor the following paragraphs :— Ontario.

"25. The territorial district of Thunder Bay, the eastern boundary thereof being shifted westerly to the meridian of eighty-five degrees twenty minutes west, as provided by section 2 of chapter 12 of the statutes of Ontario of 1901, and the territorial district of Rainy River, shall constitute the electoral district of Thunder Bay and Rainy River, and shall return one member."

"32. The territorial district of Algoma, the western boundary thereof being shifted westerly to the meridian of eighty-five degrees twenty minutes west, as provided by section 2 of chapter 12 of the statutes of Ontario of 1901, and the territorial district of Manitoulin, into two ridings, to be called respectively the east and west ridings of Algoma.

"(*a.*) The east riding shall consist of the tract of territory described as follows :—The whole of the territorial district of Algoma which lies to the east of a line described as follows :—commencing at a point in the southerly limit of the territorial district of Algoma where it is intersected by the production in a straight line southerly of the limit between the township of Lefroy and Plummer Additional; thence north along the said production and along the said limit to the north-west corner of the said township of Lefroy; thence due north to the northerly limit of the said territorial district of Algoma.

"(*b.*) The west riding shall consist of the tract of territory described as follows :—All the remaining portion of the territorial district of Algoma, lying west of the lines described in the next preceding paragraph, the western boundary being shifted westerly as aforesaid."

3. That part of the said schedule which deals with the province of Quebec is amended by adding at the end thereof the following paragraph :— Quebec.

"(*f.*) for the purpose of defining the constitution and boundaries of the counties mentioned in paragraph (*a.*) of subsection

3 of section 3 of *The Representation Act*, chapter 6 of the Revised Statutes, that paragraph shall be read and construed as if the words 'section one of' in the tenth line thereof were struck out."

New Brunswick.

4. Paragraph 5 of that part of the said schedule which deals with the province of New Brunswick is repealed, and the following paragraphs are substituted therefor :—

"5. The electoral district of Victoria shall, as heretofore, consist of the counties of Victoria and Madawaska, and shall return one member.

"6. Each of the remaining counties of the province shall form an electoral district and shall return one member."

Yukon Territory.

5. The said schedule is further amended by adding at the end thereof the following : —

"THE YUKON TERRITORY.

"The Yukon Territory shall form an electoral district, to be called the electoral district of Yukon, and shall return one member."

No. 149.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL.

An Act to amend the Representation Act, 1903.

First reading, July 4, 1904.

MR. FITZPATRICK.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1904

No. 150.] **BILL.** [1904.

An Act to amend the Act of the present Session intituled "An Act to incorporate the Thorold and Lake Erie Railway Company."

WHEREAS there are certain clerical errors in the Act of the present session intituled "An Act to incorporate the Thorold and Lake Erie Railway Company" which it is expedient to correct: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— 1904, c. —.

1. Section 1 of the Act mentioned in the preamble to this Act is amended by striking out of the said section the names "John W. Norcross." "Joseph Edmund Taschereau," and "William J. Bicknell," and by substituting therefor the names "Joseph W. Norcross," "Charles Edmund Taschereau," and "William J. Bignell." Section 1 amended.

2. Section 10 of the said Act is amended by substituting the words "Great Lakes and St. Lawrence Transportation Company" for the words "Great Lakes and St. Lawrence Navigation Company." Section 10 amended.

No. 150.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL.

An Act to amend the Act of the present Session intituled "An Act to incorporate the Thorold and Lake Erie Railway Company."

First reading, July 7, 1904.

MR. GERMAN.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1904

No. 151.] **BILL.** [1904.

An Act respecting the incorporation of Seed Growers' Associations.

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

Application for incorporation.

1. Any five or more persons who desire to associate themselves together for the purpose of keeping records of selected seeds for use in the production of field or garden crops, may make application in the form A in the schedule to this Act, to the Minister of Agriculture for incorporation.

In duplicate.

2. Such application shall be in duplicate, and shall include a copy of the proposed constitution, by-laws and rules of the association.

Attestation of signatures.

3. The signatures to the application shall be verified by the affidavit of a subscribing witness thereto, before a notary public, commissioner for taking affidavits or justice of the peace.

Certificate of Minister's approval.

2. If the Minister approves of the application, he shall cause one of the duplicates thereof to be registered in the Department of Agriculture, and the other to be returned to the applicants with a certificate endorsed thereon and signed by him, in the form B in the schedule to this Act.

Incorporation of association.

3. Thereupon, from the date of such certificate, the applicants and such other persons as become members of the association shall be a body corporate and politic by the name specified in the application, with the constitution, by-laws and rules included therein, and with power to hold such property as is required for the carrying on of the business of the association.

Number of associations limited.

4. Not more than one association for keeping records of selected seeds of each distinct kind of field or garden crop shall be incorporated under this Act.

Constitution, by-laws and rules.

5. The constitution, by-laws and rules of the association shall provide for—

(*a.*) the registration of the history of selected seeds for use in the production of one or more kinds of field or garden crops ;

(*b.*) the admission, suspension and expulsion of members ;

(*c.*) the election of officers and their duties ;

(*d.*) the mode of convening annual, general and special meetings ;

(*e.*) the audit of accounts ;

(*f.*) the location of the head office and the branch offices, if any.

Amendments thereto.

6. The constitution may be altered, and any by-law or rule may be altered or repealed, at a meeting of the association called for that purpose; but no such alteration or repeal shall have force or effect until it has been approved by the Minister and registered in the Department of Agriculture.

ooks.

7. The association shall cause a book to be kept by the secretary at the head office, and by an assistant secretary at each branch office, wherein shall be written a copy of the constitution, by-laws and rules, so that persons becoming members of the association may examine the said documents.

Constitution, etc., binding on members.

8. The constitution, by-laws and rules of the association shall bind the association and the members thereof to the same extent as if each member had subscribed his name and affixed his seal thereto.

Liability of members.

9. The liability of each member shall be limited to the amount of his membership fees due.

Annual report.

10. At the annual meeting the retiring officers shall present a full report of their proceedings and of the proceedings of the association, and a detailed statement, duly audited, of the receipts and expenditures for the previous year, and of the assets and liabilities.

Copy to be sent to Minister.

2. A copy of the said report, with a list of the members and their addresses and a list of the officers elected, shall be sent by the secretary to the Minister within twenty days after the annual meeting.

Forfeiture of corporate powers.

11. If the association ceases for twelve consecutive months to do business as required by its constitution, by-laws and rules, or if the Minister is satisfied, after an inquiry at which the association was given due notice to appear, that the business of the association is not being properly conducted, the Minister may declare the corporate powers of the association forfeited.

Penalty for signing or presenting false certificate.

12. Any person who signs a false statement intended for registration by the association, or who knowingly presents or causes another person to present a false certificate of registration, shall, upon summary conviction, upon information laid within one year from the commission of the offence, be liable to a penalty not less than ten dollars and not exceeding one hundred dollars for each false statement intended for registration so signed, or each false certificate of registration so presented, together with the costs of prosecution.

SCHEDULE.

A.

Application for Incorporation.

We, the undersigned, hereby apply for incorporation as an association under the provisions of the Act respecting the incorporation of Seed Growers' Associations.

The name of the association is to be (*name of association*), and the object for which it is to be formed is to keep records of the history of selected seeds of (*names of plants*), and to collect, publish and preserve reliable and valuable data concerning those plants.

The names and addresses of the officers of the association are (*names and addresses in full.*)

The constitution, by-laws and rules of the association are as follows: (*Insert constitution, etc., at length.*)

Dated at , the day of .

(*Signatures of Applicants.*)

I, the undersigned, solemnly swear that I know (*mentioning the names of the signers known to him*) and that they severally signed the foregoing application in my presence.

Sworn before me, at ,
this day of ,
19 .

(*Signature.*)

B.

The Minister's Certificate.

I certify that the within application is approved this day of 19 , in pursuance of the Act respecting the incorporation of Seed Growers' Associations.

C. D.
Minister of Agriculture.

No. 151.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL.

An Act respecting the incorporation of Seed Growers' Associations.

First reading, July 11, 1904.

Mr. Fisher.

OTTAWA
Printed by S. E. Dawson
Printer to the King's most Excellent Majesty
1904

No. 152.] **BILL.** [1904

An Act respecting an Arbitration between His Majesty and the Grand Trunk Railway Company of Canada.

WHEREAS, under the authority of chapter 11 of the statutes of 1879, Her late Majesty entered into a certain contract with the Grand Trunk Railway Company of Canada, dated the seventeenth day of July, eighteen hundred and seventy-nine; and whereas Her Majesty entered into a further agreement, dated the first day of February, one thousand eight hundred and ninety-eight, and also a supplementary traffic agreement of the same date, which contract and supplementary traffic agreement were duly ratified and confirmed by chapter 5 of the statutes of 1899; and whereas differences have arisen between the Government and the Grand Trunk Railway Company respecting divers clauses of the said agreements and with respect to the carrying out of the said contracts, and under the provisions of the said contracts such differences have been referred to arbitration, and it is expedient that the powers of the arbitrators in such case should be defined and extended in order to enable them to consider and determine all matters in issue between His Majesty and the Grand Trunk Railway Company of Canada in respect of any matters provided for in the said agreements or arising in any manner in relation thereto: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. 1879, c. 11. 1899, c. 5.

1. The arbitrators who have been or are hereafter duly appointed by and on behalf of His Majesty on the one hand, and the Grand Trunk Railway Company of Canada on the other hand, together with the third arbitrator or umpire named by the said two arbitrators, are hereby declared to possess all the powers of a superior court of original jurisdiction in any Province of Canada, as regards the summoning, the compelling the attendance and the swearing of witnesses, the compelling the production of all documents or writings in relation to the matters in dispute, the granting of an order for examination upon discovery of any witness, or the inspection of any document in the possession of either party or of any third party, the maintenance of order and discipline during their sessions, and generally with respect to any matter of procedure to make any orders they deem necessary in the premises. Powers of arbitrators as to witnesses, etc.

2. The said arbitrators may sit for the hearing of evidence wherever in Canada they think it necessary, and they may, from time to time, and as often as they think fit, adjourn their sessions, to meet either in the same place or elsewhere. Sessions.

Clerk.

3. The said arbitrators, or a majority of them, may appoint a clerk and determine his duties; and such clerk shall have all the powers of the clerk of a superior court of original jurisdiction for the issuing of subpœnas to witnesses and any procedure necessary in the premises.

Award.

4. Notwithstanding anything in the said agreements, the said arbitrators, or a majority of them, may render their award at any time within three months after the final hearing of the evidence and argument; but this period may be extended, either before or after its expiration, by any judge of the Supreme Court of Canada, on the application of either of the parties.

No. 152.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL

An Act respecting an Arbitration between His Majesty and the Grand Trunk Railway Company of Canada.

First reading, July 12, 1904.

MR. FITZPATRICK.

OTTAWA
Printed by S. E. Dawson
Printer to the King's most Excellent Majesty
1904

No. 153.] **BILL.** [1904.

An Act to amend the Post Office Act.

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

R.S.C., c. 35 s. 12 repealed.

1. Section 12 of *The Post Office Act*, chapter 35 of the Revised Statutes, is repealed.

Section 15 amended.

2. Section 15 of said Act is amended by striking out of the first line thereof the words "Any chief inspector," and inserting in lieu thereof the words "The chief post office superintendent and every post office inspector and assistant post office inspector"; by striking out of the eighth line thereof the words "chief inspector," and inserting in lieu thereof the words "chief post office superintendent, inspector, or assistant inspector, as the case may be"; and by striking out all words after the word "subpœna" in the eighteenth line thereof.

Section 17 amended.

3. Section 17 of said Act is amended by striking out the first line thereof, and inserting in lieu thereof the following words: "The chief post office superintendent and every post office inspector and assistant post office inspector."

Section 18 amended.

4. Section 18 of said Act is amended by striking out of the first line thereof the words "chief inspector."

Appointment of superintendent.

5. Whenever a year's revenue of a post office reaches fifty thousand dollars, the Governor in Council may by promotion appoint to that post office, at a salary of one thousand eight hundred dollars a year, a person to be designated a Superintendent, whose duty shall be such as is from time to time determined by the Postmaster General; and no person shall be eligible for such promotion unless he has been a clerk in a city post office for at least five years.

1902, c. 28, s. 6 amended.

6. Notwithstanding anything in section 6 of chapter 28 of the statutes of 1902, as amended by section 3, chapter 49 of the statutes of 1903, the election provided for by the said section 6 of chapter 28 may be exercised at any time within three months after the passing of this Act.

1898, c. 20, s. 6, and 1903, c. 49, s. 6 amended.

7. Section 6 of chapter 20 of the statutes of 1898 is amended by inserting the words "or stampers and sorters" after the word "clerks" in the first line; subsection 4 of section 6 of chapter 49 of the statutes of 1903 is amended by inserting the

words "or stamper and sorter" after the word "clerk" in the second line; and the said sections shall be construed as if they had been originally enacted as hereby amended.

1902, c. 28, s. 9 amended.

8. Section 9 of chapter 28 of the statutes of 1902 is amended by striking out the words "three thousand dollars a year" in the second line thereof, and by adding thereto the following subsection:—

Chief post office superintendent's salary.

"2. The salary of a chief post office superintendent on appointment shall be three thousand dollars a year, with an annual increase of one hundred dollars up to a maximum of three thousand five hundred dollars; but no increase shall be granted except on the authority of an Order in Council, based on the recommendation of the deputy head, concurred in by the head of the Department."

1902, c. 28, s. 10 amended.

9. Section 10 of chapter 28 of the statutes of 1902 is amended by adding after the word "annum" in the last line thereof the words "on appointment, nor at any time exceed three thousand five hundred dollars."

Transportation expenses of letter carriers.

10. In places enjoying the free letter carrier delivery system the Postmaster General, in lieu of paying street railway companies for the transportation of letter carriers, may pay to any carrier, to defray his cost of transportation, a bulk sum not exceeding fifty dollars a year, but this provision shall not apply to places where carriers are entitled to free street railway transportation.

R.S.C., c. 17, s. 25, to apply.

11. The provisions of section 25 of *The Civil Service Act* (including schedule B therein referred to) regarding officers, clerks and employees, shall only apply to the officers, clerks and employees appointed by the Governor in Council to positions in post offices in such cities as are from time to time determined by the Governor in Council to be within the meaning of the said section and schedule. In all other cases the salaries and allowances of postmasters shall be determined in accordance with the provisions of section 33 of *The Post Office Act*.

R.S.C., c. 35.

No. 153.

4th Session, 9th Parliament, 4 Edward

BILL.

An Act to amend the Post O

First reading, July 13, 1

SIR W. M

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent M
1904

No. 154.] **BILL.** [1904.

An Act to amend Chapter 61 of the Statutes of 1903 respecting the Revised Statutes of Canada.

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

1903, c. 61 s. 2 amended.

1. Section 2 of chapter 61 of the Statutes of 1903 is amended by substituting the word "are" for the word "were", in the fifth line of the said section; by adding the words "acts and" after the word "all", in the sixth line thereof; and by striking out the word "such" in the seventh line thereof.

Section amended

2. Section 4 of the said Act is amended by striking out the words "last mentioned", in the second line thereof.

Section 11 amended.

3. Section 11 of the said Act is amended by striking out the word "amended", in the second line thereof.

No. 154.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL

An Act to amend Chapter 61 of the Statutes of 1903 respecting the Revised Statutes of Canada.

First Reading, July 13, 1904.

Mr. Fitzpatrick.

OTTAWA
Printed by S. E. Dawson
Printer to the King's most Excellent Majesty
1904

No. 157.] **BILL.** [1904.

An Act respecting the payment of certain railway subsidies.

WHEREAS, by chapter 7 of the statutes of 1901 and chapter 57 of the statutes of 1903, it is provided that subsidies may be granted in aid of certain lines of railway therein mentioned, and it is expedient, in order to aid the companies concerned in financing their undertakings, to make the following provisions: Therefore, His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— 1901, c. 7; 1903, c. 57.

1. Whenever a contract has been duly entered into with a company for the construction of any line of railway subsidized by either of the Acts mentioned in the preamble, the Minister of Railways and Canals, at the request of the Company and upon the report of the chief engineer of government railways, and his certificate that he has made careful examination of the surveys, plans and profiles of the whole line so contracted for and has duly considered the physical characteristics of the country to be traversed and the means of transport available for construction, naming the probable and reasonable cost of such construction, may, with the authorization of the Governor in Council, enter into a supplementary agreement, fixing definitely the maximum amount of the subsidy to be paid, based upon the said certificate of the chief engineer, and providing that the company shall be entitled to be paid, as the minimum, the ordinary subsidy of $3,200 per mile, together with seventy per cent of the amount so fixed over and above the said $3,200 per mile, if any; and the balance, thirty per cent, shall be paid only on completion of the whole work subsidized, and in so far as the actual cost, as finally determined by the chief engineer, entitles the company thereto: Provided always— Mode of payment of certain railway subsidies.

(*a.*) that the estimated cost, so certified, is not less on the average than eighteen thousand dollars per mile for the whole mileage subsidized;

(*b.*) that no payment shall be made except upon a certificate of the chief engineer that the work done is up to the standard specified in the Company's contract;

(*c.*) that in no case shall the subsidy exceed the sum of six thousand four hundred dollars per mile.

2. In construing this Act the word "cost" shall have the meaning assigned to it by the Act authorizing the granting of the subsidy. "Cost" defined.

No. 157.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL.

An Act respecting the payment of certain railway subsidies.

First reading, July 18, 1904.

Mr. EMMERSON.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1904

No. 158.] **BILL.** [1904.

An Act to amend the Land Titles Act, 1894.

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

1894, c. 28, s. 33 amended.

1. The subsection substituted by section 4 of chapter 32 of the statutes of 1898 for subsection 2 of section 33 of the *Land Titles Act*, 1894, is repealed, and the following is substituted therefor :—

Registration only on production of certificate of title.

"2. Unless required so to do by order of a court or a judge, the registrar shall not receive or enter in the day-book any instrument, until the duplicate certificate of title for the lands affected is produced to him so as to enable him to enter the proper memorandum on such duplicate certificate, except executions against lands, caveats, mechanics' liens, transfers by a sheriff or municipal officer or by order of a court or a judge, transfers on sales of lands for taxes, maps or plans which do not require to be registered, or certificates or orders of a court or a judge, and except a mortgage or other encumbrance created by any person rightfully in possession of land prior to the issue of the grant from the Crown, or prior to the issue of transfer from the Hudson's Bay Company or from any company entitled to a grant of such lands from the Crown or to which letters patent from the Crown for such mortgaged lands have already issued, if there is produced to and left with the registrar with the mortgage an affidavit made by the mortgagor, in the form AA. in the schedule to this Act, and also, in the case of lands mortgaged prior to the issue of transfer from the Hudson's Bay Company or other company as aforesaid, a certificate from the Land Commissioner or other proper officer of such company that the purchase price of such mortgaged lands has been paid and that the applicant is entitled to a transfer in fee simple therefor from such company."

Exceptions.

1894, c. 28, s. 73 amended.

2. Subsection 2 of section 73 of the *Land Titles Act*, 1894, is repealed, and the following subsection is substituted therefor :—

Registration of charges created before issue of grant.

"2. Provided that there may be filed in the office of the registrar any mortgage or other encumbrance created by any person rightfully in possession of land prior to the issue of the grant from the Crown or prior to the issue of the transfer from the Hudson's Bay Company or from any company entitled to a grant of such lands from the Crown or to which letters patent from the Crown for such mortgaged lands have already issued, if there is produced to and left with the registrar with the mortgage an affidavit made by the mortgagor in the form

AA. in the schedule to this Act, and also, in the case of lands mortgaged prior to the issue of transfer from the Hudson's Bay Company or other company as aforesaid, a certificate from the Land Commissioner or other proper officer of the company that the purchase price of such mortgaged lands has been paid and that the mortgagor is entitled to a transfer in fee simple therefor from such company; and the registrar shall, on registering the grant of lands so mortgaged, enter in the register and endorse upon the duplicate certificate of title, before issuing it, a memorandum of the mortgage or encumbrance; and when so entered the mortgage or encumbrance shall be as valid as if made subsequent to the issue of the grant, or to the issue of the transfer from the Hudson's Bay Company or from any company entitled to a grant of such lands from the Crown or to which letters patent from the Crown for such lands may have issued, as the case may be; 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 said office."

No. 158.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL

An Act to amend the Land Titles Act, 1894.

First reading, July 18, 1904.

Mr. SIFTON.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1904

No. 160.] **BILL.** [1904.

An Act to amend the Bank Act.

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

Note issue at agency in British possession other than Canada.

1. Notwithstanding the provisions of section 51 of *The Bank Act*, any bank to which that Act applies may issue and reissue at any office or agency of the bank in any British colony or possession other than Canada, notes of the bank payable to bearer on demand and intended for circulation in such colony or possession, for the sum of one pound sterling each, or for any multiple of such sum, or for the sum of five dollars each, or for any multiple of such sum, of the dollars in commercial use in such colony or possession, provided the issue or reissue of such notes is not forbidden by the laws of such colony or possession.

Governor in Council to fix rate for circulation.

2. No issue of notes of the denomination of five such dollars, or any multiple thereof, shall be made in any such British colony or possession unless and until the Governor in Council, on the report of the Treasury Board, determines the rate, in Canadian currency, at which such notes shall be circulated as forming part of the total amount of the notes in circulation within the meaning of section 51 of *The Bank Act*.

Redemption.

2. The notes so issued shall be redeemable at par at any office or agency of the bank in the colony or possession in which they are issued for circulation, and not elsewhere, except as hereinafter specially provided; and the place of redemption of such notes shall be legibly printed or stamped across the face of each note so issued.

Redemption if agency is abolished.

3. In the event of the bank ceasing to have an office or agency in any such British colony or possession, all notes issued in such colony or possession under the provisions of this Act shall become payable and redeemable at the par value thereof (that is to say, at four dollars and eighty-six and two-thirds cents per pound sterling, or, in the case of the issue of notes of the denomination of five dollars, or any multiple thereof, of the dollars in commercial use in such colony or possession, at the rate established by the Governor in Council as required by subsection 2 of section 1 of this Act) in the same manner as notes of the bank issued in Canada are payable and redeemable; provided always, that no notes issued for circulation in a British colony or possession other than Canada shall be reissued in Canada, and that nothing herein shall be construed

Proviso : not to be issued in Canada.

as authorizing the issue or reissue by the bank in Canada of notes payable to bearer on demand and intended for circulation for a sum less than five dollars or for a sum which is not a multiple of five dollars.

Total amount of circulation.

4. The amount of the notes at any time in circulation in any such colony or possession, issued under the provisions of this Act, shall, at the rate of four dollars and eighty-six and two-thirds cents per pound sterling, or, in the case of the issue of notes of the denomination of five dollars or any multiple thereof, at the rate established by the Governor in Council under subsection 2 of section 1 of this Act, form part of the total amount of the notes in circulation within the meaning of section 51 of *The Bank Act*, and, except as herein otherwise specially provided, shall be subject to all the provisions of *The Bank Act*; but nothing herein contained shall enable the bank to increase the total amount of its notes in circulation in Canada and elsewhere beyond the limit fixed by the said section 51 of *The Bank Act*.

1899, c. 14 repealed.

5. Chapter 14 of the statutes of 1899, intituled *An Act to amend the Bank Act*, is repealed.

No. 160.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL.

An Act to amend the Bank Act.

First reading, July 21, 1904.

MR. FIELDING.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1904

No. 162.] **BILL.** [1904.

An Act to consolidate and amend the Acts respecting Alien Labour.

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

"Minister;" "Minister of Labour."

1. In the Act, chapter 11 of the statutes of 1897 as amended, and in this Act, the expression "Minister" means "The Minister of Labour" and the expression "Minister of Labour" means the Minister referred to in section 2 of the Conciliation Act, 1900.

1897, c. 11, new section 1.

2. Section 1 of the said Act, chapter 11 of the statutes of 1897, is hereby repealed and the following substituted therefor :—

Assisting immigration of foreigners under contract to work in Canada prohibited.

"**1.** It shall be unlawful for any person, partnership, company or corporation in any way to assist or encourage the importation or immigration of any alien into Canada, to perform labour or service of any kind in Canada, whether by way of prepayment of or towards his transportation, or by way of promise or offer of employment, or by way of contract or agreement, parol or special, express or implied, for his employment, made or entered into previous to such importation or immigration, and the entry into Canada of any alien whose importation or immigration has been so assisted or encouraged is hereby prohibited.

In case of scarcity of labourers, court may grant leave to import.

"2. If persons who may be lawfully employed in any labour or service cannot otherwise be procured in sufficient number for the due and proper performance thereof, application may be made to the county or district court judge, or one of the county or district court judges, having jurisdiction in the county, or union of counties, or district wherein such labour or service, or a portion thereof, is to be performed, or if there is no such county or district court judge, then to any judge of a superior court having jurisdiction therein, for an order granting leave to bring into Canada for such performance persons whom it would otherwise be unlawful to bring in for that purpose.

Notice of application for leave.

"3. Before granting any such order the judge shall cause to be published, for such length of time as he shall determine, at the expense of the applicant (who for that purpose shall deposit with the court such a sum as the judge may deem necessary to defray the cost thereof) in one or more newspapers published in the territory wherein the labour or service or a portion thereof is to be performed, a notice clearly setting forth the nature of such application, the name of the applicant, the place

or places where the labour or service is to be performed and the nature thereof, and shall also transmit a copy of such notice to the Minister for his information.

Hearing of application.

"4. Such notice shall call upon all persons who have any cause to show against the granting of the application to appear before the judge at a time and place to be therein named, which time shall not be less than one week after the first publication of said notice, to show cause why the order applied for should not be granted; and at such time and place, or at any adjournment of the proceedings, the judge shall, as in open court, hear witnesses under oath in support of or against the granting of the order, dealing with the question as an issue in a civil cause, and if it be shown to the satisfaction of the judge that the applicant is unable to obtain persons or a sufficient number of persons, who may be lawfully employed, for the due and proper performance of the labour or service in question, then the judge may grant an order authorizing the applicant to import persons, the importation or immigration of whom in manner aforesaid would otherwise be unlawful. The order shall specify the reason for the making of the same, also the number of persons authorized to be imported, and the country or countries from which they are authorized to be brought, and shall fix a time, not being longer than three months from the date of such order, within which such persons may be imported.

Order of court.

Bond by applicant.

"5. Before the order is granted the applicant shall deliver to the judge, to be transmitted to the Minister, a written bond or obligation to be in such form, and in such penal sum of money, as the judge may determine, and executed by the applicant and two good and sufficient sureties approved of by the judge, conditioned for the delivery by the applicant or his assigns in law or in fact to the judge, forthwith upon importing any person or persons so authorized to be imported, of a list in duplicate setting forth the name, nationality and sex, and the residence immediately prior to such importation, of each person so imported, one copy of which list shall upon delivery to the judge be forwarded by him to the Minister, and conditioned further that the applicant or his assigns shall not bring into Canada any person or persons for the performance of such labour or services except as so authorized. Upon the applicant filing such list the order shall be held in any court to be sufficient authority to the applicant for the importation of the persons named in the list to the extent authorized by the order, and may be so pleaded in any court, but failing such list being filed within three months from the granting of the order, the said order shall be null and void as respects any person imported by such applicant or his assigns.

Lists of imported persons to be furnished.

Importation not to exceed order.

Filing of list.

Penalty for importation in breach of bond.

"6. Upon breach of the conditions of such bond or obligation His Majesty shall, without proof of special damage, be entitled to recover from the applicant or his assigns the sum of one hundred dollars for each person brought into Canada in breach of such conditions.

Other penalties.

"7. The giving of such bond or obligation, or the recovery of any such sum thereunder shall not relieve the applicant or his assigns from liability to any other penalty which he may have incurred under the said Act of 1897 as amended.

"8. In and for the purposes of any proceedings under this section the judge before whom such proceedings are taken shall have all the powers of a court of record in the matter of summoning and compelling the attendance of witnesses and requiring them to give evidence upon oath and produce documents and things pertinent to the subject matter of the application." Powers of Court.

3. Section 3 of the said Act of 1897, as said section is enacted by section 1 of chapter 13 of the Statutes of 1901, is hereby repealed and the following substituted therefor :— New Sec. 3.

"3. Every person, partnership, company or corporation that in any manner declared to be unlawful by section 1 of this Act, assists or encourages the importation or immigration into Canada to perform labour or service of any kind, of an alien, knowing or having reasonable ground for believing that he is an alien, shall forfeit and pay a sum not exceeding one thousand dollars, nor less than fifty dollars. Penalty for assisting prohibited labour immigration.

"2. The sum so forfeited may be sued for and recovered as a debt by any person who first in good faith in his own behalf brings his action therefor in any court of competent jurisdiction in which debts of like amount may be recovered. Mode of recovery.

"3. Such sum may also be recovered upon summary conviction before any judge of a county court (being a justice of the peace), or any judge of the sessions of the peace, recorder, police magistrate, or stipendiary magistrate, or any functionary, tribunal, or person invested, by the proper legislative authority, with power to do alone such acts as are usually required to be done by two or more justices of the peace, and acting within the local limits of his or its jurisdiction. The same.

"4. The sum recovered shall be paid to the Minister of Finance and Receiver General. Payment to Minister of Finance.

"5. Separate proceedings may be instituted in respect of each alien who is a party to such contract or agreement, or who is otherwise so assisted or encouraged, and who thereupon enters into Canada." Procedure.

4. Section 6 of the said Act of 1897, as amended by section 3 of chapter 13 of the Statutes of 1901, is hereby repealed. Sec. 6 repealed.

5. Section 8 of the said Act of 1897, as enacted by section 4 of said chapter 13, is amended by inserting after the word "employment" the words "or by representations justifying reasonable expectation of employment," and by striking out the words "coming under a contract as contemplated by this Act" and substituting the words "having entered into Canada contrary to the prohibition of section 1 of this Act." Sec. 8 amended.

6. Every person who does, in Canada, anything for the purpose of causing or procuring the publication or circulation by advertisement or otherwise, in a country outside of Canada, of false representations as to the opportunities of employment in Canada, or as to the state of the labour market in Canada, intended or adapted to encourage or induce the immigration into Canada, of persons resident in that country, or who does anything in Canada for the purpose of causing or procuring the communication to any resident in such country of any False representation to induce immigration.

such false representations, shall, if such false representations are thereafter so published, circulated or communicated, be guilty of an offence, and liable, on summary conviction before two justices of the peace, to a penalty of not more than one thousand dollars and not less than fifty dollars for each and every such offence.

Penalty.

Sec. 9 repealed.

7. Section 9 of the said Act of 1897, as enacted by section 5 of chapter 13 of the Statutes of 1901, is hereby repealed.

Construction of subsidized railway not to be sublet to aliens.

8. In every case where the Parliament of Canada since the first day of January, 1903, has authorized or hereafter authorizes the construction at the public expense, or has aided or hereafter aids by gift of money or land or by loan or guarantee or other valuable consideration, the construction of a railway or any portion thereof, it shall be unlawful to let or sublet the work of such construction to any alien, or to any corporation not incorporated under legislation of Canada or of a province, and the majority of the directors and the majority in value of the shareholders of which, are not British subjects, or to employ or suffer to be employed on said work any person who is not at the time of his employment a British subject, or a person *bonâ fide* domiciled in Canada and so domiciled for at least six months continuously immediately prior to such employment, or who is not certified to by the Department of the Interior as having come to Canada as an immigrant intending in good faith to settle in Canada, unless the Minister is satisfied that there is not available sufficient unemployed Canadian labour to enable the work to be properly prosecuted and performed within the time limited by law or by contract, or there is some other reason deemed by the Governor in Council sufficient in the public interest; in which case, and in so far as the Minister may deem it necessary, and for any particular portion or portions of the work, and for any specified period or periods, and as to any particular number of persons, the Minister may consent in writing to the employment of persons whose employment would otherwise be unlawful. The term "construction" shall include work of surveys and all other work preliminary or incidental to actual construction. For every wilful or negligent violation of any of the provisions of this section the person, partnership, company or corporation guilty thereof shall be liable to the same penalties as are provided in respect of a violation of any of the provisions of section 1 of said Act of 1897 as amended.

Only British subjects or *bonâ fide* settlers to be employed thereon.

Except with consent of Minister, for sufficient reason.

"Construction" defined.

Penalty.

Expense of returning prohibited labourers.

9. Any person entering Canada contrary to the provisions of section 1 of the Act of 1897 as amended shall be returned to the country whence he came at the expense (which shall include the cost of his maintenance while in Canada) of the person, partnership, company or corporation that assisted or encouraged his importation or immigration into Canada, and if he arrived by vessel, and if the owner, master, agent or person in charge of the vessel at the time of his being allowed to enter the vessel for the purpose of coming to Canada, knew or had reasonable ground for suspecting an intended violation of the said section by or in respect of such person, such owner,

master, agent or person in charge shall also be liable to bear such expense and cost, and if such person, partnership, company or corporation, owner, master, agent or person in charge of the vessel refuses or neglects to pay such expense and cost, or if the owner, master, agent or person in charge refuses to receive and to allow such person to remain on board of the vessel or of any other vessel belonging to the same owner, and sailing to the country whence such person came, or to return him to the country whence he came, then and in any such case such person, partnership, company, corporation, owner, master, agent or person in charge shall be guilty of an offence, and be liable on summary conviction before two justices of the peace to a penalty of not more than one thousand dollars nor less than one hundred dollars.

Penalty for refusing to return them or to pay expense.

10. It shall not be lawful for any of the following classes of aliens to enter Canada, namely:—idiots, insane persons, paupers or persons likely to become a public charge; professional beggars; persons afflicted with a loathsome or a dangerous contagious disease; polygamists; anarchists, or persons who believe in or advocate the overthrow by force or violence of the constituted authority of the country or of all forms of law, or the assassination of public officials; prostitutes and persons who procure or attempt to bring in prostitutes or women for the purpose of prostitution; persons who have been within one year deported or ordered to be deported from Canada for having entered Canada in violation of any of the provisions of the said Act of 1897 as amended, or of this Act, and persons who have been convicted of a crime involving moral turpitude; provided that nothing in this section shall exclude from Canada persons convicted of an offence purely political, but not involving moral turpitude.

Certain immigrants prohibited.

Political offenders excepted.

11. It shall not be lawful for any person, partnership, company or corporation, or the owner, master, agent, person in charge or consignee of any vessel to bring into Canada any person of any of the prohibited classes mentioned in the preceding section, and any person so brought into Canada shall be returned to the country whence he came at the expense of the person, partnership, company or corporation, or at the expense of the owner, master, agent, person in charge or consignee of the vessel bringing him into Canada; and if such person, partnership, company or corporation, or the owner, master, agent, person in charge or consignee of such vessel shall refuse or neglect to return him to the country whence he came, or to pay the cost of his maintenance while in Canada, such person, partnership, company or corporation, or such owner, master, agent, person in charge or consignee shall be guilty of a violation of this section, and on summary conviction before two justices of the peace shall be liable to a penalty of not more than one thousand dollars, and not less than one hundred dollars, for each and every such offence, and such vessel shall not have clearance from any port of Canada while such penalty is unpaid.

Prohibited persons to be returned.

Penalties.

Recovery of expenses incurred by the Crown.

12. If any expense or cost referred to in this Act is paid by His Majesty, as it may be where the Minister so directs, the amount so paid may be recovered by His Majesty as a debt from any person herein declared to be liable to pay the same.

Forcible detention of immigrants.

13. Any alien who enters or is brought into Canada, contrary to the provisions of the said Act of 1897 as amended, or of this Act, may be arrested without warrant and detained by any immigration agent or any special officer appointed under this Act, for the purpose of being returned to the country whence he came, and if he has arrived in Canada by vessel may be compelled to return to such vessel, or brought to any other vessel belonging to the same owner and sailing to such country, and may be taken on board thereof, by force if necessary.

May be returned within a year of arrival.

14. The Minister in case he shall be satisfied that an alien has entered or been brought into Canada contrary to the prohibition of the said Act of 1897 as amended, or of this Act, may cause such alien within a period of one year after his entry into Canada to be taken into custody and returned to the country whence he came.

Special officers for enforcing this Act.

15. The Governor in Council may appoint special officers to assist in the enforcement of the provisions of the said Act of 1897 as amended and of this Act, and prescribe their powers and duties and fix their remuneration, and may bestow upon such officers or any of them the power, for any purpose under the said Acts or either of them, of summoning witnesses and compelling their attendance, and of requiring them to give evidence on oath and to produce documents and things, in as full measure as such power is possessed by any court of record,

Regulations by Governor in Council.

and may from time to time make such regulations not inconsistent with law as are deemed advisable in order to the effectual working of the several provisions of the said Act of 1897 as amended, and of this Act, and, amongst other things, for the remuneration by fees or otherwise of judges and other officers or persons for services rendered by them under or pursuant to such provisions or to the provisions of any such regulations.

No. 162.

4th Session, 9th Parliament, 4 Edward

BILL.

An Act to consolidate the Acts r
Alien Labour.

First reading, July 29, 19

Sir William Mu

OTTAWA
Printed by S. E. Dawson
Printer to the King's most Excellent M
1904

No. 163.] **BILL.** [1904.

An Act authorizing the Government of Canada to purchase the Canada Eastern Railway and to take possession of the Fredericton and Saint Mary's Railway Bridge.

Preamble.

WHEREAS it is expedient to provide for the acquisition by the Dominion of the Canada Eastern Railway; and whereas the Fredericton and Saint Mary's Railway Bridge Company has made default in payment of the advances of money paid to it by the Governor in Council under chapter 26 of the statutes of 1887, and of interest thereon, which said advances and interest were made a first charge and lien and were duly secured by a mortgage on all the property, real and personal, of the said Bridge Company, and, by reason of such default, all the property, real and personal, and all the rights, franchises, easements and privileges of the said Bridge Company became, by virtue of the said Act and mortgage, forfeited to the Crown: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1887, c. 26.

Purchase of railway authorized.

1. The Governor in Council is authorized to purchase from the Alexander Gibson Railway and Manufacturing Company, and the said company is authorized to sell and convey to His Majesty, the whole of the railway and undertaking formerly belonging to the Canada Eastern Railway Company, but now vested in the Alexander Gibson Railway and Manufacturing Company, having been sold, transferred and assigned to that company, pursuant to and by virtue of chapter 59 of the statutes of 1898, including the main and branch lines of the said railway, and all buildings, fixtures and appurtenances appertaining thereto, together with all the rights, franchises, powers, privileges and property held or exercisable in respect thereof or in connection therewith; and upon such purchase being effected the said railway and its branch lines shall become and form part of the Government Railways system and be operated as such.

1898, c. 59.

To be part of Government Railways system.

Railway to be free of encumbrances.

2. It shall be made a condition of such purchase that the said railway and undertaking shall be conveyed to His Majesty free and clear from all charges, liens and encumbrances affecting it under or by virtue or in respect of any mortgages, bonds, debentures, preference stocks, or other securities, or otherwise howsoever.

Price.

3. There may be paid for the said railway and undertaking and other property as aforesaid, out of any unappropriated moneys forming part of the Consolidated Revenue Fund, the sum of eight hundred thousand dollars.

Bridge to be part of Government Railways system.

4. The Governor in Council, by his officers or agents, may, on behalf of His Majesty, enter and take possession of the property of the Saint Mary's Railway Bridge Company, and exercise all the rights, franchises, easements and privileges of the said company, and may operate the said property, or any portions thereof, as part of the Government Railways system.

No. 163.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL

An Act authorizing the Government of Canada to purchase the Canada Eastern Railway and to take possession of the Fredericton and Saint Mary's Railway Bridge.

First reading, August 3, 1904.

MR. EMMERSON.

OTTAWA
Printed by S. E. Dawson
Printer to the King's most Excellent Majesty
1904

No. 171.] **BILL.** [1904.

An Act to authorize the granting of subsidies in aid of the construction of the lines of railway therein mentioned.

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

Interpretation. "Cost."

1. In this Act, unless the context otherwise requires, the expression "cost" means the actual, necessary and reasonable cost, and shall include the amount expended upon any bridge, up to and not exceeding $25,000, forming part of the line of railway subsidized not otherwise receiving any bonus, but shall not include the cost of terminals and right of way of the railway in any city or incorporated town; and such actual, necessary and reasonable cost shall be determined by the Governor in Council, upon the recommendation of the Minister of Railways and Canals, and upon the report of the Chief Engineer of Government Railways, certifying that he has made or caused to be made an inspection of the line of railway for which payment of subsidy is asked, and careful inquiry into the cost thereof, and that in his opinion the amount upon which the subsidy is claimed is reasonable, and does not exceed the true, actual and proper cost of the construction of such railway.

Subsidies for railways.

2. The Governor in Council may grant a subsidy of $3,200 per mile towards the construction of each of the undermentioned lines of railway (not exceeding in any case the number of miles hereinafter respectively stated) which shall not cost more on the average than $15,000 per mile for the mileage subsidized, and towards the construction of each of the said lines of railway not exceeding the mileage hereinafter stated, which shall cost more on the average than $15,000 per mile for the mileage subsidized, a further subsidy beyond the sum of $3,200 per mile of fifty per cent on so much of the average cost of the mileage subsidized as in excess of $15,000 per mile, such subsidy not exceeding in the whole the sum of $6,400 per mile:—

1. To the Bracebridge and Trading Lake Railway Company, for a railway from Bracebridge, in Muskoka, to a point at or near Baysville, Ontario, in lieu of the subsidy granted by item 7 of section 2 of chapter 8 of 1900, not exceeding 15 miles.

2. To the Bruce Mines and Algoma Railway Company, for the following lines of railway:—

(*a.*) For that portion of its line of railway from Bruce Mines Junction southerly to the town of Bruce Mines, on Lake Huron, a distance not exceeding 3 miles;

(*b.*) For the 6 miles of railway constructed from Gordon Lake Station, being the end of its line as subsidized by chapter 7 of 1901, northward to Rock Lake, a distance of 6 miles;

(*c.*) For 12 miles from Rock Lake northward, a distance not exceeding 12 miles;

The subsidies to the said lines being granted in lieu of the subsidy granted by item 38 of section 2 of chapter 57 of 1903, not exceeding 21 miles.

3. To the Nepigon Railway Company, for the following lines of railway:—

(*a.*) From a point at or near Nepigon Station on the line of the Canadian Pacific Railway to Nepigon Lake, not exceeding 30 miles;

(*b.*) From a point on Nepigon Bay of Lake Superior to a point on the west of Lake Helen on the line of the Nepigon Railway, not exceeding 3½ miles;

(*c.*) From a point on the line of the Nepigon Railway at or near the crossing of the Fraser River, to a point on Lake Jesse, by way of Cameron's Falls, not exceeding 1½ mile;

(*d.*) From a point on the north shore of Lake Nepigon northerly, not exceeding 45 miles;

The subsidies to the said lines being granted in lieu of the subsidy granted by item 33 of section 2 of chapter 57 of 1903, not exceeding 80 miles.

4. For the construction of a branch line of railway beginning at the Canadian Pacific Railway Company's main line at St. Philippe d'Argenteuil Station, or at a point between there and Grenville, thence in a northerly direction, in lieu of the subsidy granted by item 49 of section 2 of chapter 57 of 1903, not exceeding 3 miles.

5. To the Chateauguay and Northern Railway, for a railway from a point in Hochelaga ward, Montreal, to a point on the Great Northern Railway in or near the Town of Joliette, passing at or near the Town of L'Assomption, Quebec, together with a spur line into the said town, in lieu of the subsidy granted by item 32 of section 2 of chapter 8 of 1900, not exceeding 42 miles

6. To the Great Northern Railway Company of Canada, to enable it to extend its railway from Arundel to a point in the municipality of the united townships of Preston and Hartwell, Province of Quebec, in lieu of the subsidy granted to the Montford and Gatineau Colonization Railway by item 6 of section 2 of chapter 57 of 1903, not exceeding 30 miles.

7. To the Chateauguay and Northern Railway Company, for a branch line from a point on its main line at or near Charlemagne, thence northerly and westerly to a point on the Montford and Gatineau Railway at or near Morin Flats, in lieu of the subsidy granted to the Montford and Gatineau Colonization Railway by item 41 of section 2 of chapter 57 of 1903, not exceeding 22 miles.

8. To the Ottawa River Railway Company, for a line of railway from a point at or near St. Agathe des Monts Station towards the Township of Howard in the County of Argenteuil, passing near Lakes St. Joseph and St. Marie, in a southerly direction, in lieu of the subsidy granted to the Montreal Northern Railway Company by item 58 of section 2 of chapter 57 of 1903, not exceeding 15 miles.

9. To the Ottawa River Railway Company, for a line of railway between a point in the Parish of St. Andrews, in the County of Argenteuil, and a point in the Parish of St. Lawrence, in the County of Jacques Cartier, passing through the Parishes of St. Placide, St. Eustache and St. Martin, in lieu of the subsidy granted by item 10 of section 2 of chapter 57 of 1903, not exceeding 38 miles.

10. For a line of railway from Lardo towards Upper Arrow Lake, British Columbia, in lieu of the subsidy granted by item 28 of section 2 of chapter 7 of 1901, not exceeding 30 miles.

11. To the Western Alberta Railway Company, from a point on the United States boundary, west of range 27, northwesterly towards Anthracite, in the district of Alberta, in lieu of the subsidy granted by item 40 of section 2 of chapter 7 of 1899, not exceeding 50 miles.

Subsidy for a bridge.

3. The Governor in Council may grant the subsidy hereinafter mentioned towards the construction of the bridge also hereinafter mentioned, that is to say :—

1. To the Chateauguay and Northern Railway Company, the balance remaining unpaid of the subsidy granted by item 33 of section 2 of chapter 8 of 1906, for a single-track standard railway bridge, with two roadways 10 feet wide, for free vehicular traffic, the same as upon a public highway, from Bout de L'Ile to Charlemagne at the Junction of the Ottawa and St. Lawrence Rivers, a sum not exceeding $51,000.

How subsidies shall be paid.

4. The subsidies hereby authorized towards the construction of any railway or bridge shall be payable out of the Consolidated Revenue Fund of Canada, and may, unless otherwise expressly provided in this Act, at the option of the Governor in Council, on the report of the Minister of Railways and Canals, be paid as follows :—

(*a.*) Upon the completion of the work subsidized ; or

(*b.*) By instalments, on the completion of each ten-mile section of the railway, in the proportion which the cost of such completed section bears to that of the whole work undertaken ; or

(*c.*) Upon the progress estimates on the certificate of the Chief Engineer of the Department of Railways and Canals, that, in his opinion, having regard to the whole work undertaken and the aid granted, the progress made justifies the payment of a sum not less than thirty thousand dollars ; or

(*d.*) With respect to (*b*) and (*c*), part one way, part the other.

Conditions.

5. The subsidies hereinbefore authorized to be granted to companies named shall, if granted by the Governor in Council, be granted to such companies respectively ; the other subsidies may be granted to such companies as establish to the satisfaction of the Governor in Council their ability to construct and complete the said railways and bridge respectively ; all the lines and bridges for the construction of which subsidies are granted, unless they are already commenced, shall be commenced within two years from the first day of August, 1904, and completed within a reasonable time, not to exceed four years fom the said first day of August, to be fixed by the Gov-

ernor in Council, and shall also be constructed according to descriptions, conditions and specifications approved by the Governor in Council on the report of the Minister of Railways and Canals, and specified in each case in a contract between the Company and the said Minister, which contract the Minister, with the approval of the Governor in Council, is hereby empowered to make. The location also of such subsidized lines and bridges shall be subject to the approval of the Governor in Council.

As to running powers.

6. The granting of such subsidies, and the receipt thereof by the respective companies, shall be subject to the condition that the Governor in Council may at all times provide and secure to other companies such running powers, traffic arrangements and other rights, as will afford to all railways connecting with the railways and bridge so subsidized, reasonable and proper facilities in exercising such running powers, fair and reasonable traffic arrangements with connecting companies, and equal mileage rates between all such connecting railways; and the Board of Railway Commissioners for Canada shall have absolute control, at all times, over the rates and tolls to be levied and taken by any of the companies, or upon any of the railways and the bridge hereby subsidized.

Transportation of Government supplies, etc.

7. Every company receiving a subsidy under this Act, its successors and assigns, and any person or company controlling or operating the railway or portion of railway subsidized under this Act, shall each year furnish to the Government of Canada transportation for men, supplies, materials and mails over the portion of the lines in respect of which it has received such subsidy, and, whenever required, shall furnish mail cars properly equipped for such mail service; and such transportation and service shall be performed at such rates as are agreed upon between the Minister of the Department of the Government for which such service is being performed, and the company performing it, and, in case of disagreement, then at such rates as are approved by the Board of Railway Commissioners for Canada; and in or towards payment for such charges the Government of Canada shall be credited by the company with a sum equal to three per cent per annum on the amount of the subsidy received by the company under this Act.

Production of accounts.

8. As respects all railways and the bridge for which subsidies are granted by this Act, the company at any time owning or operating any of the railways shall, when required, produce and exhibit to the Minister of Railways and Canals, or any person appointed by him, all books, accounts and vouchers, showing the cost of constructing the railway or bridge, the cost of operating it, and the earnings thereof.

As to Canadian steel rails.

9. The Governor in Council may make it a condition of the grant of the subsidies herein provided, or any heretofore authorized by any Act of Parliament as to which a contract has not yet been entered into with the company for the construction of the railway, that the company shall lay its road with new

steel rails, made in Canada, if they are procurable in Canada of suitable quality, upon terms as favourable as other rails can be obtained, of which the Minister of Railways and Canals shall be the judge.

Mode of payment of certain railway subsidies.

10. Whenever a contract has been duly entered into with a company for the construction of any line of railway hereby subsidized, the Minister of Railways and Canals, at the request of the company, and upon the report of the Chief Engineer of Government Railways, and his certificate that he has made careful examination of the surveys, plans and profile of the whole line so contracted for, and has duly considered the physical characteristics of the country to be traversed and the means of transport available for construction, naming the reasonable and probable cost of such construction, may, with the authorization of the Governor in Council, enter into a supplementary agreement, fixing definitely the maximum amount of the subsidy to be paid, based upon the said certificate of the Chief Engineer, and providing that the company shall be entitled to be paid, as the minimum, the ordinary subsidy of $3,200 per mile, together with sixty per cent of the difference between the amount so fixed and the said $3,200 per mile, if any; and the balance, forty per cent, shall be paid only on completion of the whole work subsidized, and in so far as the actual cost, as finally determined by the Chief Engineer, entitles the company thereto: Provided always—

(*a*) that the estimated cost, so certified, is not less on the average than $18,000 per mile for the whole mileage subsidized;

(*b*) that no payment shall be made except upon a certificate of the Chief Engineer that the work done is up to the standard specified in the company's contract;

(*c*) that in no case shall the subsidy exceed the sum of $6,400 per mile.

No. 171.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL

An Act to authorize the granting of subsidies in aid of the construction of the lines of railway therein mentioned.

First reading, August 8, 1904.

MR. EMMERSON.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1904

THE SENATE OF CANADA.

A.] **BILL.** [1904.

An Act for the Relief of James E. Taylor.

WHEREAS James E. Taylor, of the town of Magog in the district of Saint Francis, in the province of Quebec, hotelkeeper, has by his petition set forth that in or about the month of June, one thousand eight hundred and eighty-nine, he was lawfully married to Mina Jane Packard, spinster, at the town of Stanstead in the said district, by the Reverend William A. Adcock, clergyman of the Church of England; that they cohabited as husband and wife until some time in the year one thousand eight hnndred and ninety-five, when she deserted him and shortly afterwards went to the city of Boston, in the state of Massachusetts, one of the United States of America, where she has since continued to reside, and where she is now residing; that there is living issue of the said marriage, one daughter born on the tenth day of July, one thousand eight hundred and ninety-two; that in the years one thousand eight hundred and ninety-five and one thousand nine hundred and ninety-six, and since, she has committed adultery; that ever since he discovered the said adultery they have lived apart and separate, and have not cohabited; and whereas he has humbly prayed that the said marriage may be dissolved, and that he may be authorized to marry again, and that such further relief may be afforded to him as may be deemed meet; and whereas he has proved the said allegations of his said petition, and it is expedient that the prayer thereof be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. The said marriage between the said James E. Taylor and the said Mina Jane Packard, his wife, is hereby dissolved, and shall henceforth be null and void to all intents and purposes whatever. Marriage dissolved.

2. The said James E. Taylor may at any time hereafter marry any woman whom he might lawfully marry in case the said marriage with the said Mina Jane Packard had not been solemnized. Right to marry again.

4th Session, 9th Parliament, 4 Edward VII, 1904.

THE SENATE OF CANADA.

BILL.

A

An Act for the Relief of James E. Taylor.

Received and read a first time, Friday, 18th March, 1904.
Second reading, Wednesday, 13th April, 1904.

Honourable Mr. KERR,
(Cobourg.)

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1904

THE SENATE OF CANADA.

B.] **BILL.** [1904.

An Act for the Relief of Robert James McDuff Rodger.

Preamble.

WHEREAS Robert James McDuff Rodger, of the City of Toronto, in the County of York, in the Province of Ontario, commercial traveller, has by his petition set forth that on the twenty-fifth day of February, eighteen hundred and ninety-five, he was lawfully married, at Toronto, to Nina Vivian Rodger, whose maiden name was Nina Vivian Stanley; that they cohabited together as husband and wife until the month of November, nineteen hundred, and had issue of the said marriage, one child, presently living with the petitioner; that the said Nina Vivian Rodger committed adultery during the years nineteen hundred and one and nineteen hundred and two; that ever since he discovered the said adultery they have lived separate and apart and have not cohabited together; And, whereas, he has humbly prayed that the said marriage may be dissolved, and that he may be authorized to marry again, and that such further relief may be afforded him as is deemed meet; and, whereas, he has proved the said allegations of his said petition, and it is expedient that the prayer thereof be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between the said Robert James McDuff Rodger and Nina Vivian Rodger, his wife, is hereby dissolved and shall henceforth he null and void to all intents and purposes whatever.

Right to marry again.

2. The said Robert James McDuff Roger may at any time hereafter marry any woman whom he might lawfully marry in case the said marriage with the said Nina Vivian Rodger had not been solemnized.

4th Session, 9th Parliament, 4 Edward VII, 1904.

THE SENATE OF CANADA.

BILL.

B

An Act for the Relief of Robert James McDuff Rodger.

Received and read a first time, Friday, 18th March, 1904.
Second reading, Wednesday, 13th April, 1904.

Honourable Mr. KERR,
(Cobourg.)

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1904

THE SENATE OF CANADA.

C.] **BILL.** [1904.

An Act for the Relief of Andrew William Mann.

Preamble.

WHEREAS Andrew William Mann, of the city of London, in the county of Middlesex, in the province of Ontario, manager, has by his petition humbly set forth that on the twenty-second day of May, one thousand eight hundred and eighty-nine, at the village of Georgetown, in the county of Halton, in the province of Ontario, he was lawfully married to Helen M. Orr, then of the said village of Georgetown, spinster; that they cohabited until about the beginning of the year one thousand eight hundred and ninety-five, when she deserted him; that she has ever since continued to live apart from him; that she went through a form of marriage with one Charles Kennedy, and has since been living and cohabiting with the said Charles Kennedy in the United States of America; and whereas the said Andrew William Mann has humbly prayed that the said marriage between him and the said Helen M. Mann may be dissolved and that he may be authorized to marry again, and that such further relief may be afforded him as is deemed meet; and whereas he has proved the said allegations of his petition and it is expedient that the prayer thereof be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between the said Andrew Mann and Helen M. Mann, his wife, is hereby dissolved and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Andrew William Mann may at any time hereafter marry any woman whom he might lawfully marry in case the said marriage with the said Helen M. Mann had not been solemnized.

4th Session, 9th Parliament, 4 Edward VII, 1904.

THE SENATE OF CANADA.

BILL.

C

An Act for the relief of Andrew William Mann.

Received and read a first time, Thursday, 14th April, 1904.
Second reading, Friday, 29th April, 1905.

Honourable Mr. KERR,
(Cobourg.)

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1904

THE SENATE OF CANADA.

D.] **BILL.** [1904

An Act for the relief of Annie Christman.

Preamble.

WHEREAS Annie Christman, of the City of Toronto in the County of York, in the Province of Ontario, wife of Philip H. Christman of the town of Streator, in the State of Illinois, one of the United States of America, commercial traveller, has by her petition humbly set forth that on the third day of January, nineteen hundred, she was lawfully married to the said Philip H. Christman; that the said marriage was solemnized at the town of Listowel, in the County of Perth, according to the rites of the Church of England in Canada; that they cohabited as man and wife until on or about the nineteenth day of December, nineteen hundred and one; that no children were born of the said marriage; that on or about the said nineteenth day of December, nineteen hundred and one, she discovered, as the fact was, that he had been living an irregular life and had been committing adultery; that on several occasions in the years nineteen hundred and nineteen hundred and one he committed adultery; that the said adultery was accompanied by cruelty and other exceedingly aggravating circumstances; that on or about the nineteenth day of December, nineteen hundred and one, she obtained an order for protection against the said Philip H. Christman, from the Police Magistrate in the City of Toronto; that the said Philip H. Christman has never since lived or cohabited with her; and whereas she has humbly prayed that the said marriage may be dissolved so as to enable her to marry again and that such further relief may be afforded her as is deemed meet; and whereas she has proved the said allegations of her said petition and it is expedient that the prayer thereof be granted; Therefore, His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between the said Annie Christman and Philip H. Christman, her husband, is hereby dissolved and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Annie Christman may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Philip H. Christman had not been solemnized.

4th Session, 9th Parliament, 4 Edward VII, 1904.

THE SENATE OF CANADA.

BILL.

D

An Act for the relief of Annie Christman.

Received and read a first time, Thursday, 14th April, 1904.
Second reading, Friday, 29th April, 1904.

Honourable Mr. KERR,
(Toronto.)

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1904

THE SENATE OF CANADA.

E.] **BILL.** [1904.

An Act to make the King's Shilling a Legal Tender in Canada.

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

1. All silver coin of the coinage of the United Kingdom of Great Britain and Ireland shall be legal tender in amount not exceeding ten dollars, and shall be taken and pass current at the rate of two cents per penny represented by such coinage. R.S.C., c. 30, ss. 5, 6 amended as to legal tender of silver coin.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL.

E

An Act to make the King's Shilling a Legal Tender in Canada.

Received and read a first time, Thursday, 14th April, 1904.
Second reading, Thursday, 28th April, 1904.

Honourable Mr. Domville.

OTTAWA
Printed by S. E. Dawson
Printer to the King's most Excellent Majesty
1904

THE SENATE OF CANADA.

F.] **BILL.** [1904.

An Act to incorporate The Cedars Rapids Manufacturing and Power Company.

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

1. Henriette Lamothe, of Montreal, Quebec, widow of Raoul Saveuse de Beaujeu, Omfroy de Beaujeu of Chapleau, Ontario, Casimir Dessaulles, of Montreal, and Georges Lamothe of the City of Quebec, together with such persons as become shareholders in the company, are hereby incorporated under the name of "The Cedars Rapids Manufacturing and Power Company," hereinafter called "the Company." Incorporation. Corporate name.

2. The persons named in section 1 of this Act shall be the first or provisional directors of the Company, a majority of whom shall form a quorum; and they may forthwith open stock books and procure subscriptions of stock for the undertaking, receive payments on account of stock subscribed, and carry on the business of the Company. Provisional directors, Quorum. Powers.

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

4. The directors may, after ninety per cent of the stock has been subscribed for and fifty per cent paid in thereon, increase the amount of the capital stock from time to time to any amount which they consider requisite for the due carrying out of the objects of the Company, but this increase shall not take place until a by-law of the board of directors deciding the same has been approved by the votes of shareholders representing at least two-thirds in value of all the subscribed stock of the Company at a special general meeting of the Company duly called for considering the same, and afterwards by the Governor in Council. Increase of capital stock. By-law. Approval.

5. The head office of the Company shall be in the parish of St. Joseph de Soulanges or the incorporated village of St. Joseph de Soulanges (Cèdres), in the county of Soulanges, in the Province of Quebec. Head office.

First meeting of shareholders.

6. As soon as twenty-five per cent of the capital stock has been subscribed and ten per cent of the amount has been 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 which meeting the shareholders present or represented by proxy who have paid all calls due on their shares shall elect a board of directors.

Notice.

2. Notice of the said meeting shall be sufficiently given by mailing the notice by registered letter addressed to the last known postoffice address of each shareholder at least ten days previous to the date of such meeting.

Annual general meeting.

7. The annual general meeting of the shareholders shall be held on the third Tuesday in January in each year, or on such other day in each year as the directors from time to time determine by by-law.

Directors.

2. At such meeting the shareholders present or represented by proxy shall choose the number of persons determined by by-law to be directors of the Company, a majority of whom shall form a quorum.

Quorum.

Aliens eligible to office.

3. All shareholders in the Company, whether British subjects or aliens or residents of Canada or elsewhere shall be eligible to office in the Company.

Issue of paid-up stock.

8. 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 stock in payment for property, real or personal, plant or materials of any kind acquired by the Company; and such issue and allotment of stock shall be binding on the Company, and such stock shall not be assessable for calls.

General powers.

9. The Company may:—

Water rights and works in connection therewith.

(*a.*) construct, develope, acquire, own, use and operate water powers in or adjacent to the River St. Lawrence in the County of Soulanges, Province of Quebec, and construct, develope, operate and maintain, works, canals, raceways, water courses, dams, piers, booms, dykes, sluices, conduits and buildings in connection with said water powers: Provided that any work hereby authorized shall not be commenced until the plans thereof have first been submitted to and approved of by the Governor in Council;

Approval of plans.

Hydraulic power and electricity.

(*b.*) generate, use and dispose of hydraulic power and electric current, and distribute and transmit the same by means of pipes, conduits, wires, cables, pole lines, or other appliances, to any places in the Province of Quebec and also to any places in the Counties of Glengarry and Stormont in the Province of Ontario, and, for the purposes of its undertakings only, construct and operate telegraph and telephone lines within the said limits wherever the Company has established transmission lines or conduits;

Telegraph and telephone lines.

Mills.

(*c.*) construct, acquire, own, use, and operate saw mills, grist mills, flour mills, woollen mills, cotton mills, and mills for the manufacture of any other commodity whatever;

Tramways and vessels.

(*d.*) for the purposes of its undertakings only, construct, acquire, own and use, and operate by means of any motive power;

tramways, and vessels for the transportation of freight or towing of barges in the River St. Lawrence, and in lakes, canals and rivers connected therewith;

(*e.*) acquire, hold, lease and use, alienate and convey all other property, real or personal, that may be deemed useful in connection with any of the works or operations which the Company is authorized to carry on. Acquisition, etc., of property.

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

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

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

(*c.*) issue bonds, debentures or other securities of the company and pledge or sell the same for such sums and at such prices as may be deemed expedient; but no such bonds, debentures or other securities shall be for a less sum than one hundred dollars each; Issue of bonds, etc.

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

11. Subsections 1 and 2 of section 195 of *The Railway Act*, 1903, shall apply to the works and undertakings of the Company. 1903, c. 58, s. 195, ss. 1 and 2.

Entry on highways, etc.

12. Lands actually required for the construction, maintenance or operation of any work or undertaking of the Company may be taken and acquired by the Company, and to this end, after the plan of such work and the lands required therefor has been approved by the Governor in Council, all the provisions of *The Railway Act*, 1903, which are applicable to such taking and acquisition, shall so far as they are applicable thereto and *mutatis mutandis*, apply as if they were included in this Act; and all the provisions of *The Railway Act*, 1903, which are applicable, shall, in like manner, *mutatis mutandis*, apply to the valuation and payment of the compensation for or damages to lands, arising out of such taking and acquisition, or the construction, maintenance and operation of the works and undertaking of the Company, or the exercise of any of the powers of the Company. Powers of expropriation. 1903, c. 58.

2. This section shall apply only to lands situated within the limits of the parish of St. Joseph de Soulanges and of the incorporated village of St. Joseph de Soulanges, (Cèdres), in the county of Soulanges, from the southern boundary of the lands of the Soulanges Canal to the southern boundary of said parish, and from the western limits of said parish to and including official lot number three hundred and sixty of the cadastre of said parish, towards the east; and outside these limits shall be restricted to lands that may be required for transmission lines. Application of this section as regards lands to be taken thereunder.

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

4th Session, 9th Parliament, 4 Edward VII, 1904.

THE SENATE OF CANADA.

BILL.

F

An Act to incorporate the Cedars Rapids Manufacturing and Power Company.

Received and read a first time, Friday, 15th April, 1903.
Second reading, Tuesday, 19th April, 1903.

Honourable Mr. DOMVILLE.

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1904

THE SENATE OF CANADA.

G.] **BILL.** [1904.

An Act for the relief of Jennie Davidson Moore.

Preamble.

WHEREAS Jennie Davidson Moore, of the City of Ottawa, in the County of Carleton, Province of Ontario, wife of Henry Tiffany Moore, formerly of the said City of Ottawa, but now of the Village of Bridgewater, in the County of Hastings, Province of Ontario, has by her petition set forth that on the twenty-seventh day of September, one thousand eight hundred and eighty-nine, she was lawfully married at the said City of Ottawa to the said Henry Tiffany Moore; that thereafter they lived together as husband and wife until the year one thousand eight hundred and ninety-seven, when, without lawful reason or excuse, he deserted her; that he has ever since continued to live apart from her and has committed adultery; and whereas she has humbly prayed that the said marriage may be dissolved and that she may be authorized to marry again, and that such further relief may be afforded to her as may be deemed meet; and whereas she has proved the said allegations of her said petition, and it is expedient that the prayer thereof be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between the said Jennie Davidson Moore and Henry Tiffany Moore, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Jennie Davidson Moore may at any time hereafter marry any man whom she might lawfully marry as if the said marriage with the said Henry Tiffany Moore had not been solemnized.

4th Session, 9th Parliament, 4 Edward VII, 1904.

THE SENATE OF CANADA.

BILL

G

An Act for the relief of Jennie Davidson Moore.

Received and read a first time Wednesday, 20th April, 1904.
Second reading Thursday, 5th May, 1904.

Honourable Mr. KERR
(Cobourg.)

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1904

THE SENATE OF CANADA.

H.] **BILL.** [1904.

An Act further to amend the Insurance Act.

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

1. *The Insurance Act*, being chapter 124 of the Revised Statutes of Canada, is hereby amended by inserting therein immediately after section 42A the following section as section 42B:— R.S.C., c. 124 amended, new section 42B added.

"**42B.** Any company to which section 42A of this Act applies and which has complied with the provisions of that section, shall be entitled to obtain a license under section 4 of this Act, which license shall enable the company to enter in Canada into contracts of life insurance with fixed and definite premiums, and shall, except as hereinafter provided, from the date of the said license, possess and enjoy all the rights and powers and be subject to all the liabilities enacted by this Act with respect to life insurance companies licensed under section 4 of this Act. How assessment company maintaining a reserve under section 42A may obtain a license under *The Insurance Act*. Rights and duties of such company.

"2. For the purposes of this section— Interpretation.

"The expression "assessment premium" means the average amount, for each stated periodical call or assessment, of the total assessments (not including dues) paid in respect of an assessment policy from the date of its issue to the date of the said license; "Assessment premium."

"The expression "assessment policy" means a policy issued or assumed by the Company in Canada prior to the date mentioned in the notice prescribed by section 42A of this Act. "Assessment policy."

"3. From and after the date of the said license, the rights of the holders of assessment policies of the company shall be as follows:— Rights of existing assessment policy holders.

"(*a*.) Every such assessment policy shall be deemed to be a nonparticipating policy of life insurance with fixed and definite premiums for the amount ascertained as provided in paragraph (*b*) of this subsection, payable only on the death of the insured and upon the performance of the policy conditions, except in so far as such conditions are modified by the provisions of this section, and upon payment from time to time of the assessment premium from and after the date of the said license, at the time stipulated in the said policy, together with an amount equal to five per cent of such assessment premium as a loading for expenses. Assessment policies to become level premium policies.

Amount of policy how computed.

"(*b.*) The amount of such policy shall, at the option of the insured, be either,—

First option to insured.

"(i.) The amount which the said assessment premium, taken as a net premium (without any allowance for expenses) for the age of the insured at the date of the said license, with periodical payments as named in each policy respectively, would purchase according to the mortality table of the Institute of Actuaries of Great Britain and a rate of interest of three and one-half per centum per annum; or

Second option to insured.

"(ii.) The amount (subject to the amount of lien hereinafter provided) which the said assessment premium, taken as a net premium (without any allowance for expenses) for the age of the insured at the date of the issue of the policy, would purchase, according to the basis set forth in the first option aforesaid; provided that the full reserve or reinsurance value for the amount of such policy at the date of the said license, estimated or computed from the date of the issue of such policy on the basis aforesaid, shall be a lien or charge upon the said policy, bearing interest to be compounded annually at the rate of four and one-half per centum per annum until paid, or until the policy becomes a claim, and the amount of such lien or charge, unless sooner paid, shall be deducted from the amount of such policy when the policy becomes a claim; and provided also that the insured may at any time pay off the said lien or charge or any part thereof.

Accrued reserve or lien.

Lien may be paid off.

Bonus addition, or reduction of lien to former assessment policy holders.

"*c.* Each such policy-holder, on exercising either of said options, shall be entitled to a dividend of his proportionate share of a sum equal to two-thirds of the deposit in the hands of the Minister applicable to the assessment policies of the company in Canada at the date of the said license, after first providing for all the liabilities in Canada in respect of said assessment policies, which dividend shall for policy-holders accepting the first option be in the form of a bonus addition to the amount of paid up insurance purchasable thereby, according to the basis of mortality and interest aforesaid; and for policy-holders accepting the second option shall be deducted from the amount of the lien or charge herein provided for.

Statement of result to be sent to each policy holder.

"(*d.*) The company shall, within thirty days from the date of the said license, send to each of the holders of its assessment policies, by registered letter postage prepaid to the last known address of such policy-holder, a statement showing in detail the amount of the policy under each of the foregoing options and the lien, if any, and of the premiums to be thereafter payable in respect of such policy and of the times when such premiums are payable.

Policy holders to elect.

"(*e.*) Each of the holders of the said assessment policies shall, within sixty days after the date of the said license, give notice in writing to the company which of the aforesaid options he selects. And in default of such notice, such policy-holder shall be deemed to have selected the first of the said options; provided that, if the amount of the said policy to be computed as aforesaid shall be less than the original amount of such policy, the policy-holder shall have the right within the said period of sixty days to continue the said policy for the full amount thereof, but upon the basis and terms and for the *pro*

Policy holders may keep fully assured by payment of proportionate premiums.

rata premiums as aforesaid ; provided, further, that the Superintendent of Insurance shall, upon the application of either the insured or the company, determine according to the true intent of this section the amount of such policy computed as aforesaid, and of the lien, if any, and premium payable in respect thereof, and such determination shall be conclusive and binding both upon the company and the assured. Superintendent of Insurance to determine disputes.

"(*f.*) The company shall have no authority to make, and shall not make after the date of the said license, any assessment whatever upon such assessment policies or any of them. No assessments to be made.

"4. In respect of each of the said policies the company shall after the date of the said license maintain the reserves required by this Act as upon a policy of life insurance issued on the date of the said license as the amount of such policy if computed according to the first option aforesaid, or as if in force from the date of issue, if computed according to the second of said options. Company to maintain legal reserve.

"5. After the date of the said license such company shall be subject to make deposit only as provided in sections 7 to 11, both inclusive, of this Act, and all the assets in Canada of the company in respect of the said assessment policies shall be applicable to all the insurance liabilities of the company in Canada, provided that the deposits of the company with the Minister shall not be reduced below the amount at the date of the said license so long as the company is undertaking in Canada new contracts of insurance." Assets applicable to liabilities.

4th Session, 9th Parliament, 4 Edward VII, 1904.

THE SENATE OF CANADA.

BILL.

H

An Act further to amend the Insurance Act.

Received and read a first time, Wednesday, 20th April, 1904.
Second reading, Tuesday, 26th April, 1904.

Honourable Mr. KERR,
(Toronto.)

OTTAWA
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1904

SECOND REPRINT.

THE SENATE OF CANADA.

H.] **BILL.** [1904.

An Act further to amend the Insurance Act.

Reprinted as amended and reported, July 13, 1904, by the Committee on Banking and Commerce.

An Act respecting the Canadian assessment-policy-holders in the Mutual Reserve Life Insurance Company.

Preamble.

WHEREAS the Mutual Reserve Fund Life Association of New York was originally authorized by license under *The Insurance Act* to carry on in Canada the business of Life Insurance on the assessment plan; and whereas the said Association filed the notice, in section 42A of the said Act provided, that the said Association would maintain with respect to all policies issued in Canada after the eleventh day of August, one thousand eight hundred and ninety-nine, for the security of the holders of such policies, the reserve required to be maintained by ordinary life insurance companies, and is the only company which has filed such notice under the said section; and whereas by the said section it was required that the assessment business of the said Association undertaken prior to the said date should be kept separate and distinct from the business of the Association undertaken after the said date and the assets of the Association applicable to the last mentioned business of the said Association should not be available in any way for the policies already issued by the said Association on the assessmant plan; and whereas the said Association was reincorporated as an ordinary life insurance company under the laws of the State of New York, on the seventeenth day of April, one thousand nine hundred and two, as "The Mutual Reserve Life Insurance Company," and the said company was empowered to and did assume and carry on the assessment business theretofore undertaken by the said Association and the said company is duly licensed in Canada under the said Act; and whereas the holders in Canada of assessment policies issued by the said Association should be enabled

to obtain ordinary policies of life insurance with fixed and definite premiums and upon which the said company shall have no right to levy assessments but shall bebound to maintain the said reserve: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Interpretation. "Company."

1. In this Act—

(*a.*) the word "Company" means "The Mutual Reserve Life Insurance Company."

"New premium."

(*b.*) the expression "new premium" means the average annual amount (not including dues) paid in respect of an assessment policy from the date of its issue to the date of the license to be issued under section 2 of this Act.

"Assessment policy."

(*c.*) the expression "assessment policy" means a policy issued or assumed by the Company in Canada prior to the eleventh day of August, one thousand eight hundred and ninety-nine.

Company may obtain a license under The Insurance Act, s. 4.

2. In lieu of the license now held by the Company under *The Insurance Act*, the Company shall be entitled to receive a license under section 4 of the said Act, which license shall enable the Company to enter in Canada into contracts of life insurance with fixed and definite premiums, and the Company shall, except as hereinafter provided, from the date of the said license, possess and enjoy all the rights and powers and be subject to all the liabilities enacted by *The Insurance Act* with respect to life insurance companies licensed under section 4 of the said Act.

Rights and duties of the said Company.

Rights of existing assessment policy-holders.

3. From and after the date of the said license, the rights of the holders of assessment policies of the Company and the liability of the Company thereunder shall be as follows:—

Assessment policies to become level premium policies.

(*a.*) Every such assessment policy shall be deemed to be a non-participating policy of life insurance with fixed and definite premiums for the amount ascertained as provided in paragraph (*b.*) of this section, payable only on the death of the insured and upon the performance of the policy conditions, except in so far as such conditions are modified by the provisions of this section, and subject to the provisions of paragraph (*c.*) of this section, upon payment from time to time of the new premium from and after the date of the said license, at the time stipulated in the said policy, together with an amount equal to five per cent of such new premium as a loading for expenses.

Amount of policy how computed.

(*b.*) The amount of such policy shall, at the option of the insured, be either,—

First option to insured.

(i) The amount which the said new premium, taken as a net annual premium (without any allowance for expenses) for the age of the insured at his birthday nearest the date of the said license would purchase according to the Hm. mortality table of the Institute of Actuaries of Great Britain and a rate of interest of three and one-half per centum per annum; or,—

Second option to insured.

(ii) The amount (subject to the amount of lien hereinafter provided) which the said new premium, taken as a net premium (without any allowance for expenses) for the age of the insured at his birthday nearest the date of

the issue of the policy, would purchase, according to the basis set forth in the first option aforesaid; provided that the full reserve or reinsurance value for the amount of such policy at the date of the said license computed from the date of the issue of such policy on the basis aforesaid, shall be a lien or charge upon the said policy, bearing interest to be compounded annually at the rate of four and one-half per centum per annum until paid, or until the policy becomes a claim, and the amount of such lien or charge, unless sooner paid, shall be deducted from the amount of such policy when the policy becomes a claim; and provided also that the insured may at any time pay off the said lien or charge or any part thereof.

Accrued reserve or lien.

Lien may be paid off.

(*c.*) The holder of any such assessment policy shall have the right to continue his said policy for the full amount thereof as a yearly renewable term policy upon which the premiums shall not exceed the net yearly natural premiums for the attained age of the insured calculated upon the basis of the mortality table and rate of interest aforesaid with a loading of five per cent for expenses.

Third option to insured.

Provided further that the new premium or natural premium aforesaid as the case may be shall be payable to the Company yearly in advance or, at the option of the assured, at the times and in the manner set forth in the said assessment policies respectively, with the usual addition if the premium is payable other than yearly.

(*d.*) Each such policy-holder, on exercising either of said options, shall be entitled to a dividend of his proportionate share of the sum of one hundred and fifty-two thousand dollars of the deposit in the hands of the Receiver General of Canada applicable to the assessment policies of the Company in Canada at the date of the said license, which dividend shall for policy-holders accepting the first option, be in the form of paid up insurance to the amount purchasable by the said dividend, according to the basis of mortality and interest aforesaid; and for policy-holders accepting the second option shall be deducted from the amount of the lien or charge herein provided for; and for policy-holders within the intent of paragraph (*c.*) of this section, the dividend shall be applied to reduce the yearly renewable term premiums.

Bonus addition, or reduction of lieu to former assessment policy-holders.

(*e.*) The Company shall, within thirty days from the date of the said license, send to each of the holders of its assessment policies, by registered letter postage prepaid to the last known address of such policy-holder, a statement showing in detail the amount of the policy and dividend under each of the foregoing options and the lien, if any, and of the premiums to be thereafter payable in respect of such policy and of the times when such premiums are payable;

Statement of result to be sent to each policy-holder.

(*f.*) Each of the holders of the said assessment policies shall, within ninety days after the date of the said license, give notice in writing to the Company which of the aforesaid options he selects, and in default of such notice, such policy-holder shall be deemed to have determined to continue his policy as set forth in paragraph (*c.*) of this section: Provided that, if the amount of the said policy to be computed as aforesaid shall be less than the original amount of such policy, the

Policy-holders to elect.

Policy-holders may keep fully assured by payment of proportionate premiums.

policy-holder shall have the right within the said period of ninety days to continue the said policy for the full amount thereof, but upon the basis and terms and for the pro rata premiums as aforesaid: Provided, further, that the Superintendent of Insurance shall, upon the application of either the insured or the Company, determine according to the true intent of this section the amount of such policy and dividend computed as aforesaid, and of the lien, if any, and premium payable in respect thereof, and such determination shall be conclusive and binding both upon the Company and the assured.

Superintendent of Insurance to determine disputes.

(*g.*) The holders of such policies, except the holders of yearly renewable term policies, shall be entitled, after such policies shall have been in force for three years from the date of the said license, to the like surrender values in respect of their policies as are granted by the Company at the time of the passing of this Act to the holders of ordinary policies of whole life insurance.

(*h.*) The Company shall revive, for the amount to be computed as in this section provided, any assessment policy which has lapsed for non-payment of premium within the ten years immediately preceding the passing of this Act, upon the holder making application therefor within ninety days after the date of the said license and within the said time delivering to the Company a certificate signed by such holder in the form required by the Company of his continued good health: Provided that such policy-holder shall not be entitled to share in the dividend provided by paragraph (*d.*) of this section.

No assessments to be made.

(*i.*) The Company shall have no authority to make, and shall not make after the date of the said license, any assessment whatever upon such assessment policies or any of them.

Company to maintain legal reserve.

4. In respect of each of the said policies including paid up insurance and premium reductions, the Company shall after the date of the said license maintain the reserves, according to the Table of Mortality and rate of interest aforesaid, as upon a policy of life insurance issued on the date of the said license for the amount of such policy if computed according to the first option aforesaid as modified by paragraph (*f.*) of section 3 of this Act, or as if in force from the date of issue, if computed according to the second of said options, or, if neither of the said options be selected, as upon a yearly renewable term policy of life insurance.

Assets applicable to liabilities.

5. After the date of the said license the Company shall be subject to make deposit only as provided in sections 7 to 11, both inclusive, of *The Insurance Act*, and all the assets in Canada of the Company in respect of the said assessment policies shall be applicable to all the insurance liabilities of the Company in Canada, provided that the deposits of the Company with the Receiver General of Canada shall not be reduced below the amount at the date of the said license so long as the Company is undertaking in Canada new contracts of insurance.

Details of policies to be filed.

6. The Company shall, on or before the issue of the license, file with the Superintendent of Insurance a certified schedule setting forth the following particulars in respect of each policy

to which this Act applies:—Number of the policy, name, address and occupation of the assured, date of issue of policy, age of assured at date of issue, amount insured, total assessment premiums paid, average annual assessment premium, the amount of each option, amount of cash dividend, amount of bonus addition which such cash dividend will secure, and the amount of annual reduction of premium which such cash dividend will secure, provided the renewable term policy mentioned in paragraph (*c.*) of section 3 of this Act is chosen.

7. Nothing in this Act shall affect any suit, action or other proceeding now pending in respect of any assessment policy.

4th Session, 9th Parliament, 4 Edward VII, 1904.

SECOND REPRINT.

THE SENATE OF CANADA.

BILL.

H

An Act further to amend the Insurance Act.

Reprinted as amended and reported, July 13, 1904, by the Committee on Banking and Commerce.

Honourable Mr. KERR,
(Toronto.)

OTTAWA
Printed by S. E. DAWSON
Printer to the King's most Excellent Majesty
1904

THE SENATE OF CANADA.

I.] **BILL.** [1904.

An Act to amend the Act respecting the jurisdiction of the Exchequer Court as to railway debts.

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

1903, c. 21, new sections 5A and 5B added.

1. Chapter 21 of the statutes of 1903 is hereby amended by inserting the following sections immediately after section 5 thereof; that is to say :—

Cessation of directors' powers.

"5A. Upon the appointment of the receiver, all the powers of the directors shall cease, except in so far as the said court or the receiver sanctions the continuance of such powers.

Suspension of proceedings at law.

"5B. After the appointment of the receiver, no suit, action or other proceeding shall be proceeded with or commenced against the company, except under this Act or with the leave of the said court and subject to such terms as the said court imposes."

4th Session, 9th Parliament, 4 Edward VII, 1904.

THE SENATE OF CANADA.

BILL.

I

An Act to amend the Act respecting the jurisdiction of the Exchequer Court as to railway debts.

Received and read a first time, Tuesday, 26th April, 1904.
Second reading, Thursday, 28th April, 1904.

Honourable Mr. BÉIQUE.

OTTAWA
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1904

THE SENATE OF CANADA.

J.] **BILL.** [1904

An Act for the relief of Eliza Robertson.

WHEREAS Eliza Robertson, of the City of Toronto, in the County of York, in the Province of Ontario, wife of David Robertson, of the said city, performer, has by her petition humbly set forth that on the twenty-second day of November, eighteen hundred and ninety-three, at the said city, she was lawfully married to the said David Robertson; that the said marriage was by license duly obtained and was celebrated by the Reverend John Pearson; that they cohabited as man and wife for a period of about three years; that on or about the fifth day of April, nineteen hundred and three, at the said City of Toronto, he committed adultery with one Lottie Strader, spinster, and has since then on divers occasions committed adultery with the said Lottie Strader; that the said adultery was accompanied by cruelty and other aggravating circumstances; that the petitioner ever since she discovered the said adultery has lived separate and apart from him and that he has never since cohabited with her; and whereas she has humbly prayed that the said marriage may be dissolved so as to enable her to marry again and that such further relief may be afforded her as is deemed meet; and whereas she has proved the said allegations of her said petition and it is expedient that the prayer thereof be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. The said marriage between the said Eliza Robertson and David Robertson, her husband, is hereby dissolved and shall be henceforth null and void to all intents and purposes whatsoever. Marriage dissolved.

2. The said Eliza Robertson may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said David Robertson had not been solemnized. Right to marry again.

4th Session, 9th Parliament, 4 Edward VII, 1904.

THE SENATE OF CANADA.

BILL

J

An Act for the relief of Eliza Robertson.

Received and read a first time Friday, 20th May, 1904.
Second reading, Monday, 6th June, 1904.

Honourable Mr. KERR
(Cobourg.)

OTTAWA
Printed by S. E. DAWSON
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1904

THE SENATE OF CANADA.

K.] **BILL.** [1904

An Act respecting The Northern Bank.

WHEREAS The Northern Bank has, by its petition, prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Incorporated 1903, c. 168.

1. Notwithstanding the provisions of section 15 of *The Bank Act*, the time limited therein for granting the certificate therein mentioned by the Treasury Board to The Northern Bank, is hereby extended for one year from the twenty-fifth day of June, one thousand nine hundred and four. 1890, c. 31, s. 15. Time for granting certificate extended.

2. Notwithstanding the provisions of section 16 of *The Bank Act*, the one year limited for obtaining a certificate from the Treasury Board shall be one year from the twenty-fifth day of June, one thousand nine hundred and four. 1890, c. 31, s. 16. Time for obtaining certificate extended.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL.

K

An Act respecting The Northern Bank.

Received and read a first time, Wednesday, 8th June, 1904.
Second reading, Thursday, 9th June, 1904.

Honourable Mr. Watson.

OTTAWA
Printed by S. E. Dawson
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1903

L.] **BILL.** [1904

An Act respecting the British America Pulp, Paper and Railway Company.

Preamble.

1900, c. 89.

WHEREAS the provisional directors of the British America Pulp, Paper and Railway Company, hereinafter called "the Company," have by their petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows:—

1903, c. 58, s. 117. 1900, c. 89, s. 13.

Extension of time for commencement and completion of railway extended.

1. Notwithstanding anything contained in *The Railway Act*, 1903, or in chapter 89 of the Statutes of 1900, it is hereby declared that the Company shall have seven years from the passing of this Act within which to commence and complete the railway authorized by the said chapter; and if the said railway is not completed within the said time the powers of construction conferred upon the Company shall cease and be null and void with respect to so much of the said railway as then remains uncompleted.

1900, c. 89, s. 2 repealed.

New provisional directors.

2. Section 2 of chapter 89 of the Statutes of 1900 is hereby repealed, and in lieu thereof it is enacted that the Honorable Henri B. Rainville, Herbert N. Smith, Joseph Hercules Lefebvre, the Honorable Robert Mackay and the Honorable J. Damien Rolland, all of Montreal; Robert Jaffray, of Toronto; Charles Riordon, of St. Catharines; and John R. Barber, of Georgetown, shall be the provisional directors of the Company, of whom three shall form a quorum.

First general meeting.

3. Within one month after the passing of this Act, the provisional directors shall call a meeting of the subscribers and shareholders for the purpose of organization and preliminary operations. Such notice may be given by any two of the said provisional directors and within a week's mail delay.

First general meeting, and increase of capital.

4. Section 4 of chapter 89 of the Statutes of 1900 is hereby repealed.

4th Session, 9th Parliament, 4 Edward VII, 1904.

THE SENATE OF CANADA.

BILL.

L

An Act respecting the British America Pulp, Paper and Railway Company.

Received and read a first time, Thursday, 9th June, 1904.
Second reading, Thursday, 16th June, 1904.

Honourable Mr. GIBSON.

OTTAWA
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1904

THE SENATE OF CANADA.

M.] **BILL.** [1904.

An Act respecting the Pacific Bank of Canada.

Preamble.

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

1890, c. 31, s. 15; 1903, c. 174.

Extension of time for obtaining certificate.

1. Notwithstanding anything contained in *The Bank Act*, or in chapter 174 of the statutes of 1903, intituled: *An Act to incorporate the Pacific Bank of Canada*, the Treasury Board may, within two years from the twenty-fifth day of June, one thousand nine hundred and three, give to the Pacific Bank of Canada, hereinafter called "the Bank," the certificate required by section 14 of *The Bank Act*.

Application of 1890, c. 31, s. 16.

2. In the event of the Bank not obtaining the said certificate from the Treasury Board within the time aforesaid, the rights, powers and privileges conferred on the Bank by the said Act of incorporation and by this Act shall thereupon cease and determine, but otherwise shall remain in full force and effect, notwithstanding section 16 of *The Bank Act*.

Ratification.

3. The acts lawfully done and agreements lawfully entered into by the provisional directors named in the said Act of incorporation, as shown in the recorded minutes of their meetings, shall be and remain valid and effectual to all intents and purposes.

4th Session, 9th Parliament, 4 Edward VII, 1904.

BILL.

M

An Act respecting the Pacific Bank of Canada.

Received and read a first time, Monday, 27th June, 1904.
Second reading, Thursday, 28th June, 1904.

Honourable Mr. TEMPLEMAN.

OTTAWA
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1903

THE SENATE OF CANADA.

N.] **BILL.** [1904.

An Act to amend the Companies Act, 1902.

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

1902, c. 15, s. 5 amended.

1. Section 5 of *The Companies Act*, 1902, is amended by adding thereto the following subsection:—

Companies acting as contractors in certain cases.

"3. Nothing in this section, or in any charter or letters patent heretofore or hereafter issued, shall be deemed to prevent any company to which this Act applies from acting as a contractor in railway, telegraph or telephone construction."

French version of s. 25 amended.

2. Section 25 in the French version of the said Act is hereby amended by striking out the words "à responsabilité limitée" wherever they are to be found in the said section and substituting therefor the word "limitée".

1902, c. 15, new section added.

3. The following is hereby added to the said Act as section 45A:—

Consolidation of small shares into larger ones.

"**45A.** The directors of the Company may, at any time, whenever the par value of the existing shares of the Company is less than one hundred dollars each, make a by-law consolidating them into shares of a larger par value; but no such consolidated share shall exceed the par value of one hundred dollars."

1902, c. 15, s. 57 amended.

4. Section 57 of the said Act is hereby amended by adding thereto, as subsection 2, which shall be deemed to have formed part of the said section at the date of the passing of the said Act, the following:—

Retroactive effect.

As to borrowing on bills of exchange or promissory notes.

"2. The limitations and restrictions contained in this section shall not apply to the borrowing of money by the Company on bills of exchange or promissory notes made, drawn, accepted or indorsed by or on behalf of the Company."

4th Session, 9th Parliament, 4 Edward VII, 1904.

THE SENATE OF CANADA.

BILL.

N

An Act to amend the Companies Act, 1902.

Received and read a first time, Wednesday, 27th July, 1904.
Second reading, Thursday, 28th July, 1904.

Honourable Mr. Scott.

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1904